

July 7, 2009

The Town Clerks Office is responsible for assigning the Councilpersons' names to each resolution without any particular preference to content.

PUBLIC COMMENT ON ANY TOWN BOARD RESOLUTION

- Res. #621 Bond Resolution Subject to Permissive Referendum, Authorizing the Removal and Replacement of the Police Station Roof, in and for the Town of Riverhead, Suffolk County, New York, at a Maximum Estimated Cost of \$200,000, and Authorizing the Issuance of \$200,000 Bonds of Said Town to Pay the Cost Thereof**
- Res. #622 Rescinds Town Board Resolution #574 Reauthorizes Budget Adoption of 209 East Ave Acquisition of the Parking District**
- Res. #623 General Fund Budget Adjustment**
- Res. #624 2009 Construction of Salt Barns Budget Adoption**
- Res. #625 Authorizes Amendment to CDBG Program**
- Res. #626 Accepts 100% Site Plan Security of Joseph K. Johnson A/K/A LNJ Realty, LLC (Irrevocable Letter of Credit)**
- Res. #627 Authorizes the Release of Security of Oldcastle Retail Inc. D/B/A Bonsal American**
- Res. #628 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Maintenance Mechanic II in the Sewer District**
- Res. #629 Appoints Assistant Recreation Leaders to the Recreation Department**
- Res. #630 Appoints Park Attendants to the Recreation Department**
- Res. #631 Appoints Call-In Recreation Aides (Youth Sports) to the Recreation Department**

- Res. #632 Ratifies the Appointment of Summer Recreation Aides to the Recreation Department**
- Res. #633 Ratifies the Appointment of a Seasonal Recreation Specialist to the Riverhead Recreation Department (Alison Stevens)**
- Res. #634 Amends an Appointment of a Seasonal Park Attendant III, to the Recreation Department (William Lehmann)**
- Res. #635 Amends the Appointment of a Summer Recreation Aide to the Recreation Department (Lauren Berry)**
- Res. #636 Amends the Appointment of a Summer Recreation Aide to the Recreation Department (Robert Inzalaco)**
- Res. #637 Ratifies the Appointment of a Call-In Assistant Recreation Leader to the Recreation Department (Jasmin Aceituno)**
- Res. #638 Ratifies the Appointment of Seasonal Recreation Aides to the Riverhead Recreation Department**
- Res. #639 Ratifies the Appointment of Seasonal Recreation Aides to the Riverhead Recreation Department**
- Res. #640 Ratifies the Appointment of a Summer Recreation Program Leader to the Riverhead Recreation Department (Kathleen Pantaleo)**
- Res. #641 Appoints a Call-In Recreation Specialist (Dance) to the Riverhead Recreation Department (Judith Devito)**
- Res. #642 Ratifies the Appointment of a Call-In Recreation Aide/ Youth Sports to the Riverhead Recreation Department (Macey Reichel)**
- Res. #643 Ratifies the Appointment of a Beach Manager Level II to the Recreation Department (Frank Villanell)**
- Res. #644 Appoints an Assistant Recreation Leader Level III to the Recreation Department (Keith Greene)**
- Res. #645 Appoints a Rec Specialist Level I to the Recreation Department (Amy Bullock)**

- Res. #646 Ratifies the Appointment of Seasonal Recreation Aides to the Riverhead Recreation Department**
- Res. #647 Ratifies the Appointment of and Accepts the Resignation of a Law Intern to the Town Attorney's Office (Lily Wittmeier)**
- Res. #648 Ratifies the Appointment of a Student Intern II to the Town Attorney's Office (Patrick Fedun)**
- Res. #649 Appoints a Call-In Crossing Guard to the Riverhead Town Police Department (Dennis Hamill)**
- Res. #650 Appoints a Call-In Traffic Control Specialist to the Police Department (Baycan Fideli)**
- Res. #651 Ratifies the Appointment of Seasonal Traffic Control Officers to the Police Department**
- Res. #652 Ratifies the approval of a Leave of Absence for a Police Officer (William Keegan)**
- Res. #653 Ratifies the Appointment of an Intern to the Police Department (Andrew A. Briggs)**
- Res. #654 Appoints Secretary to the Farmland Preservation Committee and the Open Space Committee (Joanne Fagan)**
- Res. #655 Authorizes Employees to Visit Sewer Treatment Plant**
- Res. #656 Accepts the Resignation of a Part-Time Maintenance Mechanic I (Harry Huners)**
- Res. #657 Accepts the Resignation of a Maintenance Mechanic II (John Hardy)**
- Res. #658 Accepts Resignation of a Public Safety Dispatcher I (Eric Raudies)**
- Res. #659 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled "Zoning" of the Riverhead Town Code (Article XXVI –Site Plan Review)**

- Res. #660 Authorizes Publication of Notice to Solicit Proposals for Professional Services to Perform Archeological Phase 1A Investigation at Miamogue Point**
- Res. #661 Ratifies Authorization for Town Clerk to Republish and Repost Notice to Bidders for Quick Lube Maintenance Riverhead Water District**
- Res. #662 Resolution Authorizing the Posting of Signs Discouraging the Public from Feeding Waterfowl Due to Harmful Effects on Species and Environment**
- Res. #663 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 76 of the Code of the Town of Riverhead Entitled “Loitering”**
- Res. #664 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled “Zoning” (Article XIII, Supplementary Use Regulations §108-56 Signs)**
- Res. #665 Authorizes Town Clerk to Publish & Post Notice to Bidders for Water Service Materials**
- Res. #666 Authorizes Town clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 44 Entitled “Agricultural Lands Preservation” of the Riverhead Town Code**
- Res. #667 Authorizes Town Clerk to Publish and Post Public Notice to Consider the Adoption of a Local Law Entitled, “Local Law to Change the Term of Office of Town Supervisor from 2 years to 4 years”**
- Res. #668 Authorizes Adoption of Downtown Historic Guidelines**
- Res. #669 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 Entitled “Zoning” of the Riverhead Town Code Article XIII – Supplementary Use Regulations (§108-60 Off Street Parking)**
- Res. #670 Authorizes the Supervisor to Execute an Agreement with New York SMSA Limited Partnership d/b/a Verizon Wireless**

- Res. #671 Resolution to Authorize the Submission of a Proposition for the Determination to Fund or Transfer the Public Safety Dispatch Function**
- Res. #672 Supports the Application by the Peconic Community Council in Partnership with the Other Certain Towns, Villages and Authorities for Funding for Activities Associated with the Homelessness Prevention and Rapid Re-Housing Services Under the American Recovery and Reinvestment Act of 2009**
- Res. #673 Approves Extension of Security Posted by Harrison Estates at Aquebogue LLC in Connection with the Subdivision Entitled “Harrison Estates” (Road and Drainage Improvements)**
- Res. #674 Ratifies the Approval of the Chapter 90 Application of the American Cancer Society, Inc. (Riverhead Central School District – “Relay for Life”)**
- Res. #675 Approves the Application for Fireworks Permit of Vail-Leavitt Music Hall, Inc. (July 19, 2009)**
- Res. #676 Approves the Chapter 90 Application of Riverhead Elks Lodge #2044**
- Res. #677 Approves Chapter 90 Application of Polish Town Civic Association**
- Res. #678 Approves Chapter 90 Application of Old Steeple Community Church**
- Res. #679 Approves the Application for Fireworks Permit of Jamesport Fire Department**
- Res. #680 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 255 West Main Street, Riverhead, New York**
- Res. #681 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at s245 West Main Street, Riverhead, New York**
- Res. #682 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 6232 Middle Country Road, Manorville, New York**

- Res. #683** Extends Bid Contract for Police Uniforms for the Town of Riverhead
- Res. #684** Extends Bid Contract for Landscaping Items for the Town of Riverhead
- Res. #685** Awards Bid for Snack Vendors
- Res. #686** Awards Bid for South Jamesport Boardwalk Supplies
- Res. #687** Adopts a Local Law Amending Chapter 79 Entitled “Mobile Homes and Travel Trailer Parks” of the Riverhead Town Code
- Res. #688** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 65 Entitled “Flood Damage Prevention” of the Riverhead Town Code
- Res. #689** Authorizes Supreme Court Action Against the Owners, Tenants, Occupants and Mortgagees of Premises Located at Youngs Avenue, Riverhead New York and the Retention of the Law Firm of Twomey, Latham, Shea, Kelley, LLP to act as Special Counsel in the Matter
- Res. #690** Grants Special Use Permit Petition of Atlantis Holding Company, LLC
- Res. #691** Pays Bills

Adopted

160579118.01

43219-2-42

RESOLUTION # 621
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 7th day of July, 2009, at 2:00 o'clock P.M., Prevailing Time.

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

PRESENT:

ABSENT:

The following resolution was offered by Councilwoman Blass, who moved its adoption, seconded by Councilman Dunleavy, to-wit:

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

BOND RESOLUTION DATED JULY 7, 2009.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE REMOVAL AND REPLACEMENT OF THE POLICE STATION ROOF, IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a Type II Action, with no significant effect on the environment, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The removal and replacement of the Police Station roof, in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements, reconstruction, and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$200,000.

Section 2. The plan for the financing of the aforesaid aggregate maximum estimated cost is by the issuance of \$200,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) 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. 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 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.

* * * * *

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 7th day of July, 2009, duly adopted the resolution published herewith **subject to a permissive referendum**.

Dated: Riverhead, New York,
July 7, 2009.

Diane M. Wilhelm
Town Clerk

Resolution # 621

BOND RESOLUTION DATED JULY 7, 2009.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE REMOVAL AND REPLACEMENT OF THE POLICE STATION ROOF, IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$200,000, AND AUTHORIZING THE ISSUANCE OF \$200,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a Type II Action, with no significant effect on the environment, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The removal and replacement of the Police Station roof, in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements,

reconstruction, and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$200,000.

Section 2. The plan for the financing of the aforesaid aggregate maximum estimated cost is by the issuance of \$200,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty-five years, pursuant to subdivision 12(a)(1) 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. 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 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.**

July 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 622

RESCINDS TOWN BOARD RESOLUTION #574

**REAUTHORIZES BUDGET ADOPTION OF 209 EAST AVE ACQUISITION
OF THE PARKING DISTRICT**

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by **COUNCILMAN WOOTEN**_____.

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.10022	Serial Bond Proceeds	325,000	
406.056500.522150.10022	Land and Building Acquisition		300,000
406.056500.543000.10022	Professional Services		15,000
406.056500.523000.10022	Improvements		10,000

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



July 7, 2009

TOWN OF RIVERHEAD

Adopted

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 623

COUNCILMAN WOOTEN

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
001.071100.541100	Repairs & Maintenance – EPCAL	10,000	
001.071100.524100	Equipment – EPCAL		10,000

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

July 7, 2009

Adopted

TOWN OF RIVERHEAD

2009 CONSTRUCTION OF SALT BARN

BUDGET ADOPTION

RESOLUTION # 624

COUNCILWOMAN BLASS

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>
406.095710.494200.40198	Serial Bond Proceeds	600,000	
406.051120.522100.40198	Construction		528,000
406.051120.543505.40198	Engineering		72,000

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

July 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 625

Authorizes Amendment to CDBG Program

COUNCILMAN DUNLEAVY

offered the following resolution,

COUNCILMAN WOOTEN

which was seconded by _____.

WHEREAS, the Town of Riverhead desires to amend its FY 2007 Community Development Block Grant ("CDBG") Program; and

WHEREAS, such an amendment requires notification of the public prior to submission of the amendment for transfer of funds and budget modification to provide for public comment, which notice was published in the News Review on Thursday, May 28, 2009; and

WHEREAS, no comments were submitted in response to the notice of amendment for transfer of funds and budget modification.

THEREFORE, BE IT RESOLVED, that the Town Board authorizes the following changes to its Community Development Block Grant Program:

<u>Year 2007</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
Carriage House Renovations	\$75,000.00	(-\$53,200.00)	\$21,800.00
<u>Year 2007</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
East End Art Council Site Improvements	\$0.00	+\$53,200.00	\$53,200.00

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no
 DUNLEAVY yes no BLASS yes no
 CARDINALE yes no

THIS RESOLUTION is _____ is not
DECLARED DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 626

ACCEPTS 100% SITE PLAN SECURITY OF JOSEPH K. JOHNSON
A/K/A LNJ REALTY, LLC
(IRREVOCABLE LETTER OF CREDIT)

_____ offered the following resolution,
which was seconded by _____:

WHEREAS, Joseph K. Johnson has posted a Bridgehampton National Bank Irrevocable Letter of Credit #7170000398 in the sum of Fifty Seven Thousand Dollars (\$57,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #93 dated October 2, 2008, for improvements to be completed at 199 Main Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-85-2-71.4, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the above referenced letter of credit in the sum of Fifty Seven Dollars (\$57,000.00); and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a copy of this resolution to Joseph L. Johnson, C.P.A., 186 W. Montauk Highway – Suite D-2, Hampton Bays, New York, 11946; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten [X] Yes [] No

Dunleavy [X] Yes [] No

Blass [X] Yes [] No

Cardinale [X] Yes [] No

The Resolution Was [X] Was Not []
Therefore Duly Adopted

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 627

AUTHORIZES THE RELEASE OF SECURITY OF OLDCASTLE RETAIL INC.
D/B/A/ BONSAI AMERICAN

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY :

WHEREAS, Oldcastle Retail Inc. d/b/a Bonsal American had posted security in the sum of Twenty Four Thousand Nine Hundred Thirty Dollars (\$24,930) representing the 5% site plan security bond as noted in the approved site plan dated August 6, 2005 (Town Board Resolution #833) for improvements to be completed at 4062 Grumman Blvd., Building 701C, Calverton, New York, Suffolk County Tax Map # 600-135.-1-7.8 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site requirements, and a Certificate of Occupancy (ZB #30012) has been issued.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of security in the sum of Twenty Four Thousand Nine Hundred Thirty Dollars (\$24,930); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Mark A. Lowry, agent for Bonsal American, 4062 Grumman Blvd., Building 701C, Calverton, New York 11933; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No



The Resolution Was Was Not
Therefore Duly Adopted

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 628

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD
FOR
MAINTENANCE MECHANIC II IN THE SEWER DISTRICT**

COUNCILMAN DUNLEAVY

_____ offered the following

resolution, which was seconded by _____

COUNCILMAN WOOTEN

RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the July 16, 2009 issue of The News Review:

THE VOTE

Buckley yes no Wooten yes no

Dunleavy yes no Blass yes no

Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the FT position of **Maintenance Mechanic II** in the Sewer District. Applicants must be at least 18 years of age. Applicants must also have a minimum of two years experience in a trade and a clean, current CDL. All applications are to be submitted to the Personnel Office, 1295 Pulaski Street, Riverhead, NY, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on July 24, 2009. EOE

BY ORDER OF:
THE RIVERHEAD TOWN BOARD
DIANE M. WILHELM, TOWN CLERK

THE VOTE

WOOTEN ___yes___no

DUNLEAVY ___yes___no

BLASS ___yes___no

CARDINALE ___yes___no

THIS RESOLUTION _____ is _____ is not

DECLARED DULY ADOPTED

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 629

APPOINTS ASSISTANT RECREATION LEADERS
TO THE
RECREATION DEPARTMENT

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that the Town Board appoints the attached list of Assistant Recreation Leaders to the Recreation Department effective July 8, 2009 to and including September 15, 2009 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
7/7/09 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Loehr	Curtis	Asst. Rec. Leader	I	7/8/09	9/15/09	\$10.50
Sylvester	Justin	Asst. Rec. Leader	I	7/8/09	9/15/09	\$10.50

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

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 630

**APPOINTS PARK ATTENDANTS
TO THE
RECREATION DEPARTMENT**

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by _____

RESOLVED, that the Town Board appoints the attached list of Park Attendants to the Recreation Department effective July 8, 2009 to and including September 15, 2009 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION **is** _____ **is not**
DECLARED DULY ADOPTED

**RECREATION DEPARTMENT APPOINTMENTS
7/7/09 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
LaGue	Jonathan	Park Attendant II	I	7/8/09	9/15/09	\$9.75
Loehr	Curtis	Park Attendant II	I	7/8/09	9/15/09	\$9.75
Sylvester	Justin	Park Attendant II	I	7/8/09	9/15/09	\$9.75

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

Adopted

TOWN OF RIVERHEAD

Resolution # 631

APPOINTS CALL-IN RECREATION AIDES (YOUTH SPORTS)
TO THE
RECREATION DEPARTMENT

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

RESOLVED, that the Town Board appoints the attached list of Recreation Aides (Youth Sports) to the Recreation Department effective July 8, 2009 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

**RECREATION DEPARTMENT CALL-IN APPOINTMENTS
7/7/09 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>Salary</u>
Lehmann	William	Rec. Aide (Youth Sports)	I	7/8/09	\$7.50
Ross	Dominique	Rec. Aide (Youth Sports)	I	7/8/09	\$7.50

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

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 632

**RATIFIES THE APPOINTMENT OF SUMMER RECREATION AIDES
TO THE
RECREATION DEPARTMENT**

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that the Town Board appoints the attached list of Summer Recreation Aides to the Recreation Department effective June 17, 2009 to and including August 28, 2009 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

**RECREATION DEPARTMENT RATIFIED APPOINTMENTS
7/7/09 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Costantini	Christopher	Summer Rec. Aide	I	6/17/09	8/28/09	\$8.75
Strange	Dajuon	Summer Rec. Aide	I	6/17/09	8/28/09	\$8.75
Szalowski	Magdalena	Summer Rec. Aide	I	6/17/09	8/28/09	\$8.75

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

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 633

RATIFIES THE APPOINTMENT OF A SEASONAL RECREATION SPECIALIST TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, this Town Board hereby ratifies the appointment of Alison Stevens as a seasonal Recreation Specialist effective July 6, 2009 through August 31, 2009, to serve as needed on an at will basis and to be paid the rate of \$20.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Alison Stevens, the Recreation Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN ✓ yes no
DUNLEAVY ✓ yes no BLOSS ✓ yes no
CARDINALE ✓ yes no
THIS RESOLUTION ✓ is is not

DECLARED DULY ADOPTED

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 634

**AMENDS AN APPOINTMENT OF A SEASONAL
PARK ATTENDANT III, LEVEL I TO THE
RECREATION DEPARTMENT**

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by _____ COUNCILMAN WOOTEN

RESOLVED, that William Lehmann is hereby appointed as a Seasonal Park Attendant II Level I to the Recreation Department effective May 20, 2009 to and including September 15, 2009 and to serve as needed on an at will basis to be paid at the rate of \$9.75 an hour and to serve at the pleasure of the Town Board.

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

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

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 635

**AMENDS THE APPOINTMENT OF A SUMMER RECREATION AIDE
TO THE
RECREATION DEPARTMENT**

COUNCILMAN WOOTEN

_____ offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** _____

RESOLVED, that Lauren Berry is hereby appointed as a Summer Recreation Aide, Level III, with teaching certification, effective, June 2, 2009, to and including August 28, 2009 to be paid at the rate of \$11.60 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk¹

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION **is** _____ **is not**
DECLARED DULY ADOPTED

¹ Rec Kelly/Resolution.BerrySumRecAide.amend.09

Adopted

TOWN OF RIVERHEAD

Resolution # 636

**AMENDS THE APPOINTMENT OF A SUMMER RECREATION AIDE
TO THE
RECREATION DEPARTMENT**

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Robert Inzalaco is hereby appointed as a Summer Recreation Aide, Level IV, with teaching certification, effective, June 2, 2009, to and including August 28, 2009 to be paid at the rate of \$11.95 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk¹

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

**THIS RESOLUTION is is not
DECLARED DULY ADOPTED**

¹ Rec Kelly/Resolution.InzalacoSumRecAide.amend.09

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 637

RATIFIES THE APPOINTMENT OF A CALL-IN ASSISTANT RECREATION LEADER TO THE RECREATION DEPARTMENT

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

RESOLVED, that this Town Board hereby ratifies the appointment of Jasmin Aceituno to the position of Call-In Assistant Recreation Leader Level V effective July 6, 2009, to serve as needed on an at will basis and to be paid at the rate of \$12.65 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk¹

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 638

RATIFIES THE APPOINTMENT OF SEASONAL RECREATION AIDES TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, this Town Board hereby ratifies the appointment of Jimmy Bridgewater, John Fallot, and Alexa Neve to serve as seasonal Recreation Aides Level I effective July 6, 2009 through August 31, 2009, to serve as needed on an at will basis and to be paid the rate of \$8.75 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that these positions are subject to the following condition(s):

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

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Jimmy Bridgewater, John Fallot, Alexa Neve, the Recreation Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no
DUNLEAVY yes no
BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 639

RATIFIES THE APPOINTMENT OF SEASONAL RECREATION AIDES TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, this Town Board hereby ratifies the appointment of Kristen Kirchhoff and Guiseppina D'Angelo to serve as seasonal Recreation Aides Level II effective July 6, 2009 through August 31, 2009, to serve as needed on an at will basis and to be paid the rate of \$9.65 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that these positions are subject to the following condition(s):

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

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Kristen Kirchhoff, Guiseppina D'Angelo, the Recreation Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not

DECLARED DULY ADOPTED

7/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 640

**RATIFIES THE APPOINTMENT OF A SUMMER RECREATION PROGRAM
LEADER
TO THE RIVERHEAD RECREATION DEPARTMENT**

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

RESOLVED, that Kathleen Pantaleo is hereby appointed to serve as a Summer Recreation Program Leader effective July 2, 2009 to and including September 4, 2009 to be paid at the rate of \$15.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

1

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec.Kelly/ Res Kathleen PantaleoRecLeader09

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 641

**APPOINTS A CALL-IN RECREATION SPECIALIST(DANCE)
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN WOOTEN

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Judith Devito is hereby appointed to serve as a Call-In Recreation Specialist (Dance) Level 1 effective July 9, 2009 to serve as needed on an at-will basis and to be paid at the rate of \$20.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec.Kelly/ Res JudithDevitoRecSpec.09

TOWN OF RIVERHEAD

Adopted

Resolution # 642

RATIFIES THE APPOINTMENT OF A CALL-IN RECREATION AIDE / YOUTH SPORTS TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Macey Reichel is hereby appointed to serve as a Call-In Recreation Aide/ Youth Sports Level 1 effective July 6, 2009 to serve as needed on an at-will basis and to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

1

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec.Jim/ Res Macy Reichel Rec Aide/ Youth Sports

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 643

**RATIFIES THE APPOINTMENT OF A
BEACH MANAGER LEVEL II TO THE
RECREATION DEPARTMENT**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

RESOLVED, that Frank Villanell is hereby appointed as a Beach Manager Level II to the Recreation Department effective June 16, 2009 to and including September 7, 2009 and to serve as needed on an at will basis and to be paid at the rate of \$14.30 an hour and to serve at the pleasure of the Town Board.

BE IT FURTHER, RESOLVED, that this position is subject to the following conditions:

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

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

¹

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec. Colleen: Res Frank Villanell -09

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 644

APPOINTS A
ASSISTANT RECREATION LEADER LEVEL III TO THE
RECREATION DEPARTMENT

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Keith Greene is hereby appointed as a Assistant Rec Leader Level III to the Recreation Department effective July 8th, 2009 to serve as needed on an at will basis and to be paid at the rate of \$11.90 an hour and to serve at the pleasure of the Town Board.

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

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

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

7/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 645

**APPOINTS A
REC SPECIALIST LEVEL I TO THE
RECREATION DEPARTMENT**

COUNCILWOMAN BLASS

_____ offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Amy Bullock is hereby appointed as a Rec Specialist Level I to the Recreation Department effective July 8th, 2009 to serve as needed on an at will basis and to be paid at the rate of \$20.00 an hour and to serve at the pleasure of the Town Board.

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

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

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 646

RATIFIES THE APPOINTMENT OF SEASONAL RECREATION AIDES TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, this Town Board hereby ratifies the appointment of Jennifer Petrosino and Blaze Yeager to serve as seasonal Recreation Aides Level II with certifications effective July 6, 2009 through August 31, 2009, to serve as needed on an at will basis, and to be paid the rate of \$11.30 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that these positions are subject to the following condition(s):

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

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Jennifer Dunleavy, Blaze Yeager, the Recreation Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN [checked] yes ___ no ___
DUNLEAVY [abstain] yes ___ no ___
BLASS [checked] yes ___ no ___
CARDINALE [checked] yes ___ no ___
THIS RESOLUTION [checked] is ___ is not ___

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 647

RATIFIES THE APPOINTMENT OF AND ACCEPTS THE RESIGNATION OF A LAW INTERN TO THE TOWN ATTORNEY'S OFFICE

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

WHEREAS, the need for a Law Intern exists in the Town Attorney's office to assist with special projects, and

WHEREAS, the recommendation of the Town Attorney and the Personnel Officer has been received.

NOW, THEREFORE, BE IT RESOLVED, that pending the results of a completed background investigation, this Town Board hereby ratifies the appointment of Lilly Wittmeier to the position of Law Intern effective for June 29, 2009 at the hourly rate of \$10.00, and simultaneously accepts the resignation of Law Intern Lily Wittmeier effective for June 30, 2009.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Lily Wittmeier, the Town Attorney, the Accounting Department, and the Personnel Officer.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 648

RATIFIES THE APPOINTMENT OF A STUDENT INTERN II TO THE TOWN ATTORNEY'S OFFICE

COUNCILWOMAN BLASS

offered the following

resolution, which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the need for a Student Intern II exists in the Town Attorney's office to assist with special projects, and

WHEREAS, the recommendation of the Town Attorney and the Personnel Officer has been received.

NOW, THEREFORE, BE IT RESOLVED, that pending the results of a completed background investigation, this Town Board hereby ratifies the appointment of Patrick Fedun to the position of Student Intern II effective for July 01, 2009 through September 15, 2009 at the hourly rate of \$10.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Patrick Fedun, the Town Attorney, the Accounting Department, and the Personnel Officer.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 649

APPOINTS A CALL-IN CROSSING GUARD TO THE RIVERHEAD TOWN POLICE DEPARTMENT

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

WHEREAS, the need for Crossing Guards exists in the Police Department, and

WHEREAS, pending the results of a successfully completed background investigation, recommendations by the Chief of Police and the Personnel Officer has been received to appoint Dennis Hamill to this vacant position.

NOW, THEREFORE, BE IT RESOLVED, that effective July 13, 2009 this Town Board hereby appoints Dennis Hamill to the position of Call-in Crossing Guard at the hourly rate of \$11.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Dennis Hamill, the Police Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 650

APPOINTS A CALL-IN TRAFFIC CONTROL SPECIALIST TO THE POLICE DEPARTMENT

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

WHEREAS, the need for Traffic Control Specialists exists in the Police Department, and

WHEREAS, pending the results of a successfully completed background investigation, recommendations by the Chief of Police and the Personnel Officer have been received to appoint Baycan Fideli to this vacant position.

NOW, THEREFORE, BE IT RESOLVED, that effective July 13, 2009 this Town Board hereby appoints Baycan Fideli to the position of Call-In Traffic Control Specialist at the hourly rate of \$12.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Baycan Fideli, the Police Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 651

RATIFIES THE APPOINTMENT OF SEASONAL TRAFFIC CONTROL OFFICERS TO THE POLICE DEPARTMENT

COUNCILWOMAN BLASS

offered the following

COUNCILMAN DUNLEAVY

resolution, which was seconded by

WHEREAS, the need for seasonal Traffic Control Officers exists in the Police Department, and

WHEREAS, pending the results of successfully completed background investigations, recommendations by the Chief of Police and the Personnel Officer have been received to appoint David Zilnicki, Jonathan Parsons, Erin Chester, and Candee Ulmet to these vacant positions.

NOW, THEREFORE, BE IT RESOLVED, that effective for June 29, 2009 this Town Board hereby ratifies the appointment of David Zilnicki, Jonathan Parsons, Erin Chester, and Candee Ulmet to the position of seasonal Traffic Control Officers at the hourly rate of \$10.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to David Zilnicki, Jonathan Parsons, Erin Chester, Candee Ulmet, the Police Department, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 652

RATIFIES THE APPROVAL OF A LEAVE OF ABSENCE FOR A POLICE OFFICER

~~COUNCILMAN DUNLEAVY~~

_____ offered the following

resolution, which was seconded by ~~COUNCILMAN WOOTEN~~

WHEREAS, Police Officer William Keegan is a Reservist of the United States Air National Guard; and

WHEREAS, Police Officer Keegan has military orders calling him to active duty under the authority of Title 10, U.S. Code Section 12301; and

WHEREAS, Police Officer Keegan has made application to the Chief of Police and the Riverhead Town Board for a leave of absence from June 6, 2009 through October 4, 2009.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby ratifies their approval of the application for the aforementioned leave of absence; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Police Officer William Keegan, the Chief of Police, and Personnel Officer, and the Office of Accounting.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 653

RATIFIES THE APPOINTMENT OF AN INTERN TO THE POLICE DEPARTMENT

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

WHEREAS, the Rochester Institute of Technology has requested the Riverhead Police Department to partner with them in an internship program; and,

WHEREAS, the Riverhead Police Department agrees to expose this student to the police profession as part of his education through a 125-hour training program.

NOW, THEREFORE, BE IT RESOLVED, effective June 29, 2009, the Town Board hereby ratifies the appointment of Andrew A. Briggs, a student at the Rochester Institute of Technology, as an Intern for the Riverhead Police Department through completion of the program; and,

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO

BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 654

**APPOINTS SECRETARY TO THE FARMLAND PREVERVATION COMMITTEE
AND THE OPEN SPACE COMMITTEE**

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

WHEREAS, Article 5 of Chapter 14-§14-40 authorized the Town Board to create and appoint seven members to the Open Space/Park Preserve Committee, commonly referred to as the "Open Space Committee"; and

WHEREAS, the Open Space Committee is charged with the advisory responsibility related to, but not limited to, identification, review and recommendation of lands that should be acquired by the Town and preserved as open space or incorporated into the Town of Riverhead park system or preserve; and

WHEREAS, Chapter 44-§44-6 authorized the Town Board to create and appoint seven members to the Farmland Preservation Committee; and

WHEREAS, the Farmland Preservation Committee is charged with the advisory responsibility related to, but not limited to, identification, review and recommendation of lands that should be acquired by the Town and preserved as agricultural land; review any matters relevant to development issues relating to agricultural lands; and such other responsibilities fully set forth in §44-6; and

WHEREAS, the Open Space Committee and Farmland Preservation Committee require support staff/secretarial services to effectively meet their respective responsibilities; and

WHEREAS, Joanne Fagan, Account Clerk Typist in the Town Attorney's Office has offered to be the secretary to the Farmland Preservation Committee and the Open Space Committee; and

WHEREAS, it is appropriate to compensate Ms. Fagan for her work done outside of the Town Attorney's Office; and

NOW, THEREFORE, BE IT RESOLVED, that, effective July 7, 2009, the Riverhead Town Board hereby grants Ms. Fagan overtime hours not to exceed 14 hours per month; and be it further

RESOLVED, that all duties performed in Ms. Fagan's capacity as secretary to the Farmland Preservation Committee and the Open Space Committee, including attendance at meetings, shall be in addition to and performed outside the hours required to perform her duties and responsibilities as an Account Clerk Typist in the Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the e-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT

DECLARED DULY ADOPTED

July 7, 2009

Adopted

**TOWN OF RIVERHEAD
SEWER DISTRICT**

Resolution # 655

AUTHORIZES EMPLOYEES TO VISIT SEWER TREATMENT PLANT

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

WHEREAS, the Sewer District would like to send two employees to visit a wastewater treatment plant that utilizes an Aqua-Aerobic MBR system; and

WHEREAS, such a system exists at the Quechan Wastewater Treatment Facility in Winterhaven, California; and

WHEREAS, it is the recommendation of the Sewer Department that two Sewer District employees visit this treatment plant for a cost not to exceed \$1,400.00 including lodging, meals and travel; and

WHEREAS, all associated costs will be fully receipted upon their return and all pertinent receipts and documents will be submitted to the Office of Accounting for reimbursement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize two employees to visit the Quechan Wastewater Treatment Plant; and

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

THE VOTE

	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Wooten	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	

✓

July 7, 2009

Adopted

TOWN OF RIVERHEAD

ACCEPTS THE RESIGNATION OF A PART-TIME MAINTENANCE MECHANIC I

RESOLUTION # 656

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

WHEREAS, the Town has received a letter from Harry Huners, a part-time Maintenance Mechanic I in the Seniors Program, indicating his intent to resign effective June 23, 2009.

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

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to Harry Huners, the Seniors Program Director, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

ACCEPTS THE RESIGNATION OF A MAINTENANCE MECHANIC II

RESOLUTION # 657

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

WHEREAS, the Town has received a letter from John Hardy, a Maintenance Mechanic II in the Building and Grounds Division of the Town Engineer's Department, indicating his intent to resign effective July 10, 2009.

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

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to John Hardy, the Town Engineer, the Accounting Office and the Personnel Officer.

THE VOTE

WOOTEN yes ___ no
DUNLEAVY yes ___ no BLASS yes ___ no
CARDINALE yes ___ no
THIS RESOLUTION is _____ is not

DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A PUBLIC SAFETY DISPATCHER I

RESOLUTION # 658

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

WHEREAS, the Town has received a letter from Eric Raudies, a Public Safety Dispatcher I in the Riverhead Town Police Department, indicating his intent to resign effective June 30, 2009.

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

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a copy of this resolution to Eric Raudies, the Riverhead Town Police Department, the Accounting Office, and the Personnel Officer.

THE VOTE

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 659

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST
PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND
CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE
(ARTICLE XXVI -- Site Plan Review)**

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled "Zoning", Section 108-133 entitled "Conditions for approval", of the Riverhead Town Code once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 4th day of August, 2009 at 2:20 o'clock p.m. to consider a local law to amend Chapter 108 "Zoning" §108-133 entitled "Conditions for approval" of the Riverhead Town Code as follows:

**ZONING
ARTICLE XXVI
Site Plan Review**

§108.133. Conditions for approval.

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

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

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

Dated: Riverhead, New York
July 7, 2009

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

DIANE M. WILHELM, Town Clerk

July 7, 2009

Adopted

TOWN OF RIVERHEAD
RESOLUTION # 660

**AUTHORIZES PUBLICATION OF NOTICE TO SOLICIT PROPOSALS FOR
PROFESSIONAL SERVICES TO PERFORM ARCHEOLOGICAL PHASE 1A
INVESTIGATION AT MIAMOGUE POINT**

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

WHEREAS, the Town of Riverhead through the Community Development Department has secured funds from the New York State Office of Parks, Recreation and Historic Preservation (“NYS Parks”) to provide funds to the Town of Riverhead for the acquisition and development of Miamogue Point as a public access point and facility; and

WHEREAS, NYS Parks requires an archeological phase 1A investigation of the area prior to contracting with the Town of Riverhead for the awarded funds.

WHEREAS, the Town of Riverhead through its Community Development Office hereby solicits proposals from a creative and qualified consultant to perform an archeological phase 1A investigation at Miamogue Point; and

THEREFORE, BE IT RESOLVED, that Riverhead Town Board authorizes the issuance of the attached Request for Proposal.

THEREFORE, BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby authorizes publishing and posting of the attached public notice in the Thursday, July 16, 2009 issue of the News Review and to post same on the signboard in Town Hall.

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no

THIS RESOLUTION **is** **is not**
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

Please take notice that the Town of Riverhead hereby solicits proposals from a creative and qualified consultant to perform a Phase 1A investigation at Miamogue Point.

A Request for Proposals has been issued by the Riverhead Town Board to solicit proposals and can be obtained at the Community Development Department during business hours or by calling 727-3200 ext. 236

Dated: July 16, 2009

Diane Wilhelm
Office of the Town Clerk

July 7, 2009

TOWN OF RIVERHEAD

RATIFIES AUTHORIZATION FOR TOWN CLERK TO
REPUBLISH & REPOST NOTICE TO BIDDERS FOR
QUICK LUBE MAINTENANCE RIVERHEAD WATER DISTRICT

RESOLUTION # 661

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for quick lube maintenance for use by the Riverhead Water District, said bid opening set for June 12, 2009, at 11:00 a.m.; and

WHEREAS, no bids were received on the date and at the time set for the bid opening;
and

WHEREAS, the current contract for quick lube maintenance expired on June 18, 2009, and it is deemed to be in the best interest of Town of Riverhead to obtain a new contract as soon as possible.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby ratifies the authorization of the Town Clerk to republish and repost the attached Notice to Bidders for Quick Lube Maintenance for the Riverhead Water District in the July 2, 2009, issue of *The News-Review*.

THE VOTE

WOOTEN YES NO
DUNLEAVY YES NO BLASS YES NO
CARDINALE YES NO

THE RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 662

RESOLUTION AUTHORIZING THE POSTING OF SIGNS DISCOURAGING THE PUBLIC FROM FEEDING WATERFOWL DUE TO HARMFUL EFFECTS ON SPECIES AND ENVIRONMENT

COUNCILMAN WOOTEN

offered the following resolution, was seconded

by

COUNCILWOMAN BLASS :

WHEREAS, the Town of Riverhead is bounded on the south by the Peconic River, Meeting House Creek and East Creek and has made several pedestrian friendly areas along the riverfront and creeks, including dock areas, walkways, picnic areas and scenic views; and

WHEREAS, there is an abundance of waterfowl feeding and grazing on the vegetation along the Peconic River, Meeting House Creek and East Creek in the Town of Riverhead; and

WHEREAS, while the Town of Riverhead recognizes that hand feeding gulls, geese, ducks or swans is enjoyable to residents and tourists in the Riverhead area, feeding these birds is detrimental to their well being in many significant ways, including but not limited to overconcentration in small urban environments which are not capable of supporting large flocks, malnourishment and increased risk of disease; and

WHEREAS, unnatural concentrations of waterfowl can cause overgrazing and erosion which may be undesirable for other species, and may cause high concentrations of bacteria with potentially detrimental effects on fish and shellfish beds; and

WHEREAS, the protection of Riverhead's natural resources is of paramount concern and will assist in preserving the essence of the Town of Riverhead; and

WHEREAS, the Town of Riverhead deems that it would be in the best interest of the general public and the Town of Riverhead as a whole to have signs placed along the pedestrian friendly riverfront and creek areas urging the public not to feed the waterfowl found in these areas;

NOW THEREFORE BE IT RESOLVED that the Town Board hereby authorizes the placement of signs prohibiting the general public from feeding waterfowl along the riverfront and creeks, including dock areas, walkways, picnic areas and scenic views; and be it further

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO DUNLEAVY YES NO

BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 663

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 76 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "LOITERING"

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 76 entitled "Loitering" to be posted on the sign board of the Town, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of August, 2009 at 2:05 o'clock p.m. to consider a local law amending Chapter 76 entitled "Loitering" of the Riverhead Town Code as follows:

CHAPTER 76
LOITERING

§76-3. Public urination prohibited.

No person shall urinate in any public place, other than restroom facilities, or in public view within the Town of Riverhead.

§76-3 4. Penalties for offenses.

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

Dated: Riverhead, New York
 July 7, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

7/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 664

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "ZONING"

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by

COUNCILMAN WOOTEN :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 of the Riverhead Town Code entitled "Zoning", Article XIII of the Riverhead Town Code entitled "Supplementary Use Regulations", §108-56 of the Riverhead Town Code entitled "Signs", to be posted on the sign board of the Town, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES ___ NO DUNLEAVY YES ___ NO

BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of August, 2009 at 2:10 o'clock p.m. to consider a local law amending Chapter 108 of the Riverhead Town Code entitled "Zoning", Article XIII of the Riverhead Town Code entitled "Supplementary Use Regulations" §108-56 of the Riverhead Town Code entitled "Signs", as follows:

CHAPTER 108
ZONING
ARTICLE XIII
Supplementary Use Regulations

§108-56. Signs.

A. Definitions. As used in this section, the following terms shall have the meanings set forth herewith:

PUBLIC INFORMATION SIGN – Any sign erected by a governmental agency or at its direction warning the public of a specific danger, with no other advertising on such sign. Such signs shall include direction flow of traffic signs and entering and exiting parking lot signs and shall be designed and placed in accordance with the New York State Manual of Uniform Traffic Control Devices.

~~TEMPORARY SIGN – Any sign erected on a ninety-day basis~~ Any sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a 90-day period following receipt of necessary approvals by Town agencies or departments. A temporary sign may not exceed 32 square feet.

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

Dated: Riverhead, New York
July 7, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 7, 2009

Adopted

TOWN OF RIVERHEAD

AUTHORIZES TOWN CLERK TO PUBLISH & POST
NOTICE TO BIDDERS FOR WATER SERVICE MATERIALS

RESOLUTION # 665

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the
attached Notice to Bidders for Water Service Materials in the July 16, 2009, issue of *The News-
Review*; and be it further

RESOLVED, that the Town Clerk is to forward a copy of this resolution to the
Information Technologies Department.

THE VOTE

Wooten Yes No
Dunleavy Yes No Blass Yes No
Cardinale Yes No

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

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **WATER SERVICE MATERIALS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m.** on **July 27, 2009**.

Bid Specifications and/or Plans may be examined and/or obtained at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. or by visiting the Town of Riverhead website at **www.riverheadli.com**. Click on "Bid Requests" and follow the instructions to register.

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

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

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR WATER SERVICE MATERIALS – BID #200936-2-RWD.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 666

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 44 ENTITLED "AGRICULTURAL LANDS PRESERVATION" OF THE RIVERHEAD TOWN CODE

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 44 entitled "Agricultural Lands Preservation", §44-6 entitled "Administration by Farmland Preservation Committee" of the Riverhead Town Code, to be posted on the sign board of the Town, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO
DUNLEAVY YES NO BLASS YES NO
CARDINALE YES NO
THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of August, 2009 at 2:25 o'clock p.m. to consider a local law amending Chapter 44 entitled "Agricultural Lands Preservation", Section 44-6 entitled "Administration by Farmland Preservation Committee", of the Riverhead Town Code as follows:

**CHAPTER 44
AGRICULTURAL LANDS PRESERVATION**

§44-6. Administration by Farmland Preservation Committee.

- A. The Farmland Preservation Committee shall be composed of seven members appointed by the Town Board for staggered two-year terms as follows:
- (1) Four members of the agricultural community of the Town who are actively engaged in the ownership ~~and~~ and/or operation of a farm located on the agricultural lands within the Town of Riverhead, as appointed by the Town Board.

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

Dated: Riverhead, New York
July 7, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution #667

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICETO CONSIDER THE ADOPTION OF A LOCAL LAW ENTITLED, "LOCAL LAW TO CHANGE THE TERM OF OFFICE OF TOWN SUPERVISOR FROM 2 YEARS TO 4 YEARS"

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

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of proposed local law entitled, "Local Law to Change the Term of Office of Town Supervisor from 2 Years to 4 Years", once in the July 9, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Suffolk County Board of Elections.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 21st day of July, 2009 at 7:05 o'clock p.m. to consider a proposed local law to create Chapter 10B of the Riverhead Town Code entitled, "Term of Office of Town Supervisor" as follows:

SAMPLE LOCAL LAW

**TOWN OF RIVERHEAD
Local Law No. _____, the year 2009**

A Local Law Increasing the Term of Office of Town Supervisor from Two Years to Four Years.

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

Section 1. STATUTORY AUTHORITY: This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2. FOUR YEAR TERM OF OFFICE: The term of office of the elected Town Supervisor shall be four years. Such four-year term shall commence as of the first day of January following the first biennial town election after the effective date of this local law. The four-year term provided by this section shall also apply to the person elected to such office at the same biennial election at which the four-year term provided by this local law is approved.

Section 3. MANDATORY REFERENDUM: This local law is adopted subject to a mandatory referendum and shall be submitted for approval of the qualified voters of the Town of Riverhead at the biennial town election to be held November 3, 2009. A proposition in the following form shall be included on the ballot at such biennial town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Local Law No. _____ of the year 2009, entitled a Local Law Increasing the Term of Office of the Town Supervisor from Two to Four Years be approved?"

Section 4. SUPERSESSON: This local law shall supersede Town Law, §24 relating to the terms of office of Town Supervisor of the Town of Riverhead.

Section 5. EFFECTIVE DATE: This local law shall become effective immediately upon being filed in the Office of Secretary of State after approval by the qualified voters

Dated: Riverhead, New York
July 7, 2009

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

DIANE M. WILHELM, Town Clerk

AUTHORIZES ADOPTION OF DOWNTOWN HISTORIC GUIDELINES

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN:

WHEREAS, the Town of Riverhead was awarded a grant from the New York State Department of State Quality Communities Grant Program for the development of historic district guidelines to improve implementation of the downtown historic district; and

WHEREAS, the Town of Riverhead issued a request for proposals to perform these tasks and subsequently contracted with the historic preservation consultant Preservation Design Partnership (“PDP”) to develop the historic guidelines; and

WHEREAS, PDP has completed 8 brochures totaling 92 pages of historic guidelines covering the following topics:

- Historic Properties
- Exterior Maintenance
- Roofing
- Exterior Woodwork
- Masonry
- Wood Windows and Doors
- New Construction & Additions
- Commercial Buildings/Storefronts/Signage/ADA; and

WHEREAS, the Town of Riverhead wishing to incorporate public input throughout this process held a public hearing on June 16, 2009, regarding the adoption of historic guidelines for the implementation of the downtown historic district in the central business district during which only support for the adoption of the guidelines was submitted.

THEREFORE, BE IT RESOLVED, that Riverhead Town Board authorizes the adoption of the attached historic guidelines and on file with the Town Clerk for the implementation of the downtown historic district in the central business district.

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN yes no
 DUNLEAVY yes no BLASS yes no
 CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

July 7, 2009

TOWN OF RIVERHEAD

Resolution # 669

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE ARTICLE XIII – Supplementary Use Regulations

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", §108-60 entitled "Off-street parking" of the Riverhead Town Code, to be posted on the sign board of the Town, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of August, 2009 at 2:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XIII
Supplementary Use Regulations**

§108-60. Off-street parking.

E. Size of parking spaces and aisles for various angles of parking.

(1) Parking space* and aisle width* shall be provided in accordance with the following:

Parking Angle (degrees)	Aisle Width (feet)
90	24
60	18
45	12

*Parallel parking may be permitted at the discretion of the board responsible for review with a 24 foot parking aisle.

(2) ~~Where vehicles park perpendicular or at a right angle to a barrier curb, parking spaces shall be 10 feet by 20 feet.~~

All parking spaces shall be 10 feet by 20 feet. The Board responsible for review shall have discretion to approve 9 feet by 20 feet parking spaces provided they are double striped (see 108 Attachment 1:4), except for handicapped and parallel parking spaces.

(3) ~~No other parking angles shall be permitted.~~

(3) Unobstructed access to and from a street shall be provided. Where there is two-way traffic, such access shall consist of a minimum width of ~~25~~ 24 feet at the curb cut, whether there is a single lane or multiple lanes. Where one-way traffic in a single lane is provided, the minimum width shall be ~~15~~ 16 feet at the curb cut. No entrance or exit shall be located within 75 feet of any street intersection. Entrance and exit lanes shall be suitably marked.

(4) Access for emergency vehicles. Emergency vehicle access shall comply with the New York State Fire Code as contained in the New York State Building and Fire Prevention Code.

(5) Access for emergency vehicles.

(a) ~~In the design of any business or industrial parking lot or parking area, at least one emergency accessway from the public road to the area designated as the "primary fire-fighting surface" for the proposed buildings shall be provided which use the following minimum vertical and horizontal clearances. Said emergency vehicle accessways shall be shown on the required site plan and/or building elevations which accompany any site plan:~~

- ~~[1] Minimum outside turning radius: 50 feet.~~
- ~~[2] Minimum inside turning radius: 34 feet.~~
- ~~[3] Minimum width for a fire lane: 18 feet.~~
- ~~[4] Minimum vertical clearance: 15 feet (height).~~

(b) ~~The site plan and/or building elevations shall show the appropriate "primary fire-fighting surface" to any proposed business or industrial buildings and designate same as a "Fire Lane No Parking" zone. An applicant for a business or industrial site plan shall submit a site plan with such emergency accessway shown.~~

(c) ~~The minimum requirements stated in §108-60E(5)(a) may be reduced by written application to the applicable Board. Said application for relief shall be accompanied by the following:~~

- ~~[1] Description of the relief sought.~~
- ~~[2] Hardship to the applicant.~~
- ~~[3] Report and recommendations of the Town Fire Marshall.~~

F. ~~An individual may apply to the Building Department to use a substitute mix. Said permission, which will be for two years, will be granted by the Building Department. Except for single-family and two-family dwellings, all open parking areas shall be properly drained within the premises. Minimum acceptable paving requirements are as follows:~~

- ~~(1) For retail businesses, a home occupation or a home professional office with a total business area not exceeding 600 square feet: four inches of crushed stone of a stable base. Each parking space shall have wheel or bumper guards.~~
- ~~(2) For a business building with a total building area not exceeding 1,800 square feet: two inches of stone blend on a stable base with a wearing course of two inches, after compaction, of New York State mix Type 1A. Each parking space shall have wheel or bumper guards.~~
- ~~(3) All other buildings: two inches of bituminous plant mix, after compaction, with a wearing course of two inches, after compaction, of New York State mix Type 1A or four inches of reinforced concrete surface. Each parking space shall have wheel or bumper guards.~~

~~When the parking area is in use during periods of darkness, it shall be properly illuminated. When said parking area is surfaced with asphalt or concrete, the parking spaces shall be clearly marked, and the Town Clerk is hereby authorized to publish and post a notice of adoption.~~

The minimum acceptable pavement improvements required for parking areas shall be as follows:

- (1) For retail businesses, a home occupation or home professional office with a maximum required number of 4 parking spaces: a crushed stone aggregate with a sieve size no greater than ¾-inch placed at a rate of 25 pounds per square yard on a compacted 4-inch thick stone blend base and stabilized subgrade.
 - (2) For a business and commercial building with a maximum required number of 12 parking spaces: a 2-inch thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on a compacted 4-inch thick stone blend or approved equal aggregate base and stabilized subgrade.
 - (3) For a business or commercial building with a maximum required number of parking spaces exceed 12 spaces: a 1 ½-inch thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on one 2 ½-inch thick binder base course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on compacted 4-inch thick stone blend or approved equal aggregate subbase and stabilized subgrade.
 - (4) For retail businesses accessory to an agricultural use or zoning districts where pervious parking surface is recommended pursuant to the supplementary guidelines, or as required as part of the review or approval process: a crushed stone aggregate with a sieve size no greater than ¾-inch placed at a rate of 25 pounds per square yard on a compacted 4-inch thick stone blend base and stabilized subgrade.
 - (5) For designated handicapped accessible parking spaces, access aisles and pathways: the surface improvement must conform the design requirements and standard specifications of the American's Disability Act, while the balance of the parking improvement (subsurface layers) must comply with the minimum requirements as noted in Subsections F(1) through F(4) of this section.
- G. Curbing shall be constructed, where required, in accordance with the Town of Riverhead Road and Drainage Standard. These requirements may be altered at the discretion of the Board responsible for review.
- H. When any parking area serves two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of the use. Where, however, it can be conclusively demonstrated that one or more of such uses will be generating a demand for parking spaces primarily during periods when another use or uses has or have a significantly

lower parking demand, the Town Board board responsible for review may, upon application, reduce the total parking spaces required for that use with the least requirement.

- I. Required parking spaces shall be provided upon the same premises to which they serve or elsewhere, provided that all spaces are located within 200 feet walking distance of the premises served. In all cases such parking spaces shall conform to all regulations of the district in which they are located. Parking spaces shall not be located in any residence district unless the use to which the spaces are accessory is permitted in such residence district.
- J. Land provided by the Town of Riverhead for off-street parking shall not be used in determining the parking areas required by this chapter. However, where a public parking district has been created, the owner of property within such district need not provide off-street parking areas required by this chapter.

K. Self-contained drainage.

- (1) ~~There shall be shown, installed and maintained leaching pools which will self contain the rainwater from each site. The minimum standards for sites under five acres shall be one precast drainage ring, four feet six inches high by eight feet in diameter, for every 1,250 square feet of site area. Such precast drainage ring, footings, covers and cast iron grates shall be as approved by the Planning Board. For on-site areas in excess of five acres, a recharge basin shall be provided. The size of the recharge basin shall be based on the following formula:~~

All parking areas shall be improved with drainage facilities for the purposes of containing and managing stormwater runoff on-site. The minimum design standard for sites less than 5 acres shall be 211 cubic feet of capacity for every 1,250 square feet of impervious parking surface area. The applicable board and/or department shall approve such drainage facilities and improvements. For parking areas in excess of 5 acres, a positive drainage area or recharge basin shall be provided. The stormwater capacity of the recharge area will be based on the following formula:

$$V = A \times .66 \times C$$

Where:

- V = Volume of recharge basin in cubic feet
- A = Area of site in square feet
- C = Coefficient of runoff as follows:
 - Roofs and pavements 100%
 - Landscaped areas 10%
 - Other areas 40%

- (2) ~~Where an outlet for stormwater is available or other extenuating conditions prevail, these requirements may be altered as directed by the Building Department or the Town Engineer.~~

Where stormwater runoff from parking areas would be naturally contained on-site or other extenuating conditions prevail, these requirements may be altered at the discretion of the applicable board and/or department.

(3) ~~Excepted from Subsection J(1) above shall be the following:~~

~~(a) Single family and two family parking areas.~~

~~(b) A parking area serving a retail business, a home occupation or a home professional office with a total building area not exceeding 600 square feet, provided that a test hole shows that water will leach at a rate which prevents ponding.~~

The standards specified under this subsection shall not supersede or exempt compliance with Chapter 110 of the Riverhead Town Code, Stormwater Management and Erosion and Sediment Control.

L. No more than two business commercial vehicles may be allowed to park per residence in a residential area zoning district. If more than two vehicles are located in such residential area zoning district, the occupier of the residence shall be presumed to be in violation of this chapter.

M. In the event that an applicant can demonstrate to the Town Board that his present parking needs do not necessitate the construction of the number of parking spaces required hereunder, the Town Board board responsible for review may approve a site plan requiring present construction of a lesser number of parking spaces. for a duration decided by the Town Board and specified in the Town Board's resolution. If the Town Board fails to specify a period, the period shall be two years from the date of site plan approval. In the event that a lesser number of parking spaces are constructed proposed, the site plan shall show sufficient spaces reserved for future parking requirements, with the combined number of parking spaces being not less than that required by this chapter, thereby superseding § 108-76 of this chapter. The Town Board board responsible for review may order the property owner to install the future parking spaces when the need arises. In the event that the owner fails to install the additional spaces within 120 days of being so ordered, the Building Inspector shall revoke the certificate of occupancy for the premises, and the Town Attorney may take appropriate action in a court of competent jurisdiction to restrain the use of the subject premises. The property owner shall be required to file a covenant indicating his consent to and understanding of the provisions of this subsection.

In the event that an applicant can demonstrate that the off-street parking required is in excess of the parking demand generated by the use or building proposed, the number of improved parking spaces may be reduced by the Board responsible for review and approval upon a finding that any proposed modification shall be sufficient to serve the demand. In all cases, at least 2/3 of the number of required parking spaces shall be provided. In such an event, the site plan shall show both the reduced number of parking spaces to be improved and the additional parking spaces meeting the total requirement of parking spaces established by this chapter, reserved in a configuration that could be improved and used in the future. The area reserved for future parking needs shall either be landscaped or kept as existing vegetation at

the discretion of the Board responsible for review. When this subsection is utilized, the applicant shall submit a properly executed instrument in a form approved by the Town Attorney, specifying that all parking spaces required by the Parking Schedule shall be improved upon subsequent findings by the appropriate Board that such improvement is needed and the approved document shall be filed in the office of the Suffolk County Clerk.

N. Handicapped-Accessible Parking Spaces

(1) Handicapped-accessible parking stalls spaces shall be provided in a number as required by the following schedule. Further, handicapped accessible stalls spaces shall be appropriately located proximate located in close proximity to building entrances and dispersed pursuant to such other areas required by site plan approval.

Total Parking Stalls <u>Spaces</u> Required	Handicapped-Accessible Parking Stalls <u>Spaces</u> Required ^{1,2,3}
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or greater	2% of total parking stalls <u>spaces</u> required

Notes:

- 1 For a retail sales facility having at least 20 but not more than 500 off-street parking stalls spaces, handicapped-accessible stalls spaces shall be provided at a minimum of 5% of the total number of spaces, or 10 spaces, whichever is less.
- 2 For an outpatient medical facility, a minimum of 10% of the total number of parking spaces shall be handicapped accessible.
- 3 For a facility which specializes in treatment of services for persons with mobility impairments, a minimum of 20% of the total number of parking spaces shall be handicapped accessible.

~~N. (2) Handicapped- Accessible parking spaces shall conform to the dimensions set forth in this section, except that access aisles shall be eight feet zero inches in width be 10 feet by 20 feet and shall be provided with striped handicapped access aisles of 8 feet in width. Handicapped aisles may be shared by two adjacent handicapped parking spaces.~~

~~Ø. (3) Handicapped- Accessible parking stalls spaces shall be designated with a permanently installed above-grade sign which displays the international symbol of accessibility and which shall be positioned from the parking space surface at a height of seven 5 feet to its highest lowest point, as measured from the pavement surface. In an instance where the sign pole is~~

not protected by a wheel stop or curb, such a sign pole must be installed within a six-inch-diameter pipe filled with cement.

P. (4) The international symbol of accessibility shall be displayed on the parking surface of each handicapped-accessible stall space.

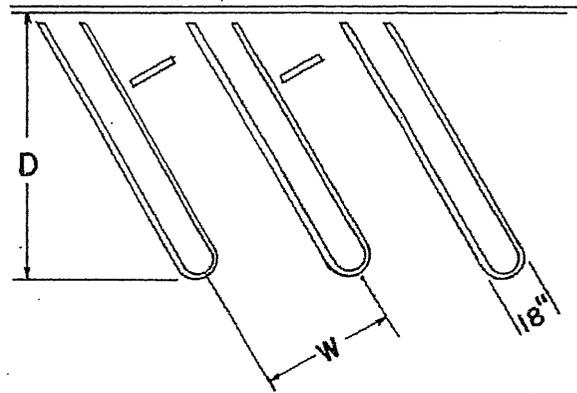
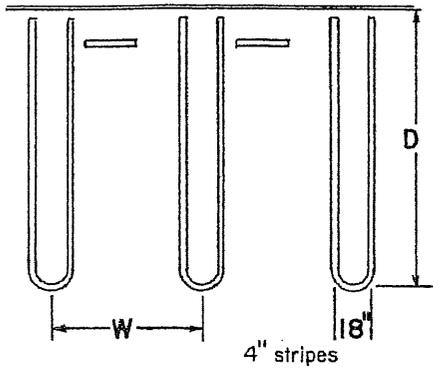
Q. (5) All buildings, structures and facilities constructed and all sites developed prior to the adoption of these provisions related to handicapped-accessible parking shall comply with ~~these provisions~~ 108-60 N(1)-(5) within 12 months from the date of adoption. Failure to so comply shall result in the revocation of the applicable certificate of occupancy.

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

Dated: Riverhead, New York
July 7, 2009

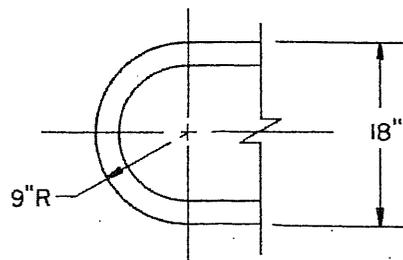
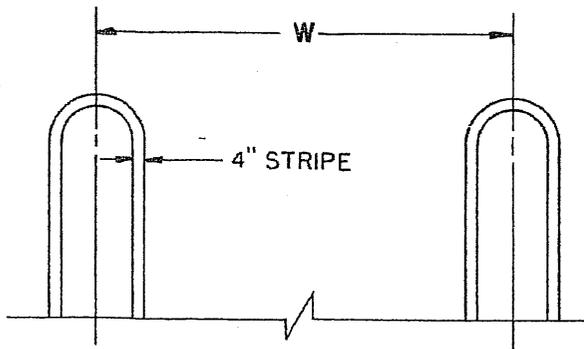
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk



DOUBLE STRIPING

NOTE: 4" STRIPE APPROXIMATELY 18" APART WITH ROUNDED OR SQUARED ENDS



STALL DOUBLE STRIPING DETAIL

July 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 670

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
NEW YORK SMSA LIMITED PARTNERSHIP d/b/a VERIZON WIRELESS**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY:

WHEREAS, the Town of Riverhead wishes to enhance its wireless communications services; and

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless desires to use certain spaces on and within premises at 1295 Pulaski Street, Riverhead, New York, for the installation and maintenance of in-building radio distribution devices ("IBRDs");

WHEREAS, the Town of Riverhead agrees to lease to Verizon Wireless a portion of premises at 1295 Pulaski Street, Riverhead, New York, for the installation and maintenance of microcell(s) or other similar or comparable IBRDs, antennas serving such IBRDs together with space for cables, fibers and any other related equipment; and

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached In Building Radio Distribution Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Verizon Wireless, One Verizon Way, Mail Stop 4AW100, Basking Ridge, New Jersey 07920; and be it further

RESOLVED that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

IN BUILDING RADIO DISTRIBUTION AGREEMENT

This Agreement ("Agreement") is made as of _____, 200_ ("Effective Date") between Town of Riverhead, County of Suffolk, State of New York whose principal place of business is 1295 Pulaski St. Riverhead, NY 11901 ("Licensor"), and New York SMSA Limited Partnership d/b/a Verizon Wireless, a New York limited partnership, whose principal place of business is One Verizon Way, Mail Stop 4AW100, Basking Ridge, NJ 07920, ("Licensee").

1. License. Licensor hereby licenses to Licensee certain spaces on and within Licensor's premises at 1295 Pulaski St. Riverhead, NY 11901 (the "Premises") for the installation of microcell(s), rerad(s) or other similar or comparable in-building radio-distribution devices ("IBRDs") and the installation of antennas serving such IBRDs ("IBRD Antennas") together with a space for cables, fibers or the equivalent connecting such IBRDs and IBRD Antennas, whether through conduit or otherwise. The IBRDs and IBRD Antennas and the connecting cables, fibers or equivalent and any other related equipment installed hereunder are the "IBRD System" or the "System". The IBRD System components and design principles are described on Exhibit A. Any microcells, cable runs or other aspects of the IBRD System installed by Licensee shall be for Licensee's exclusive use only. Licensee may replace and augment the IBRDs, IBRD Antennas and other portions of the IBRD System with similar or comparable equipment and modify any frequencies upon which such equipment operate as needed to provide in-building coverage in keeping with the design principles in Exhibit A.

2. Construction, Installation, Maintenance & Interference. All construction, installation and maintenance shall be performed by Licensee or its contractors in a safe manner consistent with current wireless industry engineering and construction standards and practices, lien-free. Licensee, with Licensor's cooperation as or if needed, shall obtain all required governmental and quasi-governmental permits, licenses, approvals, and authorizations. Licensee agrees to only install radio equipment of the type and frequency that will not cause measurable interference to the equipment of Licensor or other tenants of the Premises existing as of the date of this Agreement. Should Licensee's equipment cause measurable interference, and provided Licensor gives written notice, Licensee will take all steps necessary to correct and eliminate the interference. Licensor agrees that it and/or any other tenant of the Premises (current or future) will install only such radio equipment that is of the type and frequency that will not cause measurable interference to the existing equipment of the Licensee. Should Licensor's or another tenants' equipment cause measurable interference with Licensee, and provided Licensee gives written notice to Licensor of it, Licensor will take all steps necessary to correct and eliminate the interference, including causing other tenants of the Premises causing such interference to correct and eliminate the interference. The parties acknowledge that there will not be an adequate remedy at law for non-compliance with the provisions of this paragraph and therefore, either party shall have the right to specifically enforce the provisions of this paragraph in a court of competent jurisdiction.

3. Power. Licensor will supply electrical power in quality, quantity, and levels currently available at the Premises, and customary for the operation of similar IBRD Systems, at Licensor's cost. Notwithstanding the foregoing, no interruption or discontinuance of such electrical power will render Licensor liable to Licensee for damages or relieve Licensee of any of its obligations hereunder, except as such results from the negligent or intentional acts or omissions of the Licensor.

4. Ownership & Control. The IBRD System is personal property of the Licensee and the Licensee at all times owns and controls the IBRD System. Licensor and Licensee agree, and Licensor shall so inform, any purchaser or mortgagee of the Premises, of this Agreement and that all equipment forming a part of the IBRD System, including, without limitation, all IBRDs, IBRD Antennas and cables, wires or equivalent connecting the same installed by or on behalf of Licensee shall be and remain the property of Licensee under all circumstances, under Licensee's exclusive control, free and clear of any liens or encumbrances other than those permitted by Licensee, and shall be deemed to be and remain personal property and not part of the real estate on which the same are located. Without limitation on any other rights of Licensee, such equipment may be removed by Licensee upon expiration or cancellation of the term of this Agreement, as the same may be from time to time extended or renewed, or upon earlier termination, for whatever reason and Licensee shall have 90 days after such expiration or termination to accomplish such removal. Licensee shall restore any areas of Licensor's premises damaged by such removal, except normal wear and tear.

5. Consideration. In consideration for the rights granted herein, Licensor's premises will receive the benefits of enhanced wireless communications arising from operation of the IBRD System. The design, construction, equipment, installation and maintenance of the IBRD System shall be at Licensee's sole cost.

6. Access. Licensor agrees to provide Licensee, its employees and/or agents access to the Premises twenty-four hours a day, seven days a week for the purpose of design, construction, installation, upgrading, maintenance and repair of the IBRD System, and testing of the radio frequency coverage of the area.

7. Term; Default; Termination.

The term of this Agreement shall be five years.

Notwithstanding anything to the contrary contained herein, Licensee shall have the right to terminate this Agreement at any time without cause provided that thirty (30) days prior notice is given the Licensor. In the event Licensee defaults in the performance of any of its covenants or obligations hereunder and such default continues for a period of sixty (60) days after written notice thereof from Licensor (unless the nature of the event takes longer to cure and Licensee commences a cure within the time period and diligently pursues it thereafter), Licensor may thereafter terminate this Agreement by written notice to Licensee. Upon any such termination, Licensee shall remove the IBRD System and

repair or restore any damage to Licensor's premises resulting therefrom, normal wear and tear excepted. This Agreement may only be terminated in accordance with its terms.

8. Indemnification, Insurance, Waiver of Consequential Damages. Licensee shall indemnify and hold Licensor, its employees and agents harmless against any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Licensee or its agents in connection with the use and occupancy of the Premises in connection with the IBRD System, excepting claims or damages as may be due or caused by the acts or omissions of the Licensor or its employees or agents. Licensee shall procure and maintain throughout the term of this Agreement comprehensive general public liability insurance, and property damage insurance under policies with limits of not less than one million dollars (\$5,000,000) per bodily injury, death, or for damage or injury to or destruction of property (including the loss of use thereof) for any one occurrence. Licensor agrees that Licensee may self insure. The parties waive and release any and all rights of action for negligence against the other which may arise on account of damage to the Premises or to property, resulting from any fire, or other casualty of the kind covered by standard fire insurance policies with extended coverage, regardless of whether or not, or in what amounts, such insurance is now or hereafter carried by the parties, or either of them. These waivers and releases shall apply between the parties and to any claims under or through either party as a result of any asserted right of subrogation. All policies of insurance covering property damage obtained by either party concerning or including the Premises or property shall waive the insurer's right of subrogation against the other party. The foregoing notwithstanding, whether the cause of any damage, loss or liability is insurable, insured or not insured, foreseen or unforeseen, in no event shall either party be responsible or liable to the other party for anticipatory profits or any indirect, special, incidental or consequential damages of any kind or nature arising directly or indirectly in connection with the construction, use or operation of the Premises or the exercise of any rights related thereto, whether based on an action or claim in contract or tort, including negligence, strict liability or otherwise.

9. Quiet Enjoyment. Licensor covenants that Licensee, upon performing all the covenants shall peaceably and quietly have, hold and enjoy the Premises and Licensor further covenants that Licensor is seized of good and sufficient title and interest to the Premises and has full authority to enter into this Agreement.

Licensor represents, warrants and covenants that no lead paint, asbestos or other hazardous substance as defined by any applicable state, federal or local law or regulation, is present at any Premises; Licensor owns or leases the Premises or otherwise has the right to grant the license given in this Agreement; the Licensor has obtained all required consents or approvals from any landlord, mortgagee or other person or entity having an interest therein; and Licensor is not in default under any lease with the owner of the Premises and the term of such lease extends to the term of this Agreement with any and all renewal terms.

10. Assignment. This Agreement may be assigned by either party to its principal, affiliates, subsidiaries of its principal or to any entity which acquires all or substantially all of its assets in the applicable Federal Communications Commission license area by reason of a merger, acquisition or other business reorganization without the consent of the other party. As to other parties, any sale, assignment or transfer by either party must be with the written consent of the other party, such consent not to be unreasonably withheld.

11. Notices & Contacts. All notices hereunder must be in writing and shall be sent certified mail, return receipt requested, to Licensor at 1295 Pulaski St. Riverhead, NY 11901 attention Town Engineer with copy to Town Attorney at 200 Howell Avenue, Riverhead, New York 11901 and to Licensee at 180 Washington Valley Road, Bedminster, NJ 07921, Attention Network – Real Estate.

12. Miscellaneous. This Agreement contains all agreements, promises and understandings between the Licensor and the Licensee regarding this transaction, and no oral agreement, promises or understandings shall be binding upon either the Licensor or the Licensee in any dispute, controversy or proceeding. This Agreement may not be amended or varied except in a writing signed by all parties. This Agreement shall extend to and bind the heirs, personal representatives, successors and assigns hereto. The failure of either party to insist upon strict performance of any of the terms or conditions of this Agreement or to exercise any of its rights hereunder shall not waive such rights and such party shall have the right to enforce such rights at any time. This Agreement and the performance thereof shall be governed interpreted, construed and regulated by the laws of the state in which the Premises is located without reference to its choice of law rules.

IN WITNESS WHEREOF, the parties hereto have set their hands, intending to be bound, as of the Effective Date.

LICENSOR
Town of Riverhead

WITNESS
By: _____
Name: _____

By: _____
Name: _____
Title: _____

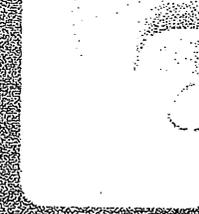
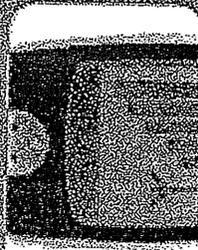
LICENSEE
New York SMSA Limited Partnership
d/b/a Verizon Wireless
By Celco Partnership, its general partner

WITNESS
By: _____
Name: _____

By: _____
Name: David R. Heverling
Title: Area Vice President Network

EXHIBIT A

SpotCell 2500Xe – System Installation



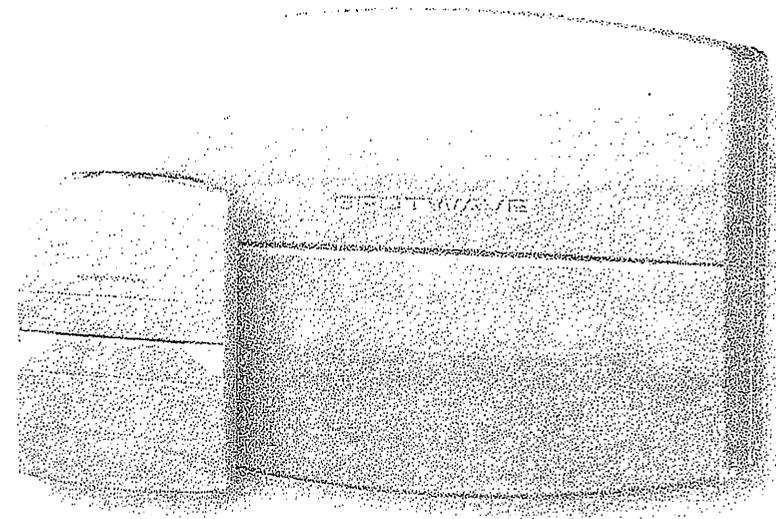
SPOTWAVE

coverage made simple

Company Confidential

SpotCell 2500Xe – System Architecture

- New more attractive look and feel, smaller CU
- Supports cascaded CU
- Selectable IF Filters
- Integral Dual-Split Band Support
- Field Configurable
- Performance is cable length independent (0-50m RG6 or 0-100m RG11)
- Equal uplink / downlink gain
- Reduced noise levels : up to 100 systems per sector
- Intrasystem communications allows single point system upgradeability
- Wireless or wired interface to Craft Interface Module (via 802.15.4)



2500 Xe

Indoor Coverage Systems

SpotCell 2500Xe – DC Power

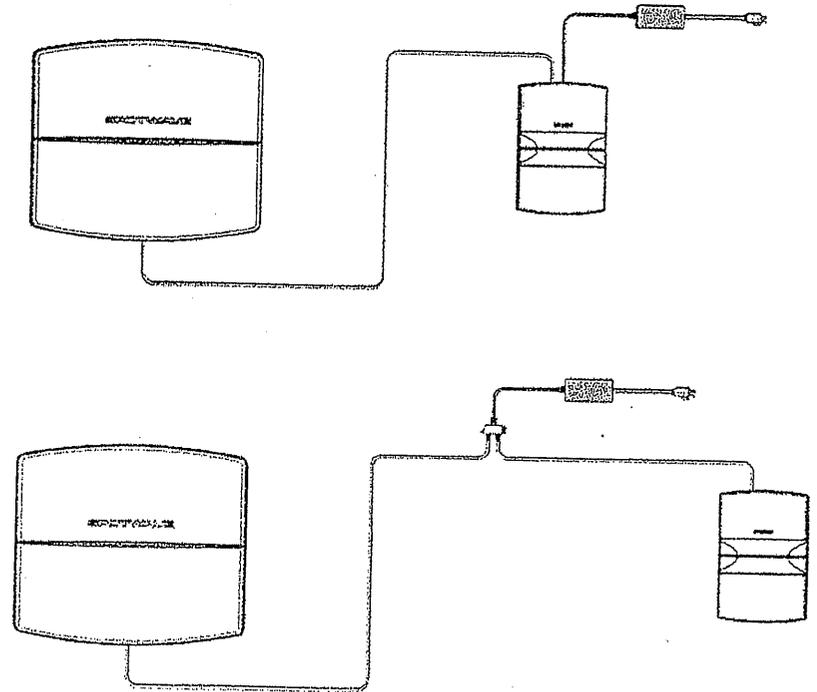
- **SC2500Xe uses**
 - 24 V DC power supply
 - The DC power is provided at the CU or through the Bias T or power inserter.
 - The power inserter could be used to insert power anywhere between DU and CU. The inserter could also be anywhere between CU and CU. Only the downstream CU is powered in this case.

SpotCell 2500Xe – System layouts

- **SC2500Xe System Layouts**

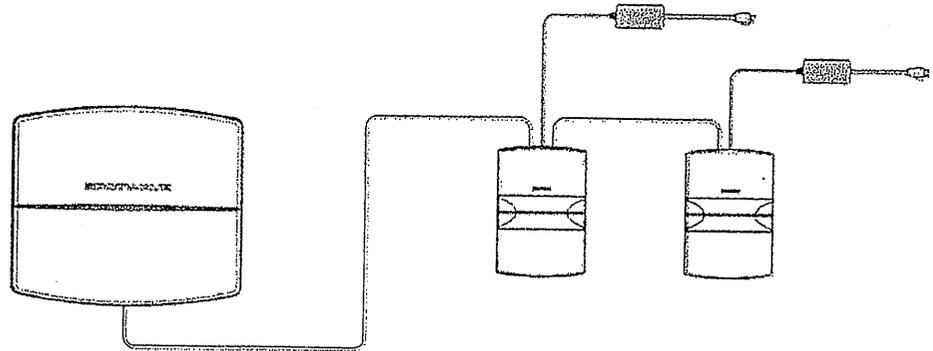
- Single CU Options

- DU, CU, Cable (RG6 – RG11), power supply at the CU.
 - DU, CU, Cable, Bias T to insert power anywhere between DU and CU.



SpotCell 2500Xe – System layouts

- **SC2500Xe System Layouts**
 - Two CU Options
 - DU, 2x CU, 2x Cable (RG6 – RG11), power supply at each CU.

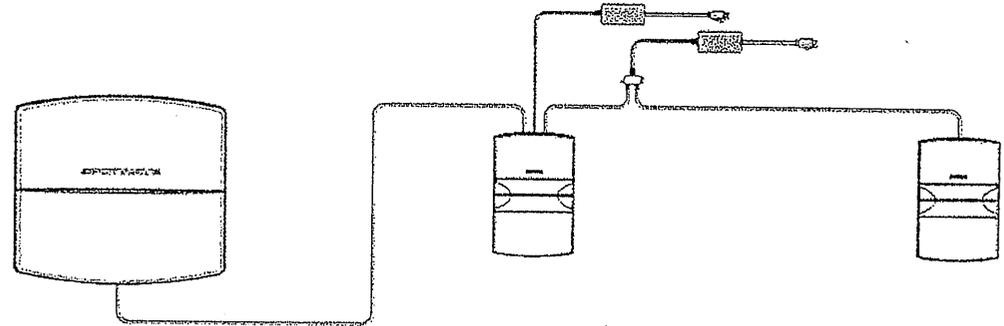


SpotCell 2500Xe – System layouts

▪ SC2500Xe System Layouts

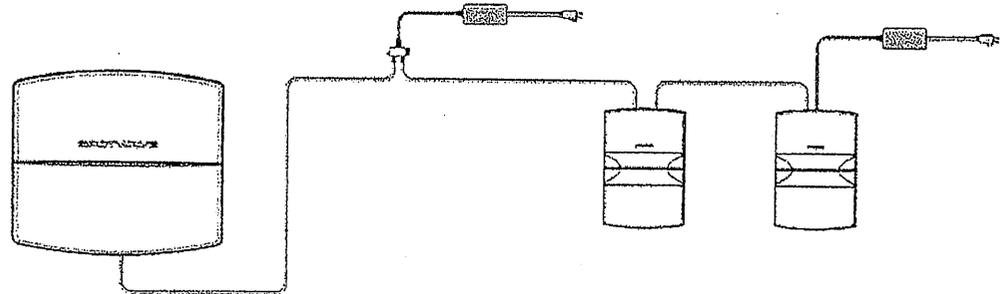
▪ Two CU Options

- DU, 2x CU, 2x Cable (50m RG6 – 100m RG11), power supply for CU and one Bias T to insert power for second CU.
- DU, 2x CU, 2x Cable (50m RG6 – 100m RG11), Bias T to insert power between DU and first CU and CU power supply for the second CU.



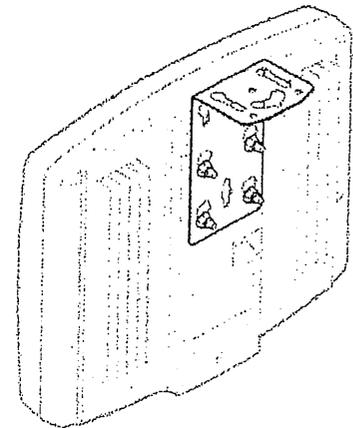
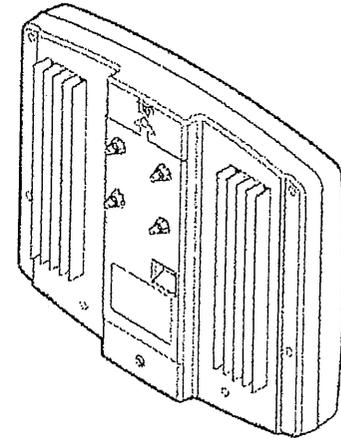
▪ Notes:

- Bias T power inserter between the DU and the first CU will power both DU and CU.
- Bias T power inserter between the two CUs will only power the downstream CU or CU further away from DU.



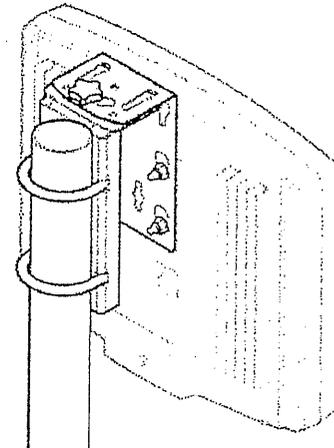
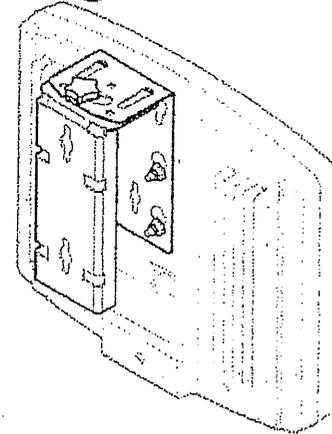
SpotCell 2500Xe – DU Mounting

- **SC2500Xe DU Mounting**
 - Standard DU Mounting
 - Bracket mounted Horizontally or Vertically
 - Notes:
 - Horizontal mount is for indoor installs only.



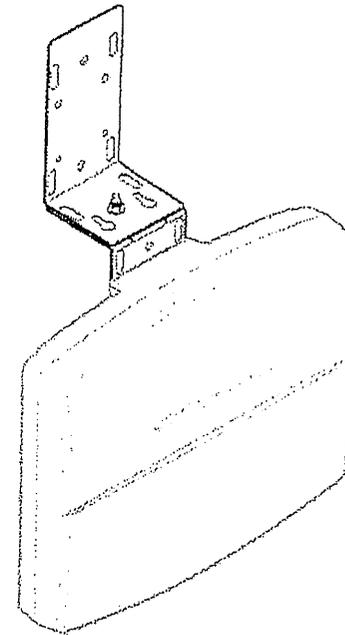
SpotCell 2500Xe – DU Mounting

- **SC2500Xe DU Mounting**
 - Additional Bracket for DU Pole Mount or wall mount
 - Notes:
 - The additional bracket and U bolts are provided in the Outdoor install kit.



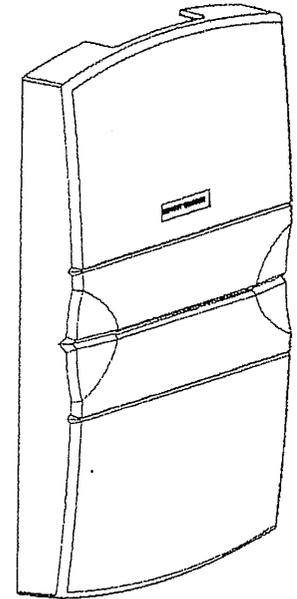
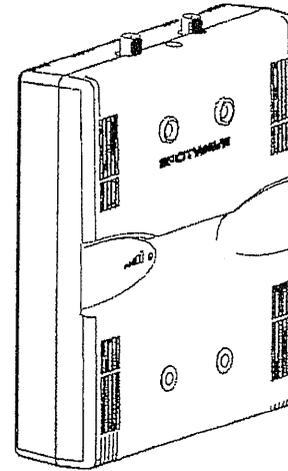
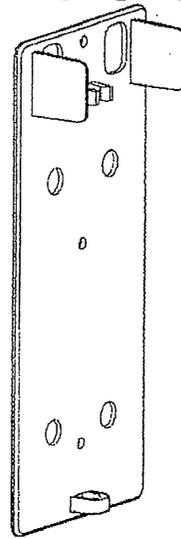
SpotCell 2500Xe – DU Mounting

- **SC2500Xe DU Mounting**
 - Additional Bracket for DU Extended Vertical Surface Mount
 - The DU has an RG6 pigtail to connect to the system cable. At installation the pigtail cable must be secured behind the antenna radome to prevent feedback. The pigtail could be damaged and should be handled with care.
 - Notes:
 - The additional bracket mount is provided in the Outdoor install kit.



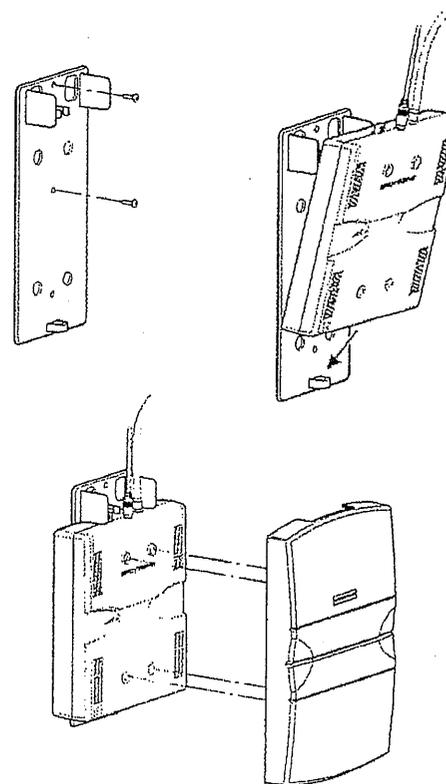
SpotCell 2500Xe – CU mounting

- SC2500Xe CU is made of 3 pieces
 - CU bracket
 - CU Body
 - CU Cover



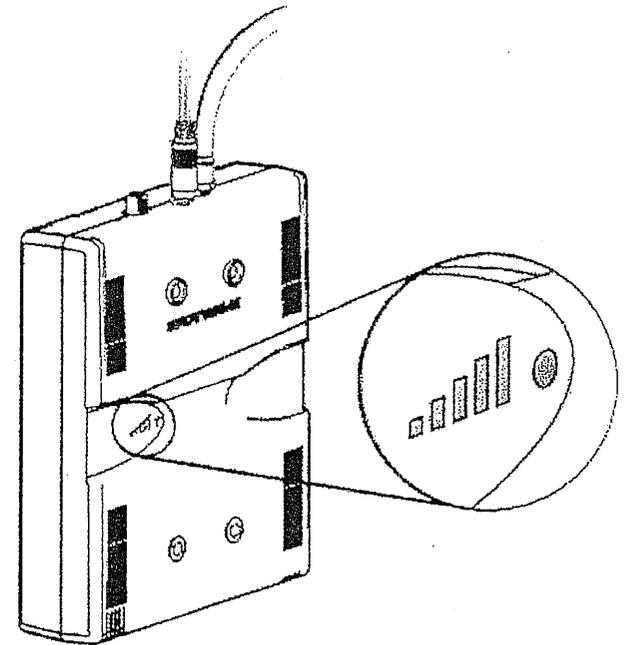
SpotCell 2500Xe – CU mounting

- **SC2500Xe CU Mounting**
 - CU bracket installed first
 - CU Body slide and snap on CU bracket
 - Snap on the CU cover on CU body

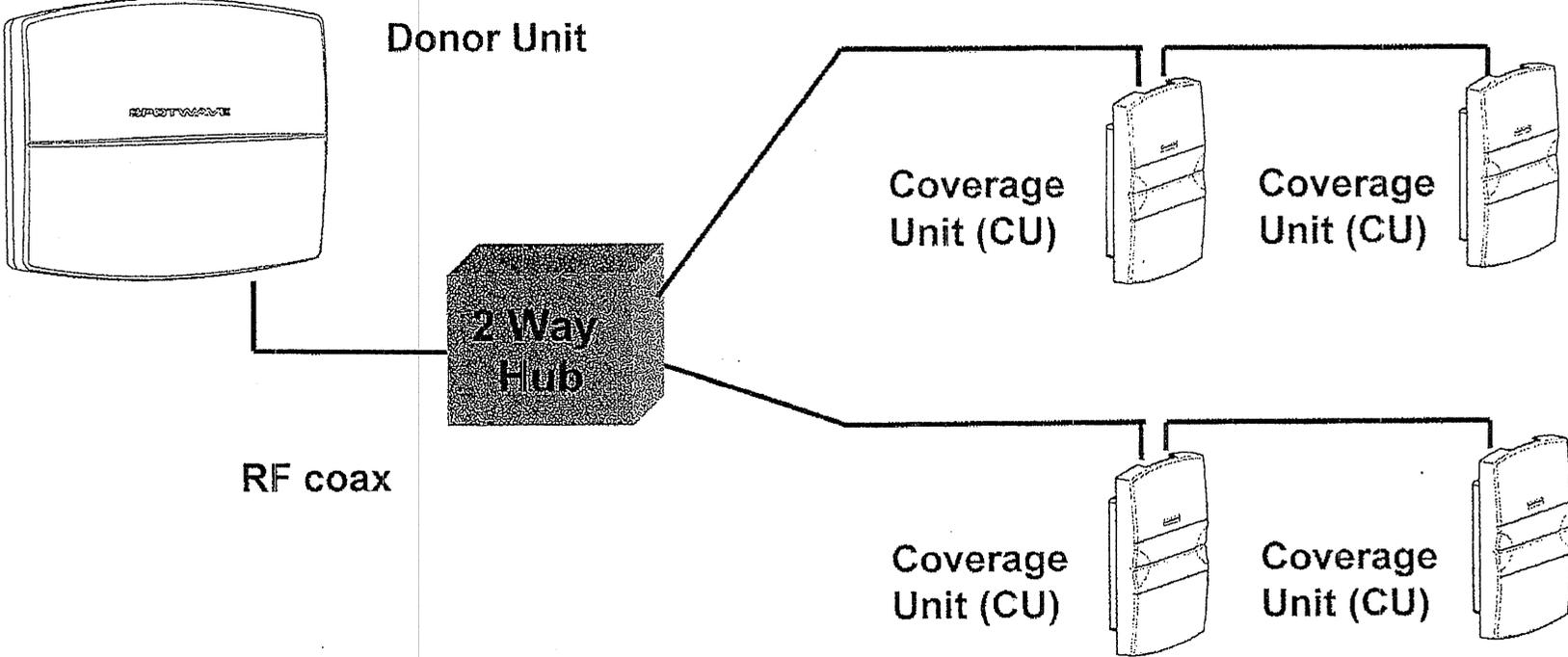


SpotCell 2500Xe – CU Coverage Optimization

- **SC2500Xe CU Coverage Optimization**
 - Install CU where you have the maximum blue bars
 - If the bars are not maximized, move the CU away from the DU or in any direction that will increase the number or bars displayed.
 - If the LED is green, you are in isolation limited environment.



2500Xe System – Expansion Architecture



Spotwave SC 2500 Xe expansion capabilities

- **Extends Coverage Footprint on single SpotCell system.**
- **Supports four (4) Active Coverage Units (CUs) on Single Donor Unit**
- **Same RF performance as existing 2500Xe**
- **No Change to Existing Coverage Unit or Donor Unit.**
- **Extends Coverage to 100K Sq ft and below with single Donor Unit**
- **Two (2) passive antennas are supported per system.**

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 671

RESOLUTION TO AUTHORIZE THE SUBMISSION OF A PROPOSITION FOR THE DETERMINATION TO FUND OR TRANSFER THE PUBLIC SAFETY DISPATCH

COUNCILMAN DUNLEAVY

FUNCTION

offered the following resolution, was seconded

by

COUNCILMAN WOOTEN

WHEREAS, the Town of Riverhead, faced with financial constraints affecting many similarly situated towns and villages in the current economy, investigated and obtained information that Riverhead residents are taxed by both the Town of Riverhead and County of Suffolk for services related to public safety dispatch function. The Town of Riverhead gave serious consideration to the costs and services performed by the Town and County for the function of public safety dispatch, taxation by the County of Suffolk for funding for Police Headquarters and Communications Division which includes public safety dispatch function and collection of a surcharge on 911 emergency calls through E911 (Enhanced 911) for telecommunications infrastructure and routing of calls throughout the County, cost effectiveness of transfer of public dispatch function to the County, and economic effect on the residents of the Town of Riverhead; and

WHEREAS, the Town Board, by Resolution # 1036 adopted on November 20, 2008, authorized the transfer of function of the Public Safety Dispatchers from the Town of Riverhead to the County of Suffolk to be effective June 30, 2009; and

WHEREAS, in contemplation of and in conjunction with the transfer of function of the Public Safety Dispatchers, the Town Board modified and approved a budget that removed salaries and expenses related to the public safety dispatch functions; and

WHEREAS, after adoption of Resolution #1036 to the present, the Town Board has continued to receive comments for and against the transfer of function, and comments identifying issues related to costs to the taxpayer to retain the services, costs related to the transfer of function and benefits that may be associated with the performance of the function by individuals and departments familiar with the local geography and citizenry; and

WHEREAS, pursuant to §33-a of the Municipal Home Rule Law and Town Law §81, on May 5, 2009, the Town Board adopted Resolution #450 which rescinded the

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authority to transfer the safety dispatch function and directed that a proposition be placed on the ballot to afford all residents of the Town of Riverhead an opportunity to determine to fund through the collection of tax dollars the public safety dispatchers as a function of the Town of Riverhead or transfer the function to the County of Suffolk;

WHEREAS, Resolution #450 adopted on May 5, 2009 was not noticed pursuant to the direction of the Town Board; and

WHEREAS, the Town Board seeks to cure the above, present the referendum issue in a clear and concise manner, and direct the Town Clerk to publish notice of this resolution pursuant to requirements for permissive referendum; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds Resolution #1036 and agrees to fund the function of public safety dispatch function until vote on a public referendum at the next general election; said referendum to determine if the Town shall transfer the safety dispatch function to the County of Suffolk or continue to fund through the collection of tax dollars the public safety dispatchers as a function of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Board directs the Town Clerk to publish and post the attached Notice and Abstract pursuant to the requirements of Town Law §90 for permissive referendum and that the Town Clerk be directed to forward a copy of this resolution together with the Notice and Abstract to the Suffolk County Board of Elections.

NOTICE IS HEREBY GIVEN that at a regular meeting held on July 7, 2009, the Town Board of the Town of Riverhead duly adopted a resolution, an abstract of which follows, which resolution was made subject to a permissive referendum pursuant to the provisions of Town Law and Municipal Home Rule Law:

Abstract:

Town of Riverhead, faced with financial constraints, investigated and obtained information that Riverhead residents are taxed by the Town of Riverhead and County of Suffolk for services related to the safety dispatch function.. The Town of Riverhead gave serious consideration to the costs and services performed by the Town and County for the function of public safety dispatch function; taxation of all Suffolk County residents, including residents of the Town of Riverhead, by the County of Suffolk for Police Headquarters Divisions which includes the Communications Division ; E911 (Enhanced 911) surcharge collected by the County of Suffolk which is used in part to finance the telecommunications infrastructure to route emergency calls throughout the County of Suffolk . Thereafter, the Town authorized the transfer of function of the Public Safety Dispatchers from the Town of Riverhead to the County of Suffolk to be effective June 30, 2009. Accordingly, the Town modified and approved a budget that removed salaries and expenses related to the public safety dispatch functions. The transfer of function resulted in public comments in favor of and in opposition to the transfer of function such that pursuant to §33-a of the Municipal Home Rule Law and Town Law §81, on May 5, 2009, the Town Board adopted Resolution #450 which rescinded the authority to transfer the safety dispatch function and directed that a proposition be placed on the ballot to afford all residents of the

Town of Riverhead the opportunity to determine whether to fund, through the collection of tax dollars, the public safety dispatchers as a function of the Town of Riverhead or transfer the function to the County of Suffolk.

The resolution directs that a proposition is placed on the November 3, 2009 ballot which states as follows:

PUBLIC REFERENDUM TO DETERMINE TO FUND OR TRANSFER THE PUBLIC SAFETY DISPATCH FUNCTION

“Should the Town of Riverhead transfer the safety dispatch function to the County of Suffolk?”

If this referendum is approved, the Town of Riverhead will transfer the Safety Dispatch Function to the County of Suffolk. If this referendum is not approved, the Town of Riverhead would add the sum of approximately \$950,000.00 to the 2010 Town budget and succeeding budgets, through the collection of taxes from Riverhead residents to retain the Safety Dispatch Function.

WOOTEN ___ YES NO DUNLEAVY YES ___ NO

BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

MEH.

RESOLUTION #672

SUPPORTS THE APPLICATION BY THE PECONIC COMMUNITY COUNCIL IN PARTNERSHIP WITH THE OTHER CERTAIN TOWNS, VILLAGES AND AUTHORITIES FOR FUNDING FOR ACTIVITIES ASSOCIATED WITH THE HOMELESSNESS PREVENTION AND RAPID RE-HOUSING SERVICES UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009

COUNCILMAN WOOTEN

_____ offered the following resolution,
which was seconded by _____:

COUNCILWOMAN BLASS

WHEREAS, The Peconic Community Council, Inc., a non-profit organization, is about to submit a application to the County of Suffolk Department of Social Services in response to a Request for Applications for funding for Homelessness Prevention and Rapid Re-Housing Services under the American Recovery and Reinvestment Act of 2009 on the East End of Long Island within the five eastern Towns of Suffolk County (East Hampton, Riverhead, Shelter Island, Southampton and Southold), which would augment services currently provided by the various towns, villages and authorities on the East End, and

WHEREAS, each of the local towns, the Village of Greenport through its Housing Authority, the Southampton and Riverhead Community Development Agencies, the North Fork Housing Alliance, the Southampton Town Housing Authority and other villages and authorities possess certain skills developed in conjunction with the operation of the Section 8 Housing Choice Voucher Program and the Community Development Block Grant program that would prove invaluable to the administration of the aforementioned grant, and

WHEREAS, the Peconic Community Council has experience with the operation of homeless programs on the East End of Long Island, and

WHEREAS, the County of Suffolk intends to award only one grant in the amount \$478,330 for all of the East End, and

WHEREAS, the Town Board has determined that it is in the interest of its residents to partner with some or all of the other East End Towns, Villages and Authorities and the Peconic Community Council to apply for these funds, and

WHEREAS, the Town understands that applying for and administrating this grant and the operation of the program contemplated by the application will be at **no cost** to the Town of Riverhead and will fully be paid for by the grant or by the Peconic Community Council except that nothing herein shall prohibit the use of staff time of the Community Development at the direction of the department head for the purpose of providing for the delivery of services to the residents of the Town under this grant and to any other staff necessary to effectuate the agreement, and

WHEREAS, it is intended that a Memorandum of Understanding (inter-municipal agreement) will formally ratify the individual Towns, Villages and Authority's involvement if the grant is awarded to the Peconic Community Council for this project; and

WHEREAS, the Partnership Memorandum of Understanding between the involved parties would be subject to the provisions of Article 18 and Section 119-o of the General Municipal Law of the State of New York, as amended; Applicable Sections of the Administrative Code of Suffolk County; and the provisions of the Anti-discrimination Order of Suffolk County; and

WHEREAS, the eastern towns, certain villages and authorities and agencies deem it to be in the public interest and benefit to enter into a partnership in order to coordinate the delivery of services to the residents of the five towns on the East End of Long Island; and

WHEREAS, the Partnership between the aforementioned parties shall begin upon awarding of the grant which is anticipated to be on October 1, 2009 and shall continue in effect until such time as all project activities have been completed but not later than September 30, 2011, and

THEREFORE, BE IT RESOLVED, that the Town Board adopts this resolution in support of ratifying the Partnership Memorandum of Understanding between the certain Towns, certain Villages and Authorities of the East End of Suffolk County; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Board adopts this resolution in support of the application by the Peconic Community Council in partnership with the other certain towns, villages and authorities for funding for activities associated with the Homelessness Prevention and Rapid Re-Housing Services under the American Recovery and Reinvestment Act of 2009 on the East End of Long Island within the five eastern towns of Suffolk County; and

THEREFORE, BE IT FURTHER RESOLVED, that nothing herein shall authorize any expenditure by the Town of Riverhead in conjunction with this application except that the Town Board authorizes the use of staff time of the Community Development Department for the purpose of providing for the delivery of services to the residents of the Town under this grant and to any other staff necessary to effectuate the agreement; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Partnership Memorandum of Understanding (inter-municipal agreement) which will formally ratify the individual Towns, villages and authorities involvement if the grant is awarded to the Peconic Community Council for this project pursuant to the provisions stated in the Partnership Memorandum of Understanding in a form agreed to by the Town Attorney.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolutions to the Peconic Community Council.

THE VOTE

DUNLEAVY ~~YES~~ NO
BLASS YES NO

CARDINALE

YES NO

~~BUCKLEY YES NO~~
WOOTEN YES NO

TOWN OF RIVERHEAD

Resolution # 673

**APPROVES EXTENSION OF SECURITY POSTED BY HARRIMAN ESTATES
AT AQUEBOGUE LLC IN CONNECTION WITH THE SUBDIVISION
ENTITLED "HARRIMAN ESTATES"
(ROAD AND DRAINAGE IMPROVEMENTS)**

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

WHEREAS, the Riverhead Town Board, by Resolution #658 adopted on July 3, 2007, did accept an Irrevocable Letter of Credit in the amount of \$2,800,000.00 representing road and drainage improvements to be completed within the subdivision entitled, "Harriman Estates"; and

WHEREAS, by letter dated June 1, 2009 from Peter S. Danowski, Esq., attorney for Harriman Estates of Aquebogue, LLC, it had been requested that an extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, by Riverhead Planning Board Resolution #67 dated June 4, 2009, it is recommended that the performance security be extended for an additional two-year period to July 24, 2010 (extension should have been requested on or before July 24, 2008); and

WHEREAS, security for Water Key Money in the amount of \$217,500.00 and Park and Recreation Fees in the amount of \$261,000.00, have been paid.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance security posted representing the road and drainage improvements to be completed within the subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the subdivision to July 24, 2010; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

Resolution # 674**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF THE
AMERICAN CANCER SOCIETY, INC.****(Riverhead Central School District – “Relay for Life”)**

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN
_____:

WHEREAS, on June 17, 2009, the American Cancer Society, Inc. submitted a Chapter 90 Application for the purpose of conducting a fund-raiser entitled “Relay for Life” to benefit the American Cancer Society, Inc. to be held on the grounds of the Riverhead Central School District at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 p.m. on Friday, June 19, 2009 and 10:00 a.m. on Saturday, June 20, 2009; and

WHEREAS, the American Cancer Society, Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, due to their not-for-profit status, the applicant has requested the Chapter 90 Application fee be waived; and

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

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

RESOLVED, that the application of the Riverhead Central School District for the purpose of conducting a fund-raiser entitled “Relay for Life” to benefit the American Cancer Society, Inc. to be held on the grounds of the Riverhead Central School District at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 p.m. on Friday, June 19, 2009 and 10:00 a.m. on Saturday, June 20, 2009 is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

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

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

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public and shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the American Cancer Society, Inc., 75 Davids Drive, Hauppauge, New York, 11788, to the attention of Dawn Tropeano; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

7/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 675

APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
VAIL-LEAVITT MUSIC HALL, INC.
(July 19, 2009)

Councilman Wooten offered the following resolution, was seconded by

Councilwoman Blass :

WHEREAS, on June 23, 2009, the Vail-Leavitt Music Hall, Inc. submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Sunday, July 19, 2009 at approximately 9:00 p.m.; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Legion Fireworks Co., Inc.) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Vail-Leavitt Music Hall, Inc., for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Sunday, July 19, 2009 at approximately 9:00 p.m. is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department whom must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Grangebel Park no later than 2:00 p.m. on the day of the event.
- Fireworks technician must have photo identification and present same to Fire Marshal upon request.
- Fire Marshal to be present 60 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fireworks display shall be limited to shells not larger than 3" in diameter.

- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Vail-Leavitt Music Hall, Inc., 18 Peconic Avenue, P.O. Box 147, Riverhead, New York, 11901; Legion Fireworks Co., Inc., 10 Legion Lane, Wappinger Falls, NY, 12590 and the Riverhead Fire Department; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

7/7/09

TOWN OF RIVERHEAD
Resolution # 676

APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE #2044

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, on June 11, 2009, the Riverhead Elks Lodge #2044 (Riverhead Elks) had submitted a Chapter 90 Application for the purpose of conducting an event to include lawn mower race(s), a children’s bicycle race, and a kick ball event to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on July 26, 2009, having a rain date of August 2, 2009, between the hours of 12:00 noon. and 4:00 p.m.; and

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

WHEREAS, the Riverhead Elks has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, a certificate of insurance has been received; and

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

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

RESOLVED that the Chapter 90 Application of the Riverhead Elks for the purpose of conducting an event to include lawn mower race(s), a children’s bicycle race, and a kick ball event to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on July 26, 2009, having a rain date of August 2, 2009, between the hours of 12:00 noon. and 4:00 p.m., is hereby approved subject to the conditions set forth herein; and be it further

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

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee due to the applicant’s not-for-profit status; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

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

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

RESOLVED, that this approval is subject to a fire safety inspection by the Town Fire Marshal prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 11901; and be it

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

Resolution # 677**APPROVES CHAPTER 90 APPLICATION OF POLISH TOWN CIVIC ASSOCIATION**COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN WOOTEN:

WHEREAS, on April 16, 2009, the Polish Town Civic Association submitted a Chapter 90 Application for the purpose of conducting their annual "Polish Town Street Fair and Festival" to be held on Pulaski Street, Osborne Avenue and Lincoln Street, Riverhead, New York, on Saturday, August 15th, 2009 and Sunday, August 16th, 2009 between the hours of 10:00 a.m. and 6:00 p.m.; and

WHEREAS, the Polish Town Civic Association has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

WHEREAS, the Polish Town Civic Association has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

WHEREAS, Polish Town Civic Association has requested this event be exempt from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and

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

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

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

RESOLVED, that the application of the Polish Town Civic Association for the purpose of conducting their annual Polish Town Street Fair and Festival to be held on Pulaski Street, Osborne Avenue and Lincoln Street, Riverhead, New York, on August 15th and 16th, 2009 between the hours of 10:00 a.m. and 6:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board exempts this event from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and be it further

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event due to its not-for-profit status; and be it further

RESOLVED, that any necessary tent permits must be obtained and any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department and the Riverhead Fire Marshal are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Polish Town Civic Association, 300 Lincoln Street, Riverhead, New York, 11901; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

7/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 678

**APPROVES CHAPTER 90 APPLICATION OF
OLD STEEPLE COMMUNITY CHURCH**

Councilman Wooten _____ offered the following resolution, was seconded by

Councilwomen Blass _____:

WHEREAS, on June 25, 2009, Old Steeple Community Church submitted a Chapter 90 Application for the purpose of conducting an "Annual Antique Fair" to be located on their property 656 Main Road, Aquebogue, New York, to be held on Saturday, August 29, 2009, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of Monday, September 7, 2009; and

WHEREAS, Old Steeple Community Church has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617, the fee having been waived; and

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

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

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

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

RESOLVED, that the application of Old Steeple Community Church for the purpose of conducting an "Annual Antique Fair" to be located on their property at 656 Main Road, Aquebogue, New York, to be held on Saturday, August 29, 2009, between the hours of 8:00 a.m. and 5:00 p.m., having a rain date of Monday, September 7, 2009, is hereby approved; and be it further

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electrical work shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents

& Membrane Structures); and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Old Steeple Community Church, P.O. Box 154, Aquebogue, New York, 11931; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
JAMESPORT FIRE DEPARTMENT**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

:

WHEREAS, on June 15, 2009, the Jamesport Fire Department submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held on the property known as the Albert Schmitt Farm, Rte. 25, Jamesport, New York, on Saturday, July 11, 2009 at approximately 10:00 p.m.; and

WHEREAS, the Jamesport Fire Department has requested the applicable Fireworks Permit Application fee be waived due to its not-for-profit status; and

WHEREAS, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Jamesport Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Pyrotecnico) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Jamesport Fire Department, for the purpose of conducting a fireworks display to be held on the property known as the Albert Schmitt Farm, Rte. 25, Jamesport, New York on July 11, 2009 at approximately 10:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Jamesport Fire Chief in attendance.
- Fireworks and technicians must arrive at the subject location no later than 2:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells not larger than 5" in diameter.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lightning and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the applicable Fireworks Permit Application Fee is hereby waived; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Jamesport Fire Department, P.O. Box 78, Jamesport, New York, 11947, Attn: Sean McCabe; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

7/7/09

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 255 WEST MAIN STREET, RIVERHEAD, NEW YORK

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

WHEREAS, the Town Board has determined that the property located at 255 West Main Street, Riverhead, New York, is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that the within Resolution authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 255 West Main Street, Riverhead, New York; and be it further

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the property located at 255 West Main Street, Riverhead, New York, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

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

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead, is also authorized to settle any action that is instituted pursuant to the within Resolution against the owners, tenants, occupants and mortgagee of the above mentioned property on behalf of the Town of Riverhead.

WOOTEN YES NO DUNLEAVY YES NO

BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

7/7/09

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 245 WEST MAIN STREET, RIVERHEAD, NEW YORK

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

WHEREAS, the Town Board has determined that the property located at 245 West Main Street, Riverhead, New York, is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that the within Resolution authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 245 West Main Street, Riverhead, New York; and be it further

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the property located at 245 West Main Street, Riverhead, New York, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

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

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead, is also authorized to settle any action that is instituted pursuant to the within Resolution against the owners, tenants, occupants and mortgagee of the above mentioned property on behalf of the Town of Riverhead.

WOOTEN YES ___ NO DUNLEAVY YES ___ NO

BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

7/7/09

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 6232 MIDDLE COUNTRY ROAD, MANORVILLE, NEW YORK

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, the Town Board has determined that the property located at 6232 Middle Country Road, Manorville, New York, is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that the within Resolution authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 6232 Middle Country Road, Manorville, New York; and be it further

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the property located at 6232 Middle Country Road, Manorville, New York, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

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

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead, is also authorized to settle any action that is instituted pursuant to the within Resolution against the owners, tenants, occupants and mortgagee of the above mentioned property on behalf of the Town of Riverhead.

WOOTEN YES ___ NO DUNLEAVY YES ___ NO

BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 683

EXTENDS BID CONTRACT FOR POLICE UNIFORMS FOR THE TOWN OF RIVERHEAD

COUNCILMAN DUNLEAVY offered the following resolution,

COUNCILMAN WOOTEN which was seconded by

WHEREAS, the TOWN OF RIVERHEAD has requested the contract with CHARLES GREENBLATT, INC. be extended until AUGUST 2, 2010 and;

WHEREAS, this will be the second extension;

WHEREAS, the above name vendor has agreed to extend the contract until AUGUST 2, 2010 for the same as year 2009 pricing and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT

RESOLVED, that the contract for POLICE UNIFORMS FOR THE TOWN OF RIVERHEAD be and hereby is, extended until AUGUST 9, 2010;

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to CHARLES GREENBLATT, INC., POLICE DEPARTMENT AND THE PURCHASING DEPARTMENT.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

Adopted

TOWN OF RIVERHEAD

Resolution # 684

EXTENDS BID CONTRACT FOR LANDSCAPING ITEMS FOR THE TOWN OF RIVERHEAD

COUNCILMAN WOOTEN offered the following resolution,

COUNCILWOMAN BLASS which was seconded by

WHEREAS, the TOWN OF RIVERHEAD has requested the contract with IVY ACRES , INC. be extended until AUGUST 21, 2010 and;

WHEREAS, this will be the second extension;

WHEREAS, the above name vendor has agreed to extend the contract until AUGUST 21, 2010 for the same as year 2009 pricing and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT

RESOLVED, that the contract for LANDSCAPING ITEMS FOR THE TOWN OF RIVERHEAD be and hereby is, extended until AUGUST 21, 2010;

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to IVY ACRES, INC., AND THE PURCHASING DEPARTMENT.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

JULY 7, 2009

TOWN OF RIVERHEAD

Resolution # 685

AWARDS BID FOR SNACK VENDORS

offered the following resolution, COUNCILWOMAN BLASS

which was seconded by COUNCILMAN DUNLEAVY

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

WHEREAS, 2 bids were received and opened at 11:05 am on June 18, 2009, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for SNACK VENDORS for the Town of Riverhead be and hereby is, awarded to Karl Freudenberg who will be servicing Wading River Beach and Police Officer's Memorial Park for \$250 and Hines Catering who will be servicing Stotzky Park for \$500 and Iron Pier (Reeves Beach) for \$300 respectively, for the season. (July 7, 2009 to November 30, 2009)

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

THE VOTE

Wooten Yes No

Dunleavy

Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

July 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 686

AWARDS BID FOR SOUTH JAMESPORT BOARDWALK SUPPLIES

COUNCILMAN DUNLEAVY offered the following resolution which was
seconded by COUNCILMAN WOOTEN.

WHEREAS, THE Town Clerk was authorized to publish and post a Notice to Bidders for supplies to make repairs at the East Creek Marina boardwalk in South Jamesport; and

WHEREAS, three (3) bids were received, opened and read aloud on the 18th day of June, 2009 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the supplies for repairs to the East Creek Boardwalk in South Jamesport be and is hereby awarded to Thurber Lumber Company, Inc. in the amount of Thirteen Thousand Two Hundred Seventy Six & 82/100 (\$13,276.82); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Office of Engineering to secure a Town of Riverhead purchase order from the Purchasing Department in the amount of \$13,276.82; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Thurber Lumber Company, Inc., P. O. Box 5849, Rocky Point, NY 11778, Engineering Department, Purchasing Department and the Office of Accounting.

THE VOTE

Blass Yes No

Dunleavy Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.



Office of the Town Clerk
Diane M. Wilhelm

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

TO: Supervisor Cardinale; Councilpersons Blass, Dunleavy, Wooten, Purchasing
Dept. - Mary Ann Tague, Engineering

FROM: Julie O'Neill, Deputy Town Clerk

DATE: June 18, 2009

RE: Open Bid Report for Misc. Supplies for S. Jamesport Dock Boardwalk
Improvements

Three bids were received and opened on Thursday, June 18, 2009 at 11:00am:

Thurber Lumber Co. Inc.
PO Box 5849
Rocky Point NY 11778
(631) 744-2424

\$13,276.82

Riverhead Building Supply
100 Precision Dr, Suite 2
Shirley, NY 11967
(631) 727-3650

\$14,300.57

Speonk Lumber
207 Montauk Hwy
Speonk, NY 11901
(631) 325-0303

\$14,885.97

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 687

**ADOPTS A LOCAL LAW AMENDING CHAPTER 79 ENTITLED
"MOBILE HOMES AND TRAVEL TRAILER PARKS"
OF THE RIVERHEAD TOWN CODE**

COUNCILMAN WOOTEN offered the following resolution, which 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 79 entitled "Mobile Homes and Travel Trailer Parks" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 16th day of June, 2009 at 7:05 o'clock p.m. at Riverhead 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 79 entitled "Mobile Homes and Travel Trailer Parks", 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 all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED 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 79 entitled "Mobile Homes and Travel Trailer Parks" of the Riverhead Town Code at its regular meeting held on July 7, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 79
MOBILE HOMES AND TRAVEL TRAILER PARKS**

§79-29. ~~Penalties for offenses~~ Placement and storage restrictions.

It shall be unlawful for any person, firm or corporation to store or place or cause or permit to be stored or placed a mobile home or travel trailer as those terms are defined in section 79-4 or any personal property associated with such mobile home or travel trailer upon any street, roadway or highway or sidewalk area within the Town of Riverhead.

~~§79-29.~~ §79-30. Penalties for offenses.

Any person, firm or corporation who shall violate or fail to comply with any of the provisions of this chapter shall be guilty of an offense and shall, upon conviction, be punishable by a fine of not less than ~~five dollars (\$5.)~~ one hundred dollars (\$100.) nor to exceed ~~one hundred dollars (\$100),~~ three hundred dollars (\$300.) or by imprisonment for a term not exceeding fifteen (15) days, or by both such fine and imprisonment. Each day that a violation is permitted to exist shall constitute a separate offense.

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

Dated: Riverhead, New York
July 7, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 688

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 65 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE RIVERHEAD TOWN CODE

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 65 entitled "Flood Damage Prevention" of the Riverhead Town Code, to be posted on the sign board of the Town, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of August, 2009 at 2:30 o'clock p.m. to consider a local law amending Chapter 65 entitled "Flood Damage Prevention" of the Riverhead Town Code as follows:

~~§ 65-4. Word usage; definitions.~~

~~A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.~~

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

~~APPEAL — A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.~~

~~AREA OF SHALLOW FLOODING — A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one-percent or greater annual chance of flooding to an average annual depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~AREA OF SPECIAL FLOOD HAZARD — The land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the "base floodplain" or "one-hundred-year floodplain."~~

~~BASE FLOOD — The flood having a one-percent chance of being equaled or exceeded in any given year.~~

~~BASEMENT — That portion of a building having its floor subgrade (below ground level) on all sides.~~

~~BREAKAWAY WALL — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

~~BUILDING — See "structure."~~

~~CELLAR — The same meaning as "basement."~~

~~COASTAL HIGH HAZARD AREA~~—An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

~~DEVELOPMENT~~—Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

~~ELEVATED BUILDING~~—A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor above the ground level by means of pilings, columns posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter wall with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

~~EXISTING MANUFACTURED HOME PARK OR SUBDIVISION~~—A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

~~EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION~~—The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

~~FEDERAL EMERGENCY MANAGEMENT AGENCY~~—The Federal agency that administers the National Flood Insurance Program.

~~FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)~~—An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

~~FLOOD ELEVATION STUDY~~—An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

FLOOD OR FLOODING

(1) — A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) — The overflow of inland or tidal waters.

(b) — The unusual and rapid accumulation of runoff of surface waters from any source.

(2) — "Flood or flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition above.

~~FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.~~

~~FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~FLOOD INSURANCE STUDY — See "flood elevation study."~~

~~FLOODPLAIN OR FLOOD PRONE AREA — Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")~~

~~FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~FLOODWAY — The same meaning as "regulatory floodway."~~

~~FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.~~

~~HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.~~

~~HISTORIC STRUCTURE — Any structure that is:~~

(1) — Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

- ~~(2) — Certified or preliminary determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~
- ~~(3) — Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or~~
- ~~(4) — Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~
 - ~~(a) — By an approved state program as determined by the Secretary of the Interior; or~~
 - ~~(b) — Directly by the Secretary of the Interior in states without approved programs.~~

~~LOCAL ADMINISTRATOR — The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.~~

~~LOWEST FLOOR — Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.~~

~~MANUFACTURED HOME — A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designated to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.~~

~~MEAN SEA LEVEL — For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.~~

~~MOBILE HOME — The same meaning as "manufactured home."~~

~~NATIONAL GEODETIC VERTICAL DATUM (NGVD) — As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.~~

~~NEW CONSTRUCTION — Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.~~

~~NEW MANUFACTURED HOME PARK OR SUBDIVISION — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.~~

~~ONE HUNDRED YEAR FLOOD — The same meaning as "base flood."~~

~~PRIMARY FRONTAL DUNE~~ — A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the "primary frontal dune" occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

~~PRINCIPALLY ABOVE GROUND~~ — At least fifty one percent (51%) of the actual cash value of the structure, excluding land value, is above ground.

~~RECREATIONAL VEHICLE~~ — A vehicle which is:

- ~~(1) Built on a single chassis;~~
- ~~(2) Four hundred (400) square feet or less when measured at the largest horizontal projections;~~
- ~~(3) Designed to be self-propelled or permanently towable by a light-duty truck; and~~
- ~~(4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.~~

~~REGULATORY FLOODWAY~~ — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies in § 65-14B of this chapter.

~~SAND DUNES~~ — Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

~~START OF CONSTRUCTION~~ — Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project and physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds, storage trailers), and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

~~STRUCTURE~~ — A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

~~SUBSTANTIAL DAMAGE~~ — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

~~SUBSTANTIAL IMPROVEMENT~~ — Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- ~~(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code enforcement official and which are the minimum necessary to assure safe living conditions; or~~
- ~~(2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~

~~VARIANCE — A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.~~

~~§ 65-5. Applicability.~~

~~This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Riverhead.~~

~~§ 65-6. Basis for establishing areas of special flood hazard.~~

~~A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:~~

- ~~(1) Flood Insurance Rate Map (multiple panels) Index No. 360805-0001-0025, whose effective date in June 2, 1992.~~
- ~~(2) A scientific and engineering report entitled "Flood Insurance Study, Town of Riverhead, New York, Suffolk County," dated June 1, 1982.~~

~~B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Clerk's office and the Building Engineering Department.~~

§65-4. Word Usage; definitions.

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of moderate wave action" means the portion of the SFHA landward of a V zone or landward of an open coast without mapped V zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches, or tsunamis, not riverine sources. Areas of moderate wave action may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces and are treated as V zones. The area of moderate wave action is an area within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an

average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VI-V30, VE, VO or V. The "Coastal high hazard area" shall also include areas on a FIRM within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, or area of moderate wave action to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by

means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of the Interior or
 - (b) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent

construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

§65-5. Applicability.

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Riverhead, Suffolk County.

§65-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Riverhead, Community Number 360805, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Map Panel Numbers:

36103C0427H, 36103C0428H, 36103C0429H, 36103C0433H, 36103C0434H, 36103C0437H, 36103C0439H, 36103C0440H, 36103C0441H, 36103C0442H, 36103C0443H, 36103C0444H, 36103C0451H, 36103C0452H, 36103C0453H, 36103C0454H, 36103C0456H, 36103C0457H, 36103C0460H, 36103C0461H, 36103C0462H, 36103C0463H, 36103C0466H, 36103C0467H, 36103C0476H, 36103C0477H, 36103C0478H, 36103C0479H, 36103C0483H, 36103C0486H, 36103C0487H, 36103C0491H

whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Suffolk County, New York, All Jurisdictions" dated September 25, 2009.

§ 65-7. Interpretation and conflict with other laws.

A. This chapter includes all revisions to the National Flood Insurance Program through ~~November 1, 1989~~ October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

§ 65-11. Designation of local administrator.

~~The Building Inspector~~ GIS Coordinator is hereby appointed local administrator to administer and implement ~~this chapter mapping and the Building Inspector is hereby appointed local administrator to administer and implement this chapter~~ by granting or denying floodplain development permits in accordance with its provisions.

§ 65-12. The floodplain development permit.

B. Fees. All applications for floodplain development permits shall be accompanied by an application fee of ~~thirty~~ fifty dollars (\$~~30~~ 50). In addition, the applicant shall be responsible for reimbursing the Town of Riverhead for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than five hundred dollars (\$500.) to cover these additional costs.

§ 65-13. Application for permit.

I. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, or in an area of moderate wave action, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.

J. In Zones V1-V30 and VE, and also Zone V if base flood elevations are available, or in an area of moderate wave action, for all new and substantial improvements to structures, floodplain development permit applications, accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of the chapter.

§ 65-14. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited the following:

D. Construction stage.

(2) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, or in an area of moderate wave action, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site one hundred eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use). An elevation certificate must also be submitted for a recreational vehicle if it remains on a site 180 consecutive days or longer (unless it is fully licensed and ready for highway use).

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

- ~~(4) Certificates required pursuant to §§ 65-18N and 65-13H.~~
- ~~(5) 4) Variances issued pursuant to §§ 65-22 and 65-23.~~
- ~~(6) 5) Notices required under Subsection C of this section.~~

§ 65-15. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designed in §65-6:

A. Coastal high-hazard areas. The following requirements apply within Zones V1-V30, VE and V or in an area of moderate wave action:

B. Subdivision ~~approvals~~ proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured homes and recreational vehicle parks and subdivisions):

§ 65-16. Standards for all structures.

B. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

B-C. Construction materials and methods.

(1) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(2) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(a) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following criteria:

[1] A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

[2] The bottom of all such openings no higher than one (1) foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

(3) Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, or in an area of moderate wave action, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with nonsupporting breakaway walls, open wood latticework or insect

screening intended to collapse, under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

C D. Utilities.

~~(1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air conditioning equipment, hot water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.~~

New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

§ 65-17. Residential structures Elevation (except coastal high hazard areas).

The following standards, in addition to the standards in Subsections B and C of § 65-15 and §65-16, apply to structures located in areas of special flood hazard as indicated:

~~A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.~~

Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

~~C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 65-6.~~

Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two

feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in §65-6 (at least two feet if no depth number is specified).

~~§ 65-18. Residential structures (coastal high hazard areas).~~

The following standards, in addition to the standards in § 65-15 A and B, and § 65-16, Standards for all structures, apply to structures located in areas of special flood hazard as shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in § 65-6.

A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand stone action or break away without imparting damaging loads to the structure) is elevated to or above the level of the base flood so as not to impede the flow of water.

B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

(1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.

(2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

(3) Wind loading values used shall be those required by the Building Code. EN

C. Foundation standards.

(1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).

(2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

D. Pile foundation design.

(1) The design ratio of pile spacing to pile diameter shall not be less than eight to one (8:1) for individual piles. (This shall not apply to pile clusters located below the design grade.) The maximum center to center spacing of wood piles shall not be more than twelve (12) feet on center under load-bearing sills, beams or girders.

(2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads and shall include consideration of decreased resistance capacity caused by erosion of soil strata

surrounding the piles. The minimum penetration for foundation piles is to be an elevation of five (5) feet below mean sea level (msl) datum if the base flood elevation BFE is +10 msl or less or to be at least ten (10) feet below msl if the BFE is greater than +10 msl.

(3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.

(4) The minimum acceptable sizes for timber piles are a tip diameter of eight (8) inches for round timber piles and eight by eight (8 x 8) inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.

(5) Reinforced concrete piles shall be cast of concrete having a twenty-eight day ultimate compressive strength of not less than five thousand (5,000) pounds per square inch and shall be reinforced with a minimum of four (4) longitudinal steel bars, having a combined area of not less than one percent (1%) nor more than four percent (4%) of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than one and one-fourth (1 1/4) inches for No. 5 bars and smaller and not less than one and one-half (1 1/2) inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than two (2) inches.

(6) Piles shall be driven by means of a pile driver or drop hammer, jetted or augured into place.

(7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.

(8) When necessary, piles shall be braced at the ground line in both directions by a wood-timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.

(9) Diagonal bracing between pile, consisting of two by eight inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation and aligned in the line. Galvanized steel rods

(10) Knee braces, which stiffen both the upper portion of a pile and the beam to pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be a two by eight inch timber bolted to the sides of the pile/beam or four by four inch or larger braces framed into the pile/beam. Bolting shall consist of two (2) five-eighths inch galvanized steel bolts (each end) for two by eight inch members or one (1) five-eighths inch lag bolt (each end) for square members. The knee brace shall not extend more than three (3) feet below the elevation of the base flood.

E. Column foundation design. Masonry piers of poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads and be connected with a mount-resisting connection to a pile cap or pile shaft.

F. Connectors and fasteners. Galvanized metal connectors, wood connectors or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

G. Beam to pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be

fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or, if precast, shall be securely connected by bolting and welding. If sills, beams or girders are attached to a wood piling at a notch, a minimum of two (2) five eighths inch galvanized steel bolts or two (2) hot tipped galvanized straps three sixteenths by four by eighteen (3/16 x 4 x 18) inches each, bolted with two (2) one half inch lag bolts per beam member, shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below fifty percent (50%).

H. Floor and deck connections.

(1) Wood two by four inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be one by three inch members, placed eight (8) feet on center maximum, or solid bridging of same depth as joist at same spacing.

(2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than three fourths (3/4) inch total thickness and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32 inch or thicker plywood sheathing overlapping the top wall plate and continuing down to the sill, beam, or girder may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then two by four inch nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of one half inch diameter or galvanized steel straps not less than one (1) inch wide by one sixteenth (1/16) inch thick may be used to connect from the top wall plate to the sill, beam or girder. Washers with a minimum diameter of three (3) inches shall be used at each end of the one half inch round rods. These anchors shall be installed no more than two (2) feet from each corner rod, no more than four (4) feet on center.

J. Ceiling joist/rafter connections.

(1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

(2) Gable roofs shall be additionally stabilized by installing two by four inch blocking on two foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight (8) feet toward the house interior from each gable end.

K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of two (2) feet, and joist overhangs and porches will be permitted if designed or reviewed by a registered professional engineer or architect and certified in accordance with § 65-13J of this chapter.

~~L. Roof sheathing.~~

~~(1) Plywood or other wood material, when used as roof sheathing, shall not be less than fifteen thirty seconds (15/32) inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.~~

~~(2) All corners, gable ends and roof overhangs exceeding six (6) inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end or roof overhang.~~

~~(3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys and other points of discontinuity in the roofing surface.~~

~~M. Protection of openings. All exterior glass panels, windows and doors shall be designed, detailed and constructed to withstand loads due to the design wind speed of seventy-five (75) miles per hour. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple-panel sliding glass doors shall not exceed three (3) feet.~~

~~N. Breakaway wall design standards.~~

~~(1) The breakaway wall shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure shall be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.~~

~~(2) Use of breakaway wall strengths in excess of twenty (20) pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components and certifies that the breakaway walls will fail under water loads less than those that would occur during the base flood; and the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the Building Code. EN~~

~~§ 65-19. Nonresidential structures (except coastal high hazard areas).~~

~~The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in §§ 65-15B and C and § 65-16, Standards for all structures.~~

~~A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:~~

~~(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or~~

~~(2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.~~

~~B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:~~

~~(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM [at least two (2) feet if no depth number is specified]; or~~

~~(2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 65-19A(2).~~

~~C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that certifies the design and methods of construction are in accordance with accepted standards or practice for meeting the provisions of § 65-19A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.~~

~~D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.~~

~~E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.~~

~~§ 65-20. Nonresidential structures (coastal high hazard areas).~~

~~In Zones V1-V30, VE, and also Zone V if base flood elevations are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to the base floor elevation in Zones V1-V30, VE and V.~~

~~§ 65-21. Manufactured homes and recreational vehicles.~~

~~The following standards in addition to the standards in §§ 65-15 and 65-17 apply to areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:~~

~~A. Recreational vehicles:~~

~~(1) Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V and VE shall either:~~

~~(a) Be on site fewer than one hundred eighty (180) consecutive days;~~

~~(b) Be fully licensed and ready for highway use; or~~

~~(c) Meet the requirements for manufactured homes in Subsections B, D and E below.~~

~~(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick-disconnect-type utilities and security devices and has no permanently attached additions.~~

~~B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30 or VE that is on a site either outside of an existing manufactured home park or subdivision, as herein defined; in a new manufactured home park or subdivision, as herein defined; in an expansion to an existing manufactured home park or subdivision, as herein defined; or in an existing manufactured home park or subdivision, as herein defined, on which a manufactured home has incurred substantial damage as the result of a flood shall, within Zones A1-A30, AE and AH, be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement or, within Zones V1-V30 and VE, be elevated on a pile foundation such that the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) is elevated to or above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry-stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.~~

~~C. A manufactured home to be placed or substantially improved in Zone A1-A30, AE, AH, V1-V30 or VE, in an existing manufactured home park or subdivision, that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be elevated in a manner such as required in Subsection B above or elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry-stacked blocks is prohibited.~~

~~D. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry-stacked blocks is prohibited.~~

~~E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 65-6 [at least two (2) feet if no depth number is specified]. Elevation on piers consisting of dry-stacked blocks is prohibited.~~

§ 65-18. Residential structures (coastal high hazard areas).

The following standards, in addition to the standards in §65-15 A, Coastal high hazard areas, and §65-15 B, Subdivision proposals, and §65-16, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE or V, or in an area of moderate wave action, on the community's Flood Insurance Rate Map designated in §65-6.

A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

(1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runoff beyond the elevation of the base flood.

(2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

(3) Wind loading values used shall be those required by the building code.

C. Foundation standards.

(1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).

(2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

D. Pile foundation design.

(1) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade).

The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.

- (2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the BFE is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.
- (3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.
- (4) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.
- (5) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.
- (6) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augured into place.
- (7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.
- (8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.
- (9) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.

(10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.

E. Column foundation design. Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.

F. Connectors and fasteners. Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

G. Beam to pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.

H. Floor and deck connections.

(1) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.

(2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

J. Ceiling joist/rafter connections.

- (1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.
- (2) Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

L. Roof sheathing.

- (1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.
- (2) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.
- (3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

M. Protection of openings. All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.

N. Breakaway wall design standards.

- (1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.
- (2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

§ 65-19. Nonresidential structures (except coastal high hazard areas).

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in §65-15 B, Subdivision proposals, and §65-15 C, Encroachments, and §65-16, Standards for all structures.

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:

- (1) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
- (2) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(2) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in §65-16 D.

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of §65-19 A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 65-20. Non-residential structures (coastal high hazard areas).

In Zones V1-V30, VE and also Zone V if base flood elevations are available, or in an area of moderate wave action, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE and V.

§65-21. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in §65-15, General standards, and §65-16, Standards for all structures, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V, and VE shall either:

(1) be on site fewer than 180 consecutive days,

(2) be fully licensed and ready for highway use, or

(3) meet the requirements for manufactured homes in §65-21 B, C and D.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30, V, and VE shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

C. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in §65-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

07/07/09

Adopted

TOWN OF RIVERHEAD

Resolution #689

AUTHORIZES SUPREME COURT ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEES OF PREMISES LOCATED AT YOUNGS AVENUE, RIVERHEAD NEW YORK AND THE RETENTION OF THE LAW FIRM OF TWOMEY, LATHAM, SHEA, KELLEY, LLP TO ACT AS SPECIAL COUNSEL IN THE MATTER

Councilman Dunleavy offered the following resolution, was seconded by Councilman Wooten:

WHEREAS, the Town Board desires to retain the firm of Twomey, Latham, Shea and Kelley, et al. to act as special counsel in connection the commencement of Supreme Court action for the enforcement of Riverhead Town Code against the owners, operators, tenants and mortgages of property located at Youngs Avenue, Riverhead, New York

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Law Firm of Twomey, Latham, Shea, Kelley, et al. to act as legal counsel and to initiate litigation against the owners, tenants, occupants and mortgagees of premises located at Youngs Avenue, Riverhead New York (SCTM # 0600-80-2-14.1) in Supreme Court to enforce the Town Code of the Town of Riverhead, which litigation may seek injunctive relief in connection; and be it further

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

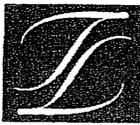
RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Twomey, Latham, Shea, Kelley, LLP., Second Street, Riverhead, New York 11901; the Office of the Supervisor; the Town Attorney's Office and the Office of Accounting.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED



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PATRICK B. FIFE
LAUREN E. STILES

OF COUNSEL
KENNETH P. LAVALLE
JOAN C. HATFIELD Δ
PHILIP D. NYKAMP ▼

† LL.M. IN TAXATION
♦ LL.M. IN ESTATE PLANNING
○ NY & LA BARS
Δ NY & CT BARS
• NY & NJ BARS
▼ NY, NJ, CT, & FL BARS
▼ NY & SC BARS

July 7, 2009

Dawn Thomas, Esq.
Town Attorney
Town of Riverhead
Town Hall
200 Howell Avenue
Riverhead, N.Y. 11901

Re: Town of Riverhead v. Crown Sanitation

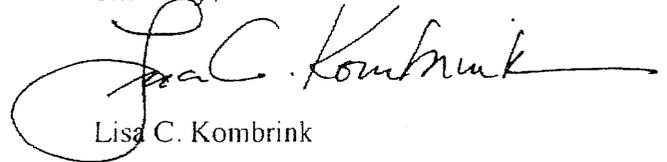
Dear Dawn:

We welcome the opportunity to represent the Town of Riverhead in an action to enjoin Crown Sanitation (Peter and Frank Rosaro) from sandmining an agricultural parcel next to the Town's landfill.

This letter will serve as our engagement letter. Attached is an explanation of our billing procedures set forth in Schedule A. If this retainer letter and the attached schedule meet with your approval, please indicate your acceptance by signing the original of this letter and Schedule A, where provided, and returning them to me.

Thank you for this opportunity to be of service to the Town.

Sincerely,



Lisa C. Kombrink

LCK:jo
enc.

AGREED AND ACCEPTED:

Dawn Thomas, Town Attorney
Town of Riverhead

OTHER OFFICE LOCATIONS:
20 Main Street
East Hampton, NY 11937
631.324.1200

51 Hill Street
Southampton, NY 11968
631.287.0090

400 Townline Road
Suffrage, NY 11788
265.1414

5634C Main Road
P.O. Box 325
Southold, NY 11971
631.765.2300

SCHEDULE A

1. Our hourly rate for this matter will be \$175 per hour for all attorneys.
2. The hourly rates apply to all time expended relative to your matter including, but not limited to, office meetings and conferences, telephone calls and conferences, either placed by or placed to you, or otherwise made or had on your behalf or related to your matter, preparation, review and revision of correspondence, pleadings, motions, disclosure demands and responses, affidavits, and affirmations or any other documents, memoranda, or papers relative to the client's matter, legal research, court appearances, conferences, file review, preparation time, travel time, and any other time expended on behalf of or in connection with the client's matter.
3. Should you discontinue our service prior to a disposition by court order, any unearned portion of the retainer fee you advanced to this firm will be refunded to you.
4. Notwithstanding the above, if the attorney-client relationship is terminated without your matter having been concluded, e.g., if the action was discontinued, or if you were to discharge the law firm as your attorneys, or if the law firm were to withdraw its representation, a fair and reasonable fee would be determined in accordance with legally accepted standards.
5. You have the absolute right to cancel this retainer agreement at any time. Should you exercise this right, you will be charged only the fee expenses (time charges and disbursements) incurred within that period, based upon the hourly rates set forth in this retainer agreement, and the balance of the retainer fee, if any, will be promptly refunded to you.
6. You agree to pay us such additional fees and to reimburse us for disbursements that may be due from time to time not later than thirty (30) days from the date that we shall submit a bill to you for same. If an amount due to us is not paid within sixty (60) days after our statement to you of the amount due, interest at the rate of eight (8%) percent per annum (or interest at the prevailing statutory rate as set forth in the Civil Practice Law and Rules) shall be added to the balance due us.
7. In addition to the foregoing, your responsibility will include direct payment or reimbursement to this firm for disbursements advanced on your behalf, the same to include, but not limited to, court filing fees, recording fees, charges of process servers, travel expenses, copying costs, messenger services, necessary secretarial overtime, transcripts and the customary fees of stenographers referable to examinations before trial in the event such examinations are utilized.
8. The hourly rates set forth in this retainer agreement will remain in effect throughout the period of our representation for the matter set forth in this retainer agreement, unless changed by mutual consent of you and our firm, in which event, any modification of the hourly rates shall be reduced to writing and signed by you and our firm.
9. You will be billed periodically, generally each month, but in no event less frequently than every sixty (60) days. Included in the billing will be a detailed explanation of the

services rendered, by whom rendered, and the disbursements incurred by our firm in connection with your matter.

10. We shall keep you informed of the status of your case, and agree to explain the laws pertinent to your situation, the available course of action, and the attendant risks. We shall notify you promptly of any developments in your case.

11. You are advised that if, in the judgment of this firm, we decide that there has been an irretrievable breakdown in the attorney-client relationship, or a material breach of the terms of this retainer agreement, we may decide to withdraw from representation.

12. In the event that any bill from the law firm remains unpaid beyond a sixty- (60-) day period, the client agrees that the law firm may withdraw its representation, at the option of the firm. In the event that an action is pending, and absent your consent, an application must be made to the Court for such withdrawal. Where the fee is unpaid for the period set forth above, the client acknowledges that in connection with any such withdrawal application, the account delinquency shall be good cause for withdrawal.

13. While we strive to avoid any fee disputes with our clients and rarely have such disputes, in the event such a dispute does arise, you are advised that you have the right to seek arbitration to resolve the fee dispute.

14. (a) No one particular member of the law firm is being retained but, rather, the law firm, as an entity, is undertaking legal representation of the client pursuant to this Retainer Agreement and the law firm reserves the right to assign and delegate all aspects of such representation to the law firm, in its sole discretion, deems appropriate.

(b) Likewise, law clerks and paralegals are often called upon to assist in document production, file organization, preparation and review of financial statements and data, and such other duties as are assigned by the firm.

15. There are no additional or different terms or agreements other than those expressly set forth in this written agreement.

16. This firm has made no representations, expressed or implied, concerning the outcome of our representation. This firm has not guaranteed and cannot guarantee the success of any action taken by the firm on your behalf during such litigation with respect to any matter therein.

I HAVE READ AND UNDERSTAND THE ABOVE SCHEDULE A, HAVE RECEIVED A COPY AND ACCEPT ALL OF ITS TERMS

Dawn Thomas, Town Attorney
Town of Riverhead

TOWN OF RIVERHEAD

Resolution # 690

Tabled

DRAFT

**Grants Special Use Permit Petition of
Atlantis Holding Company, LLC**

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Atlantis Holding Company, LLC to allow the construction of a 120 room hotel with related improvements upon real property located at Route 25, Riverhead, New York; such property more particularly described as Suffolk County Tax Lot Number 0600-129-4-20, 21.1 and 21.2, and

WHEREAS, the environmental impacts of the proposed project were analyzed in the Generic Environmental Impact Statement prepared by AKRF and dated _____, to support modification of the East Main Street Urban Renewal Plan, and

WHEREAS, the matter was referred to the Riverhead Zoning Board of Appeals and by Determination Number 09-31 relief was granted for off-street parking within the front yard, and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and recommendation; such Planning Commission conditionally approving the subject petition, and

WHEREAS, the Riverhead Town Board has carefully considered the merits of the special use permit petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the report of the Suffolk County Planning Commission the commentary heard at the relevant public hearing as well as all other pertinent planning, zoning and environmental information, now

THEREFORE BE IT

RESOLVED, that in the matter of the special permit petition of Atlantis Holding Company, LLC, the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines the action to be Unlisted without significant impacts upon either the natural or social environment and that a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that with respect to the special permit petition of Atlantis Holding Company, LLC, the Riverhead Town Board hereby makes the following findings:

- (i) the site is particularly suitable for the location of the use in the community;

BE IT FURTHER,

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special use permit of Atlantis Holding Company, LLC, and

BE IT FURTHER,

RESOLVED, that the applicant shall complete all construction and commence the special use within three (3) years from the date of this approval, and

BE IT FURTHER,

RESOLVED, that a copy of this resolution be forwarded to Eric Russo, Attorney at Law, as agent for the applicant, the Building Department, the Town Attorney, the Fire Marshal, the Accounting Department and that a copy be scanned on to the Town Hall Share Drive for future reference.

THE VOTE

DUNLEAVY YES ___ NO BUCKLEY ~~___ YES ___ NO~~

BLASS YES ___ NO WOOTEN YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

RESOLUTION # <u>691</u> ABSTRACT #09-24 June 18, 2009 (TBM 07/07/09)				
<u>Councilwoman Blass</u> offered the following Resolution which was seconded by				
<u>Councilman Dunleavy</u>				
FUND NAME			CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		1,428,937.30	1,428,937.30
RECREATION PROGRAM FUND	6		5,629.61	5,629.61
CHILD CARE CENTER BUILDING FUN	9		1,310.00	1,310.00
ECONOMIC DEVELOPMENT ZONE FUND	30		3,157.28	3,157.28
HIGHWAY FUND	111		87,565.79	87,565.79
WATER DISTRICT	112		99,099.76	99,099.76
RIVERHEAD SEWER DISTRICT	114		31,054.11	31,054.11
REFUSE & GARBAGE COLLECTION DI	115		13,658.44	13,658.44
STREET LIGHTING DISTRICT	116		10,937.22	10,937.22
EAST CREEK DOCKING FACILITY FU	122		1,468.88	1,468.88
CALVERTON SEWER DISTRICT	124		2,212.34	2,212.34
RIVERHEAD SCAVANGER WASTE DIST	128		20,212.16	20,212.16
WORKERS' COMPENSATION FUND	173		19,341.07	19,341.07
RISK RETENTION FUND	175		480.79	480.79
CDBG CONSORTIUM ACOUNT	181		755.53	755.53
TOWN HALL CAPITAL PROJECTS	406		136,653.08	136,653.08
WATER DISTRICT CAPITAL PROJECT	412		299,512.22	299,512.22
TRUST & AGENCY	735		1,527,467.18	1,527,467.18
SPECIAL TRUST	736		168,024.96	168,024.96
COMMUNITY PRESERVATION FUND	737		1,715.97	1,715.97
TOTAL ALL FUNDS			3,859,193.69	3,859,193.69

THE VOTE

Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

RESOLUTION # <u>691</u> ABSTRACT #09-25 June 25, 2009 (TBM 07/07/09)				
Councilwoman Blass offered the following Resolution which was seconded by				
Councilman Dunleavy				
FUND NAME			CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		152,235.94	152,235.94
RECREATION PROGRAM FUND	6		0.00	0.00
ECONOMIC DEVELOPMENT ZONE FUND	30		7.47	7.47
MULTI YEAR OPERATING GRANT FUN	99		7,187.52	7,187.52
HIGHWAY FUND	111		31,669.69	31,669.69
WATER DISTRICT	112		18,960.36	18,960.36
RIVERHEAD SEWER DISTRICT	114		54,095.02	54,095.02
REFUSE & GARBAGE COLLECTION DI	115		333.43	333.43
STREET LIGHTING DISTRICT	116		3,145.33	3,145.33
PUBLIC PARKING DISTRICT	117		36.70	36.70
BUSINESS IMPROVEMENT DISTRICT	118		3,200.00	3,200.00
AMBULANCE DISTRICT	120		6,309.53	6,309.53
EAST CREEK DOCKING FACILITY FU	122		335.80	335.80
CALVERTON SEWER DISTRICT	124		8,784.16	8,784.16
RIVERHEAD SCAVANGER WASTE DIST	128		10,232.39	10,232.39
WORKERS' COMPENSATION FUND	173		44,949.96	44,949.96
RISK RETENTION FUND	175		6,415.27	6,415.27
CDBG CONSORTIUM ACOUNT	181		568.22	568.22
RESTORE GRANT PROGRAM	184		295.00	295.00
TOWN HALL CAPITAL PROJECTS	406		37,695.40	37,695.40
CALVERTON SEWER CAPITAL PROJEC	424		5,423.08	5,423.08
SCAVENGER WASTE CAPITAL PROJEC	428		37,421.00	37,421.00
SENIORS HELP SENIORS CAP PROJE	453		34.05	34.05
TRUST & AGENCY	735		664,226.18	664,226.18
TOTAL ALL FUNDS			1,093,561.50	1,093,561.50

July 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 692

**APPROVES THE SITE PLAN OF 213 COURT ST. AND WAIVES THE REQUIREMENT OF
ACCESS FOR EMERGENCY VEHICLES PURSUANT TO CHAPTER 108
(\$108-60 E (5)(c)) OF THE RIVERHEAD TOWN CODE**

RESOLUTION #

Councilwoman Blass offered the following resolutions, which was seconded by

Councilman Dunleavy.

WHEREAS, a site plan was submitted by William Andes Jr., to demolish an existing structure and construct a three-story office building with a building lot coverage of 1,551 sq. ft. and a total floor area of 4,653 sq. ft.; a paved parking area; brick interlocking pavement walkways and a portion of the driveway; a new concrete apron, curb, and sidewalk; and related improvements upon real property located at 213 Court Street in Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-3-23; and

WHEREAS, the Architectural Review Board recommended approval of the project with the following conditions: 1. Project to be completed as prepared on site plan/elevations last revised on January 13, 2009 by Martin Sendlewski, A. I. A., 215 Roanoke Ave., Riverhead, NY. 2. Depth of pediments to be increased to a 6 foot minimum, which will be shown on final working drawings. 3. Details for raised quoins will be provided on final working drawings.

WHEREAS, the Architectural Review Board reviewed the revised plans dated April 29, 2009 at the May 27, 2009 Architectural Review Board meeting and indicated they are satisfied with the minor changes made;

WHEREAS, a copy of the site plan application was referred to the Suffolk County Planning Commission and was determined to be a matter for local determination with no significant county-wide or inter-community impact(s);

WHEREAS, the Zoning Board of Appeals granted relief (appeal no. 07-38 dated June 28, 2007) as sought to Chapter 108, Section 108-307 requesting permission to construct a three-story office building with a front porch having a front yard depth of 6.7 feet instead of the required 10 feet with porch, having a side yard width of 3.4 feet instead of 10 feet and Section 108-60 requesting permission to provide for 7 off-street parking spaces instead of the required 26 parking spaces, subject to the condition: Payment of the Off-Street Parking Space Fee pursuant to the special provisions set forth in Section 108-76 C of the Town of Riverhead Zoning Code;

Councilwoman Blass offered to take resolution off the floor. Councilman Dunleavy seconded. The VOTE: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes.

Planning-K.G. Councilwoman Blass then offered the resolution for adoption. Councilman Dunleavy seconded. The VOTE: Wooten, yes; Dunleavy, yes; Blass, yes; Cardinale, yes. The resolution is ADOPTED.

WHEREAS, the on June 12, 2008 the Zoning Board of Appeals adopted a motion extending the above cited determination to June 28, 2010 as per Chapter 108-Section 76 D of the Code of the Town of Riverhead;

WHEREAS, the Off-Street Parking Space Fee was received as per the Office of the Financial Administrator of the Town of Riverhead;

WHEREAS, an application was made for a waiver of the emergency vehicle access requirements of Chapter 108-60 E (5) of the Riverhead Town Code;

WHEREAS, the Fire Marshal has no objection to the request for a waiver of the requirements of emergency vehicle access required by Chapter 108 of the Code of the Town of Riverhead due to the proposed frontage of the Building on Court Street and the locations of fire hydrants in proximity to the proposed structure;

WHEREAS, §108-60 E (5) (c) of the Riverhead Town Code provides for the relief of this requirement;

WHEREAS, as per §108-308, the supplementary guidelines for the Downtown Center 3 Zoning District are intended as a guide or measure for improvements to parcels in this zoning district and the word “shall” recited, with the exception of §108-308 B(1) which requires adherence to the parking schedule, is intended to obtain compliance with the provisions to the maximum extent practicable as determined by the Board responsible for review;

WHEREAS, the Planning Department has reviewed the site plan (page SP-1) prepared by Martin F. Sendlewski, R. A., last revised April 29, 2009, and floor (page A1.2) and elevation (pages A-3.1 and A-3.2) plans prepared Martin F. Sendlewski, R. A., last revised April 29, 2009, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions;

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

WHEREAS, a portion of the site plan review fee required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received by the Office of the Financial Administrator of the Town of Riverhead as per receipt no. G28919; and

WHEREAS, the Town Board has reviewed the site plan aforementioned;

NOW THEREFORE BE IT RESOLVED, that in the matter of the site plan application of William Andes Jr., the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be an Unlisted action pursuant to 6NYCRR Part 617 without significant impact and that an Environmental Impact Statement need not be prepared;

BE IT FURTHER RESOLVED, that the Town Board has determined the following:

That it is appropriate to waive the requirement of §108-60 E (5) of the Riverhead Town Code;

That the 37% linear width of the front façade comprised of transparent windows meets the provisions of 108-308 A(2) to the maximum extent practicable;

That the amount of parking lot landscaping shown meets the provisions of 108-308 B (8) to the maximum extent practicable;

That the stormwater management provisions listed in 108-308 B (9) are met to the maximum extent practicable.

That the site plan (page SP-1) prepared by Martin F. Sendlewski, R. A., last revised April 29, 2009, and floor (page A1.2) and elevation (pages A-3.1 and A-3.2) plans prepared by Martin F. Sendlewski, R. A., last revised April 29, 2009, to demolish an existing structure and construct a three-story office building with a building lot coverage of 1,551 sq. ft. and a total floor area of 4,653 sq. ft.; a paved parking area; brick interlocking pavement walkways and a portion of the driveway; a new concrete apron, curb, and sidewalk; and related improvements, is hereby approved by the Town Board with the following conditions:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;
4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
7. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
8. That all new utilities shall be constructed underground;

9. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
10. That all nursery stock and installation methods thereof shall meet the latest “American Standards for Nursery Stock,” as published by the American Association of Nurserymen;
11. The applicant must satisfy all requirements of the New York State Building Code;
12. That pursuant to Section 108-133(I) of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing or building permit, shall post a letter of credit in an amount equaling one hundred percent (100%) of the site improvement costs as estimated by the Planning Board. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said letter of credit, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The land clearing or building permit shall not be issued until the Town Clerk certifies that the letter of credit has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the clearing or building permit or any renewal thereof;
13. That the applicant shall be required to file and obtain all the necessary site inspections as prescribed in section 108-131E of the Code of the Town of Riverhead;
14. That no Demolition Permit or Building Permit shall issue prior to the following:
 - (i) Payment to the Planning Department of the remaining \$685.68 due for full payment of the site plan fee;
 - (ii) The submission of a mylar copy of the site plan (including pages SP-1, A1.2, A-3.1. and A-3.2) not exceeding the standard D size drawing (24” x 36”) and including a Town Board Certification box, on each page of the plans, in a format approved by the Planning Department and:
 - (a) Correcting the common area square footage and office area square footage listed under the building area diagram so that the listed square footages (for each floor and in total) conform with the square footages listed inside the building area diagram;
 - (b) Correcting the square footage of office area included in the parking calculations; and
 - (c) Labeling the bollards at the gas meter location;
 - (iii) The submission of six paper copies of the site plan matching the mylar site plan, including the Town Board certification box on each page of the plans;
 - (iv) Proof of a road opening permit from the Town of Riverhead Highway Department;
 - (v) Submission of certification of clean title to the satisfaction of the Town Attorney;

