

September 1, 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. #821 Appoints Deputy Town Supervisor**
- Res. #822 Oakleigh Avenue Drainage Capital Project Budget Adoption**
- Res. #823 General Fund Budget Adjustment**
- Res. #824 Scavenger Waste District Budget Adjustment**
- Res. #825 Accepts 100% Security of New York SMSA Limited Partnership D/B/A Verizon Wireless (Holiday Inn Express)**
- Res. #826 Ratifies the Appointment of an Automotive Equipment Operator to the Highway Department (Jeffrey Gibbs)**
- Res. #827 Ratifies the Appointment of a Grants Technician (Frank Messina)**
- Res. #828 Appoints a Part-Time Maintenance Mechanic I (David Davis)**
- Res. #829 Ratifies the Appointment of a Call-In Beach Attendant/ Concession Stand Operator to the Recreation Department (Elizabeth Flood)**
- Res. #830 Appoints a Call-In Recreation Aide Level II to the Riverhead Recreation Department (Daniel Dunn)**
- Res. #831 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 916 East Main Street, Riverhead, New York**
- Res. #832 Ratifies the Supervisor's Execution of Riverhead Charter School's New York State Department of Education Grant Application**

- Res. #833 Approves Chapter 90 Application of Peconic Bay Region of the Antique Automobile Club of America**
- Res. #834 Approves the Application for Fireworks Permit of Gabriella Billanti (Wedding at Vineyard Caterers)**
- Res. #835 Approves Chapter 90 Application of Peconic Bay Medical Center (Yard Sale – October 3, 2009)**
- Res. #836 Resolution Supporting the County of Suffolk’s Placement of a No Left Turn Sign on County Road 105 at its Intersection with Riverside Drive**
- Res. #837 Awards Bid on a John Deere Model 5525 Tractor with a Cheetah 17.5’ Flail Boom Mower or Approved Equal**
- Res. #838 Awards Bid for Water Meters and Accessory Equipment for Use in the Riverhead Water District**
- Res. #839 Adopts a Local Law Amending Chapter 96 Entitled “Trash, Rubbish and Refuse Disposal” of the Riverhead Town Code**
- Res. #840 Adopts a Local law Amending Chapter 54 Entitled “Unsafe Buildings and Collapsed Structures” of the Riverhead Town Code**
- Res. #841 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXVI – Site Plan Review)**
- Res. #842 Adopts a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Town of Riverhead (§108-56. Signs)**
- Res. #843 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 I General Provisions, Structure)**
- Res. #844 Grants Special Use Permit of Presto-O-Peconic**
- Res. #845 Pays Bills**

WITHDRAWN
TOWN OF RIVERHEAD

Tabled

Resolution # 714

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"

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 30, 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", §108-3 of the Riverhead Town Code entitled "Definitions", 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

09.01.09 Town Board Meeting - Barbara Blass offered to UNTABLE, John Dunleavy seconded.
THE VOTE - Dunleavy, yes; Blass, yes; Cardinale, yes; The resolution is UNTABLED
Barbara Blass then offered to WITHDRAW the resolution, John Dunleavy seconded.
THE VOTE - Dunleavy, yes; Blass, yes; Cardinale, yes; THE RESOLUTION IS WITHDRAWN

**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 1st day of September, 2009 at 2:10 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-3 entitled "Definitions", of the Riverhead Town Code as follows:

CHAPTER 108
ZONING
ARTICLE I
General Provisions

STRUCTURE -- A combination of materials, other than a building, forming a construction ~~that is safe and stable~~ for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water. ~~Excluded shall be~~ For purposes of this definition, a "structure" shall not include a combination of such materials having a total floor area of less than 50 square feet ~~and which is used for purposes provided the use is for other than a family dwelling unit,~~ storage, business, farm or industrial purposes. Also excluded shall be fences four feet or less in height in a front yard and six feet or less in height elsewhere on a lot.

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

Dated: Riverhead, New York
July 21, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

September 1, 2009

WITHDRAWN

TOWN OF RIVERHEAD

Resolution # 821

APPOINTS DEPUTY TOWN SUPERVISOR

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

WHEREAS, Councilwoman Barbara Blass has provided years of hard work and dedication to the Town of Riverhead; and

WHEREAS, the Supervisor wishes to acknowledge her efforts and dedication by her appointment as Deputy Supervisor effective September 1, 2009 and continuing through the expiration of her term as Councilwoman; and

WHEREAS, Executive Assistant William Welsh was appointed to the position of Deputy Supervisor by Resolution No. 1155 adopted on December 18, 2007; and

WHEREAS, Executive Assistant William Welsh has offered to relinquish his appointment as Deputy Supervisor to enable Councilwoman Barbara Blass to serve as Deputy Supervisor;

NOW, THEREFORE, BE IT RESOLVED that the Town Board accepts Executive Assistant William Welsh's resignation from his position as Deputy Supervisor effective September 1, 2009; and be it further

RESOLVED that Councilwoman Barbara Blass is hereby appointed to the position of Deputy Town Supervisor effective September 1, 2009 and continuing through the expiration of her term as Councilwoman, in which she will serve without additional compensation; and be it further

RESOLVED that the Town Clerk be and is hereby directed to forward a copy of this resolution to Councilwoman Barbara Blass; 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 ^{*absent*} ~~___~~ YES ~~___~~ NO DUNLEAVY YES ___ NO
BLASS YES ___ NO
CARDINALE YES ___ NO
THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

September 1, 2009

Adopted

TOWN OF RIVERHEAD

OAKLEIGH AVENUE DRAINAGE CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 822

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>
406.095710.494200.45111	Serial Bond Proceeds	275,000	
406.085400.491000.45111	County Aid	105,000	
406.085400.523008.45111	Drainage Construction		380,000

THE VOTE

absent
Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



September 1, 2009

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 823

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS.

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

		<u>FROM</u>	<u>TO</u>
001.014400.524000	Engineering – Equipment	2,500	
001.014400.542100	Office Supplies	1,580	
001.016800.524000	IT - Equipment		4,080

THE VOTE

absent
Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

Sept 1, 2009

Adopted

TOWN OF RIVERHEAD
SCAVENGER WASTE DISTRICT
BUDGET ADJUSTMENT
RESOLUTION # 824

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 adjustment:

		<u>FROM</u>	<u>TO</u>
128.081890.542503	Chemicals	9,500	
128.081890.541400	Equipment Repair & Maint		9,500

THE VOTE

Wooten ^{absent} Yes No Dunleavy Yes No
 Blass Yes No Cardinale Yes No



9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 825

**ACCEPTS 100% SECURITY OF NEW YORK SMSA LIMITED PARTNERSHIP
D/B/A VERIZON WIRELESS
(Holiday Inn Express)**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS:

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless submitted cash security (Check #2390) in the sum of Five Thousand Dollars (\$5,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #37, dated April 16, 2009, regarding the installation of three antenna arrays with four antennas on the existing roof of the Holiday Inn Express at 1707 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-119-1-9.4, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security 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 cash security in the sum of Five Thousand Dollars (\$5,000.00) issued to the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Michael A. Ceccorulli, Esq. of Amato & Associates, P.C., 666 Old Country Road, 9th Floor, Garden City, New York, 11530 ; 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 ^{absent} Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

September 1, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 826

RATIFIES THE APPOINTMENT OF AN AUTOMOTIVE EQUIPMENT OPERATOR TO THE HIGHWAY DEPARTMENT

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

WHEREAS, a vacancy exists for the position of Automotive Equipment Operator in the Highway Department; and

WHEREAS, the job was duly posted for, job posting #12, the position was duly advertised for, interviews were conducted; and

WHEREAS, pending the results of a successful background check, a recommendation of a suitable candidate has been made by the Superintendent of Highway and the Personnel Officer.

NOW, THEREFORE, BE IT RESOLVED, that effective as of August 31, 2009, this Town Board hereby ratifies the appointment of Jeffrey Gibbs to the position of Automotive Equipment Operator in the Highway Department as found in Group 6, Step P of the Operational and Technical Salary Schedule, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Jeffrey Gibbs, the Highway Superintendent, the Personnel Officer and the Accounting Department.

The Vote

WOOTEN absent yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

Adopted

September 1, 2009

TOWN OF RIVERHEAD

Resolution # 827

RATIFIES THE APPOINTMENT OF A GRANTS TECHNICIAN

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

WHEREAS, a vacancy exists for a Grants Technician in the office of Community Development; and

WHEREAS, Civil Service has established a certified list of Eligibles, list # 06-0716-153 for the position of Grants Technician, the list was canvassed, interviews were conducted, and the position was also duly posted for, Job Posting #13; and

WHEREAS, pursuant to a completed background check, a recommendation has been made by the Community Development Administrator, the Town Engineer, and the Personnel Officer to appoint Frank Messina to the position of Grants Technician.

NOW, THEREFORE, BE IT RESOLVED, that effective as of August 31, 2009 this Town Board hereby ratifies the appointment of Frank Messina to the position of Grants Technician as found in Group 4, Step P of the Administrative Salary Schedule; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Frank Messina, the Community Development Administrator, the Accounting Office, and the Personnel Officer.

THE VOTE

Wooten ^{absent} ~~Yes~~ ~~No~~ Dunleavy Yes No
Blass Yes No Cardinale Yes No

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

Adopted

September 1, 2009

TOWN OF RIVERHEAD

Resolution # 828

APPOINTS A PART-TIME MAINTENANCE MECHANIC I

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

WHEREAS, a vacancy exists for a part-time Maintenance Mechanic I in the Riverhead Senior Programs; and

WHEREAS, the job was duly posted for, job posting #14, interviews were conducted; and

WHEREAS, pending the results of a successful background check, a recommendation of a suitable candidate has been made by the Senior Programs Director and the Personnel Officer.

NOW, THEREFORE, BE IT RESOLVED, that effective September 2, 2009, this Town Board hereby appoints David Davis to the position of part-time Maintenance Mechanic I at the hourly rate of \$18.3746; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to David Davis, the Senior Programs Director, the Personnel Officer and the Accounting Department.

The Vote

WOOTEN ^{absent} yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 829

**RATIFIES THE APPOINTMENT OF
A CALL-IN BEACH ATTENDANT/CONCESSION STAND OPERATOR TO
THE
RECREATION DEPARTMENT**

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN BLASS

RESOLVED, that the Town Board appoints Elizabeth Flood to the Recreation Department as a Call-In Beach Attendant/Concession Stand Operator, Level VI, to be paid at the rate of \$10.75 per hour, effective August 29, 2009, and to serve as needed on an at will basis 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 ^{absent} ~~yes~~ no

DUNLEAVY yes ~~no~~ BLASS yes ~~no~~

CARDINALE yes ~~no~~

THIS RESOLUTION is ~~is not~~

DECLARED DULY ADOPTED

¹ Rec.Colleen/Res.Beach Attendant- Elizabeth Flood

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 830

APPOINTS A CALL-IN RECREATION AIDE LEVEL II TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Daniel Dunn is hereby appointed as a Call-In Recreation Aide II for the Riverhead Skate Park effective, September 2, 2009 to serve as needed on an at will basis to be paid at the rate of \$8.25 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 ^{absent} ~~yes~~ no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not

DECLARED DULY ADOPTED

¹ Rec. Tom: Res.Dunn.Skatepark

Adopted

TOWN OF RIVERHEAD
Resolution # 831

9/1/09

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS,
OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 916 EAST
MAIN STREET, RIVERHEAD, NEW YORK

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

WHEREAS, the Town Board has determined that the property located at 916 East 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 916 East 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 916 East 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.

WOOTEN ~~YES~~ ^{absent} NO DUNLEAVY YES NO

BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

Tabled

Resolution # 832

RATIFIES THE SUPERVISOR'S EXECUTION OF RIVERHEAD CHARTER SCHOOL'S NEW YORK STATE DEPARTMENT OF EDUCATION GRANT APPLICATION

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by COUNCILWOMAN BLASS _____:

WHEREAS, the Riverhead Charter School has made application to the New York State Department of Education for funds to be used and coordinated to support improved teaching and learning such that students are able to meet New York State academic achievement standards; and

WHEREAS, the Charter School's application includes a request for funding from New York State for programs related to "Safe and Drug-Free Schools and Communities" under Title 4, Part A, of the grant; and

WHEREAS, New York State requires the Charter School to consult with state and local government representatives and others with relevant and demonstrated expertise in drug and violence prevention activities;

NOW, THEREFORE, BE IT RESOLVED that the Supervisor's execution of the Charter School's application to the New York State Department of Education is hereby ratified, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Charter School, 3685 Middle Country Road, 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.

WOOTEN absent ~~YES~~ ~~NO~~ DUNLEAVY YES NO

BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**2009-2010 Consolidated Application Update
 No Child Left Behind Act of 2001**

(For use by Local Education Agencies and Charter School LEAs)

Agency Code

--	--	--	--	--	--	--	--	--	--	--	--

LEA Name	
Address	
City	County Zip
Contact Person/Title	Telephone ()
E-Mail Address	FAX ()

Programs Included:

- Title I, Parts A and D – Improving Academic Achievement for the Disadvantaged
- Title II, Part A – Teacher and Principal Recruitment and Training
- Title II, Part D – Enhancing Education Through Technology
- Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students
- Title IV, Part A – Safe and Drug-Free Schools and Communities
- Title VI, Part B REAP – Rural Education Achievement Program, if eligible

I hereby certify I am the chief school officer of the applicant LEA and that the information contained in this application is, to the best of my knowledge, complete and accurate. I further certify that any ensuing program and activity will be conducted in accordance with all applicable Federal and State laws and regulations, application guidelines and instructions, attached Assurances and Certifications, and that the requested budget amounts are necessary for the implementation of this project. It is also understood by the applicant that immediate written notice will be provided to the grant program office if at any time the applicant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

Authorized Signature (in blue ink)	Title: (Chief School Officer)
Typed Name:	Date:

Must be postmarked by August 31, 2009
Assurances and Certifications (Pages 9-22) Must be Attached to Cover Sheet

The State Education Department does not discriminate on the basis of age, color, religion, creed, disability, marital status, veteran status, national origin, race, gender, or genetic predisposition or carrier status, or sexual orientation in its educational programs, services and activities. Portions of any publication designed for distribution can be made available in a variety of formats, including Braille, large print or audio tape, upon request. Inquiries regarding this policy of nondiscrimination should be directed to the Department's Office of Diversity, Ethics, and Access, Room 152, Education Building, Albany, NY 12234. **Request for publications should be made to the Department's Publication Sales Desk, Room 309 Education Building, Albany, NY 12234.**

Consolidated Application Update

Directions: Big Four (Buffalo, Rochester, Syracuse, Yonkers) and GROUP 1 (LEAs with Title I schools that have been designated as Schools in Improvement, Corrective Action, Restructuring and LEAs that have been designated as Title I LEAs in Improvement, Districts in Need of Improvement (DINI) or Title I Corrective Action

The 2009-10 Consolidated Application Update requires the Big 4 and Group 1 LEAs/ Charter School LEAs receiving federal funds (Title I, Parts A and D, II, Parts A and D, III, Part A, IV, Part A, and VI, Part B) under the “No Child Left Behind Act of 2001” (NCLB) to complete all required sections listed below in item 1 and to provide a narrative plan **update** for the sections listed under item 2 for approval by the State Education Department. The update must describe any significant program changes that have occurred since the 2008-09 Consolidated Application Update was approved. The plan must demonstrate how funds are being used and coordinated to support improved teaching and learning to enable students to meet State student academic achievement standards. All LEAs for 2009-10 are required to submit a copy of the Title I LEA Parent Involvement Policy in order to verify that all required components are included. Additionally there will also be a required narrative response under Item 13 of the LEA plan.

A Budget Narrative will be required and will serve to provide further explanation of the items included in the FS-10 for each Title for which funds are requested and how they relate to the program narrative. Please review all guidance included on the NCLB website at: <http://www.emsc.nysed.gov/deputy/nclb/nclbhome.htm> with the Consolidated Application Update prior to completing the application.

For those LEAs/Charter School LEAs in Group 1 applying for Title III A funds for the first time, the entire section and FS-10 must be completed.

1. Consolidated Application Update 2009-2010 - Required Sections for Big Four and Group 1. Please (√) the required sections being submitted.
 - Cover Page with Signed Assurances and Certifications – (pages 9-22)
 - Consultation/Collaboration Documentation Form 2009-10
 - Title I, Part A, Services for Homeless Students, LEA Plan
 - Title I, Part A, item 11 – Coordination of Services
 - Title I, Part A, LEA Plan – item 13 – Parent Involvement narrative response and copy of Title I LEA Parent Involvement Policy.
 - Title I, Part A, LEA Plan - item 16 – Supplemental Educational Services (SES), if applicable
 - Title I Parental Notification Requirements - items 5 and/or 6.
 - Title I, Qualifications for Teachers and Paraprofessionals/Professional Development (only if LEA did not meet the 2007-08 Teacher Quality AMO of 100%)
 - Title I, Part A, Title I School Improvement, Title I Corrective Action, and Title I Restructuring
 - Public School Choice
 - Complaint Process
 - Title I, LEA Improvement (DINI) and Title I LEA Corrective Action (if applicable)
 - * Title II, Part A, narrative response to question #1
 - Title II, Part D, on line Technology Plan Checklist, and current Technology Plan website address www.forms2.nysed.gov/emsc/technology/IIDchecklist.cfm
 - Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students (New Applicants) All required documents must be completed.
 - Title IV, Part A, Safe and Drug Free Schools and Communities (item 7) and a waiver if appropriate. Also, be sure to complete the typology table – page 71.
 - * Title VI, Part B, Subpart 2, Rural Education Initiative, Rural and Low Income (if eligible) for new and revised applications
 - Private School Participation Form(s) (if applicable)

- Title I, Part D, Participation of Facilities with Children Who are Neglected, Delinquent, or At-Risk of Dropping Out of School Form (if applicable)
- Budget narrative for **each** program applied for – original and two copies
- FS-10 budgets for **each** program applied for – original and three copies

2. **If significant changes have occurred since the approval of your 2008-09 Consolidated Application Update, submit only those items of the following narrative sections where revisions have been made. For example, under Title I, an LEA has a school which has been targeted assistance and planning to become schoolwide with a poverty percentage above 40 percent. Now that a schoolwide program will be implemented, the LEA would also need to complete Item 6 of the Title I LEA Plan. Additional examples of significant change include implementation of a new program model, practice or initiative that was not described in the 2003-04 original Consolidated Application, or the 2004-05, 2005-06, 2006-07, 2007-08 or 2008-09 Consolidated Application Updates.**

DO NOT SUBMIT the blank application sections if **NO SIGNIFICANT CHANGES** have occurred. Just check (√) the box marked “No Change”. Check (√) the box next to those sections with significant changes and submit information as specified in the application packet for each respective NCLB Title.

CHANGE	NO CHANGE	
<input type="checkbox"/>	<input type="checkbox"/>	Scientifically-Based Research
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Part A, LEA Plan (items 1-10, 12, 14-15 and 17)
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Parental Notification Requirements (items 1-4)
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Qualifications for Teachers and Paraprofessionals/Professional Development (if LEA met 2007-08 Teacher Quality AMO of 100%)
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Parents’ Right to Know
<input type="checkbox"/>	<input type="checkbox"/>	* Title II, Part A, Teacher and Principal Training and Recruiting Fund, Questions 2-11
<input type="checkbox"/>	<input type="checkbox"/>	* Title II, Part D, Enhancing Education Through Technology
<input type="checkbox"/>	<input type="checkbox"/>	* Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students (continuation update only)
<input type="checkbox"/>	<input type="checkbox"/>	* Title IV, Part A, Safe and Drug Free Schools and Communities (item 7). In addition, complete the typology table – page 71.
<input type="checkbox"/>	<input type="checkbox"/>	* Title VI, Part B, Rural Education Achievement Program (REAP)

*** NOTES**

- **Note for Title IIA:**
Any district/LEA that failed to meet the Highly Qualified Teacher AMO of 100% in 2007-08 (see <http://www.emsc.nysed.gov/nclb/consolidatedappupdate/guidance/>) **MUST** submit a 2009-10 Teacher Quality Plan (page 44) (Section A) with this application. Any district/LEA that also failed to meet AYP for three consecutive years must also complete Section B of the Teacher Quality Plan.

- **NOTES for Title IID:**

To be eligible for a Title II D grant, the LEA must:

1. Have an educational technology plan current for 2009-10 program year and make this plan available via the LEA’s website address to the plan. **The technology plan must be current and consistent with the objectives of NCLB/EETT Legislation and the New York State**

Technology Framework.

2. Complete the online Technology Checklist at <http://www.forms2.nysed.gov/emsc/technology/IIDchecklist.cfm>
3. Submit a copy of the completed Technology Checklist (not the technology plan) together with other necessary Consolidated Application Updates including the budget narrative and budget plan (FS-10) by August 31.

• **NOTE for Title III, Part A:**

- If LEA failed to make Title III AMAOs for two consecutive years (2006-2007 and 2007-2008), or for four consecutive years (2004-2005, 2005-2006, 2006-2007 and 2007-2008), the LEA must complete Appendix A, (page 62).

• **NOTE for Title IV:**

- Title IV, Part A, Safe and Drug Free Schools and Communities. Please check (✓) the box if the LEA received a waiver in the 2008-09 school year and will continue to use the same program. This waiver is approved for one year only and must be renewed annually. Submit a new waiver request which includes evaluation data for the previous year's waiver.
- Please complete the typology table that is located on page 71.

• **NOTE for Title VI:**

If eligible for Title VI, Part B, Subpart 2, Rural Education Initiative, Rural and Low Income Schools program funding in 2008-2009 but did not submit an application, a complete application and budget must be submitted in 2009-2010. A complete application and budget must also be submitted if you received funding for the program in 2008-2009, but are now proposing changes in how the funds will be used in 2009-2010 since all sections of the application will be affected.

Transferability

The Transferability Form will be submitted on line for 2009-10 since the information must be collected and submitted as part of a required report to the US Department of Education. Additionally, a hard copy of the Transferability Form must be submitted with the Budget Narrative for the title that will be using transferability so the amounts can be easily found in the FS-10 as it is reviewed. The amount to be transferred must be clearly shown. Ex., Title IIA budget code 15 Transferability Title I Reading teacher .10 FTE. \$4000.

- Please check the box if Transferability will be used in 2009-10.

BIG FOUR AND GROUP 1 LEAs MUST COMPLETE THE CHECKLIST ON PAGES 3-5.

Consolidated Application Update

Directions: GROUP 2 (LEAs in Good Standing)

The 2009-10 Consolidated Application Update requires each LEA/Charter School LEA in good standing receiving federal funds (Title I, Parts A and D, II, Parts A and D, III, Part A, IV, Part A, and VI, Part B) under the “No Child Left Behind Act of 2001” (NCLB) to complete all required sections listed in item 1 below and to provide a narrative plan update as specified under item 2 for approval by the State Education Department. This update must describe any significant program changes that have occurred since the 2008-09 Consolidated Application Update was approved. The plan must demonstrate how funds are being used and coordinated to support improved teaching and learning to enable students to meet State student academic achievement standards. For 2009-10 all LEAs are required to submit a copy of the Title I LEA Parent Involvement Policy in order to verify that all required components are included. Additionally there will also be a required narrative response under Item 13 (Parental Involvement) of the LEA plan.

A Budget Narrative will be required and will serve to provide further explanation of the items included in the FS-10 for each Title for which funds are requested and how they relate to the program narrative.

Please review all guidance included on the NCLB website

<http://www.emsc.nysed.gov/deputy/nclb/nclbhome.htm> with the Consolidated Application Update prior to completing the application.

For new LEAs/Charter School LEAs applying for the first time, a complete Consolidated Application, including all applicable sections listed under numbers 1 **and** 2 must be submitted. For those LEAs/Charter School LEAs applying for Title III A funds for the first time, that entire section and FS-10 must be completed.

1. Consolidated Application Update 2009-10 – Required Sections For LEAs In Good Standing. Please check (✓) the required sections being submitted.

- Cover Page with Signed Assurances and Certifications
- Consultation/Collaboration Documentation Form 2009-10
- Title I, Part A, Services for Homeless Students, LEA Plan
- Title I, Part A, item 11 – Coordination of Services
- Title I, Part A, LEA Plan – item 13 – Parent Involvement narrative response and copy of Title I LEA Parent Involvement Policy.
- Title I, Qualifications of Teachers and Paraprofessionals/Professional Development (only if LEA did not meet 2007-08 Teacher Quality AMO of 100%)
- * Title II, Part A, narrative response to question #1
- Title II, Part D, on line Technology Plan Checklist, and current Technology Plan website address www.forms2.nysed.gov/emsc/technology/IIDchecklist.cfm
- Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students (New Applicants) All required documents must be completed
- Title IV, Part A, Safe and Drug Free Schools and Communities (item 7). Also, be sure to complete the typology table – page 71.
- * Title VI, Part B, Subpart 2, Rural Education Initiative, Rural and Low Income (if eligible) for new and revised applications.
- Private School Participation Form(s) (if applicable)
- Title I, Part D, Participation of Facilities with Children Who are Neglected, Delinquent, or At-Risk of Dropping Out of School Form (if applicable)
- Budget narrative for **each** program applied for – original and two copies
- FS-10 budgets for **each** program applied for – original and three copies

2. If significant changes have occurred since the approval of the 2008-09 Consolidated Application Update, submit only those items of the following narrative sections where revisions have been made. For example, under Title I, an LEA has a school which has been targeted assistance and planning to become schoolwide with a poverty percentage above 40 percent. Now that a schoolwide program will be implemented, the LEA would also need to complete Item 6 of the Title I LEA Plan. Additional examples of significant change include implementation of a new program model, practice or initiative that was not described in the 2003-04 original Consolidated Application and/or 2004-05, 2005-06, 2006-07, 2007-08 or 2008-09 Consolidated Application Update.

DO NOT SUBMIT the blank application sections if **NO SIGNIFICANT CHANGES** have occurred. Just check (√) the box marked “No Change”. Check (√) the box next to those sections with significant changes and submit information as specified in the application packet for each respective NCLB Title.

CHANGE	NO CHANGE	
<input type="checkbox"/>	<input type="checkbox"/>	Scientifically-Based Research
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Part A, LEA Plan (items 1-10, 12, 14-15 and 17)
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Parental Notification Requirements
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Qualifications for Teachers and Paraprofessionals/Professional Development (if LEA met 2007-08 Teacher Quality AMO of 100%)
<input type="checkbox"/>	<input type="checkbox"/>	Title I, Parents’ Right to Know
<input type="checkbox"/>	<input type="checkbox"/>	* Title II, Part A, Teacher and Principal Training and Recruiting Fund, Questions 2-11
<input type="checkbox"/>	<input type="checkbox"/>	* Title II, Part D, Enhancing Education Through Technology
<input type="checkbox"/>	<input type="checkbox"/>	* Title III, Part A, Language Instruction for Limited English Proficient and Immigrant Students (continuation update only)
<input type="checkbox"/>	<input type="checkbox"/>	* Title IV, Part A, Safe and Drug Free Schools and Communities (item 7). In addition, complete the typology table – page 71.
<input type="checkbox"/>	<input type="checkbox"/>	* Title VI, Part B, Rural Education Achievement Program (REAP)

*** NOTES**

- **Note for Title IIA:**
Any district/LEA that failed to meet the Highly Qualified Teacher AMO of 100% in 2007-08 (see <http://www.emsc.nysed.gov/nclb/consolidatedappupdate/guidance/>) MUST submit a 2009-10 Teacher Quality Plan (page 44) (Section A) with this application. Any district/LEA that also failed to meet AYP for three consecutive years must also complete Section B of the Teacher Quality Plan.

- **NOTES for Title IID:**

To be eligible for a Title II D grant, the LEA must:

1. Have a educational technology plan current for 2009-10 program year and make this plan available via the LEA’s website address to the plan. **The technology plan must be current and** consistent with the objectives of NCLB/EETT Legislation and the New York State Technology Framework.
2. Complete the online Technology Checklist at <http://www.forms2.nysed.gov/emsc/technology/IIDchecklist.cfm>

3. Submit a copy of the completed Technology Checklist (not the technology plan) together with other necessary Consolidated Application Updates including the budget narrative and budget plan (FS-10) by August 31.

- **NOTE for Title III, Part A:**

- If LEA failed to make Title III AMAOs for two consecutive years (2006-2007 and 2007-2008), or for four consecutive years (2004-2005, 2005-2006, 2006-2007 and 2007-2008), the LEA must complete Appendix A, (page 62).

- **NOTE for Title IV:**

- Title IV, Part A, Safe and Drug Free Schools and Communities. Please check (✓) the box if the LEA received a waiver in the 2008-09 school year and will continue to use the same program. This waiver is approved for one year only and must be renewed annually. Submit a new waiver request which includes evaluation data for the previous year's waiver.
- Please complete the typology table that is located on page 71.

- **NOTE for Title VI:**

If eligible for Title VI, Part B, Subpart 2, Rural Education Initiative, Rural and Low Income Schools program funding in 2008-2009 but did not submit an application and budget, a complete application and budget must be submitted in 2009-2010. A complete application and budget must also be submitted if you received funding for the program in 2008-2009, but are now proposing changes in how the funds will be used in 2009-2010 since all sections of the application will be affected.

Transferability

The Transferability Form will be submitted on line for 2009-10 since the information must be collected and submitted as part of a required report to the US Department of Education. Additionally, a hard copy of the Transferability Form must be submitted with the Budget Narrative for the title that will be using transferability so the amounts can be easily found in the FS-10 as it is reviewed. The amount to be transferred must be clearly shown. Ex, Title IIA budget code 15 Transferability Title I Reading teacher .10 FTE. \$4,000.

- Please check the box if Transferability will be used in 2009-10.

GROUP 2 LEAs MUST COMPLETE THE CHECKLIST ON PAGES 6-8.

Assurances and Certifications for Federal Program Funds

The following assurances and certifications are a component of your application. By signing the certification on the application cover page you are ensuring accountability and compliance with applicable State and federal laws, regulations, and grants management requirements.

Federal Assurances and Certifications, General:

- Assurances – Non-Construction Programs
- Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters
- Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion – Lower Tier Covered Transactions

Federal Assurances and Certifications, NCLB:

The following are required as a condition for receiving any federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001.

- NCLB Assurances
- School Prayer Certification

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Note: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the Education Department Program Contact listed in the Application. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, and by signing the Application Cover Page, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance, and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management, and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States, and if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C §§ 4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. § 794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§ 6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§ 523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§ 290 dd-3 and 290 ee-3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. § 3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a

result of Federal or federally assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with the provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328), which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.
9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§ 276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874) and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§ 327-333), regarding labor standards for federally assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clear Air) Implementation Plans under Section 176(c) of the Clear Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended, (P.L. 93-523); and (h) protection of endangered species under the Endangered Species Act of 1973, as amended, (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1721 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.), which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, Audits of States, Local Governments, and Non-Profit Organizations.
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations and policies governing this program.

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of the Application Cover Page provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

ED 80-0013, as amended by the New York State Education Department

**CERTIFICATION REGARDING DEBARMENT, SUSPENSION, INELIGIBILITY AND
VOLUNTARY EXCLUSION — LOWER TIER COVERED TRANSACTIONS**

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing the Application Cover Page, the prospective lower tier participant is providing the certification set out below.
2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.
3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.
4. The terms “covered transaction,” “debarred,” “suspended,” “ineligible,” “lower tier covered transaction,” “participant,” “person,” “primary covered transaction,” “principal,” “proposal,” and “voluntarily excluded,” as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.
5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.
6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled “Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions,” without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.
7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may, but is not required to, check the Nonprocurement List.
8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.
9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

ED 80-0014, as amended by the New York State Education Department

**NEW YORK STATE DEPARTMENT OF EDUCATION
NO CHILD LEFT BEHIND ACT ASSURANCES**

These assurances are required for programs funded under the No Child Left Behind Act.

As the chief school officer of the applicant, by signing the Application Cover Page, I certify that:

- (1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;
- (2) (A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
(B) the public agency, nonprofit private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;
- (3) the applicant will adopt and use proper methods of administering each such program, including—
 - (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and
 - (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;
- (4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;
- (5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;
- (6) the applicant will—
 - (A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require to enable the State educational agency and the Secretary to perform their duties under each such program; and
 - (B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties;
- (7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment;
- (8) the applicant has consulted with teachers, researchers, school administrators, parents, nonpublic school representatives, institutions of higher education and others in the development of the application to the extent required for the applicant under the program pursuant to the applicable provisions of the No Child Left Behind Act;
- (9) the applicant will comply with the requirements of Education Law § 3214(3)(d) and (f) and the Gun-Free Schools Act (20 U.S.C. § 7151);
- (10) the applicant will comply with the requirements of 20 U.S.C. § 7908 on military recruiter access;
- (11) the applicant will comply with the requirements of 20 U.S.C. § 7904 on constitutionally protected prayer in public elementary and secondary schools;

(12) the applicant will comply with the requirements of Education Law § 2802(7), and any state regulations implementing such statute and 20 U.S.C. § 7912 on unsafe school choice; and

(13) the applicant will comply with all fiscal requirements that apply to the program, including but not limited to any applicable supplement not supplant or local maintenance of effort requirements.

SCHOOL PRAYER CERTIFICATION

As a condition of receiving federal funds under the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB), the local educational agency hereby certifies that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the current guidance issued pursuant to NCLB Section 9524(a)(20 u.s.c.§7904).

TITLE I, PART A

The LEA hereby assures the SEA that the LEA will comply with all requirements of any approved Differentiated Accountability Pilot Program in effect and all implementing regulations and, unless otherwise required by such approved programs and regulations, will:

1. Participate, if selected, in the State National Assessment of Educational Progress in 4th and 8th grade reading and mathematics carried out under section 411(b)(2) of the National Education Statistics Act of 1994.
2. Inform eligible schools and parents of schoolwide program authority and the ability of such schools to consolidate funds from Federal, State, and local sources.
3. Provide technical assistance and support to schoolwide programs.
4. Work in consultation with schools as the schools develop the schools' plans pursuant to section 1114 and assist schools as the schools implement such plans or undertake activities pursuant to section 1115 so that each school can make adequate yearly progress toward meeting the State student academic achievement standards.
5. Fulfill such agency's school improvement responsibilities under Section 1116, including taking actions under paragraphs (7) and (8) of section 1116(b).
6. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1120, and timely and meaningful consultation with private school officials regarding such services.
7. Take into account the experience of model programs for the educationally disadvantaged, and the findings of relevant scientifically based research indicating that services may be most effective if focused on students in the earliest grades at schools that receive funds under this part.
8. In the case of a local educational agency that chooses to use funds under this part to provide early childhood development services to low-income children below the age of compulsory school attendance, ensure that such services comply with the performance standards established under section 641A(a) of the Head Start Act.
9. Work in consultation with schools as the schools develop and implement their plans or activities under sections 1118 and 1119.*
10. Comply with requirements regarding the qualifications of teachers and paraprofessionals and professional development.*
11. Inform eligible schools of the local educational agency's authority to obtain waivers on the school's behalf under Title IX.
12. Coordinate and collaborate, to the extent feasible and necessary as determined by the local educational agency, with the State educational agency and other agencies providing services to children, youth, and families with respect to a school in school improvement, corrective action, or restructuring under section 1116 if such a school requests assistance from the local educational agency in addressing major factors that have significantly affected student achievement at the school.
13. Ensure, through incentives for voluntary transfers, the provision of professional development, recruitment programs, or other effective strategies, that low-income students and minority students are not taught at higher rates than other students by unqualified, out-of-field, or inexperienced teachers.
14. Use the results of the student academic assessments required under section 1111(b)(3), and other measures or indicators available to the agency, to review annually the progress of each school served by the agency and receiving funds under this part to determine whether all of the schools are making the progress necessary to ensure that all students will meet the State's proficient level of achievement on the State academic assessments described in section 1111(b)(3) within 12 years from the baseline year described in section 1111(b)(2)(E)(ii).
15. Ensure that the results from the academic assessments required under section 1111(b)(3) will be provided to parents and teachers as soon as is practicably possible after the test is taken, in an understandable and uniform format and, to the extent practicable, provided in a language or other mode of communication that the parents can understand.

* Please refer to

<http://www.highered.nysed.gov/nclbhome.htm> for the most recent Updated FACT SHEET ON THE NCLB'S REQUIREMENTS FOR TEACHERS AND PARAPROFESSIONALS.

16. Assist each school served by the agency and assisted under this part in developing or identifying examples of high-quality, effective curricula consistent with section 1111(b)(8)(D).
17. Ensure that schools in school improvement status spend not less than ten percent of their Title I funds to provide professional development (in the area[s] of identification to teachers and principals) for each fiscal year.
18. Prepare and disseminate an annual LEA report card in accordance with section 1111(h)(2).
19. Where applicable, the applicant will comply with the comparability of services requirement under section 1120A(c). In the case of a local educational agency to which comparability applies, the applicant has established and implemented an agency-wide salary schedule; a policy to ensure equivalence among schools in teachers, administrators, and other staff; and a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. Documentation will be on file to demonstrate that the salary schedule and local policies result in comparability and will be updated biennially.

Title I, Part D – Subpart 2

20. Where feasible, ensure that educational programs in the correctional facility are coordinated with the student’s home school, particularly with respect to a student with an individualized education program under Part B of the Individuals with Disabilities Education Act.
21. Work to ensure that the correctional facility is staffed with teachers and other qualified staff who are trained to work with children and youth with disabilities taking into consideration the unique needs of such children and youth.
22. Ensure that the educational programs in the correctional facility are related to assisting students to meet high academic achievement standards.

Title II, Part A

23. **The LEA hereby assures the SEA that:**
 - The LEA will target funds to schools within the jurisdiction of the local educational agency that:
 - (A) have the lowest proportion of highly qualified teachers;
 - (B) have the largest average class size; or

(C) are identified for school improvement under section 1116(b).

- The LEA will comply with section 9501 (regarding participation by private school children and teachers).
- The LEA has performed the required assessment of local needs for professional development and hiring, taking into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and pedagogy skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet New York State Learning Standards. This needs assessment was conducted with the involvement of teachers, including teachers participating in programs under Part A of Title I.
- The LEA will assure compliance with the requirements of professional development as defined in section 9101 (34).

Title II, Part D

24. The LEA has an updated local long-range strategic educational technology plan in place that is consistent with the objectives of the statewide educational technology plan.
25. LEAs must use a minimum of 25 percent of their funds to provide ongoing, sustained, and intensive high quality professional development in the integration of advanced technology into curricula and instruction and in using those technologies to create new learning environments.
26. Any LEA that does not receive services at discount rates under section 254(h)(5) of the Communications Act of 1934 (47 U.S.C. 254(h)(5)) hereby assures the SEA that the LEA will not use any Title II, Part D funds to purchase computers used to access the Internet, or to pay for direct costs associated with accessing the Internet, for such school unless the school, school board, local educational agency, or other authority with responsibility for administration of such school:
 - has in place a policy of Internet safety for minors that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene, child pornography, or harmful to minors; and
 - is enforcing the operation of such technology protection measure during any use of such computers by minors; and

- has in place a policy of Internet safety that includes the operation of a technology protection measure with respect to any of its computers with Internet access that protects against access through such computers to visual depictions that are obscene or child pornography, and is enforcing the operation of such technology protection measure during any use of such computers.

Any LEA that does receive such discount rates hereby assures the SEA that it will have in place a policy of Internet safety for minors required by Federal or State law.

Title III, Part A

27. The applicant is not in violation of any State law, including constitutional law, regarding the education of limited English proficient students (Title III, Part A, Section 3115(g)).
28. Annual English Language Assessment: The English language assessment is completed for each LEP student each year to assess the student's English proficiency and determine the pupils' continued eligibility using the NYS English as a Second Language achievement Test; Title III, Part A, Sec. 3116(a)(3)(D)]
29. Information to Parents: School related information is distributed to parents in the language they understand. Title III, Part A, Sec. 3302(c)]
30. Parental Notification: Parents of LEP students are notified of their children's placement in a language instructional program within 30 days of the start of the school year or within two weeks after enrollment. Parents are given the option to decline enrollment of their child in the program, to choose another program or method of instruction, if available, or to have their child immediately removed from the program, upon request. The LEA follows the provisions of Title III, Part A Sec. 3302 (a)-(e).
31. Instructional Program: The instructional programs will enable LEP students to speak, read, write and comprehend the English language and meet challenging State academic content and student academic achievement standards. [Title III, Part A, Sec. 3116 (d)(4)].
32. Teacher Language Fluency: The LEA certifies that all teachers in any language educational instruction program for LEP students that is or will be funded under Title III, Part A, are fluent in English and any other language used for instruction, including having written and oral

communication skills. [Title III, Part A, Sec. 3116 (c)]

33. Assessment in English: The LEA will comply with the requirements in NCLB Section 1111 (b)(7) to annually assess, in English, students who have been in the United States for three or more consecutive years, [Title III, Part A, Sec. 3113 (b)(3)(c)] unless exempted under Section 1111 (b)(3)(C)(x) of NCLB.
34. English and Academic Standards: The LEA will use funds received under Title III, Part A, Subpart 1 to improve the education of LEP students, by assisting the students to learn English and meet challenging State academic content and student academic achievement standards consistent with the requirements of Section 3115 (a) of NCLB.
35. Build Capacity: The LEA will use funds received under Title III, Part A, Subpart 1 to build its capacity to continue to offer high quality language instruction educational programs that assist limited English proficient students in meeting challenging State academic content and student academic achievement standards once the subgrants are no longer available. [Title III, Part A, Section 3113 (b)(3)(G)]
36. Parental Notification and Participation: The LEA complies with Section 3302 of NCLB prior to, and throughout, each school year.
37. Private School Participation: The LEA will provide services under Title III, Part A to eligible students attending private elementary and secondary schools in accordance with Section 9501 of NCLB, and provide timely and meaningful consultation with private school officials regarding such services.
38. Scientifically-Based Research: The LEA plan is based on scientifically-based research on teaching limited English proficient children. [Title III, Part A, Section 3116 (d)(3)]

Title IV, Part A

39. The applicant assures that it has developed its application through timely and meaningful consultation with State and local government representatives, representatives of schools to be served (including private schools), teachers and other staff, parents, students, community-based organizations, and others with relevant and demonstrated expertise in drug and violence

prevention activities (such as medical, mental health, and law enforcement professionals).

40. The activities or programs to be funded comply with the principles of effectiveness described in section 4115(a) and foster a safe and drug-free learning environment that support academic achievement.
41. The applicant assures that funds under this subpart will be used to increase the level of State, local, and other non-Federal funds that would, in the absence of funds under this subpart, be made available for programs and activities authorized under this subpart, and in no case supplant such State, local, and other non-Federal funds.
42. Drug and violence prevention programs supported under this subpart convey a clear and consistent message that acts of violence and the illegal use of drugs are wrong and harmful.
43. The LEA has, or the schools to be served have, a plan for keeping schools safe and drug-free that includes:
 - Appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students.
 - Security procedures at school and while students are on the way to and from school.
 - Prevention activities that are designed to create and maintain safe, disciplined, and drug-free environments.
 - A crisis management plan for responding to violent or traumatic incidents on school grounds.
 - A code of conduct policy for all students that clearly states the responsibilities of students, teachers, and administrators in maintaining a classroom environment that:
 - ✓ Allows a teacher to communicate effectively with all students in the class.
 - ✓ Allows all students in the class to learn.
 - ✓ Has consequences that are fair, and developmentally appropriate.
 - ✓ Considers the student and the circumstances of the situation.
 - ✓ Is enforced accordingly.
44. The application and any waiver request under section 4115(a)(3) (to allow innovative activities or programs that demonstrate substantial likelihood of success) will be available for public review after submission of the application.

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CONSULTATION/COLLABORATION DOCUMENTATION FORM 2009-2010

Must be Completed by ALL LEAs

SUBMIT THIS FORM TO SED

LEA Name: _____
 BEDS Code: _____

Copy and use additional pages as necessary

The "No Child Left Behind Act" (NCLB) contains several provisions requiring LEAs to consult and/or collaborate with various groups in the development of the LEA's application/program with respect to each Title. For the specific requirements related to each Title listed below, refer to the State Education Department's NCLB website at www.emsc.nysed.gov/deputy/nclb/nclbhome.htm ("Legal and Regulatory Requirements" and the "Consultation/Collaboration Requirements in Consolidated Application/DCEP Addendum Development"). The required constituency groups the LEA must consult and/or collaborate with pursuant to NCLB are summarized at the bottom of this page. NCLB, however, is not restrictive in this regard, and LEAs are encouraged to consult and/or collaborate with other groups as well. LEAs **MUST** include representatives of collective bargaining units and recognized parent groups in the consultation/collaboration for applicable Title programs. Methods of consultation include face to face meetings, e-mail, fax, telephone calls, letters and video conferencing. (Note: Private School consultation must be documented on the Private School Participation Form)

This form must be completed and submitted to SED by each LEA applying for funds under NCLB in order to document that appropriate consultation/collaboration has occurred or was attempted with required constituency groups as follows:

- Representatives of required constituency groups who sign the form under their name in column 1 are effectively affirming that appropriate consultation has occurred. (The signature does not indicate agreement.) Supporting documentation (e.g., meeting agendas, minutes and rosters) must be maintained by the LEA, and information must be entered in columns 1-8 (check (X) in columns 3-8).
- For representatives of required constituency groups who have consulted with the LEA but whose signatures are unobtainable, information must be entered in columns 1-9 (check (X) in columns 3-8); supporting documentation (e.g., meeting agendas, minutes and rosters) must be maintained by the LEA and a summary of such documentation must be submitted to SED with the Consolidated Application.
- For representatives of required constituency groups with whom the LEA attempted to consult/collaborate, but refused or were unavailable to do so, such information must be entered in columns 1-9 (check (X) in columns 3-8), and a check (X) must be entered in column 10 to indicate that the consultation did not occur. Appropriate documentation/explanation must be submitted to SED with the Consolidated Application.

1	2 (Print or Type)	3	4	5	6	7	8 (Required if no signature)	9
Individual's Name (Print/Type)	Individual's Title and Constituency Group Represented	Title I, Part A	Title II, Part A	Title II, Part D	Title III, Part A	Title IV, Part A	Dates/Types of Consultation/Collaboration	Attempted Consultation
<i>[Signature]</i>								

Before proceeding, check to ensure that the following constituent groups are included, if applicable: (Note: Each constituent group indicates the Title(s) where consultation is required.)

Title I A	Title II A	Title II D	Title III A	Title IV A
Teachers Other School Staff Principals and/or Administrators Private Schools (use Private School Participation Form) 4 Parents 5	Teachers 1 Other School Staff Principals and/or Administrators Private Schools (use Private School Participation Form) 3,4 Paraprofessional	Private Schools (use Private School Participation Form) 4	Teachers Principals and/or Administrators Private Schools (use Private School Participation Form) 4 Parents Community-Based Organizations 2 Researchers Institutions of Higher Education 2 Non Profit Organizations 2	Teachers Other School Staff Principals and/or Administrators Private Schools (use Private School Participation Form) 4 Parents Other 6 Community-Based Organizations Students State & Local Gov. Reps.

¹ For Title IIA, must include teachers from Title I Schools.

² If Appropriate.

³ Only to the extent that funds are used for professional development.

⁴ Private School Consultation/Collaboration is not required by Charter School LEAs.

⁵ For Title I A, must include parents of children in Title I schools.

⁶ Others with relevant and demonstrated expertise in drug and violence prevention activities (such as medical, mental health, and law enforcement professionals).

For Title III Applicants: Include a completed copy of this form in the Title III section of the Consolidated Application Update submitted to the Department.

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 833

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY REGION OF THE
ANTIQUÉ AUTOMOBILE CLUB OF AMERICA**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, on August 25, 2009, George Bartunek, on behalf of Peconic Bay Region AACA, submitted a Chapter 90 application for the purpose of conducting an antique car show to be held on the grounds of the Hallockville Museum Farm at 6038 Sound Avenue, Riverhead, New York, on Sunday, October 18, 2009, having a rain date of Sunday, October 25, 2009, between hours of 9:00 a.m. and 5:00 p.m.; and

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

WHEREAS, a letter has been received from the Hallockville Museum Farm granting permission for the use of their site for this event; and

WHEREAS, Peconic Bay Region AACA 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 Chapter 90 Application Fee of \$200.00 has been paid; and

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

NOW THEREFORE BE IT RESOLVED, that the Chapter 90 Application of Peconic Bay Region AACA for the purpose of conducting an antique car show to be held on the grounds of Hallockville Museum Farm at 6038 Sound Avenue, Riverhead, New York, on Sunday, October 18, 2009, having a rain date of Sunday, October 25, 2009, between hours of 9:00 a.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code, including 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 necessary tent permits 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 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 George Bartunek, Peconic Bay Region AACA, 21 Silver Beech Lane, 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

Wooten ^{absent} Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

9/1/09

TOWN OF RIVERHEAD

Adopted

Resolution # 834

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
GABRIELLA BILLANTI
(Wedding at Vineyard Caterers)**

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, on August 10, 2009, Gabriella Billanti submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the Vineland Caterers at 978 Main Road, Riverhead, New York on September 12, 2009 at 7:45 p.m.; 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 together with a Certificate of Insurance from the fireworks company (Pyro Engineering d/b/a Bay Fireworks) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to its form; and

WHEREAS, Gabriella Billanti has paid the applicable Fireworks Permit Application fee.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Gabriella Billanti for the purpose of conducting a fireworks display to be held at the Vineyard Caterers at 978 Main Road, Riverhead, New York on September 12, 2009, at 7:45 p.m. is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department who must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 10:00 a.m. and 12:00 noon 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 Vineyard Caterers no later than 12:00 noon on the day of the event.
- Fire Marshal to be present 60 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells indicated on the application.
- 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, the Town Board hereby authorizes the Fire Marshal to post closure notices within the required safety zone; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Gabriella Billanti, 405 East 63rd Street, Apt. 4G, New York, NY, 10065; 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 ^{*absent*} ~~Yes No~~

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

9/1/09

TOWN OF RIVERHEAD

Adopted

Resolution # 835

APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY MEDICAL CENTER
(Yard Sale – October 3, 2009)

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, on August 12, 2009, Peconic Bay Medical Center submitted a Chapter 90 Application for the purpose of conducting a Yard Sale to benefit their Cancer Services Program to be held in their parking lot across from the hospital at 1300 Roanoke Avenue, Riverhead, New York, on Saturday, October 3, 2009 between the hours of 9:00 a.m. and 4:00 p.m.; and

WHEREAS, Peconic Bay Medical Center has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, Peconic Bay Medical Center 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, the Town Attorney 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 Peconic Bay Medical Center for the purpose of conducting a Yard Sale to benefit their Cancer Services Program to be held in their parking lot across from the hospital at 1300 Roanoke Avenue, Riverhead, New York, on Saturday, October 3, 2009 between the hours of 9:00 a.m. and 4:00 p.m. is hereby approved; and be it further

RESOLVED, that due to their federally exempt status, the applicable Chapter 90 Application fee is hereby waived; and be it further

RESOLVED, that the necessary tent permits must be obtained and the tent installation 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 approval is subject to the provisions of Riverhead Town Code Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; 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 the Town Clerk is hereby authorized to forward a copy of this resolution to the Peconic Bay Medical Center, Attn: Maureen Brady, 1300 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 ^{absent} Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

September 1, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 836

**RESOLUTION SUPPORTING THE COUNTY OF SUFFOLK'S
PLACEMENT OF A NO LEFT TURN SIGN ON COUNTY
ROAD 105 AT ITS INTERSECTION WITH RIVERSIDE DRIVE**

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded

COUNCILMAN DUNLEAVY

by _____:

WHEREAS, the residents of the Town of Riverhead who reside along Riverside Drive or in close proximity to Riverside Drive have expressed their concern for the safety of pedestrian and vehicular traffic due to the volume and speed of vehicular traffic along this roadway;

WHEREAS, the Town of Riverhead has attempted to address some of the residents' concerns by installation of traffic devices, placement of portable speed signs and increased patrol and enforcement by Town of Riverhead police department personnel; and

WHEREAS, despite the Town's efforts, the issue regarding the volume of traffic and related safety concerns due to excessive vehicular traffic on this roadway designed for residential traffic, caused by motor vehicles utilizing Riverside Drive as a cut-through from the outskirts of town to the centralized business area, persists such that alternative solutions must be investigated, and

WHEREAS, several residents have opined that a substantial part of this traffic problem is due to traffic traveling northbound on County Road 105 making left turns onto Riverside Drive and requested that the Town of Riverhead support their efforts to work with County officials on addressing the intersection of County Road 105 and Riverside Drive; and

WHEREAS, the Town of Riverhead supports the elimination of a left-hand turn onto Riverside Drive from northbound County Road 105;

NOW, THEREFORE, BE IT RESOLVED that the Town of Riverhead hereby

requests that Suffolk County Legislator Edward P. Romaine take any and all steps necessary to secure County approval for the elimination of a left hand turn from County Road 105 northbound so as to prevent a left turn onto Riverside Drive.

RESOLVED that all a copy of this resolution shall be mailed to Suffolk County Legislator Edward P. Romaine, 423 Griffing Avenue, Suite 2, Riverhead, New York 11901; County Executive Steve Levy, H. Lee Dennison Building, 100 Veterans Memorial Highway, Post Office Box 6100, Hauppauge, New York 11788-0099; and Gilbert Anderson, P.E., Commissioner, Suffolk County Department of Public Works, 335 Yaphank Avenue, Yaphank, New York 11980; 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 ^{*absent*} ~~YES~~ ~~NO~~ DUNLEAVY YES ___ NO
BLASS YES ___ NO
CARDINALE YES ___ NO
THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

9/1/2009

TOWN OF RIVERHEAD

Adopted

Resolution # 837

AWARDS BID ON A JOHN DEERE MODEL 5525 TRACTOR WITH A CHEETAH 17.5' FLAIL BOOM MOWER OR APPROVED EQUAL

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

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a John Deere Model 5525 Tractor with a Cheetah 17.5' Flail Boom Mower or Approved Equal for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 24th of August at 11:10 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, two bids were received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the John Deere Model 5525 Tractor with a Cheetah 17.5' Flail Boom Mower or Approved Equal be and is hereby awarded to Trius, Inc., 458 Johnson Ave., PO Box 158, Bohemia, New York 11716 in the amount of \$65,621.00, 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.

BLASS YES NO

DUNLEAVY YES NO WOOTEN ~~YES~~ NO *absent*

CARDINALE YES NO

THIS RESOLUTION IS IS NOT DECLARED 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, Highway

FROM: Julie O'Neill, Deputy Town Clerk

DATE: August 24, 2009

RE: Open Bid Report for John Deere Model 5525 Tractor

Two bids were received and opened at 11:10am on Monday, August 24, 2009:

Trius, Inc. \$65,621.00
458 Johnson Ave
Bohemia NY 11716
631 244-8600
garycervelli@triusonline.com

LaCorte Equipment \$95,000.00
522 Edwards Avenue
Calverton NY 11933
631 727-8700
tomr@lacorteequipment.com

September 1, 2009

Adopted

TOWN OF RIVERHEAD

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

RESOLUTION # 838

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

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

WHEREAS, bids were received, opened and read aloud on the 21st day of July, 2009, at Town Hall, 200 Howell Avenue, Riverhead, New York 11901.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for water meters for use in the Riverhead Water District be and is hereby awarded to Friendly Bytes Software, Inc., as listed on the bid proposal sheet and the exceptions to specifications attached hereto; and be it further

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

THE VOTE

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

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

BID PROPOSAL SHEET
Bid #200920

<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
1.	5/8" x 1/2" SRH ECR Meter	\$ <u>90.64</u> Each
2.	3/4" SRH ECR Meter	\$ <u>115.74</u> Each
3.	1" SRH ECR Meter	\$ <u>146.69</u> Each
4.	1 1/2" SR ECR Meter	\$ <u>344.63</u> Each
5.	2" SR ECR Meter	\$ <u>485.61</u> Each
<hr/>		
6.	5/8" x 1/2" SRH TRPL Meter	\$ <u>102.72</u> Each
7.	3/4" SRH TRPL Meter	\$ <u>127.82</u> Each
8.	1" SRH TRPL Meter	\$ <u>158.76</u> Each
9.	1 1/2" SR TRPL Meter	\$ <u>357.45</u> Each
10.	2" SR TRPL Meter	\$ <u>498.41</u> Each
<hr/>		
11.	2" SRH ECR Meter	\$ <u>1514.43</u> Each
12.	3" SRH ECR Meter	\$ <u>1905.25</u> Each
13.	4" SRH ECR Meter	\$ <u>3104.06</u> Each
14.	6" SRH ECR Meter	\$ <u>5647.57</u> Each
15.	8" SRH ECR Meter	\$ <u>10,104.34</u> Each
<hr/>		
16.	2" SRH TRPL Meter	\$ <u>1533.75</u> Each
17.	3" SRH TRPL Meter	\$ <u>1924.57</u> Each
18.	4" SRH TRPL Meter	\$ <u>3123.38</u> Each
19.	6" SRH TRPL Meter	\$ <u>5666.89</u> Each
20.	8" SRH TRPL Meter	\$ <u>10,142.98</u> Each
<hr/>		
21.	8" W Turbo ECR Meter	\$ <u>4043.67</u> Each
22.	8" W Turbo TRPL Meter	\$ <u>4062.99</u> Each
23.	8" W Turbo ECR Meter w/integral strainer	\$ <u>5232.64</u> Each
24.	8" W Turbo TRPL Meter w/integral strainer	\$ <u>5251.96</u> Each

DISCONTINUED
 AVAILABLE WHILE INVENTORY EXISTS

DISCONTINUED
 AVAILABLE WHILE INVENTORY EXISTS

DISCONTINUED
 AVAILABLE WHILE INVENTORY EXISTS

<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
25.	1.5" C ² Omni Meter	\$ <u>910.00</u> Each
26.	2" C ² Omni Meter	\$ <u>1050.00</u> Each
27.	3" C ² Omni Meter	\$ <u>1330.00</u> Each
28.	4" C ² Omni Meter	\$ <u>2310.00</u> Each
29.	6" C ² Omni Meter	\$ <u>3990.00</u> Each
<hr/>		
30.	1.5" C ² Omni Electronic Register	REGISTER HAS 10 YEAR WARRANTY \$ <u>232.00</u> Each
31.	2" C ² Omni Electronic Register	\$ <u>232.00</u> Each
32.	3" C ² Omni Electronic Register	\$ <u>232.00</u> Each
33.	4" C ² Omni Electronic Register	\$ <u>232.00</u> Each
34.	6" C ² Omni Electronic Register	\$ <u>232.00</u> Each
<hr/>		
35.	1.5" T ² Omni Meter	\$ <u>622.75</u> Each
36.	2" T ² Omni Meter	\$ <u>738.69</u> Each
37.	3" T ² Omni Meter	\$ <u>920.49</u> Each
38.	4" T ² Omni Meter	\$ <u>1792.06</u> Each
39.	6" T ² Omni Meter	\$ <u>3226.30</u> Each
<hr/>		
40.	1.5" T ² Omni Electronic Register	REGISTER HAS 10 YEAR WARRANTY \$ <u>232.00</u> Each
41.	2" T ² Omni Electronic Register	\$ <u>232.00</u> Each
42.	3" T ² Omni Electronic Register	\$ <u>232.00</u> Each
43.	4" T ² Omni Electronic Register	\$ <u>232.00</u> Each
44.	6" T ² Omni Electronic Register	\$ <u>232.00</u> Each
<hr/>		
45.	5/8" SR ECR Meter Conversion Kit	\$ <u>58.46</u> Each
46.	3/4" SR ECR Meter Conversion Kit	\$ <u>58.46</u> Each
47.	1" SR ECR Meter Conversion Kit	\$ <u>58.46</u> Each
48.	5/8" SR II ECR Meter Conversion Kit	\$ <u>58.46</u> Each
49.	3/4" SR II ECR Meter Conversion Kit	\$ <u>58.46</u> Each
50.	1" SR II ECR Meter Conversion Kit	\$ <u>58.46</u> Each

<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
51.	5/8" SR TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
52.	3/4" SR TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
53.	1" SR TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
54.	1 1/2" SR TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
55.	2" SR TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
56.	5/8" SRH TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
57.	3/4" SRH TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
58.	1" SRH TRPL Meter Conversion Kit	\$ <u>68.08</u> Each
<hr/>		
59.	1 1/2" SR ECR Meter Conversion Kit	\$ <u>58.46</u> Each
60.	2" SR ECR Meter Conversion Kit	\$ <u>58.46</u> Each
61.	2" SRH ECR Meter Conversion Kit	\$ <u>157.70</u> Each
62.	3" SRH ECR Meter Conversion Kit	\$ <u>157.70</u> Each
63.	4" SRH ECR Meter Conversion Kit	\$ <u>157.70</u> Each
64.	8" SRH ECR Meter Conversion Kit	\$ <u>157.70</u> Each
<hr/>		
65.	2" SRH TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
66.	3" SRH TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
67.	4" SRH TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
68.	6" SRH TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
69.	8" SRH TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
<hr/>		
70.	1 1/2" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
71.	2" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
72.	3" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
73.	4" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
74.	6" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
75.	8" W Turbo ECR Meter Conversion Kit	\$ <u>157.70</u> Each
<hr/>		
76.	1 1/2" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u> Each
77.	2" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u> Each

<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>	
78.	3" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u>	Each
79.	4" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u>	Each
80.	6" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u>	Each
81.	8" W Turbo TRPL Meter Conversion Kit	\$ <u>174.29</u>	Each
<hr/>			
		<i>TOUCH COUPLER</i>	<i>WIRED</i>
82.	MXU 510R Single Port Meter Transceiver Unit for use in non-pit (inside) installations	\$ <u>104.00</u>	Each <i>98.00</i>
83.	MXU 510R Dual Port Meter Transceiver Unit for use in non-pit (inside) installations	\$ <u>115.00</u>	Each <i>110.00</i>
84.	MXU 520R Single Port Meter Transceiver Unit for use in pit installations	\$ <u>105.00</u>	Each
85.	MXU 520R Dual Port Meter Transceiver Unit for use in pit installations	\$ <u>120.00</u>	Each
86.	Series AR5002 Handheld Device with Communications/Charger Stand	\$ <u>DISCONTINUED</u>	Each
87.	Standard Model AR 5002 Upgrade w/ Communications/Charger Stand	\$ <u>DISCONTINUED</u>	Each
88.	Series AR5500 RF Handheld Device with Communications/Charger Stand	\$ <u>9121.92</u>	Each
89.	AutoRead Handheld Device/Programmer Standard Model AR 5002 Upgrade w/ Communications/Charger Stand	\$ <u>5488.62</u>	Each
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90.	AutoGun RF 4090	\$ <u>969.75</u>	Each
91.	AutoGun Pit Probe Extension	\$ <u>165.83</u>	Each
<hr/>			
		<i>BRASS</i>	<i>CAST IRON</i>
92.	1 1/2" Companion Brass Meter Flange & Gaskets*	\$ <u>31.94</u>	Each <i>19.07</i>
93.	2" Companion Brass Meter Flange & Gaskets*	\$ <u>36.71</u>	Each <i>28.60</i>
94.	4" Companion Brass Meter Flange & Gaskets*	\$ <u>102.59</u>	Each <i>60.67</i>
95.	6" Companion Brass Meter Flange & Gaskets*	\$ <u>172.63</u>	Each <i>94.70</i>
96.	8" Companion Cast Iron Meter Flange & Gaskets*	\$ <u>129.72</u>	Each

* * CAST IRON PRICE SUPPLIED FOR USE WITH DUMI METERS

<u>ITEM #</u>	<u>ITEM DESCRIPTION</u>	<u>NET DELIVERED PRICE</u>
97.	Maintenance and Repair Parts (i.e., freeze plates, gaskets, registers, etc.)	<u>20.0</u> % discount off current 2009 catalog list pricing (include copy of current 2009 catalog pricing sheet)

*Includes nut and bolt; (2) needed for each meter

I/WE FULLY UNDERSTAND THAT THE ACCEPTANCE OF THIS BID IS SUBJECT TO THE PROVISIONS OF SECTION 103A AND 103B OF THE GENERAL MUNICIPAL LAW.

August 20 2009
DATE

Richard W Baldwin
SIGNATURE OF AGENT/DEALER

RICHARD W BALDWIN
PRINTED NAME OF AGENT/DEALER

300 RABRO DRIVE Suite 148
ADDRESS

HAUPPAUGE NY 11788
CITY, STATE, ZIP CODE

RICHARD BALDWIN
CONTACT PERSON

9/1/09

TOWN OF RIVERHEAD

Adopted

Resolution # 839

ADOPTS A LOCAL LAW AMENDING CHAPTER 96 ENTITLED "TRASH, RUBBISH AND REFUSE DISPOSAL" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the on the 18th day of August, 2009 at 7:15 o'clock p.m. at the George Young Community Center, South Jamesport Avenue, Jamesport, 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 96 entitled "Trash, Rubbish and Refuse Disposal" 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.

THE VOTE *absent*

Buckley ~~yes~~ no Wooten ~~yes~~ no

Dunleavy yes ~~no~~ Blass yes ~~no~~

Cardinale yes ~~no~~

THE RESOLUTION WAS ~~WAS NOT~~

THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD NOTICE OF ADOPTION

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code at its regular meeting held on September 1, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 96 TRASH, RUBBISH AND REFUSE DISPOSAL

~~96-1. Accumulations on occupied premises prohibited.~~

~~Every person who is the owner of land lying and situated within the Town of Riverhead or who occupies, rents or leases any such land and all appurtenances thereto shall keep such land and all appurtenances thereto free and clear from all trash, rubbish, garbage, weeds, grass, refuse or other objects.~~

~~§ 96-2. Action by town upon failure to remove accumulations.~~

- ~~A. Authority to remove. In the event that the owner, occupant or tenant of such land shall fail to remove such weeds, trash, garbage, grass, refuse or other objects that cause such land to be a nuisance in the town, the town shall have the authority, as provided for herein, to enter onto such land and clean the same and to charge the cost or expense of such action against the owner and establish a lien in the manner herein provided.~~
- ~~B. Town Board action. Any person, corporation or association which is the owner of real property in the Town of Riverhead shall be required to remove the items set forth in Subsection A which may exist upon its land when directed to do so by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.~~
- ~~C. Notice to be served. Whenever the Town Board shall adopt a resolution requiring the owners of land to remove rubbish or debris which exists thereon, the Town Board shall specify the time within which such work shall be completed. Such notice shall set forth with reasonable certainty the location at which the condition exists and the manner in which the removal work shall be performed. The owners shall be given at least ten (10) days from the date of mailing of the notice within which the work shall be performed, and in any event such notice shall grant a reasonable time, giving due consideration to the amount of accumulation of rubbish or debris and the location thereof. Notice of the adoption of a resolution requiring the removal work may be served upon the owners of the property at which the condition exists by ordinary mail, addressed to the last known address of said owners.~~
- ~~D. Failure to comply. Whenever a notice or notices referred to in Subsection C~~

~~of this section have been served and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution.~~

- ~~E. Manner of assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to the failure of the owner to comply with the Town Board's resolution, the town shall be reimbursed for the cost of the work performed or the services rendered at its direction by assessment or levy upon the lots or parcels of and where such work was performed or such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad-valorem town charges.~~

RUBBISH, REFUSE, WEEDS AND OTHER RANK VEGETATION

96-1 Legislative Intent; Purpose.

The Town Board of the Town of Riverhead has determined that there exists in the Town of Riverhead unsightly conditions and environmental public nuisance(s) and it is the intent of this chapter to provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by any undesirable, environmental public nuisance(s) or blight full condition(s) on such land(s), premise(s) and public way(s) whereby reason that such conditions may, cause a fire hazard, create a nuisance to children with potential danger of injury on rocks, debris, holes, noxious weeds, etc., obstruct visibility at street intersections, result in the aggravation of allergies or furnish a potential harborage or breeding place for disease carrying insects, arthropods, animals and snakes covered by excess growth or vegetation.

§96-2 Scope, Applicability, Exclusions; more restrictive provisions shall prevail.

A. Scope. The provisions of this chapter shall apply to all new and existing residential and nonresidential premises and constitute the minimum requirements and standards for such premises.

B. Applicability. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provisions of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

C. Exclusions; The height provisions set forth in 96-5A of this Chapter shall not apply to wooded areas, wetland areas, or the growing of domestic grains and agricultural

crops for purposes related to agricultural production as defined in the Town Code of the Town of Riverhead.

§ 96-3 Applicability of Definitions.

A. General. Unless otherwise expressly stated, the forgoing terms set forth in §96-4 of this chapter shall, for the purposes of this chapter, have the meanings shown herein.

B. Interchangeability. Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

C. Terms not defined. Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies.

§ 96-4 Definitions.

CODE ENFORCEMENT OFFICIAL. The official who is charged with the administration and enforcement of this chapter, or any duly authorized representative of such person, including but not limited to the Building Inspector, Chief Building Inspector, Principal Building Inspector, Senior Building Inspector, Building Permits Coordinator, Zoning Inspector, Electrical Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Town Investigator, Senior Town Investigator, Ordinance Enforcement Officer or Ordinance Inspector of the Town of Riverhead, and such person(s) shall be certified as a New York State Code Enforcement Official.

EXTERIOR PROPERTY. The open space on the premises and on adjoining property under the control of owners or operators of such premises.

LAND. For the purpose of this chapter the term "land" and "property" shall have the same meaning as "premise" as defined herein.

NUISANCE. The unlawfully doing of an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render hazardous for others, or in any way renders other persons insecure in life, or in the use of their property.

OWNER. Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title or deed to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

OCCUPANT. Any individual or person occupying a premise or building, or having possession of a premise or building.

PERSON. An individual, corporation, partnership or any other group acting as a unit.

PREMISES. A lot, plot or parcel of land, easement or public way, including any structures thereon.

PUBLIC WAY. Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use

GARBAGE/REFUSE. Any solid or liquid waste material or product or combination of solid or liquid waste materials which result from the handling, preparation, cooking and consumption of food. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "garbage/refuse" as defined herein.

GRASS. Any plant of the family "Gramineae" having jointed stems with long narrow leaves which are growing wild or cultivated by seed as upon lawns and pastures.

LITTER. Waste material haphazardly deposited upon the ground, including but not limited to paper and plastic bags, paper and plastic cups, foodstuffs, food wrappings, cigar and cigarette butts, newspapers, advertisements, flyers, handbills, cans, bottles or glass, which tends to create a danger to public health, safety and welfare and/or which creates an unsightly condition, whether or not the waste material was generated by the owner of the property, by a lessee of the owner or a customer of the owner or lessee. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "litter" as defined herein.

NOXIOUS PLANTS. Noxious plants shall include the following Poison Ivy, Poison Sumac, and Poison Oak.

RESIDENTIAL PREMISE. A residential premise shall be any parcel of real estate, used or intended for residential purposes, whether platted or un-platted.

RANK VEGETATION. Rank vegetation shall mean any plant exceeding ten (10) inches in height. Trees, Shrubberies, flowers and agricultural crops are not to be considered rank vegetation unless they constitute an extreme deviation from the aesthetic appearance of the existing neighborhood in which such vegetation exists.

RUBBISH. All combustible and noncombustible "waste materials", for the purpose of this definition "waste material" shall mean any form of discarded, unattended, improperly contained "rubbish" as defined herein, the term rubbish shall include rags, cartons, boxes, wood, excelsior, rubber, leather, metals, mineral matter, glass, crockery fragments of building materials, construction debris or fallen buildings and ruins, the term rubbish shall also include the residue from the burning of any of the aforementioned items, this term shall also include discarded, abandoned or stored refrigerators and or freezers.

YARD, FRONT A space unoccupied, except as otherwise herein provided, between the front street line and the nearest point of any building line or structure on the lot and extending from side lot line to side lot line.

YARD, REAR A space unoccupied, except by a building or structure or accessory use as herein provided, extending from side lot line to side lot line between the rear lot line and the extreme rear line of the main building.

YARD, SIDE A space unoccupied, except by a building or structure or accessory use as herein provided, situated between the line of the principal building and side lines of the lot and extending from the front lot line to the rear lot line.

YARD WASTE Any form of discarded plant material or plant matter, including leaves, grass clippings, tree branches, brush, tree stumps, flowers and roots; debris commonly discarded as "waste material" in the course of maintaining yards and gardens, including sod and biodegradable waste approved for the yard waste composting program by the Town Board or the Sanitation Supervisor. For the purpose of this definition "waste material" shall mean any form of discarded, non-thriving "yard waste" as defined herein.

WEEDS. A valueless plant with long narrow leaves growing wild, sometimes growing on cultivated ground amongst grass, to the exclusion or injury of the desired crop, the term shall also include any undesirable or troublesome plant growing profusely where it is not wanted.

WOODED AREAS. Shall mean an area densely covered with trees, shrubs and plant life.

§ 96-5 Duties of Owners or Occupants.

A. Weeds, Grass, Rank Vegetation; It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow weeds, grass or other rank vegetation as defined in this chapter to exceed a height of ten (10) inches measured above ground level on any premise or public way.

B. Yard Waste, Rubbish, Litter, Garbage/Refuse. It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow any accumulation of yard waste, rubbish, litter, garbage or refuse as defined in this chapter on any premise or public way.

§ 96-6 Notice of violation; if required.

A. Notice. The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code may notify the owners by notice of violation, such notice of violation shall be served upon such owner of said property in which a violation of the provisions set forth in §96-5 of this chapter exists.

B. Contents of notice. The notice shall contain a general description of the property, a statement of the particulars with regard to the condition of the violation existing upon the premise and an order requiring that the violation, be abated. The notice shall specify a time, not less than (10) days after the service thereof, within which the owner served with

such notice shall complete the abatement of the violation existing on such premise as specified in the notice. The notice shall further state that, in the event that the cited condition is not eliminated within the time specified in the notice, the Town shall undertake to enter upon the property, if necessary, to abate the condition of the violation specified in such notice and assess the cost of such removal against said property pursuant to the foregoing provision set forth in §96-8 of this chapter.

C. Service of notice. The notice may be served either personally or by certified mail, addressed to the last known address, if any, of the owner as the same may appear on the records of the Receiver of Taxes of the Town; provided, however, that if such service is made by certified mail a copy of such notice shall also be posted on the premise where such violation exists. Service of the notice by mail and posting shall be deemed completed on the day on which both the mailing and the posting will have been accomplished.

D. Failure to comply. Upon failure of the owner of the premise in which a violation of set forth in §96-5 of this chapter exists and such owner fails to comply with the notice set forth herein within the time provided therein, the Town shall provide for such labor and materials as are necessary for abating such violation pursuant to the forgoing provisions of §96-8 of this chapter.

96-7. Appearance Tickets.

A. The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code is hereby authorized and empowered to serve the owner and/or occupant of such premise with an appearance ticket for any violations of this chapter. Service of a court appearance ticket shall be served upon such owner or occupant of said property, by personal service.

B. No notice of violation shall be required from the town in order to make an owner or occupant guilty of a violation of §96-5 of this chapter should an appearance ticket be issued as set forth in Subsection A.

§ 96-8. Action by town board upon failure to abate violations as specified.

A. Failure to comply. Whenever a notice or notices are served as set forth in §96-6 of this chapter and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.

B. Authority to remove. In the event that the owner and/or occupant of such land or premise shall fail to abate any violation as provided described in Subsection A, and in doing so causes such premise to be a nuisance in the town, the town board shall have the authority, as provided for herein, to enter onto such premise were such violation exist, remedy such violation and to charge the cost or expense of such remediation against the owner and establish a lien in the manner herein provided.

C. Assessment of costs and expenses, liens. All costs and expenses incurred by the Town in connection with the abatement of a violation of this chapter shall be assessed against the subject premise or lot. An itemization of such costs shall be provided to the Town Board by the Town Engineering Department. The total costs and expenses shall then be determined by the Town Board and shall be reported to the Assessor of the Town as the amount to be liened and assessed against the premise, and the expense so assessed shall constitute a lien and charge on the premise on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

96-9. Penalties for Offenses.

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

(1) By a fine of not less than \$250 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2) By a fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.

(3) By a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

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

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

Dated: Riverhead, New York
September 1, 2009

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

DIANE M. WILHELM, Town Clerk

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 840

ADOPTS A LOCAL LAW AMENDING CHAPTER 54 ENTITLED "UNSAFE BUILDINGS AND COLLAPSED STRUCTURES" OF THE RIVERHEAD TOWN CODE

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 54 entitled "Unsafe Buildings and Collapsed Structures" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the on the 18th day of August, 2009 at 7:20 o'clock p.m. at the George Young Community Center, South Jamesport Avenue, Jamesport, 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 54 entitled "Unsafe Buildings and Collapsed Structures" 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.

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 54 entitled "Unsafe Buildings and Collapsed Structures" of the Riverhead Town Code at its regular meeting held on September 1, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 54
UNSAFE BUILDINGS, STRUCTURES, AND DANGEROUS CONDITIONS
~~COLLAPSED STRUCTURES~~

- §54-1. Title.**
- §54-2. Purpose.**
- §54-3. Unsafe buildings, structures and dangerous conditions on property prohibited.**
- 54-4. Inspection and report.**
- §54-5. Service of notice.**
- §54-6. Contents of notice.**
- §54-7. Filing of copy of notice**
- §54-8. Emergency measures to vacate premises.**
- §54-9. Costs to be assessed and to constitute lien against premises.**
- §54-10. Penalties for offenses.**
- §54-11. Severability.**
- §54-12. When effective.**

§ 54-1. Title.

This chapter shall be known as the "Unsafe Buildings, Structures and Dangerous Conditions and ~~Collapsed Structures~~ Law of the Town of Riverhead."

§ 54-2. Purpose.

The purpose of this chapter is to promote the public health, safety and general welfare of the residents of the Town of Riverhead and the conservation of property and property values and to eliminate safety and health hazards.

§ 54-3. Unsafe buildings, structures and dangerous conditions on property prohibited.

All buildings or structures and dangerous conditions on property which are structurally unsafe, dangerous, unsafe to the public by means of unsecured windows, doors or other openings allowing unauthorized access to the interior of the building or structure and access to a dangerous condition on the property and/or creating an attractive nuisance by reason of the accessibility, unsanitary or not provided with adequate egress or which in relation to the existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this chapter, unsafe buildings or structures and/or dangerous conditions on property. All such buildings and structures and/or dangerous conditions on property are hereby declared to be illegal and are prohibited and shall be abated by repair and rehabilitation, boarding or other acceptable means of securing until repaired or demolished, or by demolition and removal in accordance with the procedures of this chapter.

§ 54-4. Inspection and report.

When, in the opinion of the Building Inspector or other duly authorized New York State Uniform Fire Prevention and Building Code Enforcement Officer (CEO), any building or structure and/or dangerous conditions located in the Town of Riverhead shall be deemed to be unsafe or dangerous to the public, he shall make a formal inspection thereof and thereafter prepare a written report thereof and file the same in his office and a copy with the Town Board. The Building Inspector or CEO shall take no further action except as provided in § 54-8 for a period of 10 business days.

§ 54-5. Service of notice.

- A. When it shall be determined by the Building Inspector or CEO that a building or structure or dangerous condition is ~~dangerous or~~ unsafe to the public, he shall promptly serve or cause to be served a notice on the owner or other persons having an interest in such property or structure as hereinafter provided.
- B. The aforementioned notice shall be served on the owner of the premises or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the last completed assessment roll of the town, either personally or by registered mail, addressed to the person intended to be served at the last known place of business. If the notice is

served by registered mail, the Building Inspector or CEO shall cause a copy of such notice to be posted on the premises.

§ 54-6. Contents of notice.

The notice referred to in § 54-5 hereof shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure and/or dangerous condition on property is unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment dangerous.
- C. An order requiring the building or structure and/or condition to be made safe and secure or removed.
- D. A statement that the securing, or removal, or remediation of the building or structure and/or condition existing on the property shall commence within 10 days from the date of the service of the notice and shall be completed within 30 days thereafter. The Building Inspector or CEO may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector or CEO may impose such conditions as he may deem appropriate.
- E. A statement that, in the event of the neglect or refusal of the person served with notice to comply with same, a hearing will be held before the Riverhead Town Board, notice of which and the time and place thereof to be specified in the notice to the owner referred to in § 54-5 hereof.
- F. Unsecured windows, doors or other openings.
 - (1) When a building or structure and/or condition on the property is determined by the Building Inspector or CEO to be unsafe to the public by reason of unsecured windows, doors other openings allowing unauthorized access to the interior of the building or structure or unsafe to the public by reason of unsecured gates, fences or the lack thereof and/or ~~creating~~ creates an attractive nuisance by reason of the accessibility, a statement that notice of the adoption of a resolution requiring the boarding and/or securing of the unsafe structure may be served upon the owners of the property at which the condition exists by certified return-receipt mail, addressed to the last known address of said owners.
 - (2) Failure to comply with notice to board and/or secure. Whenever a notice or notices referred to in Subsection F(1) of this section have been served and the owner shall neglect or fail to comply with such notice within 10 days of receipt

thereof, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from the general Town funds as directed by resolution.

(3) Manner of assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to failure of the owner to comply with the Town Board's resolution, the Town shall be reimbursed for the cost of work performed or the services rendered at its direction by assessment or levy upon the lots or parcels of land where such work was performed or such services rendered. So much of the actual costs as were actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad valorem Town charges.

G. A statement that, in the event that the Town Board, after the hearing specified in Subsection E hereof, shall determine that the building or structure and/or dangerous condition on the property is unsafe or ~~dangerous to the public~~ constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, the Town Board may order the building or structure and/or condition on the property to be repaired, remediated and secured or taken down and removed.

H. A statement that, in the event that the building or structure and/or dangerous condition on the property shall be determined by the Town to be unsafe or ~~dangerous~~ constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Town may remove such building or structure and/or dangerous condition by whatever means it deems appropriate and assess all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure and/or remediate or secure the property such that the dangerous condition is not accessible to the public, against the land on which said buildings or structures or dangerous condition on the property are located.

§ 54-7. Filing of copy of notice.

A copy of the notice referred to in § 54-6 hereof may be filed in the office of the County Clerk of the county within which such building or structure and/or dangerous condition on the property is located, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Town Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

§ 54-8. Emergency measures to vacate premises.

If the Building Inspector or CEO determines in his inspection of any building or structure and/or dangerous condition on the property that there is actual and immediate danger of failure or collapse so as to endanger life, he shall promptly require the building, structure, dangerous condition or portion thereof to be vacated forthwith and not to be reoccupied until the specified repairs are completed, inspected and approved by the Building Inspector or CEO. For this purpose he may enter such building, ~~or~~ structure, or land on which it stands or adjoining land or structure with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and protect the public by appropriated barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Building Inspector or CEO shall cause to be posted at each entrance to such building or structure and/or property where a dangerous condition exists a notice stating "This building, structure and/or condition on the property is unsafe and its use or occupancy has been prohibited by the Building Inspector or CEO." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Building Inspector or CEO or for any person to enter the building or structure and/or property, except for the purpose of making the required repairs or the demolition thereof.

§ 54-9. Costs to be assessed and to constitute lien against premises.

All costs and expenses incurred by the Town of Riverhead in connection with any proceeding or any work done to remove the danger or in connection with the demolition and removal of any such building or structure and/or dangerous condition on the property shall be assessed against the land on which such building or structure and/or dangerous condition is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector or CEO may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessors, who shall in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

§ 54-10. Penalties for offenses.

- A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional offense or violation.
- B. Nothing in this chapter shall be construed as depriving the Town of any other available remedy relevant to a violation of this chapter.

§ 54-11. Severability.

The invalidity of any section, subsection or provision of this chapter shall not invalidate any other section, subsection or provision thereof.

§ 54-12. When effective.

This chapter shall take effect immediately.

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

Dated: Riverhead, New York
September 1, 2009

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

DIANE M. WILHELM, Town Clerk

September 1, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 841

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED
"ZONING" OF THE RIVERHEAD TOWN CODE
(ARTICLE XXVI – Site Plan Review)**

COUNCILMAN DUNLEAVY 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 108 entitled "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:20 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 108 entitled "Zoning", of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that 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 ^{absent} ~~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 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on September 1, 2009. **Be it enacted** by the Town Board of the Town of Riverhead 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
September 1, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 842

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE TOWN OF RIVERHEAD (§108-56. Signs.)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" (§108-56. Signs.); and

WHEREAS, a public hearing was held on the 18th day of August, 2009 at 7:25 o'clock p.m. at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (§108-56. Signs.) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, 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

Buckley	<input type="checkbox"/> yes	<input type="checkbox"/> no	Wooten	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
	Cardinale	<input checked="" type="checkbox"/> yes		<input type="checkbox"/> no	

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (§108-56. Signs.) at its regular meeting held on September 1, 2009.

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

Chapter 108
ZONING
Article XIII
Supplementary Use Regulations

§108-56. Signs.

(2) Residential property real estate signs. Real estate signs advertising the sale, rental, or lease of residential real estate are permitted provided that:

(e) Said sign(s) may be erected by a licensed real estate broker or by the individual property owner. Said sign(s) may be erected by a licensed real estate broker who has paid the ~~an~~ established annual fee of \$200.00 to the Building Department. Erection of such signage by the individual owner of the property shall require a deposit of \$100 per sign, paid to the Building Department, to be refunded upon removal of the sign by the applicant.

Underline represents addition(s)

Overstrike represents deletion(s)

Dated: Riverhead, New York
September 1, 2009

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Adopted

Resolution # 843

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

_____ COUNCILWOMAN BLASS :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the September 10, 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", §108-3 of the Riverhead Town Code entitled "Definitions", 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~~ ^{absent} ~~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 6th day of October, 2009 at 2:05 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-3 entitled "Definitions", of the Riverhead Town Code as follows:

CHAPTER 108
ZONING
ARTICLE I
General Provisions

STRUCTURE -- A combination of materials, other than a building, forming a construction ~~that is safe and stable for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.~~ Excluded shall be For purposes of this definition, a "structure" shall not include a combination of such materials having a total floor area of less than 50 square feet ~~and which is used for purposes provided the use is for other than a family dwelling unit,~~ storage, business, farm or industrial purposes. Also excluded shall be fences four feet or less in height in a front yard and six feet or less in height elsewhere on a lot.

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

Dated: Riverhead, New York
September 1, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

September 1, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 844

GRANTS SPECIAL USE PERMIT OF PREST-O-PECONIC

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from George Nunnaro pursuant to Section 108-51A of the Riverhead Town Code, to construct a two floor warehouse and office building of 4,400 sq. ft. gross floor area and related improvements on a 0.3 acre parcel zoned Riverfront Corridor; such property more particularly described as SCTM 0600-119-2-14, and

WHEREAS, the Riverhead Town Board by resolution No. 850 of 2005 declared themselves Lead Agency, and

WHEREAS, the matter was referred to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the special permit with certain conditions, and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and recommendation; such Planning Commission resolving the matter to be one of local determination, and

WHEREAS, a public hearing was held on the matter on March 7, 2006 and

WHEREAS, the applicant has secured a permit from the New York State Department of Environmental Conservation pursuant to Article 15 of the Environmental Conservation Law, Wind Scenic and Recreational Rivers, 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 Planning Department, the report of the Riverhead Planning Board, the report of the Suffolk County Planning Commission, the record of the relevant public hearing, as well as all other pertinent planning, zoning and environmental information, now

THEREFORE BE IT

RESOLVED, that the Riverhead Town Board as the Lead Agency determines the action to be Unlisted without significant adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared; and

BE IT FURTHER,

RESOLVED, that in the matter of the special use permit of Prest-O-Peconic, the Riverhead Town Board hereby makes the following findings:

FIRST, that the subject real property lies within the Riverfront Corridor Zoning Use District;

SECOND, that the Riverfront Corridor Zoning Use District does not provide for warehouse or office use,

THIRD, that the subject special permit petition would allow the expansion of a pre-existing non-conforming use pursuant to Section 108-51 of the Riverhead Zoning Ordinance,

FOURTH, that the real property lies within the recreational portion of the Peconic River Wild, Scenic and Recreational Rivers area as regulated by the Environmental Conservation Law, Article 15, Title 27, and its implementing regulations,

FIFTH, that the applicant has secured a Wild, Scenic and Recreational Rivers (WSRR) permit from the New York State Department of Environmental Conservation for the proposed improvements,

SIXTH, that the property is currently improved with a warehouse use and accessory improvements,

SEVENTH, that the lot area is sufficient and adequate for the proposed warehouse and accessory office use,

EIGHTH, that the applicant has secured a Highway Work Permit from the NYSDOT for access from New York State Route 25,

NINTH, that adequate land exists to provide off-street parking stalls as required by the Town of Riverhead Parking Schedule,

TENTH, that adequate buffer yards and screen plantings will be provided,

ELEVENTH, that adequate provisions will be made for the collection and disposal of storm water and sanitary waste to be generated by the proposed land use, and

BE IT FURTHER,

RESOLVED, that the Riverhead Town Board hereby approves the special use permit of Prest-O-Peconic to allow the expansion of a non-conforming use, support the construction of warehouse facilities and an accessory office subject to the condition that the special permit use shall commence within two (2) years tolled from the date of this resolution, and

BE IT FURTHER,

RESOLVED, that a copy of this resolution be forwarded to 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

BLASS YES ___ NO WOOTEN ~~___ YES ___ NO~~ *absent*

CARDINALE YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

RESOLUTION # 845 ABSTRACT #09-34 August 27, 2009 (TBM 09/01/09)				
COUNCILWOMAN BIRLOTTI offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME			08/27/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		893,807.08	893,807.08
POLICE ATHLETIC LEAGUE	4		395.00	395.00
RECREATION PROGRAM FUND	6		56,991.26	56,991.26
ECONOMIC DEVELOPMENT ZONE FUND	30		3,157.43	3,157.43
HIGHWAY FUND	111		561,778.34	561,778.34
WATER DISTRICT	112		70,983.24	70,983.24
RIVERHEAD SEWER DISTRICT	114		39,222.85	39,222.85
REFUSE & GARBAGE COLLECTION DI	115		5,739.14	5,739.14
STREET LIGHTING DISTRICT	116		6,732.61	6,732.61
PUBLIC PARKING DISTRICT	117		1,969.81	1,969.81
BUSINESS IMPROVEMENT DISTRICT	118		1.44	1.44
AMBULANCE DISTRICT	120		873.71	873.71
EAST CREEK DOCKING FACILITY FU	122		1,626.60	1,626.60
CALVERTON SEWER DISTRICT	124		6,706.46	6,706.46
RIVERHEAD SCAVANGER WASTE DIST	128		18,410.22	18,410.22
WORKERS' COMPENSATION FUND	173		5,673.09	5,673.09
RISK RETENTION FUND	175		105.02	105.02
CDBG CONSORTIUM ACOUNT	181		616.50	616.50
PUBLIC PARKING DEBT SERVICE	381		1,421.27	1,421.27
GENERAL FUND DEBT SERVICE	384		3,847.20	3,847.20
SCAVANGER WASTE DISTRICT DEBT	385		1,953.40	1,953.40
COMMUNITY DEVELOPMENT AGENCY C	405		16,111.25	16,111.25
TOWN HALL CAPITAL PROJECTS	406		1,036,750.83	1,036,750.83
WATER DISTRICT CAPITAL PROJECT	412		0.00	0.00
RIVERHEAD SEWER CAPITAL PROJEC	414		0.00	0.00
CALVERTON SEWER CAPITAL PROJEC	424		1,879.11	1,879.11
SCAVANGER WASTE CAPITAL PROJEC	428		0.00	0.00
LOCAL ST & HIGHWAY CAP PROJECT	451		412,019.13	412,019.13
TRUST & AGENCY	735		1,106,012.96	1,106,012.96
COMMUNITY PRESERVATION FUND	737		1,715.97	1,715.97
TOTAL ALL FUNDS			4,256,500.92	4,256,500.92

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

RESOLUTION #	845	ABSTRACT #09-33 August 20, 2009 (TBM 09/01/09)		
offered the following Resolution which was seconded by				
.				
FUND NAME			08/06/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		84,629.38	84,629.38
RECREATION PROGRAM FUND	6		2,068.00	2,068.00
CHILD CARE CENTER BUILDING FUN	9		49.84	49.84
ECONOMIC DEVELOPMENT ZONE FUND	30		51.61	51.61
HIGHWAY FUND	111		6,422.82	6,422.82
WATER DISTRICT	112		72,930.29	72,930.29
RIVERHEAD SEWER DISTRICT	114		56,370.01	56,370.01
REFUSE & GARBAGE COLLECTION DI	115		13.20	13.20
STREET LIGHTING DISTRICT	116		30,642.65	30,642.65
PUBLIC PARKING DISTRICT	117		29,885.40	29,885.40
BUSINESS IMPROVEMENT DISTRICT	118		25,068.45	25,068.45
AMBULANCE DISTRICT	120		117.35	117.35
CALVERTON SEWER DISTRICT	124		5,266.86	5,266.86
RIVERHEAD SCAVANGER WASTE DIST	128		6,836.40	6,836.40
WORKERS' COMPENSATION FUND	173		6.60	6.60
CDBG CONSORTIUM ACOUNT	181		70.00	70.00
RESTORE GRANT PROGRAM	184		7,500.00	7,500.00
TOWN HALL CAPITAL PROJECTS	406		1,577,053.13	1,577,053.13
WATER DISTRICT CAPITAL PROJECT	412		73,282.31	73,282.31
RIVERHEAD SEWER CAPITAL PROJEC	414		61.01	61.01
CALVERTON SEWER CAPITAL PROJEC	424		20,360.14	20,360.14
SCAVENGER WASTE CAPITAL PROJEC	428		324.04	324.04
YOUTH SERVICES CAP PROJECT	452		13.20	13.20

TOWN OF RIVERHEAD

Adopted

Resolution # 846

Authorizes Community Development Department to Submit Application to New York State Office of Parks and Historic Preservation for Funds to Acquire Real Property at 1141 West Main Street, Riverhead NY

Councilwoman Barbara Blass offered the following resolution,

which was seconded by Councilman John Dunleavy

WHEREAS, the Town of Riverhead Comprehensive Plan, the Town of Riverhead Local Waterfront Revitalization Plan, the Peconic Estuary Comprehensive Conservation and Management Plan, the New York State Open Space Plan and the Town of Riverhead Priority Acquisition List for Open Space support acquisition of a permanent easement in or fee title to lands, waters or structures for park, recreation, conservation or preservation purposes along the Peconic River.

WHEREAS, the State of New York is soliciting funding applications under the Acquisition Grant Programs provided under the 2009-2010 Environmental Protection Fund Municipal Park Grant Program for the acquisition of a permanent easement in or fee title to lands, waters or structures for park, recreation, conservation or preservation purposes; and

WHEREAS, the Town of Riverhead is applying to the New York Office of Parks and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a waterfront access through the development of a greenway park project located alongside the Peconic River, specifically 1141 West Main Street, Riverhead NY (SCTM# 0600-125-02-028).

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Community Development Department to file an application with OPRHP in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Act of 1965, in an amount not to exceed \$600,000 and not to exceed 75% of project costs with a 25% match to be provided from Community Preservation or other Town funds, and upon approval of said request, to enter into and execute a project agreements with the State for such financial assistance to the Town of Riverhead for fee title acquisition of the above mentioned parcels and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

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 ^{absent} Yes No Dunleavy Yes No
Blass Yes No Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

9/1/09

Adopted

TOWN OF RIVERHEAD

Resolution # 847

RATIFIES THE REAPPOINTMENT OF MEMBERS TO THE RIVERHEAD OPEN SPACE/PARK PRESERVE 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, the Town Board desires to reappoint those members whose terms have expired;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby reappoints the following individuals to the Open Space Committee with their respective terms as follows:

Mark Terry	2 years, expiring September 2010
Charles Cetas	2 years, expiring October 2010

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Mark Terry, Charles Cetas, and the members of the Open Space Committee; 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 ^{absent} YES NO

DUNLEAVY YES NO / BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED