

Resolution List 12/15/09:

- Res. #1117 AWARDS BID FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE REPAIR PARTS
- Res. #1118 AUTHORIZES ALBRECHT, VIGGIANO, ZURECK & COMPANY, P.C. TO CONDUCT ANNUAL AUDIT OF THE RECORDS OF THE TOWN OF RIVERHEAD
- Res. #1119 EXTENDS BID FOR EMERGENCY ELECTRIC MOTOR REPAIR REPLACEMENT
- Res. #1120 AMENDS RESOLUTION #859
- Res. #1121 ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (§108-74 Certificate of Occupancy)
- Res. #1122 AWARDS BID FOR CALVERTON ENTERPRISE PARK WALKING TRAILS
- Res. #1123 RATIFIES THE APPOINTMENT OF PART-TIME POLICE OFFICERS AND PLACES THEM ON A LEAVE OF ABSENCE
- Res. #1124 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING" (§108-56. Signs. E. (7)(c) Temporary special event signs.)
- Res. #1125 RESOLUTION OF SUPPORT AND CONCURRENCE WITH THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE (FORMERLY ECONOMIC DEVELOPMENT ZONE) REGIONALLY SIGNIFICANT PROJECT APPLICATION
- Res. #1126 SOUTH SPILLWAY FISH PASSAGE GRANGEBEL PARK BUDGET ADJUSTMENT
- Res. #1127 GENERAL FUND BUDGET ADJUSTMENT
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- Res. #1129 HIGHWAY DEPARTMENT BUDGET ADJUSTMENT
- Res. #1130 NOTICE OF PUBLIC HEARING ON IMPROVEMENTS TO RIVERHEAD WATER DISTRICT
- Res. #1131 AWARDS BID FOR A FORWARD LOOKING INFRARED RADAR (FLIR)
- Res. #1132 AUTHORIZES THE RELEASE OF THE SITE PLAN SECURITY OF JASON'S VINEYARD, INC.
- Res. #1133 ADOPTS AN INTER-MUNICIPAL FREEDOM OF INFORMATION LAW POLICY
- Res. #1134 ACCEPTANCE OF 2007 AUDITED FINANCIAL STATEMENTS
- Res. #1135 AUTHORIZES THE RETENTION OF THE LAW FIRM OF TWOMEY, LATHAM, SHEA, KELLY, DUBIN & QUARTARARO, LLP AS SPECIAL COUNSEL

- Res. #1136 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE(ARTICLE XXXIV – Multifamily Residential Professional Office Zone)
- Res. #1137 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE(ARTICLE XLVI – Destination Retail Center (DRC) Zoning Use District)
- Res. #1138 ADOPTS A LOCAL LAW AMENDING CHAPTER 52 ENTITLED "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE (§52-14 Certificate of Occupancy Required)
- Res. #1139 AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT TOWN OF RIVERHEAD CALVERTON SEWER DISTRICT
- Res. #1140 AUTHORIZES PURCHASE ORDER – RIVERHEAD WATER DISTRICT
- Res. #1141 ORDER ESTABLISHING LATERAL WATER MAIN – RIVERHEAD WATER DISTRICT CEDAR COVE SUBDIVISION, WEST LANE, AQUEBOGUE
- Res. #1142 AUTHORIZES ENCROACHMENT LICENSE AGREEMENT WITH METRO TERMINALS OF LONG ISLAND, LLC
- Res. #1143 AUTHORIZATION RESOLUTION PURSUANT TO BOND ACTS AND FEDERAL GRANT AWARDS FOR WATER QUALITY IMPROVEMENT PROJECTS AND NONAGRICULTURAL NONPOINT SOURCE PROJECT
- Res. #1144 APPROVES EXTENSION OF SECURITY POSTED BY ANITA SOSNE IN CONNECTION WITH THE SUBDIVISION ENTITLED "CEDAR COVE" (ROAD AND DRAINAGE IMPROVEMENTS)
- Res. #1145 RELEASES CERTIFICATE OF DEPOSIT AND ACCEPTS IRREVOCABLE LETTER OF CREDIT IN CONNECTION WITH IMPROVEMENTS TO BE COMPLETED IN THE SUBDIVISION ENTITLED "CEDAR COVE"
- Res. #1146 APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF RIVERHEAD BUSINESS IMPROVEMENT DISTRICT (New Year's Eve - December 31, 2009)
- Res. #1147 APPROVES CHAPTER 90 APPLICATION OF THOMAS LUONGO (FAMILY HOLIDAY LIGHTING DISPLAY – ABBOTTS VILLAGE)
- Res. #1148 AUTHORIZATION RESOLUTION PURSUANT TO BOND ACTS AND FEDERAL GRANT AWARDS FOR WATER QUALITY IMPROVEMENT PROJECTS AND NONAGRICULTURAL NONPOINT SOURCE PROJECT

- Res. #1149 APPROVES EXTENSION OF PERFORMANCE SECURITY OF NF DEVELOPMENT LLC A/K/A "OLD VINE" SUBDIVISION (ROAD AND DRAINAGE IMPROVEMENTS)
- Res. #1150 AUTHORIZES THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT RELATING TO THE ADMINISTRATION OF THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE
- Res. #1151 AUTHORIZES THE REFUND OF A SPECIAL PERMIT APPLICATION FEE
- Res. #1152 AUTHORIZES SETTLEMENT WITH CERTAIN DEFENDANTS IN MTBE LITIGATION
- Res. #1153 APPOINTS AN AUTOMOTIVE EQUIPMENT OPERATOR TO THE HIGHWAY DEPARTMENT (NEIL D'AMARA)
- Res. #1154 APPROVES CONTINGENT APPOINTMENT OF A JUSTICE COURT CLERK TO THE JUSTICE COURT
- Res. #1155 APPROVES MEMORANDUM OF AGREEMENT
- Res. #1156 RATIFIES THE APPOINTMENT OF AUTOMOTIVE EQUIPMENT OPERATORS TO THE HIGHWAY DEPARTMENT (THOMAS KAEDING, CHRISTOPHER BUGGE)
- Res. #1157 APPOINTS A DEPARTMENT HEAD TO THE MUNICIPAL GARAGE
- Res. #1158 ACCEPTS 100% SECURITY OF EAST END WIRELESS, INC.
- Res. #1159 AMENDS 2009 SALARY AND CONTRACT
- Res. #1160 AMENDS 2008 AND 2009 SALARY AND CONTRACT
- Res. #1161 AUTHORIZING THE SUPERVISOR TO EXECUTE A CONSULTANT/ PROFESSIONAL SERVICES AGREEMENT WITH THE NEUTRAL GROUP, LLC
- Res. #1162 BUDGET ADJUSTMENT STREET LIGHTING DEPARTMENT
- Res. #1163 BUDGET ADOPTION PULASKI STREET LAND ACQUISITION/CONDEMNATION
- Res. #1164 BUDGET CORRECTION SOUTH SPILLWAY – GRANGEBEL PARK
- Res. #1165 DECLARES PUBLIC EMERGENCY REGARDING CONDITION OF WADING RIVER CREEK AND CREEK ROAD BEACH EROSION
- Res. #1166 BUDGET ADOPTION 2009 WADING RIVER DREDGING PROJECT

- Res. #1167 BUDGET ADJUSTMENT COMMUNITY DEVELOPMENT AGENCY FUND
- Res. #1168 APPROVES AMENDED SITE PLAN FOR SUMMERWIND
- Res. #1169 AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
MERCHANT SERVICES INC., DOING BUSINESS AS EVO MERCHANT SERVICES,
INC
- Res. #1170 AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT AGREEMENT
- Res. #1171 DETERMINES ZONING COMPLIANCE FOR PROPOSED PARKING LOT
EXPANSION FOR THE JAMESPORT FIRE DISTRICT FIREHOUSE AND
EXEMPTS PROJECT FROM SITE PLAN REVIEW
- Res. #1172 AWARDS BID FOR GRINDING OF YARD WASTE DEBRIS FROM THE YOUNG'S
AVE. YARD WASTE COLLECTION FACILITY
- Res. #1173 PAYS BILLS

TOWN OF RIVERHEAD

Resolution # 1117

AWARDS BID FOR STREET LIGHT AND TRAFFIC SIGNAL MAINTENANCE REPAIR PARTS

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for Street Light and Traffic Signal Maintenance Repair Parts; and

WHEREAS, seven (7) bids were received, opened and read aloud on October 2, 2009 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York,

NOW, THEREFORE, BE IT RESOLVED, that the bid for Street Light and Traffic Signal Maintenance Repair Parts be and is hereby awarded as follows:

- City Energy Services: Item No.'s, 17, 18, 19, 26, 33, 34, 100
- Intelligent Traffic Systems: Item No.'s, 73, 74, 75, 76, 79, 80, 81, 82, 8390, 91, 92, 93, 96, 98, 99, 101, 102, 103
- Kelly and Hayes Electrical Supply: Item No.'s, 8, 12, 29, 31, 35, 44, 62, 63, 65, 69
- Mid-Island Electrical Sales Corp.: Item No.'s, 1, 108, 109, 110, 114
- Monarch Electric Company: Item No.'s, 5, 6, 7, 25, 28
- Schwing Electrical Supply: Item No.'s, 2, 3, 4, 9, 10, 11, 15, 16, 20, 21, 22, 23, 27, 29, 30, 32, 36, 37, 43, 45, 46, 49, 50, 51, 52, 53, 54, 56, 57, 58, 59, 60, 61, 64, 66, 67, 68, 70, 71, 72, 105, 106, 107, 111, 112, 113
- Traffic Systems, Inc.: Item No.'s 77, 78, 83, 84, 85, 86, 88, 89, 90, 94, 95, 96, 97, 104

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1118

**AUTHORIZES ALBRECHT, VIGGIANO, ZURECK & COMPANY, P.C. TO CONDUCT ANNUAL
AUDIT OF THE RECORDS OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes Albrecht, Viggiano, Zureck & Company, P.C. to conduct an audit of the records of the Town of Riverhead for Fiscal Year 2008; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1119

EXTENDS BID FOR EMERGENCY ELECTRIC MOTOR REPAIR REPLACEMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, D&D Electric Motors and Compressors was awarded the bid for electric motor emergency repair/replacement by Resolution #081127 adopted December 16, 2008; and

WHEREAS, said bid document allows for the contract to be extended; and

WHEREAS, the Riverhead Water District has requested that the bid be extended pursuant to the terms of the award document; and

WHEREAS, the above-named vendor agreed to extend the contract until December 16, 2010, at the original bid amount of \$97,574.00; and

WHEREAS, the Town Board has reviewed said request,

NOW, THEREFORE, BE IT

RESOLVED, that the bid contract for electric motor emergency repair/replacement be and is hereby extended to December 16, 2010; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to D&D Electric Motors and Compressors, 127 E Hoffman Avenue, Lindenhurst, New York, 11757; 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 Town Clerk's Office.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted



RWD Riverhead Water District

Gary J. Pendzick, Superintendent
1035 Pulaski Street, Riverhead, New York 11901
Phone: 631-727-3205 FAX: 631-369-4608

Bid Extension Notice

To: Douglas Woelk
From: Riverhead Water District
Date: November 30, 2009
Subject: Extension of Bid Services

This letter is to inform you that our current bid contract with you for electric motor emergency repair/replacement expires on December 16, 2009.

The Town of Riverhead would like to extend this contract for a period of one (1) year to December 16, 2010, at the current bid price of \$97,564.00. This will be the first extension under the contract.

If this extension meets with your approval, please complete the bottom portion of this letter and return it to us immediately.

Douglas J. Woelk
Authorized Signature

Douglas J. Woelk
Print Name

D&D ELECTRIC MOTORS & COMPRESSORS
Company Name

12/01/09
Date

TOWN OF RIVERHEAD

Resolution # 1120

AMENDS RESOLUTION #859

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, Resolution #859 approved the attendance of the Zone Coordinator to an Empire Zone Conference hosted by the New York State Economic Development Council from Oct. 4-6th, and

NOW THEREFORE BE IT RESOLVED, that this Town Board hereby amends Resolution #859, approving expenditures for lodging and reimbursement of meals, registration and transportation from \$650 to \$900, and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1121

ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (§108-74 Certificate of Occupancy)

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning", Article XVII entitled "Administration", §108-74 entitled "Certificate of occupancy", of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 1st day of December, 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", Article XVII entitled "Administration", §108-74 entitled "Certificate of occupancy" 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

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

The Resolution Was Was Not
Thereupon Duly Declared 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", Article XVII entitled "Administration", §108-74 entitled "Certificate of occupancy", of the Riverhead Town Code at its regular meeting held on December 15, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 108
ZONING
ARTICLE XVII, Administration**

§ 108-74. Certificate of occupancy.

D. Certificate of occupancy. In case of undue hardship, the Building and Zoning Department official may issue a temporary certificate of occupancy valid for a period ~~not to exceed~~ of six months for any building, structure or use, ~~provided that he shall find that:~~ The Building and Zoning Department official may extend the temporary certificate of occupancy for no more than two successive six month periods. The Town Board may issue an extension of the temporary certificate of occupancy beyond eighteen months if the applicant is able to satisfy the criteria set forth below and proof that the unavoidable delay set forth in provision (2) below is related to or caused by local or regional public improvements.

- (1) Such building or structure is in itself in conformance with the New York State Uniform Fire Prevention and Building Code and all other applicable ordinances or regulations.
- (2) All site development requirements are essentially completed but that, due to unavoidable delays, they cannot be entirely completed as required in a reasonable time.
- (3) On investigation, the Building and Zoning Department official shall approve of such temporary certificate of occupancy.
- (4) A cash deposit in escrow in an amount established by the Building and Zoning Department official shall be provided to insure satisfactory completion of all required improvements within a period of six months or such other extension of time granted by the Building and Zoning Department official or the Town Board. Failure to comply with this time limitation shall render such escrow in default, and the Town may utilize the deposited money in the Town of Riverhead Town account set up for this purpose. The actual work completing the improvements

may be performed by one of the Town's departments or a private contractor selected by public bid.

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

Dated: Riverhead, New York
December 15, 2009

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD
Resolution # 1122

AWARDS BID FOR CALVERTON ENTERPRISE PARK WALKING TRAILS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Calverton Enterprise Park Walking Trails; and

WHEREAS, five (5) bids were received, opened and read aloud on the 25th day of November, 2009 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York,

NOW THEREFORE BE IT RESOLVED, that the bid for the Calverton Enterprise Park Walking Trails Project be and is hereby awarded to Rosemar Construction, Inc. in the amount of One Hundred Seventy One Thousand Nine Hundred & 00/100 (\$171,900.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement for the Calverton Enterprise Park Walking Trails Project; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Engineer to secure a Town of Riverhead purchase order in the amount of \$171,900.00; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to forward a copy of this resolution to Rosemar Construction, Inc., 56 Pine Street, East Moriches, NY 11940; and

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1123

RATIFIES THE APPOINTMENT OF PART-TIME POLICE OFFICERS AND PLACES THEM ON A LEAVE OF ABSENCE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on February 26, 2009, the Town of Riverhead posted an advertisement seeking candidates to attend the Suffolk County Police Academy for the purpose of serving as part-time police officers with the Riverhead Police Department; and

WHEREAS, extensive background investigations and personal interviews were conducted by the Suffolk County and Riverhead Town Police Departments to establish 4 individuals eligible to attend the Police Academy; and

WHEREAS, the Town of Riverhead agrees to sponsor their attendance at the Police Academy and provide them with the proper uniforms and equipment as required by the Suffolk County Police Academy staff.

NOW, THEREFORE, BE IT RESOLVED, effective October 20, 2009, the Town Board hereby ratifies the appointment of Branden Heller, Patrick Glynn, Peter Girgenti and Sean Mackie to the position of Part-time Police Officer;

BE IT FURTHER RESOLVED, that the above-named individuals are hereby placed on a leave of absence.

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The resolution was was not
thereupon duly declared adopted.

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1124

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING" (§108-56. Signs. E. (7)(c) Temporary special event signs.)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

RESOLVED, that the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning", §108-56 entitled "Signs", once in the December 24, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 20th day of January, 2010 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled "Zoning", §108-56 entitled "Signs" as follows:

Chapter 108
ZONING
ARTICLE XIII
SUPPLEMENTARY USE REGULATIONS

§108-56. Signs.

- (7) Temporary Special Event Signs. One temporary special event sign may be permitted at the location of the special event and no more than two additional temporary special event signs may be permitted at locations other than the event site and shall be posted no more than fourteen days prior to the event, provided that such sign:
- (a) Conditions:
- [1] Shall not be erected prior to the approval of the special event permit by the Town Board pursuant to Chapter 90:
 - [2] Shall be constructed of light material such as cloth, canvas, fabric, plywood or designed such that the sign is not required to be affixed to real property and readily removable.
 - [3] Shall not exceed 50 square feet in area.
 - [4] Shall not be posted more than fifteen feet above the average level of the ground surrounding the sign.
 - [5] Shall not be placed within a public right-of-way or create a potential danger to vehicular traffic.
 - [6] May be double-sided.
 - [7] Shall have received a sign permit application.
- (b) If more than one special event sign is desired, approval must first be received from the Town Board. Approval of multiple temporary special event signs may be made as part of the special event permit application. All approved temporary special event signs must comply with the provisions of § E(7)(a)[1] through [7] above.
- ~~(c) Shall be removed following conclusion of the 90 day approval period.~~

- Underscore represents deletion(s)

Dated: Riverhead, New York
December 15, 2009

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 1125**RESOLUTION OF SUPPORT AND CONCURRENCE WITH THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE (FORMERLY ECONOMIC DEVELOPMENT ZONE) REGIONALLY SIGNIFICANT PROJECT APPLICATION**

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, New York State created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State; and

WHEREAS, the Town of Riverhead, as an eligible municipality in conjunction with the County of Suffolk, received designation of an Economic Development Zone; and

WHEREAS, said zone is currently comprised of subzones including portions of the Town of Southampton, the Town of Babylon, and the Town of Riverhead; and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and

WHEREAS, the County of Suffolk and the Town of Riverhead intends to augment the Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional designated area in the Town of Huntington (approximately 3.14 acres) for a *Regionally Significant Project* in an area outside the separate and distinct contiguous areas which will not affect the current 1280 acres within the zone; and

WHEREAS, Bren-Tronics, Inc. located at 8 & 10 Brayton Court, Commack, New York; meets the criteria of 957 (d) of the general municipal law as regionally significant project by creating 50 new jobs for inclusion within the Suffolk County/Town of Riverhead Empire Zone; and

WHEREAS, the Town of Riverhead wishes to support and concur with the Empire Zone Board of Directors' designation of Bren-Tronics, Inc. at SCTM's #0400-220.00-01.00-045.000 and #0400-220.00-01.00-046.000 as *Regionally Significant Project*; and

NOW THEREFORE BE IT RESOLVED, that the Town Board in its capacity as governing body of the Town of Riverhead, does hereby support and concur with the Suffolk County/Town of Riverhead Empire Zone Board to include Bren-Tronics, Inc. located within the property referred to as SCTM#0400-220.00-01.00-045.000 and #0400-220.00-01.00-046.000, and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1126

SOUTH SPILLWAY FISH PASSAGE GRANGEBEL PARK BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

		<u>FROM</u>	<u>TO</u>
406.071100.543500.40135	Professional Svc-Engineer	68,005	
406.071100.523018.40135	Construction & Equipment		36,300
406.071100.543500.40135	Contingency		31,705

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

THE VOTE

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

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1127

GENERAL FUND BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

		<u>FROM</u>	<u>TO</u>
001.014100.542609	Advertise/Town Board Notices	5,000	
001.010100.542607	Ordinance Codification		5,000
001.016250.541150	Repairs & Maintenance	5,560	
001.016250.524000	Equipment		5,560

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1128

GENERAL FUND POLICE BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

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

		<u>FROM</u>	<u>TO</u>
001.035100.542251	Dog Food Expense	400.00	
001.035100.543220	Vet Care Expense	1,538.73	
001.035100.546200	Electricity Expense	3,627.95	
001.035100.546301	Propane Gas Expense	3,036.26	
001.035100.546303	Gasoline Expense	1,614.98	
001.035100.546400	Water Expense	277.10	
001.035100.541150	Building Repair Expense		10,495.02

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

THE VOTE

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

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1129

HIGHWAY DEPARTMENT BUDGET ADJUSTMENT

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

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

		<u>FROM</u>	<u>TO</u>
111.051100.541309	Road Sweepings	10,000	
111.051100.545200	Equipment Rental	10,000	
111.051300.541400	Equipment Repair		20,000

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York on December 15th, 2009, at 7 o'clock P.M., Prevailing Time.

TOWN OF RIVERHEAD

RESOLUTION # 1130

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

<p>In the Matter of The Increase and Improvement of the Facilities of the Riverhead Water District, in the Town of Riverhead, Suffolk County, New York</p>	<p>ORDER CALLING PUBLIC HEARING</p>
--	---

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Riverhead Water District, in the Town of Riverhead, Suffolk County, New York (the "Water District"), being the design planning, engineering and construction of a proposed new permanent well and pump, construction of a well house, including mechanical work, treatment, piping, valves, installation of a motor control center, electrical service, relocation of an emergency generator, installation of telemetry and instrumentation, site work, including, site work, fence, and site piping, as well as original furnishings, equipment, machinery, apparatus, appurtenances,

and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,580,000; and

WHEREAS, the Town expects said capital project to be determined to be an "Unlisted Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed, it has been determined will not result in any significant environmental effects; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of said Water District, in the matter described above, and to hear all persons interested in the subject thereof, concerning the same, in accordance with the provisions of Section 202-b of the Town Law; NOW, THEREFORE, IT IS HEREBY

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

Section 1. A public hearing will be held in the Town Hall, in Riverhead, New York, in said Town, on January 5th, 2010, at 2:05 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Riverhead Water District, in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the official newspaper, and also to cause a copy thereof to be posted on the sign board of the Town, such publication and

posting to be made not less than ten, nor more than twenty, days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached hereto as Exhibit A and hereby made a part hereof.

Section 4. This Order shall take effect immediately.

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

Councilman Gabrielsen	VOTING YES
Councilman Wooten	VOTING YES
Councilman Dunleavy	VOTING YES
Councilwoman Blass	VOTING YES
Supervisor Cardinale	VOTING YES

The order was thereupon declared duly adopted.

* * * * *

Exhibit A

NOTICE OF PUBLIC HEARING ON IMPROVEMENTS TO
RIVERHEAD WATER DISTRICT

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, will meet at the Town Hall, 200 Howell Avenue in Riverhead, New York, on January 5, 2010, at 2:05 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of the Riverhead Water District, in said Town, being the design planning, engineering and construction of a proposed new permanent well and pump, construction of a well house, including mechanical work, treatment, piping, valves, installation of a motor control center, electrical service, relocation of an emergency generator, installation of telemetry and instrumentation, site work, including, site work, fence, and site piping, as well as original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,580,000.

The Town has determined this capital project to be an "Unlisted Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act ("SEQRA"), the implementation of which as proposed has been determined will not result in any significant environmental effects. SEQRA documentation is available in the Office of the Town Clerk where it may be inspected during normal business hours.

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

Dated: Riverhead, New York,

December 15, 2009.

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

Diane M. Wilhelm

Town Clerk

TOWN OF RIVERHEAD

Resolution #1131

AWARDS BID FOR A FORWARD LOOKING INFRARED RADAR (FLIR)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for a Forward Looking Infrared Radar (FLIR); and

WHEREAS, 1 bid was received and opened at 11:00 a.m. on Monday, December 7, 2009, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders,

NOW, THEREFORE, BE IT RESOLVED, that the bid for a FLIR be and hereby is awarded to Great Peconic Bay Marina for \$8,620.00; 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.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The resolution was was not
thereupon duly declared adopted.

TOWN OF RIVERHEAD

Resolution # 1132

AUTHORIZES THE RELEASE OF THE SITE PLAN SECURITY OF JASON'S VINEYARD, INC.

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, pursuant to Resolution #740 dated August 7, 2007, the Riverhead Town Board accepted a North Fork Bank Certificate of Deposit #4230049993 in the sum of Two Hundred Nine Thousand Dollars (\$209,000.00) from John Damianos of Jason's Vineyard, Inc. representing improvements to be completed at 1785 Main Road, Jamesport, New York, further described as Suffolk County Tax Map #0600-69-2-23; and

WHEREAS, pursuant Resolution #740 dated July 23, 2009, the Town Board authorized a reduction in said performance security to the amount of \$62,000.00 pursuant to the Site Plan Memorandum dated July 21, 2009; and

WHEREAS, a substantial portion of the improvements have been completed and site plan construction approval is recommended pursuant to a Site Plan Inspection Memo dated November 25, 2009 from Vincent A. Gaudiello, P.E., Town Engineer; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site requirements, and Certificate of Occupancy #23304 has been issued,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned security in the sum of Sixty Two Thousand Dollars (\$62,000.00); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Jason Damianos, 1785 Main Road, Jamesport, NY, 11947 and Capital One Bank, P.O. Box 1559, Mattituck, NY, 11952; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1133

ADOPTS AN INTER-MUNICIPAL FREEDOM OF INFORMATION LAW POLICY

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, it is in the interests of the Town of Riverhead to obtain information and records in a timely manner in the interests of administering efficient government; and

WHEREAS, other municipal entities, subdivisions and officials are a frequent and substantial source of such information and records; and

WHEREAS, other municipal entities, subdivisions and officials frequently provide information and records to the Town of Riverhead in a timely manner and at no cost, in the interests of inter-municipal cooperation; and

WHEREAS, other municipal entities, subdivisions and officials frequently request information and records from the Town of Riverhead; and

WHEREAS, the Town of Riverhead finds that it is in the interests of the Town of Riverhead to provide information and records to other municipal entities, subdivisions and officials subject to the New York State Freedom of Information Law in the interests of inter-municipal cooperation,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby adopts a policy to provide information and records to other municipal entities, subdivisions and officials subject to the NYS Freedom of Information Law, at no cost, within reason, and upon request; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1134

ACCEPTANCE OF 2007 AUDITED FINANCIAL STATEMENTS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead authorized Albrecht, Viggiano, Zureck & Company, P.C. to conduct the audit of the records of the Town of Riverhead for the year ended December 31, 2007; and

WHEREAS, Albrecht, Viggiano, Zureck & Company, P.C. has audited the basic financial statements and issued a report thereon presented a Single Audit Report of the Schedule of Expenditures of Federal Awards in accordance with OMB Circular A-133.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the audit report on the Basic Financial Statements and the Single Audit Report for the year ended December 31, 2007: and

THEREFORE BE IT FURTHER RESOLVED, that the Town Clerk provide a copy of this resolution to the Accounting Department: and

THEREFORE BE IT FURTHER RESOLVED that the I.T. Department is authorized to post the report on the audited Basic Financial Statements and the Single Audit Report for the year ended December 31, 2007 on the Town of Riverhead's web site .

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/2009

Adopted

TOWN OF RIVERHEAD

Resolution # 1135

AUTHORIZES THE RETENTION OF THE LAW FIRM OF TWOMEY, LATHAM, SHEA, KELLY, DUBIN & QUARTARARO, LLP AS SPECIAL COUNSEL

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board wishes to appoint the firm of Twomey, Latham, Shea, Kelly, Dubin & Quartararo, LLP to act as special counsel and take all action with respect to representation of the Town of Riverhead in an Article 78 Proceeding;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints the Law Firm of Twomey, Latham, Shea, Kelly, Dubin & Quartararo, LLP to act as legal counsel in connection with the aforementioned matter; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute the Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Twomey, Latham, Shea, Kelly, Dubin & Quartararo, LLP, P.O. Box 9398, Riverhead, New York 11901-9398; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #1136

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE(ARTICLE XXXIV – Multifamily Residential Professional Office Zone)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the December 24, 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" of the Riverhead Town Code to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared 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 20th day of January, 2010 at 7:10 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XXXIV
Multifamily Residential Professional Office Zone**

§ 108-168. Zoning use classification.

The zoning use classification known as ~~Residence-E~~ Multifamily Residential Professional Office Zone District shown on the attached amendment to the Zoning Use Classification Map is hereby adopted.

§ 108-169. Uses.

In the ~~Residence-E~~ Multifamily Residential Professional Office Zone District no building, structure or premises shall be used, arranged or designed to be used and no building or structure shall hereafter be erected, reconstructed or altered, unless otherwise provided in this chapter, except for either one of the following permitted uses and their customary accessory uses.

§ 108-170. Development standards.

C. Yards.

(3) Rear. The minimum rear yard shall be 50 feet, except that the minimum rear yard shall be 25 feet when adjacent to a property within a ~~Residence-E~~ Multifamily Residential Professional Office zoning Zone dDistrict.

§ 108-171. Landscaping, screening and buffering.

C. Preservation of existing vegetation. Site plans for the development of property located in a ~~Residence-E~~ Multifamily Residential Professional Office Zone District shall include an indication of existing mature trees and other instances of unique, indigenous and/or significant vegetation or other natural features so as to ensure their preservation and thereby retain an open space environment which enhances the character of the Town.

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

Dated: Riverhead, New York
December 15, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/15/2009

Adopted

TOWN OF RIVERHEAD

Resolution #1137

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (ARTICLE XLVI – Destination Retail Center (DRC) Zoning Use District)

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the December 24, 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" of the Riverhead Town Code to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared 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 20th day of January, 2010 at 7:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XLVI
Destination Retail Center (DRC) Zoning Use District**

§ 108-258. Uses.

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

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

Dated: Riverhead, New York
December 15, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/15/2009

Adopted

TOWN OF RIVERHEAD

Resolution # 1138

ADOPTS A LOCAL LAW AMENDING CHAPTER 52 ENTITLED "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE (§52-14 Certificate of Occupancy Required)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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 52 entitled "Building Construction" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 1st day of December, 2009 at 2:15 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 52 entitled "Building Construction" 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

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

The Resolution Was Was Not
Thereupon Duly Declared 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 52 entitled "Building Construction", of the Riverhead Town Code at its regular meeting held on December 15, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 52
BUILDING CONSTRUCTION
ARTICLE I, Administration and Enforcement**

§ 52-14. Certificate of occupancy required.

A. No building hereafter erected shall be used or occupied in whole or in part until a certificate of occupancy or temporary certificate of occupancy as set forth in §108-74 D shall have been issued by the Building Inspector in addition to any which may be required under Zoning Ordinance No. 26 of the Town of Riverhead.

B. No building hereafter enlarged, extended or altered or upon which work has been performed which required the issuance of a building permit shall continue to be occupied or used for more than 30 days after the completion of the alteration or work unless a certificate of occupancy or temporary certificate of occupancy as set forth in §108-74 D shall have been issued by the Building Inspector in addition to any which may be required under the Zoning Ordinance No. 26 of the Town of Riverhead.

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

Dated: Riverhead, New York
December 15, 2009

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 1139

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT
TOWN OF RIVERHEAD CALVERTON SEWER DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, currently Water & Sewage Treatment Enterprises, Inc. is under contract with the Calverton Sewer District to provide for the daily operation, maintenance and necessary testing to meet permit and treatment requirements; and

WHEREAS, the Adopted 2010 Budget of the Calverton Sewer District provides for the continued services of the contractor; and

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached two year agreement between the Calverton Sewer District and Water & Sewage Treatment Enterprises, Inc.; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1140

AUTHORIZES PURCHASE ORDER – RIVERHEAD WATER DISTRICT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

RESOLVED, That the Purchasing Department be and hereby is authorized to issue a purchase order in the amount of \$30,000 to H2M for the work outlined in the attached correspondence from Dennis Kelleher dated September 28 revised December 1, 2009, and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted



Engineers | Architects | Scientists | Planners | Surveyors

575 Broad Hollow Road | Melville, New York 11747
v 631.756.8000 f 631.694.4122
www.h2m.com

Holzmacher, McLendon & Murrell, P.C. | H2M Associates, Inc.
H2M Labs, Inc. | H2M Architects & Engineers, Inc.

September 28, 2009
(Revised December 1, 2009)

Supt. Gary Pendzick
Riverhead Water District
1035 Pulaski Street
Riverhead, New York 11901

Re: Riverhead Water District
Proposal for Engineering Services – Additional Scope of Work for
Miscellaneous Operational and Consulting Tasks - 2009
H2M Project No.: RDWD 09-50

Dear Supt. Pendzick:

As you know, H2M has been providing consulting engineering services to the Riverhead Water District for over 30 years. In early 2009, H2M was issued a Purchase Order (No. 09-0235) for the miscellaneous operational and consulting tasks that routinely occur throughout the year.

During the past several months, several tasks have occurred that required significant engineering effort that has exhausted the funds in the original purchase order. These tasks include:

- Numerous Key Money Evaluation (27 year to date)
- Suffolk County DPW Pulaski Street Re-Routing – Water Main Extension
- SCWA – Riverhead Fire District Well Evaluation
- County Road 58 – Reconstruction – Water Main Off-Set Design and Coordination
- Preparation of Water Conservation Newsletter
- Project Closeouts for Riverhead Accounting Department
- High Demand Hydraulic Model Simulations
- Water Rate Comparison
- Groundwater Rule – Triggered Monitoring Plan (\$6,900 – See Our 10.30.09 Proposal)

We request that our purchase order be increased by \$30,000 for the miscellaneous services required for the remainder of the year. Please note that much of this extra effort should be a one-time occurrence and should not reoccur annually.

Should you have any questions or comments, please contact this office.

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

Dennis M. Kelleher, P.E.

DMK:slj

cc: Supervisor Philip Cardinale
Richard Ehlers, Esq.



riverhead water district) - 10810rdwd0950 - retainer\correspondence\09-12-01 - pendzick - additional scope of work for misc. operational and consulting tasks - 2009 (revised).doc

CELEBRATING 75 YEARS

ACEC
MEMBER



12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1141

ORDER ESTABLISHING LATERAL WATER MAIN – RIVERHEAD WATER DISTRICT CEDAR COVE SUBDIVISION, WEST LANE, AQUEBOGUE

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a petition has been filed by the developer of the subdivision known as Cedar Cove located along the west side of West Lane in Aquebogue for the installation of a lateral water main of the Riverhead Water District for which all costs and fees shall be borne by the petitioner; and

WHEREAS, by letter and report dated March 18, 2009, H2M, consulting engineers to the Riverhead Water District, did prepare a report detailing the necessary measures and costs associated with extending a lateral water main to the proposed Cedar Cove Subdivision, and

WHEREAS, this development will consist of the construction of seven (7) new single family dwellings to be accessed via a new cul-de-sac to be known as Cedar Cove Court, with approximately 400 linear feet of eight inch diameter water main to be installed along the proposed cul-de-sac, and

WHEREAS, a map and plan is available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours, and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner with an estimated cost of \$60,000 and the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$17,500. This cost represents the infrastructure costs to the Riverhead Water District to service these additional residences, and

WHEREAS, the Town Board held a public hearing on the 1st day of December 2009, wherein all persons wishing to be heard were heard,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, hereby approves

the lateral water main of Cedar Cove Subdivision, subject to the following conditions:

1. The petitioner has posted with the Town of Riverhead Financial Administrator the amount of \$17,500 which is equal to \$2,500 key money for each dwelling unit within the proposed subdivision;
2. The petitioner has posted with the Town of Riverhead Financial Administrator the amount of \$60,000;
3. A grant of a sub-surface easement to the Riverhead Water District covering all locations of the proposed water main installation; and be it further

RESOLVED, that the bid contemplated herein shall not be awarded unless approved by the petitioner or his successors in title, and be it further

RESOLVED, that the terms and conditions of this order shall be accepted and agreed to by the petitioner owner whose consent shall be duly acknowledged and shall be binding on the heirs and assigns of the petitioner and shall run with the land; 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.

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

Dated: December 15, 2009
Riverhead, New York

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

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



Engineers | Architects | Scientists | Planners | Surveyors

575 Broad Hollow Road
Melville, New York 11747
v 631.756.8000 f 631.694.4122
www.h2m.com

Holzmacher, McLendon & Murrell, P.C. | H2M Associates, Inc.
H2M Labs, Inc. | H2M Architects & Engineers, Inc.

March 18, 2009

Supervisor Philip J. Cardinale
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

**Re: Riverhead Water District
Proposed Lateral Water Main Extension
Cedar Cove Subdivision, West Lane
S.C.T.M.: District 600, Section 66, Block 02, Lot 004
H2M Project No.: RDWD 06-54**

Dear Supervisor Cardinale:

As per the Town Board's authorization, we have evaluated the proposal of extending the lateral water mains to the proposed Cedar Cove Subdivision located along the west side of West Lane in Aquebogue, New York. The developer of this property has petitioned the Town Board requesting that this proposed subdivision be served by the Riverhead Water District. The proposed development is already located within the existing Extension No. 34 – Central Aquebogue Extension of the Riverhead Water District.

This development will consist of the construction of seven (7) new single family dwellings to be accessed via a new cul-de-sac, Cedar Cove Court. In order to provide service to the proposed subdivision, approximately 400 linear feet of eight inch diameter water main will need to be installed along the proposed cul-de-sac. To service the individual dwellings a one inch water service will be installed to each unit. A plan of the water main layout is shown in Exhibit "A". Since the proposed roadway will be dedicated to the Town of Riverhead, an easement is not required for water mains installed within the right-of-way.

We estimate the projected water use from this subdivision to average 3,500 gallons per day with a maximum daily water use of 10,500 gallons per day. At the present time, the District does not have excessive well and pumping capacity to meet the demand of this extension. However, the District is in the planning stages of constructing additional water supply and storage facilities to meet the needs of this extension.

We have estimated the cost of the above improvements at \$60,000 including construction costs, engineering, inspection, legal fees and contingencies as shown on Table 1. The entire cost of this project shall be borne by the developer, at no cost to the Town or Water District. It should be noted that the cost includes the cost of installing service lines from the water main to the meter pit, including the pit. The developer is also required to purchase the meter and related AMR equipment from the District when they are ready for the actual metered service connection. The current meter cost, including installation and



CELEBRATING 75 YEARS





Supervisor Philip J. Cardinale
Town of Riverhead
March 18, 2009
Page 2 of 2

trench line inspection is approximately \$450 per 1-inch meter. Note the meter and inspection costs have been included in the project cost estimate provided above.

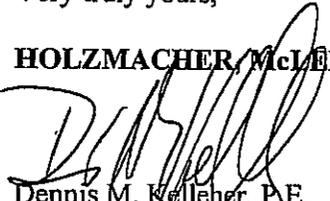
In addition to the construction costs, the Riverhead Water District assesses all new developments a Key Money fee. The Town Board has passed a resolution approving an increase of the Key Money Fees. The current fee for a major residential subdivision currently within the boundaries of the water district is \$6,052 per single family dwelling unit. This fee is levied in order to cover the cost of constructing capital improvement facilities including wells, storage tanks and transmission mains. The Key Money cost for each of the proposed homes will be \$6,052. Based on the 7 unit subdivision, the Key Money cost will be \$42,364 for this extension (7 units @ \$6,052 each).

At this time, we recommend that a public hearing be scheduled to approve this lateral water main extension project. Once approved by the Town Board, the developer will need to deposit the balance of the total project cost amount (\$57,000), in order that the design and public bidding of the water main installation can proceed. The developer should allow a minimum of three (3) months for the design and bidding of the water main project.

Should you have any questions or comments, please contact this office.

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.



Dennis M. Kelleher, P.E.
Sr. Vice President

DMK:JRC
Enclosures

cc: Supt. Gary Pendzick
William Rothaar, Financial Administrator
Richard Ehlers, Esq.
Town Clerk
Town Assessor's Office
Town Attorney's Office
Peter S. Danowski, Jr.

TABLE 1
RIVERHEAD WATER DISTRICT
PROPOSED LATERAL WATER MAIN EXTENSION
CEDAR COVE SUBDIVISION, WEST LANE

Summary of Cost Opinion

ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
8" CLDI Water Main	400 LF	\$32.00	\$12,800.00
Special Castings	500 LBS	\$2.00	\$1,000.00
8" Valves & Boxes	1 UNIT	\$1,600.00	\$1,600.00
12" Valves & Boxes	1 UNIT	\$2,400.00	\$2,400.00
Hydrants, incl. 6" valve	1 UNIT	\$3,500.00	\$3,500.00
Testing & Compaction	400 LF	\$2.00	\$800.00
Connection to Existing Main	1 UNIT	\$4,650.00	\$4,650.00
Asphalt Restoration	25 SY	\$100.00	\$2,500.00
1" Water Service	7 UNITS	\$1,250.00	\$8,750.00
SUBTOTAL:			\$38,000.00
Engineering Report, Exhibit & Public Hearing:			\$3,000.00
Design Plans and Specifications and Bidding:			\$4,000.00
Construction Administration & Map Updates:			\$2,500.00
Construction Inspection:			\$3,400.00
Meter & AMR Fees (7 units @ \$450 each):			\$3,150.00
Town/District Administrative Fees (7% of construction):			\$2,700.00
Contingencies (approx 8% of construction):			\$3,250.00
TOTAL PROJECT COST (Paid by Developer):			\$60,000.00
Less Funds Already Deposited:			\$3,000.00
BALANCE OF FUNDS REQUIRED:			\$57,000.00
KEY MONEY COSTS (7 dwellings x \$6,052/building):			\$42,364.00

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1142

**AUTHORIZES ENCROACHMENT LICENSE AGREEMENT WITH METRO
TERMINALS OF LONG ISLAND, LLC**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW THEREFORE BE IT RESOLVED,

RESOLVED, that the Town Supervisor be and hereby is authorized to execute the attached Encroachment License Agreement and all necessary recording documents; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

The burdens and benefits of this Agreement shall run with the lands of Metro (Exhibit B) and shall be binding upon its heirs, successors and assigns. This Agreement may not be orally modified and is the entire Agreement between parties.

If the encroaching structure is removed, it shall not be replaced and Metro's right to maintain the encroachment shall cease.

Town of Riverhead

Metro Terminals of Long Island, LLC

By: _____
Philip J. Cardinale,
Town Supervisor

By: _____

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1143

**AUTHORIZATION RESOLUTION PURSUANT TO BOND ACTS AND FEDERAL
GRANT AWARDS FOR WATER QUALITY IMPROVEMENT PROJECTS AND
NONAGRICULTURAL NONPOINT SOURCE PROJECT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead herein called the "municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (ECL) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Riverhead

1. That Philip J. Cardinale, Town Supervisor of the Town of Riverhead, or such person(s) successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent by the Town Clerk of the Town of Riverhead to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution shall take effect immediately.

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1144

APPROVES EXTENSION OF SECURITY POSTED BY ANITA SOSNE IN CONNECTION WITH THE SUBDIVISION ENTITLED "CEDAR COVE" (ROAD AND DRAINAGE IMPROVEMENTS)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, the Riverhead Town Board, by Resolution #670 adopted on July 3, 2007, did accept a JPMorgan Chase Bank, N.A. Certificate of Deposit #100071137956 in the amount of \$202,000.00 representing road and drainage improvements to be completed within the subdivision entitled, "Cedar Cove"; and

WHEREAS, by letter dated March 24 2009 from Steve Monaco of Cedar Cove Construction, it has been requested that an extension be granted for the performance security representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #31 dated April 16, 2009, it is recommended that the performance security be extended for an additional two-year period to June 5, 2010.

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

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

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the subdivision to June 5, 2010; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Michael R. Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, NY 11777, Alan I. Sosne, Esq., 2316 Main Street, Suite G, Bridgehampton, NY, 11932; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1145

RELEASES CERTIFICATE OF DEPOSIT AND ACCEPTS IRREVOCABLE LETTER OF CREDIT IN CONNECTION WITH IMPROVEMENTS TO BE COMPLETED IN THE SUBDIVISION ENTITLED "CEDAR COVE"

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by Resolution #670 dated July 3, 2007, the Riverhead Town Board accepted JP Morgan Chase Bank Certificate of Deposit #100071137956 in the amount of \$202,000.00 from Developers Steve Monaco and Alan Sosne in connection with improvements to be completed in the subdivision entitled "Cedar Cove"; and

WHEREAS, pursuant to a letter received from Michael R. Strauss, Esq., dated September 18, 2009, the Campo Brothers have purchased the subject subdivision from Steven Monaco and Alan Sosne on or about September 18, 2009; and

WHEREAS, the Campo Brothers have submitted a Bank of Smithtown Irrevocable Letter of Credit No. 100434 in the amount of \$202,000.00 to replace the previously submitted security from Steven Monaco and Alan Sosne, representing the improvements to be completed in the within subdivision; and

WHEREAS, said irrevocable letter of credit is found to be acceptable in its form,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the JP Morgan Chase Bank Certificate of Deposit #100071137956 in the amount of \$202,000.00 submitted by Steven Monaco and Alan Sosne; and be it further

RESOLVED, that the Town Board hereby accepts the Bank of Smithtown Irrevocable Letter of Credit No. 100434 in the amount of \$202,000.00 submitted by the Campo Brothers; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Steven Monaco and Alan Sosne, 2316 Main Street, Suite G, Bridgehampton, NY, 11932 and Michael R. Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, NY 11777; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1146

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF RIVERHEAD
BUSINESS IMPROVEMENT DISTRICT (New Year's Eve - December 31, 2009)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on November 25, 2009 the Riverhead Business Improvement District submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Thursday, December 31, 2009 at 9:00 p.m.; and

WHEREAS, the Riverhead Business Improvement District has requested the applicable Fireworks Permit Application fee be waived due to its not-for-profit status; and

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

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of the Riverhead Business Improvement District, for the purpose of conducting a fireworks display to be held at Grangebel Park, Riverhead, on Thursday, December 31, 2009 at 9:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department who must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Grangebel Park no later than 2:00 p.m. on the day of the event.
- Fireworks technician must have photo identification and present same to Fire Marshal

upon request.

- Fire Marshal to be present 60 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fireworks display shall be limited to shells not larger than 3” in diameter.
- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Riverhead Business Improvement District, P.O. Box 913, Riverhead, New York, 11901; Pyro Engineering, Inc., d/b/a Bay Fireworks, 400 Broadhollow Road, Suite 3, Farmingdale, New York, 11735 and the Riverhead Fire Department; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1147

**APPROVES CHAPTER 90 APPLICATION OF THOMAS LUONGO
(FAMILY HOLIDAY LIGHTING DISPLAY – ABBOTTS VILLAGE)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on November 25, 2009, Thomas Luongo submitted a Chapter 90 Application for the purpose of conducting a drive-through “Family Holiday Light Display” to benefit the charities of the John Theissen Children’s Foundation and the Ronald McDonald House of New York to be held on the Abbots Village property located at 3605 Middle Country Road, Calverton, New York on Wednesday, December 16, 2009 through and including Sunday, January 3, 2010 between the hours of 4:00 p.m. and 11:00 p.m.; and

WHEREAS, Thomas Luongo 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, due to the above referenced charities not-for-profit status, the applicant has requested the Chapter 90 application fee be waived; and

WHEREAS, an Owner’s Inspection Authorization has been obtained from the property owner; and

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

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance 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 Thomas Luongo for the purpose of

conducting a drive-through “Family Holiday Light Display” to benefit the charities of the John Theissen Children’s Foundation and the Ronald McDonald House of New York to be held on Abbotts Village property located at 3605 Middle Country Road, Calverton, New York on Wednesday, December 16, 2009 through and including Sunday, January 3, 2010 between the hours of 4:00 p.m. and 11:00 p.m. is hereby approved; and be it further

RESOLVED, that this event shall be limited to the entrance and exit of vehicular traffic for purposes of viewing the lighting display only and any other form of activities including, but not limited to, the sale of wares of any kind, food concessions, rides, or animal petting areas shall be prohibited; and be it further

RESOLVED, that no activities shall be conducted on any part of the property where Suffolk County owns the development rights; and be it further

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

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

RESOLVED, that approval for this event shall be subject to the installation of snow fencing to delineate the easterly and southerly boundaries of the Abbotts Village property so that no activities are conducted on property where Suffolk County owns the development rights and that security patrols of the boundary are provided to ensure that patrons of this lighting display do not go beyond the boundaries of the 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 (631) 727-3200 extension 601, for the purpose of arranging the “pre-opening” inspection appointment at least three days in advance; and be it further

RESOLVED, that should the property owner or applicant fail to abide by any of the conditions contained herein, this approval shall be deemed automatically revoked; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Thomas Luongo, 87 Underhill Avenue, Hicksville, NY, 11801; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Withdrawn

TOWN OF RIVERHEAD

Resolution # 1148

**AUTHORIZATION RESOLUTION PURSUANT TO BOND ACTS AND FEDERAL
GRANT AWARDS FOR WATER QUALITY IMPROVEMENT PROJECTS AND
NONAGRICULTURAL NONPOINT SOURCE PROJECT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, the Town of Riverhead herein called the "municipality", after thorough consideration of the various aspects of the problem and study of available data, has hereby determined that certain work, as described in its application and attachments, herein called the "Project", is desirable, is in the public interest, and is required in order to implement the Project; and

WHEREAS, the Environmental Conservation Law (ECL) authorizes State assistance to municipalities for water quality improvement projects by means of a contract and the Municipality deems it to be in the public interest and benefit under this law to enter into a contract therewith;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town of Riverhead

1. That Philip J. Cardinale, Town Supervisor of the Town of Riverhead, or such person(s) successor in office, is the representative authorized to act in behalf of the Municipality's governing body in all matters related to State assistance under ECL Articles 17, 51 and 56 and/or any applicable federal grant provisions. The representative is also authorized to make application, execute the State Assistance Contract, submit Project documentation, and otherwise act for the Municipality's governing body in all matters related to the Project and to State assistance;
2. That the Municipality agrees that it will fund its portion of the cost of the Project and that funds will be available to initiate the Project's field work within twelve (12) months of written approval of its application by the Department of Environmental Conservation;

3. That one (1) certified copy of this Resolution be prepared and sent by the Town Clerk of the Town of Riverhead to the Albany office of the New York State Department of Environmental Conservation;
4. That this Resolution shall take effect immediately.

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1149

APPROVES EXTENSION OF PERFORMANCE SECURITY OF NF DEVELOPMENT LLC A/K/A "OLD VINE" SUBDIVISION (ROAD AND DRAINAGE IMPROVEMENTS)

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, pursuant to Town Board Resolution #1287 dated December 17, 2002, the Town Board accepted Greenwich Insurance Company Subdivision Bond No. 45013765 from NF Development LLC in the amount of \$1,000,000.00 representing road and drainage improvements to be completed in the subdivision entitled "Old Vine"; and

WHEREAS, pursuant to Resolution #883 dated February 1, 2005, the Riverhead Town Board authorized a reduction of the above referenced performance bond to the amount of \$333,333.00; and

WHEREAS, by letter dated July 1, 2009 from Chris Keegan of NF Development LLC, it has been requested that an extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #114, dated December 3, 2009, it has been recommended that the above referenced performance bond be granted an extension to expire on June 1, 2010; and

WHEREAS, water key money in the amount of \$187,500.00 and park and recreation fees in the amount of \$228,000.00 have been paid.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subdivision for the period of May 4, 2007 through May 3, 2009; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage

improvements to be completed within the subdivision for the period of May 4, 2009 through June 1, 2010, pursuant to Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$4,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall irrevocably extend the performance bond representing the road and drainage improvements to be completed within the subdivision to June 1, 2010; and be it further

RESOLVED, that no further extensions shall be granted in connection with this performance bond and the associated improvements; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to NF Development LLC, 888 Veterans Memorial Highway, Suite 430, Hauppauge, NY, 11788, Greenwich Insurance Company, One Exchange Place, Suite 501, Jersey City, New Jersey, 07302; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1150

AUTHORIZES THE SUPERVISOR TO EXECUTE AN INTERMUNICIPAL AGREEMENT RELATING TO THE ADMINISTRATION OF THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on September 16, 1997, pursuant to General Municipal Law §961, et seq., and the regulations promulgated to implement same, the Suffolk County Legislature adopted Resolution 803-1997 setting forth the Empire Zone (previously known as the Economic Development Zone) boundaries and authorizing the Suffolk County Executive to submit an application for Economic Development Zone designation as primary applicant. The Town of Riverhead, as joint applicant adopted Local Law 12-1997 on September 29, 1997 concurring with the boundaries set forth in the application, and

WHEREAS, on September 16, 1997, pursuant to General Municipal Law §958(c), et seq., and the regulations promulgated to implement same, the Suffolk County Legislature adopted Resolution 803-1997 setting forth Empire Zone (previously known as Economic Development Zone) boundaries and authorizing the Suffolk County and the Town of Riverhead to submit an application for Economic Development Zone designation with the County of Suffolk as the primary applicant. The Town of Riverhead, as joint applicant, adopted Local Law 12-1997 on September 29, 1997; and

WHEREAS, the Riverhead Town Attorney was designated the Zone Certifying Officer and the generic composition of the Empire Zone Administrative Board ("ZAB") was established pursuant to the application and aforementioned local laws; and

WHEREAS, pursuant to both aforementioned local laws Suffolk County and the Town of Riverhead adopted subsequent local laws that established the Chairperson of the Empire Zone Administrative Board as the County Executive's designee and the balance of the Empire Zone Administrative Board was to be designated by the Town of Riverhead; and

WHEREAS, the Town and County established the Empire Zone with the cooperation and consultation of the New York State Department of Economic Development; and

WHEREAS, in 2003 the County of Suffolk, the Town of Riverhead, the Town of Babylon and the Town of Southampton agreed pursuant to the MOU dated June 3, 2003, to relocate Empire Zone acreage to locations within the Town of Southampton, the Town of Babylon and the downtown area of the Town of Riverhead; and

WHEREAS, the Suffolk County Legislature adopted Local Law 15-2003 amending the Empire Zone boundaries to reallocate said acreage as reflected in the June 3, 2003 MOU; and

WHEREAS, the June 3, 2003 MOU gave the Suffolk County Legislature the approval power for the appointment of two additional ZAB members representing the zone-designated areas within the Towns of Southampton and Babylon; and

WHEREAS, the June 3, 2003 MOU also provided that the Riverhead Town Attorney would continue to serve as the Zone Certifying Officer and that the Suffolk County Executive, or his designee, would continue to serve as Chairperson of the ZAB; and

WHEREAS, the parties agreed that neither Suffolk County nor the County Executive's designee to the ZAB shall take any action to reconstitute the ZAB other than its own appointees (Suffolk County, Wyandanch, Southampton); and

WHEREAS, the June 3, 2003 MOU also provided for financial contributions to be made by each party to the MOU; and

WHEREAS, on May 27, 2009 a revised MOU was fully executed outlining the management and the financial obligations of the County of Suffolk, Town of Riverhead, Town of Babylon and the Town of Southampton to the Zone Administrative Board; and

WHEREAS, a revised Empire Zones Boundary was submitted by the Empire Zone Administrative Board to the New York State Department of Economic Development, which approved the preliminary boundary revision application; and

WHEREAS, it is the desire of the participating municipalities to modify the May 27, 2009 MOU to reflect a boundary modification to relocate 20 acres of property from sub-zone #1 located at the Enterprise Park at Calverton (EPCAL) in the Town of Riverhead to Melville located within the Town of Huntington for the specific purpose of assisting with the Canon USA Americas Regional Headquarters development; and

WHEREAS, the Town of Huntington is committed to the development of new business, specifically Canon USA and agreed to enter into an intermunicipal agreement prior to the submission of the final application for the boundary revision; and

WHEREAS, the Town of Huntington has agreed to support the Suffolk County/Town of Riverhead Empire Zone through a minimum annual contribution of \$10,000 to assist in the funding of the zone for administrative purposes; and

WHEREAS, as a result of an approved boundary modification the Empire Zone Administrative Board will be amended to include two (2) new members; one from the Town of Huntington, as recommended by its Supervisor and approved by the Suffolk County Legislature and one from the Town of Riverhead as approved by the Town of Riverhead; and

WHEREAS, it is understood that the intent of the boundary modification is specifically for the Canon USA Americas Regional Headquarters and in the event Canon USA does not proceed with this proposed development, it is the intent of the Empire Zone Administrative Board to reclaim the 20 acre mapped area and return the acreage to sub-zones within the Town of Riverhead, and

WHEREAS, the parties wish to clarify their respective obligations with respect to Empire Zones management and finances,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreement, 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

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1151

Authorizes the Refund of a Special Permit Application Fee

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Jorge A. Reiley, of Hamptons Professional Interest, filed a Special Permit Application with the Town Clerk to allow the use of a residence as a doctor's office, to include parking & handicap ramp upon real property at 1204 Hallock Street, Riverhead, New York, further described as Suffolk County Tax Map #0600-102-4-8; and

WHEREAS, the applicant has posted the required Special Permit Fee of \$500.00; and

WHEREAS, the Riverhead Planning Department has determined that a Special Permit is not required; and

WHEREAS, the applicant has requested a refund of the \$500.00 Special Permit Application fee,

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the refund of \$500.00; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jorge Reiley, 1 Oak Ridge Court, Manorville, NY 11949, and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1153

APPOINTS AN AUTOMOTIVE EQUIPMENT OPERATOR TO THE HIGHWAY DEPARTMENT

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, vacancies exist in the Highway Department for Automotive Equipment Operators; and

WHEREAS, pursuant to the CSEA contract, these positions were duly posted for, Job Posting #17, interviews were held, background investigations were conducted, and the Highway Superintendent and Personnel Officer have made recommendations of suitable candidates,

NOW, THEREFORE, BE IT RESOLVED, that effective December 21, 2009, this Town Board hereby appoints Neil D'Amara to the position of Automotive Equipment Operator as found in Group 6, Step P of the Operational and Technical Salary Schedule, and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1154

APPROVES CONTINGENT APPOINTMENT OF A JUSTICE COURT CLERK TO THE JUSTICE COURT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, an application for a leave of absence has been made to the Riverhead Town Board by a Justice Court Clerk in the Justice Court; and

WHEREAS, the approval of this leave of absence creates a contingent vacancy in the Justice Court; and

WHEREAS, Civil Service has established a certified list of Eligibles, list # 08-0050-361 for the position of Justice Court Clerk, the position was duly posted for, Job Posting # 21, and a recommendation has been made by the Riverhead Town Justices to make a contingent appointment of a candidate who is immediately reachable on the certified list,

NOW, THEREFORE, BE IT RESOLVED, that effective for December 28, 2009, this Town Board hereby approves the contingent appointment of Sarah Manarel to the vacant position of Justice Court Clerk as found in Group 11, Step P of the Clerical and Supervisory Salary Schedule; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1155

APPROVES MEMORANDUM OF AGREEMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a memorandum of agreement has been conditionally agreed to by an employee, the CSEA and the Town of Riverhead,

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby ratifies this memorandum of agreement, and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1156

RATIFIES THE APPOINTMENT OF AUTOMOTIVE EQUIPMENT OPERATORS TO THE HIGHWAY DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, vacancies exist in the Highway Department for Automotive Equipment Operators; and

WHEREAS, pursuant to the CSEA contract, these positions were duly posted for, Job Posting #17, interviews were held, background investigations were conducted, and the Highway Superintendent and Personnel Officer have made recommendations of suitable candidates,

NOW, THEREFORE, BE IT RESOLVED, that effective for December 14, 2009, this Town Board hereby ratifies the appointment of Thomas Kaeding and Christopher Bugge to the position of Automotive Equipment Operators as found in Group 6, Step P of the Operational and Technical Salary Schedule, and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1157

APPOINTS A DEPARTMENT HEAD TO THE MUNICIPAL GARAGE

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

NOW, THEREFORE, BE IT RESOLVED, that effective immediately this Town Board hereby assigns the additional designation of Department Head to the Municipal Garage to John Reeve with no change to salary or other terms and conditions of employment, and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1158

ACCEPTS 100% SECURITY OF EAST END WIRELESS, INC.

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, East End Wireless, Inc. posted Suffolk County National Bank Irrevocable Standby Letter of Credit #091118 in the amount Fifty-Five Thousand Dollars (\$55,000.00) representing the 100% site plan security in connection with Riverhead Town Board Resolution #614 dated June 16, 2009 for the construction of a 131 foot wireless communication monopole, equipment cabinets, and other related improvements upon real property leased from the Town of Riverhead (adjacent to the F-14 Memorial site) in Calverton, New York, further described as Suffolk County Tax Map #0600-135-1-7.33, 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 above referenced security in the sum of Fifty-Five Thousand Dollars (\$55,000.00) issued to the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a copy of this resolution to Re, Nielsen, Huber & Coughlin, LLP, Attn: Bailey Larkin, 36 North New York Avenue, Huntington, NY, 11743; and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1159

AMENDS 2009 SALARY AND CONTRACT

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

NOW, THEREFORE, BE IT RESOLVED, that effective December 21, 2009 the salary of the following employee of the Town of Riverhead be amended as follows:

Judy Doll Senior Citizens Program Director \$87,329.00

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.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1160

AMENDS 2008 AND 2009 SALARY AND CONTRACT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

NOW, THEREFORE, BE IT RESOLVED, that the salary of David J. Hegermiller, Chief of Police, exclusive of stipend, be amended as follows:

January 1, 2008	\$151,115.01
January 1, 2009	\$155, 911.32

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1161

**AUTHORIZING THE SUPERVISOR TO EXECUTE A CONSULTANT/
PROFESSIONAL SERVICES AGREEMENT WITH THE NEUTRAL GROUP, LLC**

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Sewer District is interested in exploring the cost and economic benefit of the use of a wind energy system and the feasibility of utilizing a wind energy system on the grounds of the Sewer District; and

WHEREAS, the Neutral Group, LLC, a division of DHL and Neutral Power, is ideally suited for this project based upon its history of successful consulting engagements on wind energy in the United States and in Europe. The Neutral Group, LLC is globally dedicated to providing technical and management consulting, testing, inspections to assess the economic and technical feasibility of wind projects and has vast experience in the area of alternative energy sources. The Neutral Group also makes it a priority to rigorously evaluate and quantify project uncertainties, providing detailed analysis including facility siting, permit applications, environmental and social impact assessments, and identification of environmental concerns,

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Supervisor to execute a professional services agreement with The Neutral Group, LLC in substantially the form annexed hereto, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to The Neutral Group, LLC, 286 Sachem Hill Place, St. James, New York 11780; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1162

BUDGET ADJUSTMENT

STREET LIGHTING DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

		<u>FROM</u>	<u>TO</u>
116.051820.524000	Equipment	10,000	
116.051820541414	Street Lighting Maintenance		10,000

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1163

BUDGET ADOPTION

PULASKI STREET LAND ACQUISITION/CONDEMNATION

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

		<u>FROM</u>	<u>TO</u>
406.019400.494200.42502	Serial Bond Proceeds	650,000	
406.019400.521000.42502	Land Acquisition (Condemnation)		640,000
406.019400.543000.42502	Professional Services		10,000

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1164

Budget Correction

SOUTH SPILLWAY- Grangebél Park

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, Resolution number 849 dated 9/11/2009 adopted a budget for Capital Project 40146, South Spillway Grangebél Park; and

WHEREAS, Resolution number 1174 dated 12/20/2005 already adopted a budget for Capital Project 40135 South Dam Fish Passage at Grangebél Park,

NOW THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the correction of Resolution #849 to reflect the Capital Project # 40135, and be it further

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1165

DECLARES PUBLIC EMERGENCY REGARDING CONDITION OF WADING RIVER CREEK AND CREEK ROAD BEACH EROSION

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, due to numerous recent northeast storms with extremely high winds causing high tides and surf, the beach along Creek Road in Wading River has experienced major beach erosion and Wading River Creek has shoaled over in many areas deeming the creek impassable; and

WHEREAS, the navigability of Wading River Creek is essential to Wading River Fire District's ability to timely respond to emergency and distress calls from area residents and individuals using the waters and beach in the Wading River area; and

WHEREAS, in the past year the Wading River Fire District responded to numerous emergencies where the ability to navigate the Wading River Creek, utilize boat ramp to launch emergency watercraft, and access to the beach area were paramount to its ability to protect the life, health and safety of the inhabitants of this area; and

WHEREAS, Long Island Power Authority (LIPA), pursuant to an agreement between the Town of Riverhead and LIPA, retained the services of Newborn Construction to remove an amount of spoil in a portion of the channel of Wading River Creek; and

WHEREAS, the Engineering Department for the Town of Riverhead inspected the dredging performed by Newborn Construction of the Wading River Creek and determined that additional dredging is required in order to ensure that the creek is navigable in the Spring and Summer of 2010; and

WHEREAS, the Engineering Department for the Town of Riverhead has advised the Town Board that it is critical to undertake additional dredging at this time due to regional restrictions preventing dredging during the winter and early spring and solicited Newborn Construction to remain on the job site to perform additional dredging on behalf of the Town, the payment of which will be made from Federal Emergency Management

Association (FEMA) monies and funds from the 2009 Town of Riverhead Operating Budget Appropriation 001.016250.541202 entitled "Dredging" ,*pending approval by the Town Board;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby declare the conditions along the beach at Creek Road and the shoaling of Wading River Creek to be a public emergency under General Municipal Law section 103(4); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the transfer of funds from the general fund for a total of Forty Four Thousand Eight Hundred Seventy & 00/100 Dollars (\$44,870.00) to improve the public safety of the property surrounding Creek Road and improve the health and safety of Creek Road residents; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Engineering Department to secure an emergency purchase order to Newborn Construction in the amount of \$44,870.00 for further dredging in addition to the dredging Newborn Construction performed on behalf of LIPA; and

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

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1166BUDGET ADOPTION2009 WADING RIVER DREDGING PROJECTCouncilman Dunleavy offered the following resolution,which was seconded by Councilman Wooten

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

		<u>FROM</u>	<u>TO</u>
406.072300.481000.40204	General Fund Transfers	15,000	
406.072300.492000.40204	State Aid	29,870	
406.072300.523015.40204	W.R. Creek Dredging		44,870

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

THE VOTE

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

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1167

BUDGET ADJUSTMENT

COMMUNITY DEVELOPMENT AGENCY FUND

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

		<u>FROM</u>	<u>TO</u>
914.069800.541203	Grounds R&M Landscaping	19,524.84	
914.069800.542505	Building Repairs	5,000.00	
914.019100.548300	Unallocated Insurance		3,200.00
914.069800.547100	Special Items - Property		3,500.00
405.052300.543500	Professional Service – Eng- Calverton Rail		17,824.84

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

THE VOTE

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

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution # 1168

APPROVES AMENDED SITE PLAN FOR NF MANAGEMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, a site plan was submitted by NF Management, to amend Town Board Resolution 454-09 by reducing the number of stories of the approved structure and redesigning the proposed drainage system, upon real property located at 40 Peconic Ave. in Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-6-81, 82 & 86.3; and

WHEREAS, the Planning Department has reviewed the site and elevation plans prepared by Martin Sendlewski, dated revised November 24, 2009, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

WHEREAS, the Architectural Review Board reviewed the revised elevation plans on October 28, 2009 for the proposed reduction in building height and number of stories; and

WHEREAS, the Planning Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, the amended site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received by the Office of the Financial Administrator of the Town of Riverhead as per receipt no. J-29904; and

WHEREAS, the Town Board has reviewed the site plan aforementioned,

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the amended site plan application of NF Management, the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be a Type I Action pursuant to 6NYCRR Part 617 without significant impact and that an Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that the Martin Sendlewski site plan dated revised November 24, 2009, for the amendment of Resolution 454-09 by reducing the number of stories of the approved structure and redesigning the proposed drainage system is hereby approved by the Town Board with the following conditions:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;
4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;
7. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
8. That all new utilities shall be constructed underground;
9. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
10. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
11. The applicant must satisfy all requirements of the New York State Building Code;

12. That pursuant to Section 108-133(I) of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing or building permit, shall post a letter of credit in an amount equaling one hundred percent (100%) of the public improvement costs as estimated by the Planning Board. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said letter of credit, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The land clearing or building permit shall not be issued until the Town Clerk certifies that the letter of credit has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the clearing or building permit or any renewal thereof;
13. That the applicant shall be required to file and obtain all the necessary site inspections as prescribed in section 108-131E of the Code of the Town of Riverhead;
14. That exportation or importation of materials shall take place until a permit for such is obtained from the Town Board;
15. That no Building Permit shall issue until the Chairman of the Planning Board signs a mylar site plan (including elevation, landscape and lighting plans) which must be submitted and signature shall be conditional upon the following:
 - i. The Construction Protocol, which includes a dewatering plan, has been approved by the consulting engineer to the Planning Board.
 - ii. That the mylar site plan includes a Planning Board certification box, on each page of the plans, in the format approved by the Planning Department;
 - iii. The mylar shall not exceed the standard D size drawing (24" x 36");
 - iv. That six paper site plans matching the mylar are submitted to the Planning Department;
 - v. Proof is submitted that all required Water and Sewer District fees and charges are paid;
 - vi. That no building permit shall issue prior to the owners duly merging the subject lots into the same ownership;
 - vii. That certification of clean title to the satisfaction of the Town Attorney is submitted;
 - viii. The applicant shall submit a digital copy of the site plan in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system.
15. In furtherance of section 108-131 E (1) (c), no Certificate of Occupancy shall issue until:
 - i. The applicant submits a signed and sealed "As-Built" survey in accordance to section 108-129 E;

NOW THEREFORE BE IT,

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

RESOLVED, that the Clerk for the Planning Board is hereby authorized to forward a certified copy of this resolution to Martin Sendlewski, 215 Roanoke Ave., Riverhead, NY 11901; the Riverhead Planning Department; the Riverhead Building Department; the Counsel for the Town of Riverhead Planning Board; the Town Attorney; the Town Clerk; the Town Assessor; the Town Engineer; the Chief Fire Marshal; the Water District Superintendent; and the Town's Consulting Engineer.

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/15/2009

Tabled

12/29/09 **UNTABLED** then **ADOPTED**

TOWN OF RIVERHEAD

Resolution # 1169

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH
MERCHANT SERVICES INC., DOING BUSINESS AS EVO MERCHANT
SERVICES, INC.**

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead Tax Receiver wishes to afford town property tax payers the ability to facilitate property tax payments via internet credit card processing; and

WHEREAS, Merchant Services Inc., doing business as EVO Merchant Services Inc., is ready, willing and able to provide services to facilitate property tax payments via internet credit card processing to town property tax payers,

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached internet credit card processing agreement with Merchant Services Inc., doing business as EVO Merchant Services Inc.; 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, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jeff Rosenblatt, President, EVO Merchant Services Inc., 515 Broadhollow Road, Melville, New York 11747; the Town Tax Receiver and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

12/29/09 Town Board Meeting

Councilwoman Blass offered the resolution # 1169 to be untabled.

Councilman Wooten seconded the motion

THE VOTE to UNTABLE:

Gabrielsen, yes

Wooten, yes

Blass, yes

Cardinale, yes

The resolution is UNTABLED

Councilwoman Blass offered the resolution for adoption

Councilman Wooten seconded the motion

THE VOTE to ADOPT:

Gabrielsen, yes

Wooten, yes

Blass, yes

Cardinale, yes

The resolution is ADOPTED

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

The "Agreement" made the _____ of _____, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Merchant Services, Inc., a corporation doing business as EVO Merchant Services existing under the laws of the State of New York with a principal place of business at 515 Broadhollow Road, Melville, New York, 11747 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the Merchant Processing Agreement and Merchant Application attached hereto as "Schedule A" (collectively the "Merchant Agreement"), the terms and conditions of which are incorporated by reference and made a part hereof as if fully set forth in their entirety herein. In the event of a conflict between the terms of the Merchant Agreement and the terms of this Agreement, the terms of this Consultant/Professional Services Agreement shall control. Services to be performed by Consultant pursuant to this Agreement are to be rendered as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on December 1, 2009 and terminate on December 1, 2011, unless terminated earlier as addressed herein.

3. PAYMENT

For these services, Town will pay Consultant at the rates set forth in the Merchant Agreement. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached Merchant Agreement. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the Merchant Agreement. Consultant shall not charge the research fee referred to in Section 8(A) of the Merchant Agreement without Town's prior written consent.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file,

or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

7. TERMINATION

This Agreement may be terminated at any time for any reason by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement. Consultant may terminate this Agreement immediately upon written notice to Town in the event Consultant determines that any potential risk of loss exists.

8. RECORDS

Consultant shall keep accurate records in the performance of services hereunder. Upon request of the Town, Consultant shall provide Town with documentation necessary to substantiate any transactions related to this Agreement.

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, request additional services or request the omission of services covered by this Agreement. In such event, the parties shall mutually agree upon a price for the revised services. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Deputy Town Attorney, Town of Riverhead, 200 Howell Avenue, Riverhead, New York; or (ii) to Consultant if mailed by certified mail, postage prepaid to EVO Merchant Services, 515 Broadhollow Road, Melville, New York, 11747, Attn: Peter S. Cohen, Esq. Any notice shall be deemed given on the date that it is received by the party to whom it is sent.

11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the gross negligence or willful misconduct of Consultant under this Agreement.

13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, and upon ten (10) days prior written notice to Consultant, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings with each side to bear their own costs, expenses, and legal fees. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town unless the Agreement has been terminated in accordance with its terms.

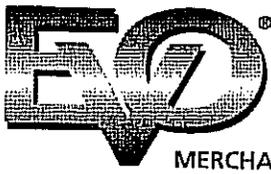
16. HOLD HARMLESS/INDEMNIFICATION

To the fullest extent permitted by law, Consultant shall indemnify and hold Town harmless from and against claims, damages, losses and expense, including but not limited to attorneys' fees, arising out of or resulting from performance of the work provided that such claim, damage, loss or expense is caused in whole or in part by the gross negligence or willful misconduct of Consultant, its employees, agents or representatives.

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

By: Phil Cardinale, Supervisor
TOWN OF RIVERHEAD
200 Howell Avenue
Riverhead, New York 11901
631-727-3200

By: Jeff Rosenblatt
EVO MERCHANT SERVICES, INC.
515 Broadhollow Road
Melville, New York 11747
631-869-6800



SCHEDULE A

Ms. Maryann Wowak-Heilbrunn – Receiver of Taxes
Mr. Daniel P. McCormick -Deputy Town Attorney
Town of Riverhead
200 Howell Ave.
Riverhead, NY 11901

October 16, 2009

Dear Maryann and Dan,

As a follow up to our meeting last week, I wanted to highlight some of the key aspects of the EVO/Systems East credit card and electronic check payment systems that we are looking to implement for the Town of Riverhead/Receiver of Taxes Department:

- The one time charge of \$25.00 for online payment setup has been waived.
- The monthly gateway access fee of \$10.00 per month for credit card processing has been waived.
- The monthly access fee of \$10.00 per month for electronic check processing has been waived.
- The cost to the cardholder for payment by either Visa, Mastercard or Discover is 2.50% + .50/transaction fee.
- The cost to the taxpayer for payment by electronic check is \$2.50/transaction regardless of transaction amount.
- One (1) magnetic stripe reader (MSR) will be provided at \$0 . Additional MSR's are available for \$100/MSR.
- Systems East will provide full technical support for implementation and startup. Creation of specific files for bill presentment, in conjunction with the Town's IT Dept. and, any additional website assistance to implement online bill payment will be provided at no additional charge.
- The Town of Riverhead agrees to promote the availability of online payment via credit card and electronic check as part of their ongoing program for the payment of taxes online.
- Any additional fees (retrieval, chargebacks, etc.) will only be assessed for services that are actually utilized. If no retrievals or chargebacks occur, no fees will be charged for those services.

I look forward to implementing our system for the payment of taxes for the Town of Riverhead and hope that I have provided you with the information necessary for Board approval. Please do not hesitate to contact me should you have any other questions or concerns. Thank you again for your time.

Best regards,

Patrick F. Hayes
EVO Merchant Services, Inc.
516-384-1584

Jeff Rosenblatt
President
EVO Merchant Services, Inc.

Xpress-pay.com enrollment profile

Processing structure

Types of bills to be collected	
Interface type	<input type="checkbox"/> Standalone <input type="checkbox"/> Shopping cart (see next)
For shopping cart interface: Software provider technical contact & telephone	

Site fee structure: Check one option and complete all empty boxes in selected column

Option Component →	<input type="checkbox"/> Conventional ①	<input checked="" type="checkbox"/> Split charge ②	<input type="checkbox"/> Split fee ③	<input type="checkbox"/> Absorbed by merchant ④
Transaction costs borne by merchant	Downgrades	None (fixed EVO discount rate/fee required)	All EVO fees	All EVO fees, Site fee
Transaction costs borne by visitor	Base EVO rate plus site fee	All (EVO discounts, per transaction fees, site fee)	Site fee	None
EVO discount rate	% (base rate)	^{2.00} 0.50 % (fixed rate required)	Per EVO application	Per EVO application
EVO per-transaction fee	\$ (base fee)	\$.20 (fixed fee required)	Per EVO application	Per EVO application
Xpress-pay site fee percentage	0.7%	^{0.50} 0.7%	0%	0%
Xpress-pay per-transaction site fee	\$0.25	^{0.30} \$0.50	\$1.95 to \$3.95, determined during account setup	\$0.50

- ① Single charge to visitor, all payment proceeds to merchant; merchant is subsequently billed by EVO for merchant fees and by Systems East for Xpress-Pay fees.
- ② Bill proceeds to merchant, site fee (billed as separate charge to visitor) to Systems East. Systems East pays all merchant fees. Systems East will subsequently bill merchant for merchant account setup and monthly recurring fees (excluding discounts and per transaction fees) plus a \$10 monthly account maintenance fee. **Note:** For municipal and insurance sectors.
- ③ Bill proceeds to merchant, site fee (billed as separate charge to visitor) to Systems East. Merchant is subsequently billed by EVO for merchant fees. Typical commercial rate structure.
- ④ Visitor pays exact amount due to merchant with no site fee, all payment proceeds to merchant. Merchant is subsequently billed by EVO for merchant fees and by Systems East for the Xpress-pay fees.



Enrollment Agreement

Thank you for enrolling with Xpress-Pay.com, the Universal eCommerce Solution offered by Systems East, Inc. Your enrollment allows you to collect any type of bill or payment, over the counter or over the Internet, twenty-four hours every day. We will provide and maintain the web site and financial transaction interface; you are responsible for any information which is hosted by the site and under your jurisdiction. Initial training and continuing support are included with your enrollment.

To inform customers of participation, you agree to include a link on your web site and provide a notice on bills. To facilitate Internet payments, an EVO merchant account is required to accept credit or debit cards. Visitors may be charged a site fee in accordance with the chart set forth on page two herein. The terms of services and policies may be viewed at www.xpress-pay.com/admin/pdfs/enrollment_policies.pdf.

Merchant name	
Contact name & telephone	()
Contact email	
Billing address (if different from address on EVO application)	
EVO representative & phone	()
Fees	Enrollment: \$ <u>0</u> Renewal: \$ <u>0</u>
Electronic check option	<input checked="" type="checkbox"/> Also accept eChecks at \$ <u>2.50</u> each (Client Profile required)
If accepting electronic checks, estimates of volume	Average check \$ Largest check \$ Monthly \$ volume # checks monthly
Number of swipe readers	<u>1</u> units at <u>\$100</u> each (USB device, cable included)
Notes:	

Approval & acceptance	Representative	Merchant
Signature		<i>Maryann Throckmorton</i>
Title:		
Date:		

Include this agreement with EVO application. Do not return to Systems East.



MERCHANT APPLICATION

Legal Name: TOWN OF RIVERHEAD DBA Name: _____
 Legal Address: 200 HOWELL AVE. DBA Address (No PO Box): _____
 Legal City, State, Zip: RIVERHEAD, NY 11901 DBA City, State, Zip: _____
 Legal Phone #: 631-727-3200 x 247 Contact: MARYANN NOWAK-HEILBRUNN DBA Phone #: _____
 Cust. Svc. # (if different): _____ Website Address: www. RIVERHEADLI.COM
 Fax #: _____ Email Address (required to receive E-statement availability notification): HEILBRUNN@RIVERHEADLI.COM

Type of Ownership: Sole Proprietor Partnership Not For Profit Corporation Limited Liability Company

Type of Goods or Services Sold: _____ SIC Code: _____
 Do you currently process Credit Cards? Yes No
 If yes, submit three current months' processing statements
 Name of current processor: _____ Processing Profile:
 Retail Restaurant Lodging Service Mail/Telephone Order eCommerce
 Has Merchant or any associated principal disclosed below filed bankruptcy or been subject to any involuntary bankruptcy? No Yes
 If yes, date filed: _____
 Card Swiped _____ %
 Manual Key Entry with Imprint, Card Present with Signature _____ %
 Mail/Telephone Order _____ %
 eCommerce 100 %
TOTAL MUST EQUAL 100%

Federal Tax # (9 digits, no dashes): 116001935 # of Locations: 1 Years in Business: _____ Years Owned Business: _____
 Bank Name: _____ Routing #: _____ Checking Account #: _____ Bank Phone # (10 digits, no dashes): _____

MEMBER BANK INFORMATION
 HSBC Bank USA, National Association, Merchant Support Group
 P. O. Box 3263, Buffalo, NY 14240 716-841-6360

- IMPORTANT MEMBER BANK RESPONSIBILITIES**
1. A Visa Member is the only entity approved to extend acceptance of Visa products directly to a merchant.
 2. A Visa Member must be a principal (signer) to the Merchant Agreement.
 3. The Visa Member is responsible for educating Merchants on pertinent Visa Operating Regulations with which Merchants must comply.
 4. The Visa Member is responsible for and must provide settlement funds to the Merchant.
 5. The Visa Member is responsible for all funds held in reserve that are derived from the settlement.

- IMPORTANT MERCHANT RESPONSIBILITIES**
1. Merchant must ensure compliance with cardholder data security and storage requirements.
 2. Merchant must maintain fraud and chargebacks below thresholds.
 3. Merchant must review and understand the terms of the Merchant Agreement.
 4. Merchant must comply with Visa Operating Regulations.
- The responsibilities listed above do not supersede terms of the Merchant Agreement and are provided to ensure the merchant understands these specific responsibilities.

**** Payment Card Industry Data Security Standards ("PCI DSS") and card association rules prohibit storage of track data under any circumstances. If you or your Point of Sale ("POS") system pass, transmit, store or receive full cardholder's data, then the POS software must be Payment Application Data Security Standard ("PA DSS") compliant or you (merchant) must validate PCI DSS compliance (see #1(b) below and questions #3 and #4 must be completed). If you use a payment gateway, they must be PCI DSS compliant.****

1. Have you ever experienced an Account Data Compromise ("ADC")? Yes No If yes, provide date of compromise: _____
 a) Have you validated PCI DSS compliance? Yes No
 If yes, go to #1(b); If no, go to #2
 b) Date of compliance, Report on Compliance ("ROC") or Self Assessment Questionnaire ("SAQ"): _____
 c) What is the name of your Qualified Security Assessor ("QSA")? _____ or SAQ (circle one): A, B, C, or D
 d) Date of last scan: _____ Approved Scanning Vendor's name: _____
2. Are you using a "dial-up" terminal or Touch Tone Capture ("TTC")? Yes No
3. Do you or your Service Provider(s) receive, pass, transmit or store the Full Cardholder Number ("FCN"), electronically? Yes No
 a) If yes, where is card data stored? Merchant's location only Merchant's Headquarters/Corp office only Primary Service Provider Both Merchant and Service Provider(s)
 Other Service Provider: _____ All Apply
1. What Primary Service Provider/Software Developer did you purchase your POS application from (i.e., software, gateway)? _____ Software Version #: _____
 a) What is the name of the Service Provider/Software Developer's application?
 b) Do your transactions process through any other Service Provider (i.e., web hosting companies, gateways, corporate office)? Yes No
 c) If yes, name the other Service Provider: _____

(Individual Ownership Must be Equal to or Greater than 50%)
 Name: _____ Title: _____ Date of Birth: _____ Social Security #: _____ % Equity Ownership: _____
 Residence Address: _____ City: _____ State: _____ Zip: _____ # yrs: _____ Home Phone #: _____ Driver's Lic. #: _____ ST: _____
 Name: _____ Title: _____ Date of Birth: _____ Social Security #: _____ % Equity Ownership: _____
 Residence Address: _____ City: _____ State: _____ Zip: _____ # yrs: _____ Home Phone #: _____ Driver's Lic. #: _____ ST: _____

(To Be Completed by Sales Representative)
 Merchant Location: Retail Location with Store Front Office Building Residence Other: _____
 Area Zoned: Commercial Industrial Residential Is Inventory/merchandise amount consistent with type of business? Yes No
 If No, explain: _____
 The Merchant: Owns Leases the Business Premises Landlord Name & Phone #: _____
 Does the Merchant use a Fulfillment House? Yes No If yes, was the Fulfillment House inspected? Yes No

I hereby verify that this application has been fully completed by merchant applicant and that I have physically inspected the business premises of the merchant at this address and the information stated above is true and correct to the best of my knowledge and belief.
 Verified and Inspected by: PATRICK F. HAYES Representative Signature: Patrick F Hayes Date: 10/29/09

SCHEDULE A

RATE SCHEDULE		<input type="radio"/> Interchange Plus	<input checked="" type="radio"/> Discount Rate		
Visa Credit Card Discount Rate:	2.00	%		MasterCard Credit Card Discount Rate:	2.00
Visa Offline Debit Discount Rate:	2.50	%		MasterCard Offline Debit Discount Rate:	2.00
American Express Discount Rate:	N/A	%		Discover Credit Card Discount Rate:	2.50
Bankcard Transaction Fee:	.20	Per Item		Discover Offline Debit Discount Rate:	2.50
Non-Bankcard Transaction Fee:	\$ 0.20	Per Item		EBT Transaction Fee:	0
Offline Debit Transaction Fee:	0	Per Item		Gift Card Transaction Fee:	0
Debit Transaction Fee (Plus Debit Network Fees):	0	Per Item		Loyalty Card Transaction Fee:	0
Visa Authorization/Settlement Network Access/Usage Fee:	\$ 0.03	Per Item		Voice Authorization Fee:	\$ 1.50
MasterCard Authorization/Settlement Network Access/Usage Fee:	\$ 0.02	Per Item		Annual Fee (billed in advance for the following year):	\$79.00
Discover Authorization/Settlement Network Access/Usage Fee:	\$ 0.01	Per Item		ACH Reject Fee:	\$25.00
Bank Service Fee:	0	Monthly		Retrieval Fee:	\$10.00
Monthly Minimum:	\$20.00	Monthly		Chargeback Fee:	\$25.00
AVS Surcharge:	\$ 0.05	Per Item		<input type="radio"/> EVO Supply/Replacement Program (optional):	\$ 0.50
Batch Fee:	\$ 0.85	Per Batch		<input type="radio"/> Each Additional Terminal Quantity: _____	\$ 4.75
Split Batch Fee (additional):	\$ 0.10	Per Batch		Gateway Activation Fee:	0
Wireless Activation Fee:	\$25.00	One Time		Gateway Access Fee:	0
Wireless Access Fee:	\$17.00	Monthly		eCommerce/Gateway Item Fee:	\$ 0.05
Wireless Item Fee:	\$ 0.85	Per Item		MICROS Transaction Fee (if applicable):	\$ 0.05

We understand and agree to the following: 1) Discount rate as stated above will be charged on "Qualified Rate" transactions. Qualified Rate transactions are defined as electronically authorized and swiped transactions that are batched and closed daily. 2) All lodging, car rental, small ticket, convenience and Express Services transactions may have a surcharge of up to 0.49% added to the Qualified Rate. 3) Discover transactions may have a surcharge of up to 0.50% added to the Qualified Rate. 4) A "Mid-Qualified" surcharge of up to 1.48% + \$0.20 will be added to the Qualified Rate under the following circumstances: a) Cardholder and card present at merchant's point of device, key entered, signature obtained, Address Verification Service ("AVS") with full match of billing zip code, settled within three days of authorization; settle amount must equal authorized amount; b) Card not present, authorization only, order number required, AVS with full match of billing zip code, settled within two days of authorization, settle amount must equal authorized amount; c) Certain Discover, Visa Rewards & Visa Signature, MasterCard Enhanced Value & MasterCard World Card transactions. 5) A "Non-Qualified" surcharge of up to 1.99% + \$0.20 may be added to the Qualified Rate for transactions that do not meet the requirements stated above. 6) Interchange/Cost Plus: All transactions will be assessed the current, published interchange rates, dues, and assessments in addition to the basis points as stated above. The published rates for Visa and MasterCard can be found at: www.visa.com and www.mastercard.com. 7) Merchants may be charged a Cross Border transaction assessment of up to 0.75%, in addition to the applicable rate, on transactions when the country code of the Card Issuer does not match the country code of the Merchant. 8) Merchants may be charged an Association Acquirer Program Support Fee of up to 0.45% on certain transactions. 9) POS high-speed processing and/or gateway activation may be charged on a one time set up fee of up to \$100.00, depending on provider. 10) An early closure fee of \$250.00 will be paid to MSI if the Merchant Processing Agreement is not terminated in accordance with the Terms and Conditions.

AMERICAN EXPRESS
By signing below, I represent that I have read and am authorized to sign and submit this application on behalf of the entity above and all information I have provided herein is true, complete, and accurate. I authorize American Express Travel Related Services Company, Inc. ("American Express") to verify the information in this application and receive and exchange information about me personally, including by requesting reports from consumer reporting agencies. I authorize and direct American Express to inform me directly, or through the entity above, of reports about me that American Express has requested from consumer reporting agencies. Such information will include name and address of the agency furnishing the report. I understand that upon American Express' approval of the entity indicated above to accept the American Express Card, the terms and conditions for American Express' acceptance ("Terms and Conditions") will be sent to such entity along with a Welcome Letter. By accepting the American Express Card for the purchase of goods and/or services, or otherwise indicating its intention to be a merchant, the entity agrees to be bound by the Terms and Conditions. American Express transaction fees: \$0.10 for Retail + 0.30% Downgrade for CNP and Key Entered Transactions, and \$0.15 for Services, Wholesale & all Merchant types.

DEBIT/CREDIT AUTHORIZATION
Merchant authorizes any party to the Agreement to present Automated Clearing House credits, Automated Clearing House debits, wire transfers, or depository transfer checks to and from the following account and to and from any account for which any such parties are authorized to perform such functions under the Merchant Processing Agreement, for the purposes set forth in the Merchant Processing Agreement. This authorization extends to such entities if the account concerning lease, rental or purchase agreements for POS terminals and/or accompanying equipment and/or check guarantee fees and amounts due for supplies and materials. This Automated Clearing House authorization can be revoked until all Merchant obligations under this Agreement are satisfied, and Merchant gives written notice of revocation as required by this Agreement.

INVESTIGATIVE CONSUMER REPORT: An investigative or consumer report may be made in connection with application. MERCHANT authorizes ANY PARTY TO THE AGREEMENT or any of their agents to investigate the retailer provided or any other statements or data obtained from MERCHANT, and from any of the undersigned personal guarantor(s), or from any other person or entity with any financial obligations under this Agreement. You have a right to review request, to a complete and accurate disclosure of the nature and scope of the investigation requested.

AVERAGE TICKET SIZE: 4,500.- HIGHEST TICKET SIZE: 6,000.- MONTHLY VOLUME: 100,000.-

Each person certifies that the average ticket size and sales volume indicated is accurate and agrees that any transaction or monthly volume that exceeds either of the above amounts could result in delayed and/or withheld settlement of 1 Also, see paragraphs 4c, 9 and 13b of the MERCHANT Processing Agreement regarding suspension and termination of MERCHANT. Highest ticket for informational purposes only.

IMPORTANT NOTICE: All information contained in this application was completed or supplied by all contracting parties. MSI, GLOBAL, and BANK shall not be responsible for any change in printed terms unless specifically agreed to in writing by the undersigned. By signing below on either the original or a facsimile you are agreeing to the provisions stated within the Terms and Conditions of the Merchant Processing Agreement and the Merchant Application on the reverse side, and you are acknowledging that you have carefully read each of these provisions before signing.

FOR ALL CORPORATIONS CORP. RESOLUTION
The indicated officer(s) identified in numbers 1 and/or 2 below have the authorization to execute the MERCHANT Processing Agreement on behalf of the herewithin named corporation. MERCHANT UNDERSTANDS THAT THIS AGREEMENT SHALL NOT TAKE EFFECT UNTIL MERCHANT HAS BEEN APPROVED BY BANK AND A MERCHANT NUMBER IS ISSUED.

PERSONAL GUARANTY (NO TITLES)
As a primary inducement to MSI, Bank and Global to enter into this Agreement, the undersigned Guarantor(s), by signing this Agreement, jointly and severally, unconditionally and irrevocably, personally guarantee the continuing full and faithful performance and payment by Merchant of each of its duties and obligations to MSI, Bank and Global under this Agreement or any other agreement currently in effect or in the future entered into between Merchant or its principals and MSI, Bank and Global, as such agreements now exist or are amended from time to time, with or without notice. Guarantor(s) understands further that MSI, Bank and Global may proceed directly against Guarantor(s) without first exhausting their remedies against any other person or entity responsible to it or any security held by MSI, Bank and Global or Merchant. Guarantor(s) waives trial by jury with respect to any litigation arising out of or relating to this personal guaranty. This guaranty will not be discharged or affected by the death of the undersigned, will bind all heirs, administrators, representatives and assigns and may be enforced by or for the benefit of any successor of MSI, Bank and Global. Guarantor(s) understands that the inducement to MSI, Bank and Global to enter into this agreement is consideration for the guaranty, and that this guaranty remains in full force and effect even if the Guarantor(s) receive no additional benefit from the guaranty.

AGREED AND ACCEPTED
X _____
#1 From Application—Signature Date

If Merchant submits a transaction hereunder, Merchant will be deemed to have accepted the Terms and Conditions of the Merchant Processing Agreement.
X Maryam Nouk Hutto 10/29/0
#1 From Application—Signature Date

X _____
#2 From Application—Signature Date

X _____
Accepted by Merchant Services, Inc. d/b/a EVO

X _____
Accepted by HSBC Bank USA, National Association

X _____

**SCHEDULE A
EQUIPMENT/ADDITIONAL SERVICES**

Equipment: Purchase from MSI Reprogram Merchant's existing equipment
 If purchase, choose equipment: Terminal Printer PINPad Software Other: _____
 Choose shipment method: Overnight 2nd Day Ground
 Must choose one: Starter Kit Starter Package (includes manual imprinter)
 If lease, indicate: LSI Other: _____

TERMINAL TYPE:

<input type="radio"/> NURIT 3020 (repro only)	<input type="radio"/> OMNI 3200 SE (repro only)	<input type="radio"/> HYPERCOM T7 Plus
<input type="radio"/> NURIT 2085	<input type="radio"/> OMNI VX510 LE	<input type="radio"/> HYPERCOM T7P (repro only)
<input type="radio"/> NURIT 2085+ (repro only)	<input type="radio"/> OMNI VX510 (repro only)	<input type="radio"/> FRICTION <input type="radio"/> THERMAL
<input type="radio"/> NURIT 8320 (repro only) <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> OMNI 3740 (repro only) <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> HYPERCOM T77 (repro only) <input type="radio"/> FRICTION <input type="radio"/> THERMAL
<input type="radio"/> NURIT 8320 Lite (repro only)	<input type="radio"/> OMNI 3750 (repro only) <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> EVO Charge (retail only)
<input type="radio"/> NURIT 8400 <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> EXADIGM XD1000 DualComm (repro only)	<input type="radio"/> PC Charge
<input type="radio"/> NURIT 8400 Lite	<input type="radio"/> INGENICQ 5100 (repro only) <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> PC Software (repro only): _____
<input type="radio"/> VERIFONE VX570 <input type="radio"/> DIAL <input type="radio"/> IP	<input type="radio"/> INGENICQ Aqua	<input type="radio"/> Other: _____

WIRELESS TERMINAL TYPE: (NOTE: NEW MSI SIM CARD REQUIRED FOR ALL GPRS REPROGRAMS)

Way MTT 15XX Wireless Combo KIT/MTT/SIM# _____

NURIT 8000 Wireless (GPRS) (repro only) S/N _____

NURIT 8000 Wireless (RAM) (repro only) S/N _____ MANVESN# _____

NURIT 8010 Wireless (GPRS) S/N _____

NURIT 8020 Wireless (GPRS) S/N _____

EXADIGM XD2100 (repro only)
 CDMA F# _____ UID# _____
 GSM/GPRS S/N _____

Other: _____

By signing this application I agree that MSI shall not be held responsible for (a) any wireless terminal repairs or (b) providing a replacement wireless terminal due to equipment failure. The terminal manufacturer shall handle all wireless terminal repairs and replacements. I also understand that due to the complexity of these wireless terminals, the manufacturer may not be able to provide a replacement while completing repairs. In addition, I further agree that a wireless terminal is NOT covered by participation in the EVO Supply/Replacement Program. MSI will not be responsible for any problems with the wireless service provided pursuant to this agreement. See Rate Schedule for Wireless Fees. Fees are subject to change.

TERMINAL APPLICATION:

WITH TIPS WITHOUT TIPS LODGING MOTO

Merchant Refund Policy: No Refund Exchange Only In-Store Credit Only

ACCESSORIES (ADD ON EQUIPMENT):

PinPad Type: HYPERCOM PINPad S9 (repro only) HYPERCOM PINPad P1300 HYPERCOM PINPad 1320 (EVO Charge)
 INGENICQ PINPad 3010 (repro only) VERIFONE PINPad 1000SE

Imaging Equipment: MAGTEK Reader MAGTEK Imager RDM Imager

Other: VIVOTECH VIVOPay: 3000 4000 MAGTEK Mini Swipe Card Reader USB (choose one): EVO Charge PC Charge
 Other: _____

Equipment selection may be subject to availability/processing requirements.

ADDITIONAL SERVICES:

EVO Check Advantage* List Existing Merchant #: _____

Other Check Service: _____ List Existing Merchant #: _____

Payment Method: EVO Authorize.Net EVO PayPal Other: _____

Payment Administrator email address (required): _____

Card Types: Debit QPS MasterCard PayPass™/Visa payWave Supermarket EBT* Merchants Capital Access*

	NEW	EXISTING	LIST EXISTING MERCHANT NUMBERS
<input type="radio"/> AMERICAN EXPRESS	<input type="radio"/>	<input type="radio"/>	
<input type="radio"/> DISCOVER	<input type="radio"/>	<input type="radio"/>	
<input type="radio"/> DINERS CARD/CARTE BLANCHE	N/A	<input type="radio"/>	
<input type="radio"/> JCB	N/A	<input type="radio"/>	
<input type="radio"/> VOYAGER*	<input type="radio"/>	N/A	Supplied by EVO
<input type="radio"/> WRIGHT EXPRESS*	<input type="radio"/>	N/A	Supplied by EVO

On Approval of Visa/MasterCard/Discover processing, allow 48-72 hours for new non-bankcard(s) to be added.
 Affidendum/Application Required

SPECIAL INSTRUCTIONS (requests are subject to management approval, please print clearly):

Request change of ownership. Existing MID number to close: _____

Request to pick up equipment/starter kit at EVO Melville. _____

Request to ship equipment to: Merchant ISO Other: _____

Merchant elects to receive monthly merchant account statements via U.S. Mail to: _____

MERCHANT PROCESSING AGREEMENT

1. **Agreement.** Merchant Processing Agreement (the "Agreement"), accompanies the document "Merchant Application" ("Merchant Application") and includes the Terms and Conditions set forth below (the "Terms and Conditions") together with the terms and conditions of the Merchant Application. The bank ("Bank") identified in this Agreement is a member of Visa USA, Inc. ("Visa") and MasterCard International, Inc. ("MasterCard"), and is HSBC Bank USA, National Association ("HSBC"). Global Payments Direct, Inc. ("GPD") is a registered independent sales organization of Visa, a member service provider of MasterCard, a registered acceptor of Visa Financial Services, LLC ("Discover") and has a relationship as a third party processor with HSBC, Merchant Services, Inc. ("MSI"). EVO ("EVO") is a registered independent sales organization of Visa and a member service provider of MasterCard. This agreement is between Global, MSI, Bank and the merchant identified in the Merchant Application ("Merchant"). Global and Bank agree that the rights and obligations contained in this Agreement do not apply to the Bank with respect to Discover transactions. To extend Merchant accepts Discover cards, the provisions in this Agreement with respect to Discover apply if Merchant does not a separate agreement with Discover. Any references to the Debit Sponsor shall refer to the debit sponsors identified below.

2. **Acceptance.** Merchant desires to accept credit cards ("Cards") validly issued by members of Visa, MasterCard, and Discover, Bank, MSI and Bank and desires to provide credit card processing services to Merchant. Therefore, Merchant, MSI, Bank and Global agree as follows:

3. **Acceptance of Cards.** Merchant agrees to accept, without discrimination, any Card properly tendered by a Cardholder. "Cardholder" means a person processing a Card and purporting to be the person in whose name the Card is issued. You will not establish a minimum or maximum transaction amount as a condition for honoring a Card. You will identify the Cardholder and check the expiration date and signature on each Card. You will not honor any Card if: (i) the Card has expired; (ii) the signature on the sales draft does not correspond with the signature on the Card; (iii) the account number embossed on the Card does not match the account number on the Card's magnetic strip (as printed in electronic form on the account number listed on a current Electronic Warning Bulletin file. You may not require a Cardholder to provide personal information such as a home or business telephone number, a home or business address, or a driver's license number as a condition for processing a Card unless permitted under the Laws and Rules (as defined in Section 14, below).

4. **Cardholder Information.** You will use your reasonable, best efforts to recover any Card: (i) on Visa Cards if the printed four digits above the embossed account number do not match the first four digits of the embossed account number; (ii) if you are advised by MSI, Global or Bank (or a designee) the issuer of the Card or the designated voice authorization center to retain it; (iii) if you have reasonable cause to believe the Card is counterfeit, fraudulent or stolen, or not authorized by the Cardholder; or (iv) for MasterCard Cards, the merchant Cardholder on the lower right corner of the Card face.

5. **Discounts.** You will not add any amount to the posted price of goods or services you offer as a condition of paying with a Card, as permitted by the Rules. This paragraph does not prohibit you from offering a discount from the standard price to induce a sale. You may, however, charge or similar means rather than by using a Card.

6. **Disclosure.** You will properly disclose to the Cardholder, at the time of the Card transaction and in accordance with the Rules, information you have on accepting returned merchandise.

7. **Claim Against Cardholder.** You will not have any claim against or right to receive payment from a Cardholder unless MSI, Bank and Bank refuses to accept the Sales Draft (as defined in Section 3) or revokes a prior acceptance of the Sales Draft after it or a chargeback or otherwise. You will not accept any payments from a Cardholder relating to previous charges for goods or services included in a Sales Draft, and if you receive any such payments you promptly will remit them to MSI, Global and Bank.

8. **Disputes with Cardholders.** All disputes between you and any Cardholder relating to any Card transaction will be settled between you and the Cardholder. Neither MSI, Global nor Bank bear any responsibility for such transactions.

9. **Authorization.** You will obtain a prior authorization for the total amount of a transaction via electronic terminal or before completing any transaction, and you will not process any transaction that has not been authorized. You will follow any instructions received during the authorization process. Upon receipt of authorization you may consummate only the transaction and must note on the Sales Draft the authorization number. Where authorization is obtained, you will be deemed to act in the true identity of the customer as the Cardholder.

10. **Authorization.** Authorizations are not a guarantee of acceptance or payment of the Sales Draft. Authorizations do not waive any provisions of the Agreement or otherwise validate a fraudulent transaction or a transaction involving the use of an expired Card.

11. **Merchant's Signature.** When you present Card transactions for authorization electronically, and if your terminal is unable to imprint the magnetic strip on the card, you will obtain an imprint of the card and the Cardholder's signature on the imprinted draft before the Sales Draft to MSI, Global and Bank for processing. Failure to do so may result in the assessment of a transaction charge on non-qualifying transactions.

12. **Merchant's Signature.** You will use a Sales Draft ("Sales Draft") or other form approved by MSI, Global and Bank to document each Card sale. Each Sales Draft will be legibly imprinted with: (i) merchant's name, location and account number; (ii) the information set out on the Card presented by the Cardholder (either electronically or manually); (iii) the date of the transaction; (iv) a brief description of the goods or services involved; (v) the transaction authorization number; (vi) the total amount of the sale including any applicable taxes, or credit transaction; and (vii) a signature to the signature line, a notation that all sales are final, if applicable.

13. **Signature.** Sales Draft, must be signed by the Cardholder unless the Card transaction is a valid multitelephone order Card transaction which fully complies with the requirements set forth in this Agreement. You may not require the Cardholder to sign the Sales Draft before you enter the final transaction amount in the Sales Draft.

14. **Retention of Information.** If the following information embossed on the Card and the Merchant's name is not legibly imprinted on the Sales Draft, you will legibly reproduce on the Sales Draft before submitting it to MSI, Global and Bank: (i) the Cardholder's name; (ii) account number; (iii) expiration date and (iv) the Merchant's name and place of business. Additionally, for MasterCard transactions I legibly reproduce the name of the Bank issuing the Card as it appears on the face of the Card.

15. **Retention of Information.** You will deliver a complete copy of the Sales Draft or credit voucher to the Cardholder at the time of the transaction. You will retain the "merchant copy" of the Sales Draft or credit memorandum for at least 3 years following the date of completion of the Card transaction (or such longer period as the Rules require).

16. **Retention of Information.** In using electronic authorization and/or data capture services, you will enter the data related to a sales or credit transaction into a computer terminal or magnetic stripe reading terminal no later than the close of business on the date the transaction is completed (unless otherwise permitted by the Rules). Failure to do so may result in the assessment of a transaction charge on non-qualifying transactions and, at MSI or Global's sole discretion, the deposit of those funds into the Reserve Account.

17. **Retention of Information.** You will use your own electronic terminal or similar device, such terminals must meet MSI, Global and Bank's requirements for such terminals, and must be ISO 2002 compliant. Information regarding a sales or credit transaction transmitted with a Card or magnetic stripe reading terminal will be transmitted by you to MSI, Global and Bank or their agent in the form MSI, Global and Bank may require from time to time in any form or as required under the Rules. If MSI, Global or Bank requests a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

18. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

19. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

20. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

21. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

22. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

23. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

24. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

25. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

26. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

27. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

28. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

29. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

30. **Retention of Information.** You will provide a copy of a Sales Draft, credit or other transaction evidence, you will provide it within 24 hours following the request.

F. **Miscellaneous.** You will not present for processing or credit, directly or indirectly, any transaction not originated as a cash Card transaction directly between you and a Cardholder or any transaction you know or should know to be fraudulent or unauthorized by the Cardholder. You will not sell or disclose to third parties Card account information other than in the course of performing your obligations under this Agreement.

5. **Other Types of Transactions.** You may elect to accept debit cards, and said election should be made by you in an accompanying Merchant Application. If you elect to accept debit cards, the following terms and conditions apply to you. Debit Cards shall not be your sponsor with respect to the participation of point-of-sale terminals owned, controlled, and/or operated by you. "Covered Terminals" in each of the following debit card networks ("Networks"): Acela, AFTN, Alaska Online, Interlink, MyNICE, Pulse, Shazam, Star, CU24, and Tyme, which Networks may be changed from time-to-time by Debit Sponsor, MSI or Bank without notice. You may also have access to other debit networks that do not require a sponsor. MSI and Global will provide you the ability to access the Networks at the Covered Terminals for the purpose of authorizing debit card transactions from cases by the members of the respective Networks. MSI and Global will provide connection to such Networks, terminal applications and reporting activities. You will comply with all federal, state, and local laws, rules, regulations and orders ("Applicable Laws") and with all by-laws, regulations, rules, and operating guidelines of the Networks ("Network Rules"). You execute and deliver any application, participation, or membership agreement or other document necessary to enable Debit Sponsor to act as sponsor for you in each Network, and you shall obtain all consents, approvals, authorizations, or orders of any government agency or body required for the execution, delivery, and performance of this Agreement. You agree to utilize the debit card services in accordance with this Agreement, its exhibits or attachments, and MSI's and Global's instructions and specifications, and to provide MSI and Global with the necessary data in the proper format to enable MSI and Global to properly furnish the Services. Copies of relevant agreements or operating regulations shall be made available to you upon request. You will provide prompt written notice to MSI and Global in the event that you are subject to any of the following: i. Conviction for a felony offense or any other crime involving moral turpitude; ii. Restraint order, decree, injunction, or judgment in any proceeding or lawsuit alleging fraud or deceptive practices on your part; iii. Bankruptcy filing or petition; iv. Federal or state tax lien; v. Any material adverse change in your assets, operating condition, financial or otherwise; vi. The threat or filing of any litigation against you, the outcome of which reasonably could have a material adverse effect on your continuing operation; vii. Administrative or enforcement proceeding commenced by any state or federal regulatory agency, including any banking or securities agency or entity operating an EBT Network, that reasonably could have a material adverse effect on your continuing operations; or viii. Any disciplinary action taken by any Network against you or your principals. MSI or Global may terminate or suspend in its discretion Debit Sponsor's sponsorship of you in any Network or the provision of Services to you. Immediately upon notice to you of the occurrence of any of the conditions set forth in items (i) through (viii), (iv), or (vii) in the immediately preceding paragraph or if Debit Sponsor's sponsorship of you in any Network or the provision of Services to you is terminated by such Network, i. Thirty (30) days after written notice by MSI or Global to you of termination of your membership or participation in such Network, ii. Immediately upon notice to you in the event any financial statement, warranty, assignment or certificate furnished is materially false or misleading; or iv. Immediately upon notice to you of the occurrence of any other circumstance with respect to this Section that may reasonably be expected to have an adverse effect on Debit Sponsor's sponsorship of you in the Networks; provided, however, that in the event MSI or Global fails to pay such amounts, Debit Sponsor shall be entitled to recover all such amounts directly from you and you agree to pay all such amounts. You shall not be liable to Debit Sponsor for any amounts, products, or services. Debit Sponsor and you are and shall be independent contractors of one another, and neither they, nor their respective individual employees, shall have or hold themselves as having any power to bind the other to any third party. Nothing contained in this Section shall be construed to create or constitute a partnership, joint venture, employer-employee, or agency relationship between Debit Sponsor and you. You shall indemnify and hold harmless MSI, Global and their affiliates (including parents and subsidiaries) and their respective officers, directors, employees, successors and assigns, from and against any and all direct or indirect losses, costs, claims, demands, and causes of action (including, without limitation, the cost of investigating the claim, the cost of litigation, and reasonable attorney's fees including but not limited to in-house counsel, whether or not legal proceedings are instituted and if incurred by or on behalf of MSI or Global as a result of violation of any of the terms of this Section, Network Rules, or Applicable Laws, or otherwise arising from or related to Debit Sponsor's sponsorship of you in any Network. In the event that Debit Sponsor's sponsorship of you in any Network is terminated prior to termination of this Agreement, MSI and Global may assign Debit Sponsor's rights and obligations hereunder to a third party provided in this Section necessary to enforce the rights and obligations of the parties contained in this Section shall survive termination of Debit Sponsor's debit sponsorship of you under this Agreement.

6. **Multitelephone Order.** MSI, Global and Bank caution against mail orders or telephone orders or any transaction in which Cardholder and Card are not present ("multitelephone orders") due to the high incidence of customer disputes. You will obtain expiration date of the Card for a multitelephone order and submit the expiration date when obtaining authorization of the transaction. For multitelephone order transactions, you will type or print legibly on the signature line the following as applicable telephone order or "TO" or mail order or "MO". You must promptly notify MSI, Global and Bank if your retail mail order/telephone mix charges from the percentages represented to MSI, Global and Bank in the Merchant Application. MSI, Global and Bank cease accepting multitelephone order transactions, or limit its acceptance of such transactions, or increase their fees if the charges change. BANK will release funds to MERCHANT five (5) business days after transaction date. If MERCHANT agrees to use retail mail or a traceable delivery system as means of shipment of product to customer, If MERCHANT agrees that transaction not be processed until products are shipped to cardholder, If MERCHANT agrees to a charge of \$0.05 per AVS transaction applicable. A. Agreement may be immediately terminated by BANK if MERCHANT fails to comply with any of the terms of agreement.

7. **Recurring Transactions.** For recurring transactions, you must obtain a written request from the Cardholder for the goods or services to be charged to the Cardholders account, the frequency of the recurring charge, and the duration of time during which charges may be made. You will not complete any recurring transaction after receiving: (i) a cancellation notice from the Cardholder notice from MSI, Global or Bank, or (ii) a response that the Card is not to be honored. You must print legibly on the Sales Draft words "Recurring Transaction".

8. **Multiple Sales Drafts.** You will include a description and total amount of goods and services purchased in a single transaction single Sales Draft or transaction record, unless (i) partial payment is entered on the Sales Draft or transaction record and the total of the transaction amount is paid in cash or by check at the time of transaction, or (ii) a Sales Draft represents an advance deposit Card transaction completed in accordance with this Agreement and the Rules.

9. **Partial Payment.** i. Prior Consent. You will not accept for payment by Card any amount representing a deposit or partial payment for goods or services to be delivered in the future without the prior written consent of MSI, Global or Bank. Such consent will be subject to Bank's final approval. The acceptance of a Card for payment or partial payment of goods or services to be delivered in the future without prior consent will be deemed a breach of this Agreement and causes for immediate termination, in addition to any remedies available under the Laws or Rules. ii. Acceptance. If you have obtained prior written consent, then you will complete Card transactions in accordance with the terms set forth in this Agreement, the Rules, and the Laws. Cardholders must execute Sales Draft when making a deposit with a Card and a second Sales Draft when paying the balance. You will note upon the Sales Draft the words "deposit" or "balance" as appropriate. You will not deposit the Sales Draft labeled "balance" until the goods have been delivered to Cardholder or you have fully performed the services.

10. **Future Delivery.** You will not present any Sales Draft or other memorandum to Bank for processing "whether by electronic means which relates to the sale of goods or services for future delivery without MSI, Global or Bank's, prior written authorization. i consent will be subject to Bank's final approval. If MSI, Global or Bank have given such consent, you represent and warrant to Global and Bank that you will not rely on any proceeds or credit resulting from such transactions to purchase or furnish goods or services. You will maintain sufficient working capital to provide for the delivery of goods or services at the agreed upon future independent of any credit or proceeds resulting from sales drafts or other memoranda taken in connection with future del transactions.

11. **Electronic Commerce Transactions.** You may process electronic commerce ("EC") transactions only if you have so indicated on Application, and only if you have obtained MSI's and Global's consent. If you submit EC transactions without our consent, we immediately terminate this Agreement. If you have indicated on the Application that you will be submitting EC transactions, we acknowledge that you have reviewed the Payment Card Industry Data Security Standards (PCI DSS), Visa's Cardholder Information Security Program (CISP) and MasterCard's Site Data Protection Program (SDPP), and to the extent that they apply to you, you agree to comply with, and ensure such transactions comply with, the terms. You understand that transactions processed via EC are high and subject to a higher incidence of chargebacks. You are liable for all chargebacks and losses related to EC transactions, which not: i) EC transactions have been encrypted; and ii) you have obtained consent to engage in such transactions. Encryption is a guarantee of payment and will not waive any provision of this Agreement or otherwise validate a fraudulent transaction communication costs related to EC transactions are your responsibility. You understand that MSI and Global will not manage the telecommunication costs but that it is your responsibility to manage that link. All EC transactions will be settled by Bank in the depository institution of the United States in U.S. currency. i. Requirements. For goods to be shipped on EC transactions, you obtain authorization up to 7 calendar days prior to the shipment date. You need not obtain a second authorization if the Sales Draft amount is within 15% of the authorized amount, provided that the additional amount represents shipping costs. Further, your web must contain all of the following information: i) complete description of the goods or services offered; ii) returned merchandise refund policy; iii) customer service contact, including electronic mail address and/or telephone number; iv) transaction currency (e.g. U.S. or Canadian dollars); v) export or legal restrictions, if known; and vi) delivery policy. If you store cardholder account number expiring such data, if you accept EC transactions, you must install and maintain a working network firewall to protect i) access-via the Internet keep security patches up-to-date; ii) encrypt stored data and data sent over open network; iii) use end-user anti-virus software; restrict access to data by business "need-to-know"; assign a unique ID to each person with computer access; regularly test security systems and processes; maintain a policy that addresses information security for employees and contract and restrict physical access to cardholder information. When outsourcing administration of information assets, networks, or data must retain legal control of proprietary information and use limited "need-to-know" access to such assets, networks or data. You must reference the protection of cardholder information and compliance with the PCI DSS, CISP and SDPP Rules in contracts with other service providers. You understand that failure to comply with this Section may result in fines and you agree to indemnify reimburse MSI, Global and Bank immediately for any fine imposed due to your breach of this Section.

12. **American Express, JCB and Diners Club Transactions.** Upon your request, MSI, Global and Bank will provide authorization on data capture services for JCB, Diners Club and American Express transactions. By signing this Merchant Agreement, Merchant agrees to be bound by the terms and conditions of the American Express, and JCB, Merchant understands that the Diners Club Agreement will be sent to the business entity indicated on this application. By accepting the Diners Club Card for goods or services, Merchant agrees to be bound by the terms and conditions of the Agreement, MSI, Global and Bank are not responsible funding such transactions. Initial setup fees may apply.

13. **Cash Advances.** You will not deposit any transaction for purpose of obtaining or providing a cash advance. You agree that any

TOWN OF RIVERHEAD

Resolution # 1170

AUTHORIZES SUPERVISOR TO EXECUTE CONTRACT AGREEMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead herby authorizes the Town Supervisor to execute an Employee Contract with the Personnel Officer.

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Gabrielsen Yes No

Cardinale Yes No

The Resolution Was Was Not

Thereupon Duly Declared Adopted

12/15/09

Adopted

TOWN OF RIVERHEAD

Resolution #1171

DETERMINES ZONING COMPLIANCE FOR PROPOSED PARKING LOT EXPANSION FOR THE JAMESPORT FIRE DISTRICT FIREHOUSE AND EXEMPTS PROJECT FROM SITE PLAN REVIEW

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a site plan and elevations dated October 16, 2009 and were submitted to the Town of Riverhead Planning Board by Jeffrey Butler, P.E. on behalf of the Jamesport Fire District to expand the existing parking lot at the firehouse located on Manor Lane in Jamesport and associated site improvements on real property, known and designated as Suffolk County Tax Map Numbers SCTM # 600-68-02-p/o 9.3 and 9.5, and

WHEREAS, together with the site plan, the Jamesport Fire District has submitted a short form environmental assessment (EAF) supporting the application, and

WHEREAS, the Fire District has declared itself "lead agency" on the project and determined that the project will not have any significant adverse impacts on the natural and social environments,

WHEREAS, the properties lie within the Hamlet Center zoning use districts, and

WHEREAS, §108-54 of the Town Code of the Town of Riverhead states as follows:

"Municipal buildings and hospitals shall be permitted in all districts, provided that such buildings shall conform to all other provisions of this chapter for the district in which located", and

WHEREAS, the Planning Department and the Town's consulting engineer have expeditiously reviewed the site plan dated October 16, 2009, as prepared by Jeffrey T. Butler, PE and filed with the Town Clerk on November 30, 2009, as prepared by and has recommended minor changes to the site plan and nearby roadways; and

WHEREAS, the Jamesport Fire District has agreed to modify the site plan to accommodate the Town's requests, and

WHEREAS, the Town Board has completed the required eight step balancing test set forth in the case "In the Matter of the County of Monroe, 72 NY2d 338 and In Nanuet First Engine Co. No. 1 v. Arnold Amster, 1998 NY Slip. Op. 98387" and, based upon application of that balancing test (which initially assumes that the Town's regulations *do* apply), has determined that the applicant complies with zoning and that it shall not be subjected to formal site plan review by the Town of Riverhead Planning Board; and

WHEREAS, in applying the balancing test to the zoning and site plan requirements set forth in the Town Code, the Town Board determined as follows:

The nature and scope of the instrumentality seeking the exemption is the Jamesport Fire District;

There is a great public interest to be served by permitting the construction of an expanded parking lot at the fire house since the fire department requires additional parking space to accommodate the existing members of the department and is currently using another parcel to accommodate necessary parking, and

WHEREAS, The Town's Planning Department has expeditiously conducted an informal site plan review, have analyzed the proposed plans carefully and have determined that there the health, safety and welfare of the residents of the Town will not be compromised by the construction of the parking lot expansion as proposed with the minor amendments suggested by the Planning Department and the Town's consulting engineer; and

WHEREAS, The impact upon the legitimate local interests, including, but not limited to aesthetics, traffic, drainage and possible impacts on adjoining uses is served by the construction of the firehouse parking lot expansion as proposed;

WHEREAS, adequate intergovernmental participation by the Fire District with the Town and its Planning Department and engineering consultant together with the subsequent review of the Building Department for conformity to New York State Building Construction Code requirements will allow for the construction of the parking facility ensuring the proper planning and layout of the site to promote the health, safety and welfare of the community; and

WHEREAS, the Town Board has carefully considered the merits of the site plan

application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information and the criteria required by the "Monroe balancing test"; and

WHEREAS, this Town Board has reviewed the site plan aforementioned, and

RESOLVED, that based upon the foregoing, the Town Board finds that the applicant is compliant with the applicable zoning law and exempts the project from formal site plan review subject to the following conditions:

That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

1. That compliance with the "Dark Skies" requirement set forth in Chapter of the Town Code of the Town of Riverhead is required.
2. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
3. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
4. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Riverhead Fire District hereby authorizes and consents to the Town of Riverhead to enter the subject premises, to enforce said handicapped parking regulations;
5. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
6. That all new utilities shall be constructed underground;
7. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

8. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

AND BE IT FURTHER,

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Jeffrey T. Butler, P.E., Frank Yakaboski, Esq., the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

THE VOTE

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 1172**AWARDS BID FOR GRINDING OF YARD WASTE DEBRIS FROM THE YOUNG'S AVE YARD WASTE COLLECTION FACILITY**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for Grinding of Yard Waste Debris from the Young's Avenue Yard Waste Collection Facility and;

WHEREAS, four bids were received and opened at 11:00 am on November 9, 2009, at Town Hall, 200 Howell Avenue, Riverhead, New York; the date, time and place as specified in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for Grinding of Yard Waste Debris from the Young's Avenue Yard Waste Collection Facility for the period of January 1 ,2010 through December 31, 2010 for the Town of Riverhead be and is hereby awarded to the lowest bidder, Crown Recycling Facility, for \$7,500.00 (\$1,500 per day) for a five day grinding.

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

THE VOTE

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

The Resolution Was Was Not
 Thereupon Duly Declared Adopted

Adopted

RESOLUTION #1173 ABSTRACT #09-47 December 03, 2009 (TBM 12/15/09)				
Councilwoman Blass offered the following Resolution which was seconded by Councilman Dunleavy.				
FUND NAME			12/03/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,630,528.88	1,630,528.88
RECREATION PROGRAM FUND	6		6,429.25	6,429.25
CHILD CARE CENTER BUILDING FUN	9		124.29	124.29
TOWN BOARD SPECIAL PROGRAM FUN	24		4,115.03	4,115.03
ECONOMIC DEVELOPMENT ZONE FUND	30		3,587.87	3,587.87
HIGHWAY FUND	111		121,611.70	121,611.70
WATER DISTRICT	112		54,140.90	54,140.90
RIVERHEAD SEWER DISTRICT	114		63,490.50	63,490.50
REFUSE & GARBAGE COLLECTION DI	115		7,180.49	7,180.49
STREET LIGHTING DISTRICT	116		8,252.50	8,252.50
PUBLIC PARKING DISTRICT	117		168.27	168.27
BUSINESS IMPROVEMENT DISTRICT	118		49.95	49.95
AMBULANCE DISTRICT	120		3,450.42	3,450.42
EAST CREEK DOCKING FACILITY FU	122		574.68	574.68
CALVERTON SEWER DISTRICT	124		1,486.92	1,486.92
RIVERHEAD SCAVANGER WASTE DIST	128		27,739.68	27,739.68
WORKERS' COMPENSATION FUND	173		2,925.40	2,925.40
CDBG CONSORTIUM ACOUNT	181		631.15	631.15
TOWN HALL CAPITAL PROJECTS	406		100,840.01	100,840.01
WATER DISTRICT CAPITAL PROJECT	412		13,059.90	13,059.90
RIVERHEAD SEWER CAPITAL PROJEC	414		3,692.13	3,692.13
YOUTH SERVICES CAP PROJECT	452		1,024.72	1,024.72
TRUST & AGENCY	735		1,718,447.37	1,718,447.37
COMMUNITY PRESERVATION FUND	737		1,715.98	1,715.98
TOTAL ALL FUNDS			3,775,267.99	3,775,267.99

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

Adopted

RESOLUTION #1173 ABSTRACT #09-48 December 10, 2009 (TBM 12/15/09)				
Councilwoman Blass offered the following Resolution which was seconded by Councilman Dunleavy.				
FUND NAME			12/10/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		180,572.57	180,572.57
TEEN CENTER FUND	5		224.20	224.20
RECREATION PROGRAM FUND	6		608.00	608.00
CHILD CARE CENTER BUILDING FUN	9		301.50	301.50
TOWN BOARD SPECIAL PROGRAM FUN	24		590.00	590.00
HIGHWAY FUND	111		8,931.12	8,931.12
WATER DISTRICT	112		76,113.51	76,113.51
RIVERHEAD SEWER DISTRICT	114		15,115.59	15,115.59
REFUSE & GARBAGE COLLECTION DI	115		346,239.96	346,239.96
STREET LIGHTING DISTRICT	116		20,332.50	20,332.50
PUBLIC PARKING DISTRICT	117		308.48	308.48
EAST CREEK DOCKING FACILITY FU	122		242.96	242.96
CALVERTON SEWER DISTRICT	124		17,296.26	17,296.26
RIVERHEAD SCAVANGER WASTE DIST	128		55,482.29	55,482.29
WORKERS' COMPENSATION FUND	173		50,333.88	50,333.88
RISK RETENTION FUND	175		30,488.65	30,488.65
GENERAL FUND DEBT SERVICE	384		32,843.15	32,843.15
TOWN HALL CAPITAL PROJECTS	406		70,583.83	70,583.83
RIVERHEAD SEWER CAPITAL PROJEC	414		3,243.10	3,243.10
LOCAL ST & HIGHWAY CAP PROJECT	451		23,687.75	23,687.75
TRUST & AGENCY	735		354.51	354.51
CALVERTON PARK - C.D.A.	914		530.00	530.00

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