

**March 16, 2010**

**CDA RESOLUTIONS**

**CDA**

**Res. #3 Accepts Annual Report and Annual Financial Report for 2008**

**CDA**

**Res. #4 Accepts Annual Report and Annual Financial Report for 2009**

**CDA**

**Res. #5 A Resolution Calling a Public Hearing on the Agency's Designation of Altitude Express, LTD. D/B/A Skydive Long Island, as a Qualified and Eligible Sponsor for Extension of It's Existing Runway Use Agreement as Redevelopment Consistent with the Uses Permitted in the Planned Recreational Park Zoning Use District**

**REGULAR TOWN BOARD RESOLUTIONS**

**Res. #178 Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 48 Entitled, "Beaches and Recreation Centers" of the Riverhead Town Code (Seasonal Parking Permits)**

**Res. #179 Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 101 "Vehicles & Traffic" of the Riverhead Town Code (§101-10 Parking Prohibited – Ravine Road, Wading River)**

**Res. #180 Accepts 100% Security of Larry's Lighthouse Marina, Inc.**

**Res. #181 Accepts 100% Security of Metro Terminals of Long Island, LLC**

- Res. #182 Appoints Member to the Riverhead Recreation Advisory Committee (Brian Mills)**
- Res. #183 Awards Bid for Fertilizer and Lawn Chemicals**
- Res. #184 Authorization to Publish Advertisement for Diesel Fuel for Use by the Town of Riverhead**
- Res. #185 Authorizes the Supervisor to Execute a License Agreement with Broadcast Music, Inc. (BMI) (Agreement I)**
- Res. #186 Authorizes the Supervisor to Execute a License Agreement with Broadcast Music, Inc. (BMI) (Agreement II)**
- Res. #187 Establishes Date and Time of 1<sup>st</sup> Annual “Great Riverhead Cardboard Boat Race”**
- Res. #188 Terminates Probationary Employee (Theresa Masin)**
- Res. #189 Terminates Probationary Employee (Scott Harrington)**
- Res. #190 Approves the Chapter 90 Application of Hamptons Expo Group LLC (Tanger II)**
- Res. #191 Authorizes the Supervisor to Enter into an Agreement with Convergent Technology for Information Technology Services**
- Res. #192 Appoints a Part-Time Crossing Guard to the Riverhead Town Police Department (Thomas Ryan)**
- Res. #193 Appoints a Call-In Detention Attendant to the Riverhead Town Police Department (Kathy Bieber)**
- Res. #194 Authorizes Dunn Engineering Associates, P.E. to Proceed with Construction Services for Grangebél Park Site Improvement Project**
- Res. #195 Authorizes the Chief of Police to Execute a Stipulation with the County of Suffolk**

- Res. #196 Resolution Urging the New York State Legislature to Support the State's Farmland Protection Program and Environmental Protection Fund**
- Res. #197 Authorizes the Supervisor to Execute a License Agreement with AEROS Cultured Oyster Company to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creek**
- Res. #198 Resolution and Consent Approving the Dedication of Highways Known as Gateway East Road & Recharge Basin (Gateway East)**
- Res. #199 Grangebel Park Bulkheading Capital Project Budget Adjustment**
- Res. #200 Awards Bid for Grangebel Park Improvement Project 2010**
- Res. #201 Authorizes Town Clerk to Publish and Post Advertisement (IDA)**
- Res. #202 Offers Support to the New York State Legislature to Authorize (2) Police Officers to File for Retroactive Membership in the Optional 20 Year Retirement Plan of the New York State and Local Police and Fire Retirement System Pursuant to Section 384-d of the Retirement and Social Security Law (Senate Bill # S.6861/Assembly Bill #A.9947)**
- Res. #203 Authorizes the Supervisor to Execute a Contract with the U.S. Department of Justice for Grant Funding Under the "Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2009 Local Solicitation Program"**
- Res. #204 North Spillway Capital Project Budget Adjustment**
- Res. #205 Authorization to Publish Advertisement for Snack Vendors to be Utilized by the Town of Riverhead**

- Res. #206 Authorizes Town Clerk to Publish and Post Notice to Bidders Project No. RDWD 10-01 Interim Treatment at Well No. 16**
- Res. #207 Authorizes the Town Clerk to Publish and Post a Notice to Bidders for Sewer Pipe Replacement at East End Arts Site**
- Res. #208 Authorizes Publication of Display Ad RE: Attendance at Suffolk County Police Academy**
- Res. #209 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Destination Retail Center (DRC) Zoning Use District)**
- Res. #210 Scheduling a Public Hearing to Determine Whether the Jamesport Fire Department's Storage Building Expansion, Located on Manor Lane, Jamesport, New York Must Comply with the Town Code of the Town of Riverhead**
- Res. #211 Authorizes Town Clerk to Post and Publish Notice of Empire Zone Administrative Board Meetings**
- Res. #212 Ratifies Supervisor's Execution of Memorandum of Agreement for Eastern Long Island Maritime Disaster Preparedness Port Security Grant Request FY 2010**
- Res. #213 Authorizes the Release of Security of Beacon Wireless Management, LLC (Dynamic Radiator)**
- Res. #214 Approves Request for Leave of Absence (Jessica Steimel)**
- Res. #215 Appoints a Call-In Recreation Aide II to the Recreation Department (William Brandt)**
- Res. #216 Appoints a Call-In Recreation Supervisor to the Recreation Department (Cynthia Hynds)**
- Res. #217 Appoints a Call-In Recreation Specialist-Exercise Instructor (Cherie Paveglio)**

**Res. #218 Authorizes the Supervisor to Enter into an Agreement with Suffolk Online Advertising for Internet and E-Mail Services**

**Res. #219 Adopts Amnesty Program for Swimming Pool Permits**

**Res. #220 Authorizes Town Clerk to Post and Publish the Attached Notice to Bidders for the West Main Street Comfort Station**

**Res. #221 Reduction of Overtime**

**Res. #222 Appointing the Firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP, Special Counsel with Respect to the Appellate Division Decision in Riverhead v. Pine Barrens Commission**

**Res. #223 Appointing the Firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP, Special Counsel with Respect to the Notice of Violation Issued by NYSDEC Regarding Mining**

**Res. #224 Pays Bills**

**TOWN OF RIVERHEAD  
CDA  
Resolution #3**

**ACCEPTS ANNUAL REPORT AND ANNUAL FINANCIAL REPORT FOR 2008**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Public Authorities Accountability Act of 2005 (the "PAAA") includes Town of Riverhead Community Development Agency (the "CDA") in its definition of a local authority; and

**WHEREAS**, the PAAA requires the preparation and submission of an Annual Report and an Annual Financial Report to the State Comptroller.

**THEREFORE BE IT RESOLVED**, that the board of directors of the Community Development Agency hereby accepts the 2008 Annual Report and 2008 Annual Financial Report (attached) of the Town of Riverhead Community Development Agency.

**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**

Giglio Yes No    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## **CDA ANNUAL REPORT for FY 2008**

As required by the Bylaws of the Town of Riverhead Community Development Agency (CDA), the following information is provided for consideration and review by the Members of the CDA.

Membership- The Members of the Corporation shall be the members of the Riverhead Town Board, comprised of the following persons during FY 2008:

Phil Cardinale, Barbara Blass, John Dunleavy, James Wooten and Timothy Buckley (resigned March 2008). In addition, the CDA is served by: 2008 Executive Director Chris Kempner, Chief Finance Officer Bill Rothaar and Contracting Officer Dawn Thomas. Neither members nor staff receives any compensation for their duties and responsibilities to the CDA

### **Background**

The five member Riverhead Town Board is the governing legislative body and consists of a supervisor and four council members, all of whom are elected at large. The Town Board acts separately in its capacity as the CDA Board, which is empowered under New York State General Municipal Law to foster economic development. The CDA consists of the Chairman (the Town Supervisor) and the four Town board members. In the capacity as the economic development agency of the Town of Riverhead, the CDA administers and secures financing for numerous downtown revitalization projects and public improvement projects.

The CDA, established in 1982, has been proactive in fostering economic revitalization in the downtown business district and was a major impetus in the establishment of a 3.2 acre waterfront aquarium. In addition, the CDA took title to the former Naval Weapons Industrial Reserve Plant at Calverton in 1998 as the result of special federal legislation, and as such is charged with the task of overseeing economic development at the 2,900 acre site. Using powers granted under New York State Urban Renewal Law, pursuant to Section 505 of Article 15, the Community Development Agency has played a critical role in economic development at Calverton Enterprise Park, as well as downtown. Since 1998, the Calverton Enterprise Park real property, improved with buildings and infrastructure, has been leased and sold pursuant to the disposition of property procedures of Section 507 of the Urban Renewal Law.

The Community Development Agency has designated several Urban Renewal Areas for the purpose of encouraging neighborhood revitalization and economic development. The designated Urban Renewal Areas include: Calverton Enterprise Park, Millbrook Gables residential community, East Main Street Downtown Business District and Railroad Avenue Corridor. Within the designated boundaries of the urban renewal areas, available incentives are provided where feasible to attract investment and assist owners and businesses in improving their properties.

Portions of the Calverton Enterprise Park and East Main Street Urban Renewal Areas are designated Empire Zones. This designation was initiated and administered by the CDA for its economic development benefits. Low interest loans and grants have also been made available to increase investment in these targeted areas. For instance, within the East Main Street Urban Renewal Area, the CDA has successfully developed an aquarium as a major tourist attraction, sold the 1930s art deco Suffolk Theatre for reuse, has completed restoration of an 1881 historic opera house, invested \$500,000 in historic restoration of properties occupied by the East End Arts Council, as well as assisting in the development of a 100 room hotel expansion at Atlantis Aquarium and a new mixed use housing/retail development on Peconic Avenue incorporating a currently deteriorated structure.

### **Downtown Activity in 2008**

Town staff held a public hearing on the completed 2008 update of the 1993 East Main Street Urban Renewal Plan and accompanying Generic Environmental Impact Statement and in conjunction with the comprehensive planning process as authorized by the CDA board in 2006. The Urban Renewal Plan (located at <http://riverheadli.com/Urban.Renewal.Plan.Update.October.10.01.08.pdf>), final Generic Environmental Impact Statement (located at <http://riverheadli.com/Final.Generic.Environmental.Impact.Stmt.10.01.08.pdf>), and Findings Statement for the GEIS (located at <http://riverheadli.com/Findings.Statement.10.01.08.pdf>) were issued and adopted in October 2008 and were funded in the amount of \$541,000 by Riverhead Renaissance LLC, the entity with which the CDA entered into a Master Developer Designation Agreement in 2006 for redevelopment of the East Main Street Urban Renewal Area.

### **Railroad Avenue Corridor Activity in 2008**

In 2007, the CDA board held a hearing on the designation of Vintage Group, LLC, as a Qualified & Eligible (Q & E) Sponsor for the purchase and development of the parking lot owned by the Town of Riverhead located on Court Street together with the acquisition and development of some or all of the privately-owned properties located on the adjacent block bordered by Railroad Street, Griffing Avenue, Court Street and Cedar Avenue, for redevelopment consistent with the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997. In 2008, Q & E status was extended after an additional public hearing.

### **Calverton Enterprise Park Activity in 2008**

The CDA board entered into an agreement of sale dated June 1999 to sell Calverton Camelot, LLC, a parcel of property including a 1.432 acre portion of which was conditioned upon the CDA receiving title to same from the United States of America. The CDA received title to said parcel in 2008 and the CDA board approved transfer by Bargain and Sale Deed.

The CDA Board entered into contract with REPCAL LLC in 2007 for the sale of approximately 300 acres in response to a Request for Proposals (“RFP”) to select an experienced developer(s) for the redevelopment of approximately 600 acres of land zoned for industrial and office uses at Calverton Enterprise Park. The CDA Board designated REPCAL, LLC as a Qualified and Eligible Sponsor for the redevelopment project to include 300 acres of land zoned Industrial, a portion of the 600 acres. The CDA continued to work with REPCAL, LLC through 2008 to progress the project and the CDA executed an amendment to extend the due diligence period to facilitate the closing as well as an amendment to extend the time period allowed for REPCAL, LLC to file its preliminary subdivision application.

In 2007 the CDA Board issued a RFP to select an experienced developer(s) for the redevelopment of approximately 755 acres as a Hotel Conference Center and/or other commercial-recreational uses as permitted by zoning. Several proposals were received and had been presented at public meetings by year-end. During 2007, the CDA board held a hearing on the CDA’s designation of Riverhead Resorts LLC as a Qualified & Eligible Sponsor. The CDA Board entered into a contract with Riverhead Resorts LLC for the sale of approximately 755 acres of property within the planned recreational park zone district of Calverton Enterprise Park in early 2008 and designated Riverhead Resorts LLC as a Qualified & Eligible Sponsor for redevelopment of said acreage.

In 2008, the CDA board authorized and issued an RFP for rail design engineers for the Calverton Rail Access and Development Project and selected HDR, Inc., an employee-owned architectural, engineering and consulting firm with rail development expertise as the consultant for the project. In December 2008 the CDA authorized HDR to proceed with initial preliminary planning for the Calverton Rail Access Rehabilitation Project.

### **Agreements entered into by the CDA in 2008**

Agreements entered into by the CDA in 2008 include:

- 1) an agreement with Riverhead Resorts, LLC for the sale of 755 plus or minus acres within the planned recreational park portion of the Calverton Enterprise Park for a multi-use resort destination in response to 2007 RFP for vacant acreage; and
- 2) Four amendments to the agreement of sale dated October 2, 2007 with REPCAL LLC for sale of some 300 acres of property located in the Light Industrial Zone at Calverton Enterprise Park; and
- 3) an agreement with Suffolk County to coordinate employment and training services and economic development services through the Suffolk County One-Stop Employment Center; and
- 4) an agreement with Suffolk County Department of Economic Development for the administration of the Empire Zone Program; and
- 5) an agreement with New York State Department of Economic Development for the administration of the Empire Zone Program; and
- 6) a Bargain and Sale Deed for a 1.432 acre portion of property of pursuant to an agreement of sale dated June 1999 to sell Calverton Camelot, LLC, a parcel of property including said 1.432 acre portion of which was conditioned upon the CDA receiving title to same from the United States of America; and
- 7) an agreement with Dru Associates, Inc. for environmental services/studies of property owned by the CDA.

### **Grant Funding**

The CDA applied for and received notification of a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation in 2006 for funding under the Recreational Trails Program towards the development of an 8.9 mile multisport athletic trail. No funds were expended in 2008 and no funds were received for reimbursement by year-end. This project will augment a town park

project initiated by the CDA in 2001 involving \$600,000 in grant funds from the New York State Office of Parks Recreation and Historic Preservation for public recreational improvements. Phase I was designed and engineered in 2006 and under construction in 2007/8. The majority of funds were expended in 2007 and a majority of the grant funds were received for reimbursement by year-end 2008.

Calverton Rail Access Rehabilitation Project

The CDA applied for and received notification of a \$75,000 grant from the New York State Energy Research and Development Authority (NYSERDA) in 2008 for funding under the Sustainable Transportation Systems Program towards design and logistics associated with rehabilitation of 2.65 miles of an existing rail spur that links Long Island Rail Road mile post 69.1 to the Calverton Enterprise Park. The infrastructure project is expected to remove vehicles from the roads, mitigate congestion, and allow area businesses to compete more effectively through reduced shipping costs and lower the prices of goods.

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2008**

General Fund (A)  
Balance Sheet

Code Description	FOR THE FISCAL YEAR ENDED 2007	EDP CODE	FOR THE FISCAL YEAR ENDED 2008
<b>Assets</b>			
Cash	\$ 7,957	A 200	\$ 226,371
Cash - Time Certificates	<u>\$ 480,000</u>	A 201	<u>\$ 241,500</u>
<b>TOTAL Cash</b>	<u><u>\$ 487,957</u></u>		<u><u>\$ 467,871</u></u>
Accounts Receivable	\$ -	A 380	\$ -
Accrued Interest Receivable	\$ 54	A 381	\$ 246
Allowance for Uncollected Receivable	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Other Receivables</b>	<u><u>\$ 54</u></u>		<u><u>\$ 246</u></u>
Due from Other Governments	<u>\$ -</u>	A 440	<u>\$ -</u>
<b>TOTAL Due from Other Governments</b>	<u><u>\$ -</u></u>		<u><u>\$ -</u></u>
<b>TOTAL Assets</b>	<u><u>\$ 488,011</u></u>		<u><u>\$ 468,117</u></u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2008**

General Fund (A)  
Balance Sheet

Code Description	FOR THE FISCAL YEAR ENDED 2007	EDP CODE	FOR THE FISCAL YEAR ENDED 2008
<b>Liabilities &amp; Fund Equity</b>			
Accounts Payable	\$ 25		\$ 62,129
Due to Other Funds	\$ -	A 489	\$ -
Due to Other Governments	\$ 4,008	A 631	\$ -
Deferred Rental Revenue	\$ -	A 691	\$ -
<b>TOTAL Due to</b>	<u>\$ 4,033</u>		<u>\$ 62,129</u>
<b>TOTAL LIABILITIES</b>	<u>\$ 4,033</u>		<u>\$ 62,129</u>
Reserve for Encumbrances	\$ 288	A 821	\$ 19,621
<b>TOTAL Reserve for Encumbrances</b>	<u>\$ 288</u>		<u>\$ 19,621</u>
Fund Balance - Unreserved	\$ 483,690	A 911	\$ 386,367
<b>TOTAL Fund Balance - Unreserved</b>	<u>\$ 483,690</u>		<u>\$ 386,367</u>
<b>TOTAL Fund Equity</b>	<u>\$ 483,978</u>		<u>\$ 405,988</u>
<b>TOTAL Liabilities and Fund Equity</b>	<u>\$ 488,011</u>		<u>\$ 468,117</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2008**

General Fund (A)  
Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2007	EDP CODE	FOR THE FISCAL YEAR ENDED 2008
<b>Detail Revenues and Other Sources</b>			
Agency Fees	\$ 250,000	A 2170	\$ 427,101
<b>TOTAL Departmental Income</b>	<u>\$ 250,000</u>		<u>\$ 427,101</u>
Interest and Earnings	\$ 39,678	A 2401	\$ 10,560
Lease Payments	\$ 27,819	A 2410	\$ 27,496
Sale of Real Property	\$ -	A 2660	\$ -
Sale of Equipment	\$ -	A 2665	\$ -
<b>TOTAL Use of Money and Property</b>	<u>\$ 67,497</u>		<u>\$ 38,056</u>
Refund of Prior Years Expenses	\$ -		\$ -
<b>TOTAL Miscellaneous Income</b>	<u>\$ -</u>		<u>\$ -</u>
State Aid	\$ -	A3789	\$ -
Federal Aid	\$ -	A4789	\$ -
<b>TOTAL Federal/State Aid</b>	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL REVENUES</b>	<u>\$ 317,497</u>		<u>\$ 465,157</u>
Interfund Transfers - Other Gov't	\$ -	A4789	\$ -
<b>TOTAL Other Sources</b>	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Revenues &amp; Other Sources</b>	<u>\$ 317,497</u>		<u>\$ 465,157</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2008**

General Fund (A)  
Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2007	EDP CODE	FOR THE FISCAL YEAR ENDED 2008
<b>Detail Revenues and Other Sources</b>			
Planning & Management Development - Equipment	\$ -	A8684.2	\$ -
Planning & Management Development - Contr Expen.	\$ 753,890	A8684.4	\$ 417,623
<b>TOTAL Planning and Management Development</b>	<b>\$ 753,890</b>	A8684.0	<b>\$ 417,623</b>
CDA Administration, Contr Expen.	\$ -	A8686.4	\$ -
<b>TOTAL CDA Administrator</b>	<b>\$ -</b>	A8686.0	<b>\$ -</b>
<b>TOTAL Home and Community Service</b>	<b>\$ 753,890</b>		<b>\$ 417,623</b>
<b>TOTAL Expenditures</b>	<b>\$ 753,890</b>		<b>\$ 417,623</b>
<b>Other Uses</b>			
Transfer to Other Governments	\$ -		\$ 90,000
<b>TOTAL Other Uses</b>	<b>\$ -</b>		<b>\$ 90,000</b>
<b>TOTAL Detail Expenditures and Other Uses</b>	<b>\$ 753,890</b>		<b>\$ 507,623</b>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2008**

General Fund (A)  
Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2007	EDP CODE	FOR THE FISCAL YEAR ENDED 2008
<b>ANALYSIS OF CHANGES IN FUND EQUITY</b>			
FUND EQUITY-BEGINNING OF YEAR*	\$ 920,372	A8021	\$ 483,979
PRIOR PERIOD ADJUSTMENTS	\$ -		\$ (35,525)
ADD-REVENUES AND OTHER SOURCES	\$ 317,497		\$ 465,157
DEDUCT-EXPENDITURES AND OTHER USES	<u>\$ 753,890</u>		<u>\$ 507,623</u>
FUND EQUITY-END OF YEAR*	<u>\$ 483,979</u>	A8029	<u>\$ 405,988</u>

\* TOTAL INCLUDES RESERVED AND UNRESERVED FUND BALANCE IN GOVERNMENTAL FUNDS, OR RETAINED EARNINGS OR FUND EQUITY FOR PROPRIETARY FUNDS. ADJUSTMENTS TO BEGINNING FUND EQUITY RESULTING FROM A CORRECTION OF A PRIOR YEAR'S ACCOUNTING ERROR SHOULD BE REPORTED AS A PRIOR PERIOD ADJUSTMENT.

PLEASE EXPLAIN ALL PRIOR PERIOD ADJUSTMENTS BELOW.

Beginning fund balance for 2008 was adjusted by \$35,525 due to reclassification of accounts payable.

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DOUBLE ENTRY UNITS \*\* FUND EQUITY-END OF YEAR MUST AGREE WITH TOTAL FUND EQUITY AS SHOWN ON THE BALANCE SHEET.  
SINGLE ENTRY FIRE DISTRICTS \*\* FUND EQUITY-BEGINNING OF YEAR PLUS TOTAL REVENUES MUST AGREE WITH FUND EQUITY-END OF YEAR PLUS TOTAL EXPENDITURES.

**TOWN OF RIVERHEAD  
CDA  
Resolution # 4**

**ACCEPTS ANNUAL REPORT AND ANNUAL FINANCIAL REPORT FOR 2009**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Public Authorities Accountability Act of 2005 (the "PAAA") includes Town of Riverhead Community Development Agency (the "CDA") in its definition of a local authority; and

**WHEREAS**, the PAAA requires the preparation and submission of an Annual Report and an Annual Financial Report to the State Comptroller.

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**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## CDA ANNUAL REPORT for FY 2009

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Membership- The Members of the Corporation shall be the members of the Riverhead Town Board, comprised of the following persons during FY 2009:

Phil Cardinale, Barbara Blass, John Dunleavy, James Wooten and George Gabrielsen (elected November 2009). In addition, the CDA is served by: 2009 Executive Director Chris Kempner, Chief Finance Officer Bill Rothaar and Contracting Officer Dawn Thomas. Neither members nor staff receives any compensation for their duties and responsibilities to the CDA

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Portions of the Calverton Enterprise Park and East Main Street Urban renewal Areas are designated Empire Zones. This designation was initiated and administered by the CDA for its economic development benefits. Low interest loans and grants have also been made available to increase investment in these targeted areas. For instance, within the East Main Street Urban Renewal Area, the CDA has successfully developed an aquarium as a major tourist attraction, sold the 1930s art deco Suffolk Theatre for reuse, has completed restoration of an 1881 historic opera house, invested \$500,000 in historic restoration of properties occupied by the East End Arts Council, as well as assisting in the development of a 100 room hotel expansion at Atlantis Aquarium and two new mixed use housing/retail developments on Peconic Avenue, one that will incorporate a currently deteriorated structure.

### **Downtown Activity in 2009**

The CDA authorized Town staff to order an appraisal for real property located at 103-105 East Main Street; 111 East Main Street; 117 East Main Street; 121 East Main Street; 127 East Main Street; 203-207 East Main Street; 209 East Main Street; 211 East Main Street; 213 East Main Street; 221 East Main Street and 31 McDermott Avenue and authorized an RFP for Community Visioning for parcels under consideration for acquisition by the Town of Riverhead CDA to advance the East Main Street Urban Renewal Plan (located at <http://riverheadli.com/Urban.Renewal.Plan.Update.October.10.01.08.pdf>), final Generic Environmental Impact Statement (located at <http://riverheadli.com/Final.Generic.Environmental.Impact.Stmt.10.01.08.pdf>), and Findings Statement for the GEIS (located at <http://riverheadli.com/Findings.Statement.10.01.08.pdf>) issued and adopted in October 2008.

In 2009, the CDA authorized termination of the Master Developer Designation Agreement with Riverhead Renaissance LLC that it had entered into in 2006 for redevelopment of the East Main Street Urban Renewal Area.

## **Railroad Avenue Corridor Activity in 2009**

In 2007, the CDA board held a hearing on the designation of Vintage Group, LLC, as a Qualified & Eligible (Q & E) Sponsor for the purchase and development of the parking lot owned by the Town of Riverhead located on Court Street together with the acquisition and development of some or all of the privately-owned properties located on the adjacent block bordered by Railroad Street, Griffing Avenue, Court Street and Cedar Avenue, for redevelopment consistent with the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997. In 2009, Q & E status was extended after an additional public hearing.

## **Calverton Enterprise Park Activity in 2009**

The CDA Board entered into contract with REPCAL LLC in 2007 for the sale of approximately 300 acres in response to a Request for Proposals (“RFP”) to select an experienced developer(s) for the redevelopment of approximately 600 acres of land zoned for industrial and office uses at Calverton Enterprise Park. The CDA Board designated REPCAL, LLC as a Qualified and Eligible Sponsor for the redevelopment project to include 300 acres of land zoned Industrial, a portion of the 600 acres. The CDA continued to work with REPCAL, LLC through 2009 to progress the project and the CDA agreed to extend the due diligence period as well as to execute a fifth amendment to the agreement of sale dated October 2, 2007, to reduce the sales price for the 300 acres to \$18 million to facilitate the closing. The CDA Board designated REPCAL, LLC as a Qualified and Eligible Sponsor for the new terms of the agreement prior to authorizing the amendment.

In 2007 the CDA Board issued a RFP to select an experienced developer(s) for the redevelopment of approximately 755 acres as a Hotel Conference Center and/or other commercial-recreational uses as permitted by zoning. Several proposals were received and had been presented at public meetings by year-end. During 2007, the CDA board held a hearing on the CDA’s designation of Riverhead Resorts LLC as a Qualified & Eligible Sponsor. The CDA Board entered into a contract with Riverhead Resorts LLC for the sale of approximately 755 acres of property within the planned recreational park zone district of Calverton Enterprise Park in early 2008 and designated Riverhead Resorts LLC as a Qualified & Eligible Sponsor for redevelopment of said acreage. In 2009 the CDA board authorized an amendment to the agreement of Sale dated January 15, 2008, with Riverhead Resorts LLC to waive the extension fee due on December 15, 2009 in

consideration of extending the date of Closing and releasing the escrow under new terms.

In 2008, the CDA board authorized and issued an RFP for rail design engineers for the Calverton Rail Access and Development Project and selected HDR, Inc., an employee-owned architectural, engineering and consulting firm with rail development expertise as the consultant for the project. In December 2008 the CDA authorized HDR to proceed with initial preliminary planning for the Calverton Rail Access Rehabilitation Project. In March 2009 the CDA board authorized HDR to proceed with the NYSERDA funded design portion of the project and in December 2009 the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In December 2009 the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million.

#### **Agreements entered into by the CDA in 2009**

Agreements entered into by the CDA in 2009 include:

- 1) a hold harmless agreement with LED Display Technology for testing to take place on the perimeter road of the Calverton Enterprise Park; and
- 2) two professional services agreement with HDR, Inc. to proceed with design and planning for the Calverton Rail Access Rehabilitation Project; and
- 3) a lease agreement between the Riverhead Community Development Agency and the Calverton Sewer District for 50 years for rent of \$1 per year to transfer land required to improve the Calverton Sewer District; and
- 4) an acceptance of the request to extend the due diligence period by REPCAL LLC and execution of a fifth amendment to the agreement of sale dated October 2, 2007 with REPCAL LLC to reduce the sales price for the 300 acres to \$17 million to facilitate the closing of the sale of some 300 acres of property located in the Light Industrial Zone at Calverton Enterprise Park; and
- 5) a lease agreement between the CDA and the Town of Riverhead for continued operation and maintenance for the F-14 memorial park and to make improvements as deemed required and beneficial to the public for a period not to exceed 99 years and includes authorization for the Town of Riverhead to enter into a sub-lease with East End Wireless; and

- 6) an agreement with New York State Department of Transportation to receive American Reinvestment and Recovery Act funding for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million; and
- 7) an agreement with New York State Empire Development Corporation to receive Regional Blueprint Grant funding for the planning, design and construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$650,000; and
- 8) an amendment to the agreement of Sale dated January 15, 2008, with Riverhead Resorts LLC to waive the extension fee due on December 15, 2009 in consideration of extending the date of Closing and releasing the escrow under new terms; and
- 9) an agreement with Suffolk County Department of Economic Development for the administration of the Empire Zone Program; and
- 10) an agreement with Dru Associates, Inc. for environmental services/studies to include field studies relating to endangered, threatened or special concern species located at the Calverton Enterprise property owned by the CDA.

## **Grant Funding**

### CDA Parks Projects

The CDA applied for and received notification of a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation in 2006 for funding under the Recreational Trails Program towards the development of an 8.9 mile multisport athletic trail. No funds were expended in 2009 and no funds were received for reimbursement by year-end although the project was put out to bid for construction in 2010. This project will augment a town park project initiated by the CDA in 2001 involving \$600,000 in grant funds from the New York State Office of Parks Recreation and Historic Preservation for public recreational improvements. Phase I was designed and engineered in 2006 and under construction in 2007/8. The majority of funds were expended in 2007 and a majority of the grant funds were received for reimbursement by year-end 2008.

### Calverton Rail Access Rehabilitation Project

The CDA applied for and received notification of a \$75,000 grant from the New York State Energy Research and Development Authority (NYSERDA) in 2008 for funding under the Sustainable Transportation Systems Program towards design and logistics associated with rehabilitation of 2.65 miles of an existing rail spur that

links Long Island Rail Road mile post 69.1 to the Calverton Enterprise Park. The infrastructure project is expected to remove vehicles from the roads, mitigate traffic congestion and allow area businesses to compete more effectively through reduced shipping costs and lower the prices of goods. In 2009, the CDA accepted the grant award from NYSERDA and entered into a professional services agreement with HDR, Inc. to proceed with design of the Calverton Rail Access Rehabilitation Project funded by NYSERDA. In December 2009 the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In December 2009 the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million.

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2009**

General Fund (A)  
Balance Sheet

Code Description	FOR THE FISCAL YEAR ENDED 2008	EDP CODE	FOR THE FISCAL YEAR ENDED 2009
<b>Assets</b>			
Cash	\$ 226,371	A 200	\$ (27,081)
Cash - Time Certificates	\$ 241,500	A 201	\$ 4,790,901
<b>TOTAL Cash</b>	<u>\$ 467,871</u>		<u>\$ 4,763,820</u>
Accounts Receivable	\$ -	A 380	\$ -
Accrued Interest Receivable	\$ 246	A 381	\$ -
Allowance for Uncollected Receivable	\$ -		\$ -
<b>TOTAL Other Receivables</b>	<u>\$ 246</u>		<u>\$ -</u>
Due from Other Governments	\$ -	A 440	\$ -
<b>TOTAL Due from Other Governments</b>	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Assets</b>	<u>\$ 468,117</u>		<u>\$ 4,763,820</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2009**

General Fund (A)  
Balance Sheet

Code Description	FOR THE FISCAL YEAR ENDED 2008	EDP CODE	FOR THE FISCAL YEAR ENDED 2009
<b>Liabilities &amp; Fund Equity</b>			
Accounts Payable	\$ 62,129		\$ -
Due to Other Funds	\$ -	A 489	\$ 1,788
Due to Other Governments	\$ -	A 631	\$ -
Deferred Rental Revenue	\$ -	A 691	\$ -
<b>TOTAL Due to</b>	<u>\$ 62,129</u>		<u>\$ 1,788</u>
<b>TOTAL LIABILITIES</b>	<u>\$ 62,129</u>		<u>\$ 1,788</u>
Reserve for Encumbrances	\$ 19,621	A 821	\$ 3,475
<b>TOTAL Reserve for Encumbrances</b>	<u>\$ 19,621</u>		<u>\$ 3,475</u>
Fund Balance - Unreserved	\$ 386,367	A 911	\$ 4,758,557
<b>TOTAL Fund Balance - Unreserved</b>	<u>\$ 386,367</u>		<u>\$ 4,758,557</u>
<b>TOTAL Fund Equity</b>	<u>\$ 405,988</u>		<u>\$ 4,762,032</u>
<b>TOTAL Liabilities and Fund Equity</b>	<u>\$ 468,117</u>		<u>\$ 4,763,820</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2009**

General Fund (A)

Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2008	EDP CODE	FOR THE FISCAL YEAR ENDED 2009
<b>Detail Revenues and Other Sources</b>			
Agency Fees	\$ 427,101	A 2170	\$ -
<b>TOTAL Departmental Income</b>	<u>\$ 427,101</u>		<u>\$ -</u>
Interest and Earnings	\$ 10,560	A 2401	\$ 1,026
Lease Payments	\$ 27,496	A 2410	\$ 29,088
Sale of Real Property	\$ -	A 2660	\$ 4,500,000
Sale of Equipment	\$ -	A 2665	\$ -
<b>TOTAL Use of Money and Property</b>	<u>\$ 38,056</u>		<u>\$ 4,530,114</u>
Refund of Prior Years Expenses	\$ -		\$ -
<b>TOTAL Miscellaneous Income</b>	<u>\$ -</u>		<u>\$ -</u>
State Aid	\$ -	A3789	\$ -
Federal Aid	\$ -	A4789	\$ -
<b>TOTAL Federal/State Aid</b>	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL REVENUES</b>	<u>\$ 465,157</u>		<u>\$ 4,530,114</u>
Interfund Transfers - Other Gov't	\$ -	A4789	\$ 17,825
<b>TOTAL Other Sources</b>	<u>\$ -</u>		<u>\$ 17,825</u>
<b>TOTAL Revenues &amp; Other Sources</b>	<u>\$ 465,157</u>		<u>\$ 4,547,939</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2009**

General Fund (A)

Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2008	EDP CODE	FOR THE FISCAL YEAR ENDED 2009
<b>Detail Revenues and Other Sources</b>			
Planning & Management Development - Equipment	\$ -	A8684.2	\$ -
Planning & Management Development - Contr Expen.	\$ 417,623	A8684.4	\$ 174,070
<b>TOTAL Planning and Management Development</b>	<b>\$ 417,623</b>	A8684.0	<b>\$ 174,070</b>
CDA Administration, Contr Expen.	\$ -	A8686.4	\$ -
<b>TOTAL CDA Administrator</b>	<b>\$ -</b>	A8686.0	<b>\$ -</b>
<b>TOTAL Home and Community Service</b>	<b>\$ 417,623</b>		<b>\$ 174,070</b>
<b>TOTAL Expenditures</b>	<b>\$ 417,623</b>		<b>\$ 174,070</b>
<b>Other Uses</b>			
Transfer to Other Governments	\$ 90,000		\$ 17,825
<b>TOTAL Other Uses</b>	<b>\$ 90,000</b>		<b>\$ 17,825</b>
<b>TOTAL Detail Expenditures and Other Uses</b>	<b>\$ 507,623</b>		<b>\$ 191,895</b>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2009**

General Fund (A)  
Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2008	EDP CODE	FOR THE FISCAL YEAR ENDED 2009
<b>ANALYSIS OF CHANGES IN FUND EQUITY</b>			
FUND EQUITY-BEGINNING OF YEAR*	\$ 448,454	A8021	\$ 405,988
ADD-REVENUES AND OTHER SOURCES	\$ 465,157		\$ 4,547,939
DEDUCT-EXPENDITURES AND OTHER USES	<u>\$ 507,623</u>		<u>\$ 191,895</u>
FUND EQUITY-END OF YEAR*	<u>\$ 405,988</u>	A8029	<u>\$ 4,762,032</u>

\* TOTAL INCLUDES RESERVED AND UNRESERVED FUND BALANCE IN GOVERNMENTAL FUNDS, OR RETAINED EARNINGS OR FUND EQUITY FOR PROPRIETARY FUNDS. ADJUSTMENTS TO BEGINNING FUND EQUITY RESULTING FROM A CORRECTION OF A PRIOR YEAR'S ACCOUNTING ERROR SHOULD BE REPORTED AS A PRIOR PERIOD ADJUSTMENT.

PLEASE EXPLAIN ALL PRIOR PERIOD ADJUSTMENTS BELOW.

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DOUBLE ENTRY UNITS \*\* FUND EQUITY-END OF YEAR MUST AGREE WITH TOTAL FUND EQUITY AS SHOWN ON THE BALANCE SHEET.

SINGLE ENTRY FIRE DISTRICTS \*\* FUND EQUITY-BEGINNING OF YEAR PLUS TOTAL REVENUES MUST AGREE WITH FUND EQUITY-END OF YEAR PLUS TOTAL EXPENDITURES.

3/16/10

ADOPTED

COMMUNITY DEVELOPMENT AGENCY  
TOWN OF RIVERHEAD

Resolution # 5

**AUTHORIZING THE TOWN CLERK TO PUBLISH AND POST THE ATTACHED  
PUBLIC NOTICE SCHEDULING A PUBLIC HEARING TO CONSIDER WHETHER  
ALTITUDE EXPRESS, d/b/a SkyDive Long Island, SHOULD BE DESIGNATED A  
QUALIFIED AND ELIGIBLE SPONSOR FOR THE EXTENSION OF AN EXISTING  
RUNWAY USE AGREEMENT**

Councilman Gabrielsen offered the following resolution, which

Was seconded by Councilwoman Giglio:

**WHEREFORE**, in 2001 Altitude Express, d/b/a SkyDive Long Island was designated to be a qualified and eligible sponsor for a one year Runway Use Agreement with Altitude Express, Inc. d/b/a SkyDive Long Island permitting SkyDive Long Island's sky dive school to utilize the 10,000 foot runway for its operations, and

**WHEREFORE**, in 2001 the existing Runway Use Agreement was extended through 2005, and

**WHEREFORE**, in December 2003, Altitude Express, d/b/a SkyDive Long Island was designated to be a qualified and eligible sponsor for the extension of the aforementioned Runway Use Agreement through 2013, and

**WHEREFORE**, in order to enable Altitude Express, d/b/a/ SkyDive Long Island to continue to grow its business, Altitude Express d/b/a has requested an additional extension of its existing Runway Use Agreement through 2020.

**BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby determines to hold a public hearing on April 20<sup>th</sup>, 2010 at 7:25 o'clock in the evening of that day to hear all interested persons with regard to whether the Altitude Express, d/b/a SkyDive Long Island should be was designated to be a qualified and eligible sponsor for an extension of its existing Runway Use Agreement, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Altitude Epxress, d/b/a/ SkyDive Long Island, Chris Kempner, Director, Town of Riverhead CDA, the Office of Accounting and the Office of the Town Attorney.

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not

Thereupon Duly Declared Adopted

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town Hall of the Town of Riverhead on April 20<sup>th</sup>, 2010, at 7: 15P.M., for the purpose of conducting a public hearing on whether Altitude Express, d/b/a SkyDive Long Island., should be designated the "qualified and eligible sponsor" for the extension of an existing runway use agreement between the Community Development Agency and Altitude Express from a period of seven year from 2013 to 2020 years on property known as the Naval Weapons Industrial Reserve Plant and commonly known as the EPCAL site, located on the south side of Route 25, Calverton, New York (the "Property"), consistent with the uses permitted in the Planned Recreational Park Zoning Use District and whether the runway use agreement should be extended as aforesaid. A draft of the proposed Runway Use Agreement is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business.

The Riverhead Town Board, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated there under by the State Department of Environmental Conservation ("SEQRA"), has by Resolution No. 614 of 1998 accepted a Final Generic Environmental Impact Statement for the redevelopment of the Property and has further adopted a Findings Statement contemplating the sale of the Property or a portion thereof.

The Riverhead Town Board, pursuant to SEQRA, declared itself "lead agency", by Resolution dated April 6, 2010 for the proposed extension of the Runway Use Agreement, determined such sale to be a Type I Action pursuant to SEQRA, determined that such sale of the Property is in conformance with said Findings Statement resulting from such Generic Environmental Impact Statement and determined that such sale of the Property does not pose significant adverse impacts to either the natural or social environment and that a Environmental Impact Statement need not be prepared pursuant to SEQRA for such sale of the Property.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York  
March 16, 2010

BY ORDER OF THE MEMBERS OF THE TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY, TOWN OF RIVERHEAD SUFFOLK COUNTY,  
NEW YORK

By: \_\_\_\_\_  
Christina Kempner  
Secretary

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution # 178

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 48 ENTITLED, "BEACHES AND RECREATION CENTERS" OF THE RIVERHEAD TOWN CODE**

**(Seasonal parking permits.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 48 entitled, "Beaches and Recreation Centers" of the Riverhead Town Code once in the March 25, 2010 issue of the News-Review Newspaper, 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**

Giglio Yes No    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter 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 200 Howell Avenue, Riverhead, New York on the 20<sup>th</sup> day of April, 2010 at 7:20 o'clock p.m. to consider a local law to amend Chapter 48 entitled, "Beaches and Recreation Centers" of the Riverhead Town Code as follows:

**Chapter 48  
BEACHES AND RECREATION CENTERS  
ARTICLE II  
Use of Recreation Centers and Public Beaches**

**§ 48-7. Application for permit; fee.**

- A. The Recreation Department is hereby authorized to issue a permit for the use or operation of a motor vehicle on the Sound Beach to qualified residents or taxpayers of the Town of Riverhead, upon showing the following proof of residency:
- (1) Seasonal resident beach parking permit pursuant to § 48-13B(1);
  - (2) A valid tax receipt stub for the current year for any taxable real property within the Town of Riverhead assessed in the name of the applicant;
  - (3) A valid New York State motor vehicle registration license in the name of the applicant and with an address located within the Town of Riverhead. A post office box address is not acceptable proof of residency; or
  - (4) Such other proof of residency as is satisfactory to the Riverhead Recreation Department.

**§ 48-9. Expiration of permit.**

All permits issued pursuant to this article shall expire on ~~December 31~~ Labor Day of the year stated on the permit.

**§ 48-13. Parking and parking permits.**

A. Vehicles entering any public bathing beach or recreation center shall enter only at designated entrances and leave only through designated exits. Parking of all vehicles displaying a seasonal parking permit, obtained as hereinafter provided, shall be permitted in the spaces provided at any public bathing beach or recreation center. The following parking areas are hereby designated as Town of Riverhead parking by permit only areas:

- (1) Parking area at South Jamesport Beach.
- (2) Parking area at Iron Pier Beach.
- (3) Parking area at Reeves Park Beach.
- (4) Parking areas at Wading River Beach.
- (5) Parking area at Roanoke Fishing Point (unprotected beach).

- (6) Parking area at Edwards Avenue Fishing Point (unprotected beach).
- (7) (Reserved)EN
- (8) Parking area at Wading River Boat Launch.
- (9) (Reserved)EN
- (10) Parking area at boat launching facility, Peconic Bay Boulevard, South Jamesport.
- (11) Two parking areas at Hulse Landing Beach, Wading River (unprotected beach).
- (12) Parking area at Oakleigh Avenue, Baiting Hollow (unprotected beach).

B. Permits. The Recreation Department is hereby authorized to issue a seasonal parking permit for use at any public bathing beach or recreation center. Seasonal parking permits for parking vehicles in the designated parking areas shall be issued as follows:

(1) Seasonal ~~Resident~~ parking permit.

(a) ~~A An~~ seasonal ~~annual~~ parking permit shall be issued to all persons who are qualified residents of the Town of Riverhead, and it shall run from ~~January 1~~ Memorial Day through ~~December 31~~ Labor Day. Persons applying for a seasonal resident parking permit will be requested to submit for inspection one of the following as proof of residence:

[1] A validated tax receipt stub for the current year for any taxable real property within the Town of Riverhead assessed in the name of the applicant.

[2] A valid New York State motor vehicle registration license in the name of the applicant and with an address located within the Town of Riverhead.

[3] Such other proof of residence as is satisfactory to the Riverhead Recreation Department.

(b) Upon approval, a seasonal resident parking permit shall be issued and inscribed with the vehicle license registration number. Such permit shall not be transferred to another vehicle.

(c) A seasonal resident parking permit for a motor vehicle shall be permanently affixed and prominently displayed on the vehicle for which it was issued by being affixed on the left-hand side of the front bumper.

(d) There will be a cost of \$10 for a seasonal resident parking permit. The seasonal resident parking permit fee for seniors 60 years of age and older shall be \$5.

(2) Senior citizen/handicapped seasonal resident identification permit (ID permit). The Recreation Department shall issue identification (ID) permits to senior citizens or handicapped residents who do not drive and need someone else to take them to the beach. These cards will grant access to any vehicle as long as the person is a passenger in the car. The card should be left in plain sight when the people leave the vehicle. In order to obtain access to recreation facilities, the senior citizen or handicapped resident must produce picture ID to the attendant. There will be a cost of \$5 of the ID permit.

(3) Nonresident seasonal parking permit.

(a) A nonresident seasonal parking permit shall be issued by the Riverhead

Recreation Department to all persons who do not qualify as residents as defined in § 48-13B(1)(a) hereof.

- (b) The fee for the issuance of a nonresident seasonal parking permit shall be \$150 annually or \$75 weekly or \$25 daily.
- (c) Daily nonresident seasonal parking permits may be issued for the parking of vehicles at all Town beaches to any person by the attendant on duty at such parking areas.
- (4) South Jamesport Boat Ramp parking permit. The fee for the issuance of a seasonal parking permit shall be \$10 annually.

D. Fishing permits.

- (1) Resident fishing permits for fishing purposes shall be issued by the Riverhead Recreation Department to any vehicle with a valid ~~annual~~ seasonal parking permit and will entitle the vehicle to remain at the parking areas after 10:00 p.m.
  - (2) There will be no cost for a resident fishing permit.
- Underscore represents addition(s)
  - Overstrike represents deletion(s)

Dated: Riverhead, New York  
March 16, 2010

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

**DIANE M. WILHELM, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 179

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-10. Parking prohibited. – Ravine Road, Wading River)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the March 25, 2010 issue of the News-Review newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter 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 on the 6<sup>th</sup> day of April, 2010 at 2:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101  
Vehicles and Traffic  
ARTICLE V  
**Parking, Standing and Stopping**

**§ 101-10. Parking prohibited.**

The parking of vehicles is hereby prohibited in the locations as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
Ravine Road	West	From its intersection with North Wading River Road in a northerly direction to its <del>terminus</del> <u>intersection with Cedar Road</u>

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

Dated: Riverhead, New York  
March 16, 2010

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

**DIANE M. WILHELM**, Town Clerk

TOWN OF RIVERHEAD

Resolution # 180

ACCEPTS 100% SECURITY OF LARRY'S LIGHTHOUSE MARINA, INC.

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Larry's Lighthouse Marina, Inc. submitted International Credit of North America Reinsurance, Inc. Performance Bond #100842 in the amount Forty-Three Thousand Dollars (\$43,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #62 dated May 21, 2009, for the demolition of an existing one story storage structure and the construction of a one story storage building upon real property located at 205-249 Meetinghouse Creek Road, Aquebogue, further described as Suffolk County Tax Map #0600-86-2-17.3, pursuant to Section 108-133 (l) 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 Forty-Three Thousand Dollars (\$43,000.00) issued to the Town of Riverhead; and be it further

**RESOLVED**, that the Riverhead Town Clerk is hereby authorized to forward a copy of this resolution to Alex Galasso c/o Larry's Lighthouse Marina, Inc., P.O. Box 1250, Aquebogue, NY, 11931; and be it further

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

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 181

ACCEPTS 100% SECURITY OF METRO TERMINALS OF LONG ISLAND, LLC

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Metro Terminals of Long Island, LLC submitted Hanover Insurance Company Performance Bond #BMY1923245 in the amount Ten Thousand Dollars (\$10,000.00) representing the 100% site plan security in connection with Riverhead Town Board Resolution #1052 dated November 17, 2009, in connection with a fuel storage facility with associated improvements upon real property located at 801 Scott Avenue, Calverton, (EPCAL), further described as Suffolk County Tax Map #0600-135.2 – 1-2 and 8.2, pursuant to Section 108-133 (l) 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 Ten Thousand Dollars (\$10,000.00) issued to the Town of Riverhead; and be it further

**RESOLVED**, that the Riverhead Town Clerk is hereby authorized to forward a copy of this resolution to Metro Terminals of Long Island, LLC, 801 Scott Avenue, Calverton, NY, 11933; and be it further

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

**THE VOTE**

Giglio ABSTAINED                      Gabrielsen  Yes  No  
Wooten  Yes  No                      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 182

APPOINTS MEMBER TO THE RIVERHEAD RECREATION ADVISORY COMMITTEE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Resolution #763 of August 2, 2005 adopted guidelines for Town Board Advisory Committees, and

**WHEREAS**, guideline #1 states that members will be appointed by the Riverhead Town Board by resolution and will serve a term of no longer than two (2) years subject to reappointment, and

**WHEREAS**, Rose Sanders two (2) year term has expired.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby appoints Brian Mills to fill the current vacancy with term to expire January 2012.

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

Resolution # 183**AWARDS BID FOR FERTILIZER AND LAWN CHEMICALS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk was authorized to publish and post a Notice to Bidders for the purchase of Fertilizer and Lawn Chemicals for use at various Town facilities, Riverhead, New York; and

**WHEREAS**, four (4) bids were received, opened and read aloud on the 5<sup>th</sup> day of February, 2010, 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 purchase of Fertilizer and Chemicals be and is hereby awarded as follows:

**TOWN OF RIVERHEAD  
 BID FORM  
 2010 FERTILIZER AND LAWN CHEMICAL BID**

ITEM	DESCRIPTION	UNIT COST		Qty	Total
1	GRASS SEED 30% FINE FESCUE, 40% PENTIUM P. RYE, 30% GOLDRUSH, KTY BLUE	.97/lb	All Pro		
2	RAZOR PRO-GAL 2X2.5 GAL CASE**	77.00	All Pro		
3	ROUNDUP – GAL – 2X2.5 GAL CASE**	115.00	Agrium		
4	BAYLETON 1% G-11.25 LB BAG	15.75/bag	All Pro		
5	PELLETIZED LIME 40 LB BAG	3.70/bag	All Pro		
6	PEAT MOSS 3.8 CU FT. BALE	9.25/bale	All Pro		
7	0-46-0 PHOSPHATE – 50 LB BAG	15.40/50 lb. bag	All Pro		
8	SCOTTS 19-0-7 26% SCU .9% PENDIMETHALIN CRABGRASS CONTROL 46 LB BAG **	14.99/50 lb. bag	Agrium		
9	SCOTTS 18-0-9 29% SCU WEED & FEED 48 LB BAG **	15.50/40 lb bag	John Deere		
10	ANDERSONS 22-3-8 W/ 2% MERIT 50 LB BAG **	23.75/50 lb bag	John Deere		
11	24-0-11 40% PSCU 50 LB BAG	13.99/bag	Agrium		
12	4-2-3 BIOBASIC ORGANIC 50 LB BAG	12.50/bag	All Pro		
13	ROOTS 15-3-8 ORGANIC 50 LB BAG	34.50/bag	John Deere		
14	STARTER 10-20-10 50 LB BAG	13.00/bag	All Pro		
15	ACCLAIM EXTRA 2.5 GAL CONTAINER **	1,247.00/2 ½ gal	Agrium		
16	WATER SOLUBLE 20-20-20 25 LB BAG	33.00/bag	John Deere		
17	OSMACOTE 15-9-12 5-6 MONTHS 40 LB BAG **	42.50/50 lb bag	Agrium		

**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**

Giglio  Yes  No Gabrielsen  Yes  No  
 Wooten  Yes  No Dunleavy  Yes  No  
 Walter  Yes  No

The Resolution Was  Was Not   
 Thereupon Duly Declared Adopted

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution #184

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DIESEL FUEL FOR USE BY THE TOWN OF RIVERHEAD

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for DIESEL FUEL for THE TOWN OF RIVERHEAD and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 25, 2010 issue of the News Review and;

**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.

THE VOTE

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of DIESEL FUEL for the use by the Town of Riverhead will be received by the Town Clerk of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York, 11901 until Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on APRIL 2, 2010 at which time they will be publicly opened and read aloud.

Bid Packets including specifications may be examined and/or obtained on MARCH 25, 2010 on the Town's website at www.riverheadli.com, click on bid requests, or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "DIESEL FUEL". Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

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

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution #185

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH BROADCAST MUSIC, INC. (BMI)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, The Town of Riverhead plays pre-recorded music in the form of compact discs, digital video discs, cassettes, and other media in Town facilities and at Town events (e.g. the senior center, teen activities); and

**WHEREAS**, many of these works are protected by U.S. Copyright Law; and

**WHEREAS**, a municipality requires permission from the holders of such copyrights to use the works in a public forum; and

**WHEREAS**, Broadcast Music, Inc. (BMI) represents the holders of copyrights for over 8 million such works; and

**WHEREAS**, BMI offers a license granting permission to municipalities to play all of the works of copyright holders BMI represents; and

**WHEREAS**, the Town of Riverhead wishes to execute a license agreement with BMI for the right to pay pre-recorded music represented by BMI for the period January 1, 2010 to December 31, 2010 in the amount of \$305.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached license agreement with BMI for the right to play pre-recorded music represented by BMI; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Monique Smith, Account Executive-Customer Relations, BMI, 10 Music Square East, Nashville, TN 37203; 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

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted



Music  
Performance  
Agreement

## LOCAL GOVERNMENTAL ENTITIES

LGE

11-08/12-LGE

### DEFINITIONS

- (a) LICENSEE shall include the named entity and any of its constituent bodies, departments, agencies or leagues.
- (b) Premises means buildings, hospitals, airports, zoos, museums, athletic facilities, and recreational facilities, including, but not limited to, community centers, parks, swimming pools, and skating rinks owned and/or operated by LICENSEE and any site which has been engaged by LICENSEE for use by LICENSEE.
- (c) Recorded Music means music which is performed at the Premises by means other than by live musicians who are performing at the Premises, including, but not limited to: (1) compact disc, audio record or audio tape players (but not including "jukeboxes"); (2) videotape, videodisc or DVD players; (3) music performed as an accompaniment to karaoke; (4) the reception and communication at the premises of radio or television transmissions which originate outside the Premises, and which are not exempt under the Copyright Law or (5) a music-on-hold telephone system operated by LICENSEE at the Premises.
- (d) Live Entertainment means music that is performed at the Premises by musicians, singers and/or other performers.
- (e) BMI Repertoire means all copyrighted musical compositions written and/or published by BMI affiliates or members of BMI, affiliated foreign performing rights societies, including compositions written or published during the term of this Agreement and of which BMI has the right to license non-dramatic public performances.
- (f) Events and Functions means any activity conducted, sponsored, or presented by or under the auspices of LICENSEE. Except as set forth in Paragraph 2 (d) below, Events and Functions shall include, but are not limited to, aerobics and exercise classes, athletic events, dances and other social events, concerts, festivals, arts and crafts fairs, and parades held under the auspices of or sponsored or promoted by LICENSEE on the Premises.
- (g) Special Events means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" (as defined in Schedule B) of such Special Event exceeds \$25,000.

### 2. BMI GRANT

- (a) BMI grants and LICENSEE accepts a non-exclusive license to perform, present or cause the live and/or recorded public performance on the Premises and at Events and Functions, and not elsewhere or otherwise, non-dramatic renditions of the separate musical compositions in the BMI Repertoire. The performances licensed under this Agreement may be by means of Live Entertainment or Recorded Music.
- (b) This license does not authorize: (1) the broadcasting, telecasting or transmission or retransmission by wire, internal website or otherwise, of renditions of musical compositions in BMI's Repertoire to persons outside of the Premises, other than by means of a music-on-hold telephone system operated by LICENSEE at the Premises; and (2) performances by means of background music (such as *Muzak*) or other services delivered to the Premises. Nothing in this Paragraph shall be deemed to limit LICENSEE's right to transmit renditions of musical compositions in the BMI Repertoire to those who attend Events or Functions on the Premises by means of teleconferencing, videoconferencing or similar technology.
- (c) This license is limited to non-dramatic performances, and does not authorize any dramatic performances. For purposes of this Agreement, a dramatic performance shall include, but not be limited to, the following: (1) performance of a "dramatico-musical work" (as hereinafter defined) in its entirety; (2) performance of one or more musical compositions from a "dramatico-musical work" (as hereinafter defined) accompanied by dialogue, pantomime, dance, stage action or visual representation of the work from which the music is taken; (3) performance of one or more musical compositions as part of a story or plot, whether accompanied or unaccompanied by dialogue, pantomime, dance, stage action or visual representation; and (4) performance of a concert version of a "dramatico-musical work" (as hereinafter defined). The term "dramatico-musical work" as used in the Agreement shall include, but not be limited to, a musical comedy, opera, play with music, revue, or ballet.
- (d) This license does not authorize performances: (1) at any convention, exposition, trade show, conference, congress, industrial show or similar activity presented by LICENSEE or on the Premises unless it is presented or sponsored solely by and under the auspices of LICENSEE, is presented entirely on LICENSEE's Premises, and is not open to the general public; (2) by or at colleges and universities; (3) at any professional sports events or game played on the Premises; (4) at any permanently situated theme or amusement park owned or operated by LICENSEE; (5) by any symphony or community orchestra; and (6) by means of a coin-operated jukebox.

### 3. REVIEW OF STATEMENTS AND/OR ACCOUNTINGS

- (a) BMI shall have the right to require such reasonable data necessary in order to ascertain the Annual License Fee.
- (b) BMI shall have the right, by its authorized representatives, at any time during customary business hours, to examine the books and records of account of LICENSEE to such extent as may be necessary to verify the statements made hereunder. BMI shall consider all data and information coming to its attention as a result of any such examination of books and records as completely confidential.
- (c) BMI shall have the right to adjust LICENSEE's Annual License Fee based upon the most recently available revised population figures provided by the U.S. Census Department.

#### 4. LATE PAYMENT AND SERVICE CHARGES

BMI may impose late payment charges of one and one-half percent (1.5%) per month of the amount due, commencing on the date payment is due, or any payment shall be received by BMI more than thirty (30) days after the due date. BMI may impose a \$25.00 service charge for each unpaid check or other means of payment LICENSEE submits to BMI.

#### 5. BMI COMMITMENT TO CUSTOMER / INDEMNITY

So long as LICENSEE is not in default or breach of this Agreement, BMI agrees to indemnify, save harmless, and defend LICENSEE and its officers and employees from and against any and all claims, demands, or suits that may be made or brought against them with respect to the performance of any musical works which is licensed under this Agreement at the time of performance. LICENSEE agrees to give BMI immediate notice of any such claim, demand, or suit, to deliver to BMI any papers pertaining thereto, and to cooperate with BMI with respect thereto, and BMI shall have full charge of the defense of any such claim, demand, or suit.

#### 6. BREACH OR DEFAULT / WAIVER

Upon any breach or default of the terms and conditions contained herein, BMI shall have the right to cancel this Agreement. If such breach or default continues for thirty (30) days after LICENSEE's receipt of written notice thereof, the right to cancel granted to BMI shall be in addition to any and all other remedies which BMI may have. No waiver by BMI of full performance of this Agreement by LICENSEE in any one or more instances shall be deemed a waiver of the right to require full and complete performance of this Agreement thereafter, or of the right to cancel this Agreement with the terms of this Paragraph.

#### 7. CANCELLATION OF ENTIRE CATEGORY

BMI shall have the right to cancel the Agreement along with the simultaneous cancellation of the Agreements of all other licensees of the same class and category as LICENSEE, as of the end of any month during the Term, upon sixty (60) days advance written notice.

#### 8. ASSIGNMENT

This license is not assignable or transferable by operation of law or otherwise. This license does not authorize LICENSEE to grant to others any right to perform publicly in any manner any of the musical compositions licensed under this Agreement, nor does it authorize any public performances at any of the Premises in any manner except as expressly herein provided.

#### 9. ARBITRATION

All disputes of any kind, nature, or description arising in connection with the terms and conditions of this Agreement, except for matters within the jurisdiction of the BMI Rate Court, shall be submitted to the American Arbitration Association in the City, County, and State of New York, for arbitration under its then prevailing arbitration rules. The arbitrator(s) to be selected as follows: Each of the parties shall, by written notice to the other, have the right to appoint one arbitrator. If, within ten (10) days following the giving of such notice by one party, the other shall not, by written notice, appoint another arbitrator, the first arbitrator shall be the sole arbitrator. If two arbitrators are so

appointed they shall appoint a third arbitrator. If ten (10) days elapse after the appointment of the second arbitrator and the two arbitrators are unable to agree upon a third arbitrator, then either party may, in writing, request the American Arbitration Association to appoint the third arbitrator. The award made in the arbitration shall be binding and conclusive on the parties and judgment may be, but not need be, rendered in any court having jurisdiction. Such award shall include the fixing of the costs, expenses, and attorneys' fees of arbitration, which shall be borne by the unsuccessful party.

#### 10. NOTICES

Any notice under this Agreement will be in writing and deemed given upon mailing when sent by ordinary first class U.S. mail to the party intended, at its mailing address stated, or any other address which either party may designate. Any such notice sent to BMI shall be to the attention of the Vice President, General Licensing Department, at 10 Music Square East, Nashville, TN 37203. Any such notice sent to LICENSEE shall be to the attention of the person signing the Agreement on LICENSEE's behalf or such person as LICENSEE may advise BMI in writing.

#### 11. MISCELLANEOUS

The fact that any provisions are found by a court of competent jurisdiction to be void or unenforceable will not affect the validity or enforceability of any other provisions. This Agreement constitutes the entire understanding between the parties and cannot be waived or added to or modified orally and no waiver, addition, and modification shall be valid unless in writing and signed by both parties.

#### 12. FEES

(a) In consideration of the license granted herein, LICENSEE agrees to pay BMI a license fee which includes the total of the "Base License Fee" and any applicable "Special Events License Fees", all of which shall be calculated in accordance with the Rate Schedule on Page 8. For purposes of this Agreement:

- (i) "Base License Fee" means the annual fee due in accordance with Schedule A of the Rate Schedule and based on LICENSEE's population as established in the most recent published U.S. Census data. It does not include any fees due for Special Events.
- (ii) "Special Events License Fees" means the amount due in accordance with Schedule B of the Rate Schedule when Special Events are presented by or on behalf of LICENSEE. It does not include any Base License Fee due.

(iii) LICENSEES who are legally organized as state, municipal and/or county leagues or state associations of municipal and/or county attorneys shall be required to pay only the fee under the Schedule C of the Rate Schedule. Such leagues or associations are not subject to Schedule A or Schedule B of the Rate Schedule. Fees paid by such leagues or associations do not cover performances of the municipality, county or other local government entity represented by the league or association. Schedule C fees are not applicable to municipal, county or other government entities.

## 2009 RATE SCHEDULE FOR LOCAL GOVERNMENTS

### SCHEDULE A

Check Population Range (N)	LICENSEE'S Population	Base License Fee	Enter Fee Based Upon Population
<input checked="" type="checkbox"/>	50,001 - 75,000	\$305	
<input type="checkbox"/>	75,001 - 100,000	\$608	
<input type="checkbox"/>	100,001 - 125,000	\$731	
<input type="checkbox"/>	125,001 - 150,000	\$875	
<input type="checkbox"/>	150,001 - 200,000	\$1,219	
<input type="checkbox"/>	200,001 - 250,000	\$1,584	
<input type="checkbox"/>	250,001 - 300,000	\$1,949	
<input type="checkbox"/>	300,001 - 350,000	\$2,317	
<input type="checkbox"/>	350,001 - 400,000	\$2,682	
<input type="checkbox"/>	400,001 - 450,000	\$3,049	
<input type="checkbox"/>	450,001 - 500,000	\$3,414	
<input type="checkbox"/>	500,001 plus	\$3,780	
	if 500,001 or more enter population	\$1,993 plus \$600 for every 100,000 population in excess of population hereof above 600,000 up to a maximum annual fee of \$60,950	
<b>SCHEDULE A FEE</b>			<b>\$ 305 00</b>

### SCHEDULE B

#### Special Events Fee

(to be reported 90 days after each event, see Par. 13(d))

The rate for Special Events shall be 1% of Gross Revenue.

**Special Events** means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the "Gross Revenue" of such Special Events exceeds \$25,000.

**Gross Revenue** means all monies received by LICENSEE or on LICENSEE'S behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, "Gross Revenue" shall mean contributions from the sponsors or other payments received by LICENSEE for each Special Event.

**SCHEDULE B FEE**

*BMI will provide a report form to report your events.*

### SCHEDULE C

#### State Municipal and/or County Leagues or State Associations of Attorneys

(to be completed if you are a State Municipal and/or County Leagues or State Associations of Attorneys)

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues or state associations of municipal and/or county attorneys shall be \$306.00. No Special Events fee applies to LICENSEES qualifying under this schedule.

**SCHEDULE C FEE**

\$

### 13. REPORTING

- (a) Upon the execution of this Agreement, LICENSEE shall submit:
  - (i) a report stating LICENSEE'S population based on the most recent published U.S. Census data. The population set forth in the report shall be used to calculate the Base License Fee under this Agreement; and
  - (ii) a report containing the information set forth in Paragraph 13(d) below for all Special Events that were presented between the effective date of this Agreement and the execution of this Agreement.
- (b) The Base License Fee for the first year of this Agreement and any license fees due for Special Events that were presented between the effective date of this Agreement and the execution of this Agreement shall be payable upon the execution of this Agreement.
- (c) Base License Fees for subsequent years shall be due and payable within 30 days of the renewal date of this Agreement and shall be accompanied by a statement confirming whether any Special Events were presented during the previous calendar year.
- (d) Ninety (90) days after the conclusion of each Special Event, LICENSEE shall submit to BMI payment for such Special Event and a report in printed or computer readable form stating:
  - (i) the date presented;
  - (ii) the name of the attraction(s) appearing;
  - (iii) the "Gross Revenue" of the event (as defined above);
  - (iv) the license fee due for each Special Event.

- (e) If LICENSEE presents, sponsors, or promotes a Special Event that is reportable under Rate Schedule B with another person or entity licensed under a BMI License Agreement, LICENSEE shall indicate the name, address, phone number, and BMI account number of the other person(s) or entity(ies) and the party responsible for payment for such Special Event. If the other party is not licensed by BMI, LICENSEE shall pay the license fee due hereunder, notwithstanding any agreement to the contrary between LICENSEE and the other party.
- (f) LICENSEE agrees to furnish to BMI, where available, copies of all programs of musical works performed, which are prepared for distribution to the audience or for the use or information of LICENSEE or any department thereof. The programs shall include all enclosures to the extent possible. LICENSEE shall be under no obligation to furnish programs when they have not been otherwise prepared.

**14. RATE ADJUSTMENTS / LICENSE FEE FOR YEAR 2009 AND THEREAFTER**

For each calendar year commencing 2010, all dollar figures set forth in Schedules A, B, and C, (except the \$500 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October, rounded to the nearest dollar. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by BMI.

**15. TERM OF AGREEMENT**

This Agreement shall be for an initial term of one (1) year commencing January 1, 2010, which shall be considered the effective date of this Agreement, and continuing thereafter for additional terms of one (1) year each. Either party may give notice of termination to the other no later than thirty (30) days prior to the end of the initial or any renewal term. If such notice is given, the Agreement shall terminate on the last day of the term in which notice is given.

**AGREEMENT**

AGREEMENT made at New York, N.Y. on (Date will be entered by BMI upon execution) \_\_\_\_\_ between BROADCAST MUSIC, INC. a State of New York corporation with its principal offices at 320 West 57th Street, New York, NY 10019 (hereinafter "BMI") and the legal or trade name described below and referred to hereafter as "LICENSEE" (the "Agreement"). This Agreement includes all of the terms and conditions set forth herein.

**PLEASE RETURN THIS ENTIRE SIGNED LICENSE AGREEMENT TO: BMI, 10 MUSIC SQUARE EAST, NASHVILLE, TN 37203**

<b>ENTER LEGAL NAME</b>		<b>LICENSED PREMISES</b>	
Town of Riverhead		200 Howell Ave.	
(Name of Corporation, Partnership or Individual Owner)		(Street Address)	
Town of Riverhead (Town Hall)		Riverhead	
		NY 11901	
		(City)	
		State (Zip)	
<b>ENTER TRADE NAME</b>		631-727-3200	
Town of Riverhead (Town Hall)		631-727-6152	
(Doing business under the name of)		(Telephone No.) (Fax Number)	
		Dan McCormick Attorney	
		(Contact Name) (Title)	
		(Email Address) (Web Address)	
<b>CHECK APPROPRIATE BOX AND COMPLETE</b>		<b>MAILING ADDRESS</b>	
<input type="checkbox"/> Individual Ownership		(Street Address)	
<input type="checkbox"/> LLC <input type="checkbox"/> Corporation		(City) (State) (Zip)	
(State of Incorporation, if Different from Licensed Premises)		(Telephone No.) (Fax Number)	
<input type="checkbox"/> LLP <input type="checkbox"/> Partnership		(Contact Name) (Title)	
<input checked="" type="checkbox"/> Other: <i>Municipal Corporation</i>		(Email Address)	
Fed. Tax ID #			
<b>TO BE COMPLETED BY AN AUTHORIZED REPRESENTATIVE OF LICENSEE</b>		<b>FOR ADMINISTRATIVE USE ONLY</b>	
Signature		<b>TO BE COMPLETED BY BMI</b>	
<i>Sean M. Walker, Town Supervisor</i>		<b>BROADCAST MUSIC, INC.</b>	
Print Name / Title			
		<b>FOR BMI USE ONLY</b>	
		Account No.	
		COID	

BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

TOWN OF RIVERHEAD

Resolution #186

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH BROADCAST MUSIC, INC. (BMI)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, The Town of Riverhead plays pre-recorded music in the form of compact discs, digital video discs, cassettes, and other media in Town facilities and at Town events (e.g. the senior center, teen activities); and

**WHEREAS**, many of these works are protected by U.S. Copyright Law; and

**WHEREAS**, a municipality requires permission from the holders of such copyrights to use the works in a public forum; and

**WHEREAS**, Broadcast Music, Inc. (BMI) represents the holders of copyrights for over 8 million such works; and

**WHEREAS**, BMI offers a license granting permission to municipalities to play all of the works of copyright holders BMI represents; and

**WHEREAS**, the Town of Riverhead wishes to execute a license agreement with BMI for the right to play pre-recorded music represented by BMI for the period November 1, 2009 to December 31, 2009 in the amount of \$49.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached license agreement with BMI for the right to play pre-recorded music represented by BMI; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Monique Smith, Account Executive-Customer Relations, BMI, 10 Music Square East, Nashville, TN 37203; 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

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted



Music  
Performance  
Agreement

## LOCAL GOVERNMENTAL ENTITIES

LGE

LI108/12-LGE

### 1. DEFINITIONS

- (a) LICENSEE shall include the named entity and any of its constituent bodies, departments, agencies or leagues.
- (b) Premises means buildings, hospitals, airports, zoos, museums, athletic facilities, and recreational facilities, including, but not limited to, community centers, parks, swimming pools, and skating rinks owned and/or operated by LICENSEE and any site which has been engaged by LICENSEE for use by LICENSEE.
- (c) Recorded Music means music which is performed at the Premises by means other than by live musicians who are performing at the Premises, including, but not limited to: (1) compact disc, audio record or audio tape players (but not including jukeboxes); (2) videolape, videodisc or DVD players; (3) music performed as an accompaniment to karaoke; (4) the reception and communication at the premises of radio or television transmissions which originate outside the Premises, and which are not exempt under the Copyright Law; or (5) a music-on-hold telephone system operated by LICENSEE at the Premises.
- (d) Live Entertainment means music that is performed at the Premises by musicians, singers and/or other performers.
- (e) BMI Repertoire means all copyrighted musical compositions written and/or published by BMI affiliates or members or BMI affiliated foreign performing rights societies, including compositions written or published during the Term of this Agreement and of which BMI has the right to license non-dramatic public performances.
- (f) Events and Functions means any activity conducted, sponsored or presented by or under the auspices of LICENSEE. Except as set forth in Paragraph 2 (d) below, Events and Functions shall include, but are not limited to, aerobics and exercise classes or sponsored or promoted by LICENSEE on the Premises.
- (g) Special Events means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the Gross Revenue (as defined in Schedule B) of such Special Event exceeds \$25,000.

### 2. BMI GRANT

- (a) BMI grants and LICENSEE accepts a non-exclusive license to perform, present or cause the live and/or recorded public performance on the Premises and all Events and Functions, and not elsewhere or otherwise, non-dramatic renditions of the separate musical compositions in the BMI Repertoire. The performances licensed under this Agreement may be by means of Live Entertainment or Recorded Music.
- (b) This license does not authorize: (1) the broadcasting, telecasting, or transmission or retransmission by wire, Internet, website or otherwise, or renditions of musical compositions in BMI's Repertoire to persons outside of the Premises, other than by means of a music-on-hold telephone system operated by LICENSEE at the Premises; and (2) performances by means of background music (such as *Muzak*) or other services delivered to the Premises. Nothing in this Paragraph shall be deemed to limit LICENSEE's right to transmit renditions of musical compositions in the BMI Repertoire to those who attend Events or Functions on the Premises by means of teleconferencing, videoconferencing or similar technology.
- (c) This license is limited to non-dramatic performances, and does not authorize any dramatic performances. For purposes of this Agreement, a dramatic performance shall include, but not be limited to, the following: (1) performance of a "dramatico-musical work" (as hereinafter defined) in its entirety; (2) performance of one or more musical compositions from a "dramatico-musical work" from which the music is taken; (3) performance of one or more musical compositions as part of a story or plot, whether accompanied or unaccompanied by dialogue, pantomime, dance, stage action, or visual representation of the work; and (4) performance of a concert version of a "dramatico-musical work" (as hereinafter defined). The term "dramatico-musical work" as used in the Agreement shall include, but not be limited to, musical comedy, opera, play with music, revue, or ballet.
- (d) This license does not authorize performances: (1) at any convention, exposition, trade show, conference, congress, industrial show or similar activity presented by LICENSEE or on the Premises, unless it is presented or sponsored solely by and under the auspices of LICENSEE; (2) at any professional sports event or game played on the Premises; (3) by or at colleges and universities; (4) at any amusement park owned or operated by LICENSEE; (5) by any symphony or community orchestra; and (6) by means of a coin-operated jukebox.

### 3. REVIEW OF STATEMENTS AND /OR ACCOUNTINGS

- (a) BMI shall have the right to require such reasonable data necessary in order to ascertain the Annual License Fee.
- (b) BMI shall have the right, by its authorized representatives, at any time during customary business hours, to examine the books and records or account of LICENSEE to such extent as may be necessary to verify the statements made hereunder. BMI shall consider all data and information coming to its attention as a result of any such examination of books and records as completely confidential.
- (c) BMI shall have the right to adjust LICENSEE's Annual License Fee based upon the most recently available revised population figures provided by the U.S. Census Department.

#### 4. LATE PAYMENT AND SERVICE CHARGES

BMI may assess a late payment charge of one and one-half percent (1 1/2%) per month or the maximum rate permitted by law, whichever is less, from the date payment is due on any payment that is received by BMI more than thirty (30) days after the due date. BMI may impose a \$25.00 service charge on each unpaid check or other means of payment LICENSEE submits to BMI.

#### 5. BMI COMMITMENT TO CUSTOMER / INDEMNITY

So long as LICENSEE is not in default or breach of this Agreement, BMI agrees to indemnify, save, harmless, and defend LICENSEE and its officers, and employees, from and against any and all claims, demands, suits that may be made or brought against them with respect to the performance of any musical works which is licensed under this Agreement at the time of performance. LICENSEE agrees to give BMI immediate notice of any such claim, demand, or suit, to deliver to BMI any papers pertaining thereto, and to cooperate with BMI with respect thereto, and BMI shall have full charge of the defense of any such claim, demand, or suit.

#### 6. BREACH OR DEFAULT / WAIVER

Upon any breach or default of the terms and conditions contained herein, BMI shall have the right to cancel this Agreement if such breach or default continues for thirty (30) days after LICENSEE's receipt of written notice thereof. The right to cancel granted to BMI shall be in addition to any and all other remedies which BMI may have. No waiver by BMI of full performance of this Agreement by LICENSEE in any one or more instances shall be deemed a waiver of the right to require full and complete performance of this Agreement thereafter, or the right to cancel this Agreement with the terms of this paragraph.

#### 7. CANCELLATION OF ENTIRE CATEGORY

BMI shall have the right to cancel the Agreement along with the simultaneous cancellation of the Agreements of all other licensees of the same class and category as LICENSEE, as of the end of any month during the Term, upon sixty (60) days advance written notice.

#### 8. ASSIGNMENT

This license is not assignable or transferable by operation of law or otherwise. This license does not authorize LICENSEE to grant to others any right to perform publicly in any manner any of the musical compositions licensed under this Agreement, nor does it authorize any public performances at any of the Premises in any manner except as expressly herein provided.

#### 9. ARBITRATION

All disputes of any kind, nature, or description arising in connection with the terms and conditions of this Agreement, except for matters within the jurisdiction of the BMI Rate Court, shall be submitted to the American Arbitration Association in the City, County, and State of New York, for arbitration under its then prevailing arbitration rules. The arbitrator(s) to be selected as follows: Each of the parties shall, by written notice to the other, have the right to appoint one arbitrator. If, within ten (10) days following the giving of such notice by one party, the other shall not, by written notice, appoint another arbitrator, the first arbitrator shall be the sole arbitrator. If two arbitrators are so

appointed they shall appoint a third arbitrator. If ten (10) days elapse after the appointment of the second arbitrator and the two arbitrators are unable to agree upon a third arbitrator, then either party may, in writing, request the American Arbitration Association to appoint the third arbitrator. The award made in the arbitration shall be binding and conclusive on the parties and judgment may be, but not need be, entered in any court having jurisdiction. Such award shall include the fixing of the costs, expenses, and attorneys' fees of arbitration, which shall be borne by the unsuccessful party.

#### 10. NOTICES

Any notice under this Agreement will be in writing and deemed given upon mailing when sent by ordinary first class U.S. mail to the party intended, at its mailing address stated, or any other address which either party may designate. Any such notice sent to BMI shall be to the attention of the Vice President, General Licensing Department, at 10 Music Square East, Nashville, TN 37203. Any such notice sent to LICENSEE shall be to the attention of the person signing the Agreement on LICENSEE's behalf or such person as LICENSEE may advise BMI in writing.

#### 11. MISCELLANEOUS

The fact that any provisions are found by a court of competent jurisdiction to be void or unenforceable will not affect the validity or enforceability of any other provisions. This Agreement constitutes the entire understanding between the parties and cannot be waived or added to or modified orally and no waiver, addition, and modification shall be valid unless in writing and signed by both parties.

#### 12. FEES

(a) In consideration of the license granted herein, LICENSEE agrees to pay BMI a license fee which includes the total of the Base License Fee and any applicable Special Events License Fees, all of which shall be calculated in accordance with the Rate Schedule on Page 3. For purposes of this Agreement:

(i) "Base License Fee" means that annual fee due in accordance with Schedule A of the Rate Schedule and based on LICENSEE's population as established in the most recent published U.S. Census data. It does not include any fees due for Special Events.

(ii) "Special Events License Fees" means the amount due in accordance with Schedule B of the Rate Schedule when Special Events are presented by or on behalf of LICENSEE. It does not include any Base License Fee due.

(iii) LICENSEES who are legally organized as state, municipal, and/or county leagues or state associations of municipal and/or county attorneys shall be required to pay only the fee under the Schedule C of the Rate Schedule. Such leagues or associations are not subject to Schedule A or Schedule B of the Rate Schedule. Fees paid by such leagues or associations do not cover performances of the municipality, county or other local government entity represented by the league or association. Schedule C fees are not applicable to municipal, county or other government entities.

## 2009 RATE SCHEDULE FOR LOCAL GOVERNMENTS

### SCHEDULE A

Check Population Range (N)	LICENSEE'S Population	Base License Fee	Enter Fee Based Upon Population
	50,000	\$305	
50,001	75,000	\$608	
75,001	100,000	\$731	
100,001	125,000	\$875	
125,001	150,000	\$1,219	
150,001	200,000	\$1,684	
200,001	250,000	\$1,919	
250,001	300,000	\$2,317	
300,001	350,000	\$2,682	
350,001	400,000	\$3,049	
400,001	450,000	\$3,414	
450,001	500,000	\$3,780	
500,001	plus	\$4,833 plus \$500 for every 100,000 population increment or portion thereof above 500,000 up to a maximum annual fee of \$60,950	
If 500,001 or more, enter population			
<b>SCHEDULE A FEE</b>			<b>\$ 49,000</b>

### SCHEDULE B

#### Special Events Fee

(to be reported 90 days after each event - see Par. 13(d))

The rate for Special Events shall be 1% of Gross Revenue.

Special Events means musical events, concerts, shows, pageants, sporting events, festivals, competitions, and other events of limited duration presented by LICENSEE for which the Gross Revenue of such Special Events exceeds \$25,000.

Gross Revenue means all monies received by LICENSEE or on LICENSEE's behalf from the sale of tickets for each Special Event. If there are no monies from the sale of tickets, Gross Revenue shall mean contributions from the sponsors or other payments received by LICENSEE for each Special Event.

**SCHEDULE B FEE**

*BMI will provide a report form to report your events.*

### SCHEDULE C

#### State Municipal and/or County Leagues or State Associations of Attorneys

(to be completed if you are a State Municipal and/or County Leagues or State Associations of Attorneys)

The annual license fee for LICENSEES who are legally organized as state municipal and/or county leagues, or state associations of municipal and/or county attorneys shall be \$365.00. No Special Events fee applies to LICENSEES qualifying under this schedule.

**SCHEDULE C FEE**

\$

### 13. REPORTING

- (a) Upon the execution of this Agreement, LICENSEE shall submit:
  - (i) a report stating LICENSEE's population, based on the most recent published U.S. Census data. The population set forth in the report shall be used to calculate the Base License Fee under this Agreement; and
  - (ii) a report containing the information set forth in Paragraph 13 (d) below for all Special Events that were presented between the effective date of this Agreement and the execution of this Agreement.
- (b) The Base License Fee for the first year of this Agreement and any license fees due for Special Events that were presented between the effective date of this Agreement and the execution of this Agreement shall be payable upon the execution of this Agreement.
- (c) Base License Fees for subsequent years shall be due and payable within 30 days of the renewal date of this Agreement and shall be accompanied by a statement confirming whether any Special Events were presented during the previous calendar year.
- (d) Ninety (90) days after the conclusion of each Special Event, LICENSEE shall submit to BMI payment for such Special Event and a report in printed or computer readable form stating:
  - (i) the date presented;
  - (ii) the name of the attraction(s) appearing;
  - (iii) the Gross Revenue of the event (as defined above);
  - (iv) the license fee due for each Special Event.

(e) If LICENSEE presents, sponsors or promotes a Special Event that is reportable under Rate Schedule B with another person or entity licensed under a BMI License Agreement, LICENSEE shall indicate the name, address, phone number and BMI account number of the other person(s) or entity(ies) and the party responsible for payment for such Special Event. If the other party is not licensed by BMI, LICENSEE shall pay the license fee due thereunder, notwithstanding any agreement to the contrary between LICENSEE and the other party.

(f) LICENSEE agrees to furnish to BMI, where available, copies of all programs of musical works performed, which are prepared for distribution to the audience or for the use or information of LICENSEE or any department thereof. The programs shall include all enclosures to the extent possible. LICENSEE shall be under no obligation to furnish programs when they have not been otherwise prepared.

**14. RATE ADJUSTMENTS / LICENSE FEE FOR YEAR 2009 AND THEREAFTER**

For each calendar year commencing 2010, all dollar figures set forth in Schedules A, B and C (except the \$500 add-on for populations of 500,001 or more) shall be the license fee for the preceding calendar year, adjusted in accordance with the increase in the Consumer Price Index - All Urban Consumers (CPI-U) between the preceding October and the next preceding October, rounded to the nearest dollar. Any additional license fees due resulting from the CPI adjustment shall be payable upon billing by BMI.

**15. TERM OF AGREEMENT**

This Agreement shall be for an initial Term of one (1) year, commencing 11/1/09 to 12/31/09, which shall be considered the effective date of this Agreement, and continuing hereafter for additional Terms of one (1) year each. Either party may give notice of termination to the other no later than thirty (30) days prior to the end of the initial or any renewal term. If such notice is given, the Agreement shall terminate on the last day of the Term in which notice is given.

**AGREEMENT**

AGREEMENT, made at New York, N.Y. on (Date will be entered by BMI upon execution) between BROADCAST MUSIC, INC., a State of New York corporation with its principal offices at 320 West 57th Street, New York, N.Y. 10019 (hereinafter "BMI") and the legal or trade name described below and referred to hereafter as "LICENSEE" (the "Agreement"). This Agreement includes all of the terms and conditions set forth herein.

**PLEASE RETURN THIS ENTIRE SIGNED LICENSE AGREEMENT TO: BMI, 10 MUSIC SQUARE EAST, NASHVILLE, TN 37203**

<b>ENTER LEGAL NAME</b>		<b>LICENSED PREMISES</b>	
Town of Riverhead		200 Howell Ave	
<small>(Name of Corporation, Partnership, or Individual Owner)</small>		<small>(Street Address)</small>	
		Riverhead NV 11901	
<b>ENTER TRADE NAME</b>		<small>(City)</small>	
Town of Riverhead Town Hall		631-727-8152	
<small>(Doing business under the name of)</small>		<small>(Phone No.)</small>	
		Dani McCormick Attorney	
		<small>(Contact Name)</small>	
		<small>(Title)</small>	
		<small>(Email Address)</small>	
		<small>(Web Address)</small>	
<b>CHECK APPROPRIATE BOX AND COMPLETE</b>			
<input checked="" type="checkbox"/> Individual Ownership		<b>MAILING ADDRESS</b>	
<input type="checkbox"/> LLC <input type="checkbox"/> Corporation		<small>(If different from Licensed Premises address)</small>	
<small>(State of Incorporation, if different from Licensed Premises)</small>		<small>(Street Address)</small>	
<input checked="" type="checkbox"/> U.P. <input type="checkbox"/> Partnership		<small>(City)</small>	
<small>(Enter names of partners)</small>		<small>(State)</small>	
Other <u>Municipal Corporation</u>		<small>(Zip)</small>	
Fed. Tax ID #		<small>(Telephone No.)</small>	
		<small>(Fax No.)</small>	
		<small>(Contact Name)</small>	
		<small>(Title)</small>	
		<small>(Email Address)</small>	
<b>TO BE COMPLETED BY AN AUTHORIZED REPRESENTATIVE OF LICENSEE</b>		<b>FOR ADMINISTRATIVE USE ONLY TO BE COMPLETED BY BMI BROADCAST MUSIC INC</b>	
Signature: <u>Sean M. Walker, Town Supervisor</u>			
Print Name / Title			
		<b>FOR BMI USE ONLY</b>	
		Account No. <u>                    </u> COID <u>                    </u>	

BMI and the music stand symbol are registered trademarks of Broadcast Music, Inc.

## LIPA POPULATION ESTIMATES -- COMPARED TO PRIOR YEAR

	Estimate Jan 1, 2008	Estimate Jan 1, 2007	Population Inc./Decr.	Percent Inc./Decr.
<b>NASSAU COUNTY</b>				
North Hempstead Town	225,291	224,774	517	0.23%
Hempstead Town	765,234	765,111	123	0.02%
Long Beach City	36,051	36,002	49	0.14%
Oyster Bay Town	302,589	301,273	1,316	0.44%
Glen Cove City	27,564	27,374	190	0.69%
<b>TOTAL NASSAU COUNTY</b>	<b>1,356,729</b>	<b>1,354,534</b>	<b>2,195</b>	<b>0.16%</b>
<b>SUFFOLK COUNTY</b>				
Huntington Town	203,977	203,834	143	0.07%
Babylon Town	218,370	217,833	537	0.25%
Islip Town	333,566	333,650	-84	-0.03%
Smithtown	120,269	119,999	270	0.23%
Brookhaven Town	491,035	489,255	1,780	0.36%
Riverhead Town	33,864	33,566	298	0.89%
Southampton Town	60,281	59,813	468	0.78%
Southold Town	22,931	22,852	79	0.35%
East Hampton Town	21,784	21,630	154	0.71%
Shelter Island Town	2,525	2,515	10	0.40%
<b>TOTAL SUFFOLK COUNTY</b>	<b>1,508,602</b>	<b>1,504,947</b>	<b>3,655</b>	<b>0.24%</b>
<b>TOTAL NASSAU - SUFFOLK</b>	<b>2,865,331</b>	<b>2,859,481</b>	<b>5,850</b>	<b>0.20%</b>
<b>QUEENS COUNTY, NYC</b>	<b>130,042</b>	<b>129,531</b>	<b>511</b>	<b>0.39%</b>
Rockaway Peninsula				
<b>TOTAL NASSAU-SUFFOLK-QUEENS</b>	<b>2,995,373</b>	<b>2,989,012</b>	<b>6,361</b>	<b>.21%</b>

**TOWN OF RIVERHEAD**

**Resolution # 187**

**ESTABLISHES DATE AND TIME OF 1<sup>ST</sup> ANNUAL "GREAT RIVERHEAD  
CARDBOARD BOAT RACE"**

**Councilman George Gabrielsen** offered the following resolution,

which was seconded by **Councilman Wooten**

**WHEREAS**, the Riverhead Town Board and the Riverhead Business Improvement District believe in promoting community events in Downtown Riverhead; and

**WHEREAS**, the Riverhead Business Improvement District has undertaken the task of organizing a riverfront event known as the 1<sup>st</sup> annual "Great Riverhead Cardboard Boat Race"; and

**WHEREAS**, the Peconic Riverfront is an excellent location for a cardboard boat race; and

**WHEREAS**, the Riverhead Town Board encourages volunteerism; and

**WHEREAS**, the interested parties can contact the Riverhead Business Improvement District or Councilman George Gabrielsen; and

**WHEREAS**, the first annual "Great Riverhead Cardboard Boat Race" will be free of charge and open to all.

**NOW THEREFORE BE IT RESOLVED**, that the 1st annual "Great Riverhead Cardboard Boat Race" will be held on the Peconic Riverfront in downtown Riverhead at 12:00pm June 27<sup>th</sup> 2010 and thereafter annually on the last Sunday of June.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District, the Engineering Department, the Town Board, the Chief of Police, the Town Clerk, the Highway Superintendent, and the Chief of the Riverhead Fire Department.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

3/16/10

NOT ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 188**

**TERMINATES PROBATIONARY EMPLOYEE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that Theresa Masin, employed as a Site Plan Reviewer in the Planning Department, be terminated effective close of business, March 17, 2010, 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 the same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was Not  ADOPTED

3/16/10

NOT ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 189**

**TERMINATES PROBATIONARY EMPLOYEE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that Scott Harrington, employed as a Principal Accountant/Deputy Financial Administrator in the Accounting Department, be terminated effective close of business, March 17, 2010, 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 the same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was Not  ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 190**

**APPROVES THE CHAPTER 90 APPLICATION OF HAMPTONS EXPO GROUP LLC  
(TANGER II)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on February 12, 2010, the Hamptons Expo Group LLC submitted a Chapter 90 Application for the purpose of conducting a "Home Improvement Expo" to be held under a tent located at Tanger II, Tanger Outlet Center, 1947 Old Country Road, Riverhead, New York, on the following dates and times:

- Friday, April 23, 2010      12:00 p.m. to 6:00 p.m.
- Saturday, April 24, 2010    10:00 a.m. to 6:00 p.m.
- Sunday, April 25, 2010    10:00 a.m. to 5:00 p.m.; and

**WHEREAS**, the Hamptons Expo Group LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Chapter 90 Application of the Hamptons Expo Group LLC for the purpose of conducting a "Home Improvement Expo" to be held under a tent located at Tanger II, Tanger Outlet Center, 1947 Old Country Road, Riverhead, New York, on the above referenced dates and times, is hereby

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Hamptons Expo Group LLC, 223 Hampton Road, Southampton, NY, 11968; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #191

**AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH CONVERGENT TECHNOLOGY FOR INFORMATION TECHNOLOGY SERVICES.**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town is in need of assistance on occasion with information technology to maintain and enhance the computer communications and peripherals throughout the Town.

**WHEREAS**, CONVERGENT TECHNOLOGY GROUP is, by skill training and expertise, qualified to render such services,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to retain Convergent Technology to provide the aforementioned services; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the attached agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to CONVERGENT TECHNOLOGY GROUP, with its principal place of business at 1377 Motor Parkway, Suite 402, Islandia, NY 11749; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

PROFESSIONAL SERVICES AGREEMENT

This agreement made this \_\_\_\_\_ day of February 2010 by and between the Town of Riverhead, a Municipal Corporation, having its principal offices at 200 Howell Avenue, Riverhead New York (hereinafter referred to as the "TOWN"), and CONVERGENT TECHNOLOGY GROUP, with its principal place of business at 1377 Motor Parkway, Suite 402, Islandia, NY 11749 (hereinafter referred to as the CONSULTANT").

W I T N E S S E T H

Whereas, the Town is in need of assistance on occasion with information technology to maintain and enhance the computer communications and peripherals throughout the Town.

Whereas, CONVERGENT TECHNOLOGY GROUP is, by skill training and expertise, qualified to render such services,

Now, therefore, the parties hereto mutually agree as follows:

1. SERVICES

That Consultant shall provide, at the Town's request consulting services as needed.

2. COMPENSATION

In consideration for these services rendered by the Consultant under this agreement, the Town agrees to pay the Consultant at the hourly rate of \$250.00 per hour during normal business hours 8:30 - 5:30 Monday - Friday and outside of normal business hours \$300.00 per hour. Not to exceed \$5,000.00 annually.

3. PAYMENTS

CONVERGENT TECHNOLOGY shall submit invoices to the Town every month and will indicate time and expenses incurred during that period pursuant to the tasks identified herein. Invoices shall be due and payable to Convergent Technology within 30 days of their receipt by the Town. The Town has the right to withhold payment for portions of work not completed, after notification to CONVERGENT TECHNOLOGY unless the schedule is extended for reasons beyond the

control of CONVERGENT TECHNOLOGY, including extra agency review or other unanticipated events.

4. Term of Agreement

January 1, 2010 - December 31, 2010 unless otherwise terminated pursuant to the provisions herein. The Agreement shall commence upon the execution of this agreement by the Town Supervisor pursuant to authorization of the Town Board and shall expire upon completion of the work specified herein to the satisfaction of the Town. All work hereunder shall be completed within sixty (60) days of the commencement of this agreement.

5. TERMINATION

The Town shall have the right to terminate the services for which the consultant is herein engaged at any time and for any reason. In such event, the Consultant shall be paid such part of the fee as shall have been determined to fairly compensate the Consultant, in the opinion of the Town for work done by it.

6. Modifications to Agreement

This Agreement may only be modified in writing and such modification is subject to approval by the Town Board of the Town pursuant to a duly adopted resolution.

7. Performance of Professional Services

CONVERGENT TECHNOLOGY will perform its service hereunder in a timely manner. CONVERGENT TECHNOLOGY shall not be responsible for delays occasioned by factors beyond its control nor by factors which could not reasonably have been foreseen at the time this Agreement was executed.

CONVERGENT TECHNOLOGY shall be entitled to rely on information provided by the Town provided said information is sealed by a licensed professional where appropriate or directly provided to CONVERGENT TECHNOLOGY by the Town.

CONVERGENT TECHNOLOGY shall perform its services in accordance with the professional standards applicable to the services provided, i.e. information technology, at the time such services are rendered.

Estimates made by CONVERGENT TECHNOLOGY of probable costs and detailed cost projections represent CONVERGENT TECHNOLOGY'S judgment with respect thereto. It is recognized, however, that CONVERGENT TECHNOLOGY has no control over actual site conditions or the cost of materials or equipment. Accordingly, CONVERGENT TECHNOLOGY cannot and does not represent or guarantee that ultimate project costs will not vary from that set forth in Exhibit A. However, CONVERGENT TECHNOLOGY will advise the Town prior to ordering any materials or equipment prices if said prices have increased beyond that quoted herein.

All drawing, specifications, reports, notes and data developed pursuant to this Agreement are instruments of service, and as such, the original documents will become the property of the Town.

Except as otherwise provided herein, the parties agree that CONVERGENT TECHNOLOGY'S liability under this agreement and for the project shall be limited to the total contract cost to the Town as specified and Exhibit A and any modifications made thereto.

8. CONVERGENT TECHNOLOGY understands and recognizes that in conducting the work authorized by this agreement its employees and or agents may have access to confidential or sensitive Town documents and/or records. CONVERGENT TECHNOLOGY agrees that it shall not copy, utilize, distribute or otherwise provide unauthorized access to any Town documents and/or records. CONVERGENT TECHNOLOGY agrees to indemnify and hold the Town harmless from any and all damages it may incur by reason of the unauthorized distribution, use or exposure of Town documents together with the Town's reasonable attorneys fees incurred in connection with such unauthorized distribution, use or exposure of confidential Town documents. CONVERGENT TECHNOLOGY shall immediately notify the Town in writing should its employees or agents become aware that copying, use, distribution or other unauthorized exposure of Town documents has occurred.

9. Controlling Law

This Agreement shall be construed according to the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been duly executed  
by the parties hereto.

TOWN OF RIVERHEAD

CONVERGENT TECHNOLOGY

By: \_\_\_\_\_  
Sean M. Walter, Supervisor

By: \_\_\_\_\_

TOWN OF RIVERHEAD

Resolution #192

APPOINTS A PART-TIME CROSSING GUARD TO THE RIVERHEAD TOWN POLICE DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the need for a Crossing Guard exists in the Police Department, and

WHEREAS, pursuant to a completed background investigation, a recommendation by the Chief of Police and the Personnel Officer has been received to appoint Thomas Ryan to this part-time position.

NOW, THEREFORE, BE IT RESOLVED, that effective March 17, 2010 this Town Board hereby appoints Thomas Ryan to the position of Part-Time Crossing Guard at the hourly rate of \$11.00.

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

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 193

APPOINTS A CALL-IN DETENTION ATTENDANT TO THE RIVERHEAD TOWN POLICE DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the need for Call-in Detention Attendants exists in the Police Department, and

**WHEREAS**, pursuant to a completed background investigation, a recommendation by the Chief of Police and the Personnel Officer has been received to appoint Kathy Bieber to this call-in position.

**NOW, THEREFORE, BE IT RESOLVED**, that effective March 17, 2010 this Town Board hereby appoints Kathy Bieber to the position of Call-in Detention Attendant at the hourly rate of \$11.20.

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 194

AUTHORIZES DUNN ENGINEERING ASSOCIATES, P.E. TO PROCEED WITH CONSTRUCTION SERVICES FOR GRANGEBEL PARK SITE IMPROVEMENT PROJECT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead wishes to make site improvements at Grangebél Park, Riverhead, New York; and

**WHEREAS**, the Town Board and the Engineering Department requested a proposal to provide professional engineering and inspection services for construction management of the Grangebél Park Site Improvement Project; and

**WHEREAS**, Dunn Engineering Associates, P.E. has submitted a proposal, attached, to perform the construction management services which has been reviewed and discussed by the engineering Department and the members of the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead be and does hereby accept the proposal submitted and does hereby authorize Dunn Engineering Associates, P.C. to proceed with construction management services in the not to exceed amount of Eighty Three Thousand & 00/100 (\$83,000); and

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead Purchase Order in the amount listed above; and

**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**

Giglio ABSTAINED                      Gabrielsen  Yes  No  
Wooten  Yes  No                      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 195

AUTHORIZES THE CHIEF OF POLICE TO EXECUTE A STIPULATION WITH THE COUNTY OF SUFFOLK

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead Police Department is in possession of two vehicles seized by them under the Suffolk County D.W.I. Seizure Law; and

**WHEREAS**, Chief David Hegermiller submitted a request to the County Attorney's office asking to retain these two vehicles for law enforcement purposes; and

**WHEREAS**, Chief Hegermiller has requested authorization from the Town Board to act as the main contact person and to bind the Town of Riverhead and the Riverhead Police Department to the terms set forth by the County of Suffolk.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes Chief Hegermiller to execute this stipulation on behalf of the Town of Riverhead.

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

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

Resolution # 196**RESOLUTION URGING THE NEW YORK STATE LEGISLATURE  
TO SUPPORT THE STATE'S FARMLAND PROTECTION PROGRAM  
AND ENVIRONMENTAL PROTECTION FUND**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Environmental Protection Fund ("EPF") was created in 1993 as New York State's permanent dedicated environmental investment fund to provide the State's residents clean water, clean air, parks and open spaces and to protect New York's quality of life, and

**WHEREAS**, the State Fiscal Year ("SFY") 2010-11 Executive budget proposal cuts the EPF by 35% from the last fiscal year and 52% from the \$300 million level scheduled under the EPF Enhancement Act, and

**WHEREAS**, almost \$500 million has been diverted from the EPF for non-environmental programs since the Fund's creation, and

**WHEREAS**, these reductions and diversions have made the State's land acquisition in the Pine Barrens, the Peconic Estuary, the Long Island Sound Estuary, the South Shore Estuary Reserve and other priority Long Island areas as set forth in the State's Open Space Plan difficult or impossible, and

**WHEREAS**, investing in environmental protection on Long Island, including open space, parks and farmland protection, supports multi-billion dollar recreational, agricultural, tourism and second home industries, and

**WHEREAS**, many Long Island communities have relied on cost-sharing between the County, State, Town and Federal governments on many of the most critical land protection priorities over the last two decades, and

**WHEREAS**, significant need still exists for the State to partner with local governments on a number of priority open space parcels, and

**WHEREAS**, rapidly changing economic conditions threaten the future viability of New York's agricultural industry, and

**WHEREAS**, 26,000 acres of farmland are developed each year in New York, and

**WHEREAS**, the Farmland Protection Program has awarded more than \$173 million to help farmers, local governments and land trusts permanently protect 74,000 acres on 303 farms, and

**WHEREAS**, demand for Farmland Protection Program funding has been strong due to the program's popularity, with a record 181 farms seeking \$156 million in state funding to protect 49,500 acres in 2008, and

**NOW THEREFORE BE IT RESOLVED**, that the Environmental Protection Fund appropriation should be restored to a minimum of \$222 million for SFY 2010-11, and

**RESOLVED**, that the Town of Riverhead does hereby oppose drastic cuts to the Farmland Protection Program and Environmental Protection Fund, as outlined in the Governor's FY-2010-11 Budget Proposal; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Governor David Paterson, Senate Republican Leader Dean Skelos, Senate Democratic Leader Malcolm Smith, Assembly Speaker Sheldon Silver, Senator Kenneth LaValle, Assemblyman Marc Alessi and the American Farmland Trust and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No    Gabrielsen  Yes  No  
Wooten  Yes  No    Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 197**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH AEROS CULTURED OYSTER COMPANY TO ALLOW THE INSTALLATION OF FLOATING UPWELLER SYSTEMS (FLUPSY) IN EAST CREEK**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

**WHEREAS**, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

**WHEREAS**, Aeros Cultured Oyster Company is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

**WHEREAS**, Aeros Cultured Oyster Company wishes to install five (5) Floating Upweller Systems in East Creek for the purposes of cultivating shellfish; and

**WHEREAS**, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

**WHEREAS**, Aeros Cultured Oyster Company has agreed to provide monthly tours of its East Creek facility.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached License Agreement with Aeros Cultured Oyster Company; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Aeros Cultured Oyster Company, P.O. Box 964, Southold, New York, 11971, the Office of the Town Attorney and the Office of Accounting; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**LICENSE**

License ("License"), made as of the \_\_\_ day of March, 2010, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Aeros Cultured Oyster Company, ("Licensee"), having an address at P.O. Box 964, Southold, New York, 11971, a not for profit corporation.

**WITNESSETH**

WHEREAS, Aeros Cultured Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seed hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize up to five (5) FLUPSY tanks at the aforementioned location.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby

agree as follows:

1. Licensing. Upon the terms and conditions hereinafter set forth below, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of the leased premises is annexed hereto as Exhibit A.
2. Term of the License. The term of this License (the "term") shall commence on January 20, 2010 and shall end on December 31, 2010.
3. Condition of the License Properties. Licensee is familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license property "as is".
4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges related to use of the site.
  - a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to William Rothaar, Financial Administrator, at 1295 Pulaski Street, Riverhead, New York, 11901.
5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide

educational tours of the facility. The Town of Riverhead shall issue to the Licensee

four (4) temporary parking permits to enable Licensee, its employees and agents to gain access to the East Creek Marina for the sole purpose of accessing the FLUPSY dock and tanks located at the northern terminus of the creek. The temporary parking permits shall be limited to the duration of this License Agreement.

6. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed property without the prior permission of the licensor.

7. Damage to Property on Premises. Licensee agrees that all property of every kind and description kept, stored or placed in or on the licensed premises shall be at Licensee's sole risk and hazard and that Licensor shall not be responsible for any loss or damage to any of such property resulting from the elements, electric or fire, whether or not originating in the premises, caused by or from leaks or defects in or breakdown of plumbing, piping, wiring, or any other facility, equipment or fixtures or any other cause or act and whether or not resulting from the negligence of Licensor or other tenants of Licensor or anyone for whom Licensor may be responsible.

8. Damage by Casualty. In case the licensed premises shall be destroyed or shall be so damaged by fire or other casualty as to become un-tenantable, then, in such event, at the option of Licensor, this Licensee shall terminate from the date of such damage or destruction and Licensee shall immediately surrender such premises and all interest in the premises to Licensor, and Licensee shall pay rent only to the time of such surrender. Licensor shall exercise such option to terminate this License by notice in writing, delivered to Lessee within 10 days after such damage or destruction. In case Licensor shall not elect to terminate this

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License in such event, this License shall continue in full force and effect and Licensor shall repair the licensed premises with all reasonable promptness, placing the same in as good a condition as they were at the time of the damage or destruction and for that purpose may enter such premises, and rent shall abate in proportion to the extent and duration of un-tenantability. In either event, Licensee shall remove all rubbish, debris, equipment and other personal property within five days after the request of Licensor. If the licensed premises shall be only slightly injured by fire or the elements, so as not to render the same un-tenantable and unfit for the use described above, then Licensor shall repair the same with all reasonable promptness, and in that case the rent shall not abate. No compensation or claim shall be made by or allowed to Licensee by reason of any inconvenience or annoyance arising from the necessity of repairing any portion of the bulkhead, dock or the licensed premises, however the necessity may occur.

9. Insurance. Aeros Cultured Oyster Company further agrees to carry General Liability Insurance and in an amount not less than \$1,000,000.00 combined single limit covering bodily injury and property damage per occurrence in a company(ies) acceptable to the Town of Riverhead, in which policy the Town of Riverhead shall be named as additional insured. Aeros Cultured Oyster Company shall furnish satisfactory evidence that such insurance is in effect and will not be canceled during the term of this License Agreement without thirty (30) days prior written notice of such cancellation to Licensor.

10. Indemnity. In addition to the Comprehensive General Liability Coverage set forth in paragraph 9, if applicable Licensee shall carry worker's compensation insurance. Licensee shall indemnify and hold the Licensor, its departments, officers, agents and employees harmless against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the acts, omissions, or use of the licensed property by Licensee, its employees, agents, or invitees.

11. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license or otherwise transfer the rights set forth in this license, in whole or in part, or permit licensee's interest to be vested in any other party other than licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

12. Compliance with Laws Licensee shall comply with all laws and ordinances and other public requirements now or later affecting the premises or the use of the premises, and save Licensor harmless from expense or damage resulting from failure to do so.

13. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such

notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to PO Box 964, Southold, New York, 11971.

14. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

15. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

16. Approval by Town Board. This License is not effective until it is approved by Resolution of the Town Board of the Town of Riverhead.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
SEAN M. WALTER, Supervisor

AEROS CULTURED OYSTER COMPANY

By: \_\_\_\_\_  
KAREN RIVARA, President

3/16/10

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 198**

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF  
HIGHWAYS KNOWN AS GATEWAY EAST ROAD & RECHARGE BASIN  
(GATEWAY EAST)**

**Councilman Dunleavy offered the following resolution,**

**which was seconded by Councilman Wooten**

At a regular meeting of the  
Town Board of the Town of  
Riverhead, in the County of  
Suffolk, State of New York,  
held at 200 Howell Avenue,  
Riverhead, New York on the  
16th day of March, 2010.

**P R E S E N T :**

Hon. Sean M. Walter, Supervisor  
James Wooten, Councilperson  
John Dunleavy, Councilperson  
Jodi Giglio, Councilperson  
George Gabrielsen, Councilperson

X

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

**RESOLUTION  
AND CONSENT**

**GATEWAY EAST DRIVE AND  
RECHARGE BASIN.**

X

**WHEREAS**, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk, known as "Gateway East", Town of Riverhead, County of Suffolk, State of New York, filed on November 28, 2006 as File No. 11470 in the Office of the Clerk of Suffolk County, Riverhead, New York; and

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

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

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

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

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

**WHEREAS**, a street dedication search Chicago Insurance Company, Title Number 3809-00544, dated October 27, 2009, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out a certain road known as **GATEWAY EAST DRIVE**, said Town road to consist of the land described in the deed of dedication dated the 4th day of December, 2009 and to extend same as delineated therein; and be it further

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

**RESOLVED**, that the maintenance bond (Suffolk County National Bank Irrevocable Letter of Credit No. 100302) has been received, reviewed, and approved by the Town Attorney as to form and that the Town Clerk is hereby directed to release any and all previously submitted performance bonds/security upon adoption of this resolution by the Town Board; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Certilman Balin, Esqs., 1393 Veterans Memorial Highway, Suite 301S, Hauppauge, NY, 11788, Suffolk County National Bank, Commercial Credit & Loan Association, P.O. Box 9000, West Second Street, Riverhead, NY, 11901, Attn: William Mitarotondo, V.P.; 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.

Dated: Riverhead, New York  
March 16, 2010

**TOWN BOARD OF THE  
TOWN OF RIVERHEAD**

\_\_\_\_\_  
SEAN M. WALTER

\_\_\_\_\_  
JODI GIGLIO

\_\_\_\_\_  
GEORGE GABRIELSEN

\_\_\_\_\_  
JAMES WOOTEN

\_\_\_\_\_  
JOHN DUNLEAVY

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter ABSTAINED

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

Resolution # 199GRANGEBEL PARK BULKHEADING  
CAPITAL PROJECTBUDGET 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>
406.071100.492510.40186	NYS DOT Aid	1,306,160	
406.071100.493000.40185	Federal Aid		1,274,080
406.071100.523018.40186	Bulkheading Expense	275,000	
406.071100.543505.40186	Professional Svc – Eng		120,000
406.071100.549000.40186	Contingency		122,920

**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

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 200**

**AWARDS BID FOR GRANGEBEL PARK IMPROVEMENT PROJECT 2010**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk was authorized to publish and post a Notice to Bidders for the Grangebел Park Improvement Project, Riverhead, New York; and

**WHEREAS**, eight (8) bids were received, opened and read aloud on the 11<sup>th</sup> day of January, 2010 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

**WHEREAS**, bids submitted were analyzed by the Engineering Department ensuring that bids submitted were mathematically correct.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for the Grangebел Park Improvement Project be and is hereby awarded to Terry Contracting & Materials, Inc. in the amount of One Million Three Hundred Seventy Two Thousand Two Hundred Fifty Five & 00/100 (\$1,372,255.00); 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 Grangebел Improvement Project; and

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead purchase order from the Purchasing Department in the amount listed above; 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**

Giglio  Yes  No    Gabrielsen  Yes  No  
 Wooten  Yes  No    Dunleavy  Yes  No  
 Walter  Yes  No

The Resolution Was  Was Not   
 Thereupon Duly Declared Adopted

Item No.	Description	Unit	Quantity	North Coast Main Corp		Tony Contracting		El-County Construction		Chesterfield Associates		Conexim Asphalt Inc.		Conway	
				Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price	Unit Cost	Total Price
1	Cleaning and Guttering	LS	1	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00	\$8,000.00	\$8,000.00	\$0.481100	\$9,481.10	\$4,400.00	\$4,400.00	\$30,000.00	\$30,000.00
1A	Demolition	LS	1	\$7,500.00	\$7,500.00	\$32,000.00	\$32,000.00	\$35,000.00	\$35,000.00	\$24,500.00	\$24,500.00	\$51,449.00	\$51,449.00	\$40,000.00	\$40,000.00
1-Dce	Temporary Silt Screen	LS	1	\$15,000.00	\$15,000.00	\$4,000.00	\$4,000.00	\$25,000.00	\$25,000.00	\$5,000.00	\$5,000.00	\$16,568.00	\$16,568.00	\$10,000.00	\$10,000.00
1L	Removal of Existing Lighting Equipment	LS	1	\$3,500.00	\$3,500.00	\$5,500.00	\$5,500.00	\$17,000.00	\$17,000.00	\$12,870.00	\$12,870.00	\$3,000.00	\$3,000.00	\$5,000.00	\$5,000.00
1M	Mobilization (See Note 3)	LS	1	\$48,000.00	\$48,000.00	\$40,000.00	\$40,000.00	\$52,000.00	\$52,000.00	\$18,000.00	\$18,000.00	\$40,000.00	\$40,000.00	\$85,000.00	\$85,000.00
2AS	Unclassified Excavation	LS	1	\$85,000.00	\$85,000.00	\$17,000.00	\$17,000.00	\$7,900.00	\$7,900.00	\$8,150.00	\$8,150.00	\$5,500.00	\$5,500.00	\$20,000.00	\$20,000.00
2EF-X	Granular Fill	CY	600	\$95.00	\$57,000.00	\$24.00	\$14,400.00	\$30.00	\$18,000.00	\$46.00	\$27,600.00	\$88.00	\$52,800.00	\$30.00	\$18,000.00
4A	Leaching Basin - 10' dia x 2' Effective Depth	EA	4	\$2,800.00	\$11,200.00	\$3,000.00	\$12,000.00	\$3,580.00	\$14,320.00	\$2,550.00	\$10,200.00	\$3,190.00	\$12,760.00	\$2,500.00	\$10,000.00
15	Brick Pavers	SF	2200	\$12.00	\$26,400.00	\$17.00	\$37,400.00	\$24.00	\$52,800.00	\$17.45	\$38,390.00	\$20.00	\$44,000.00	\$20.00	\$44,000.00
25	Planting	LS	1	\$235,800.00	\$235,800.00	\$130,000.00	\$130,000.00	\$115,000.00	\$115,000.00	\$172,150.00	\$172,150.00	\$178,000.00	\$178,000.00	\$200,000.00	\$200,000.00
27-1	Light Post with Single Arm, Luminaire and Foundation	EA	24	\$6,430.00	\$154,320.00	\$5,300.00	\$127,200.00	\$5,200.00	\$124,800.00	\$5,800.00	\$139,400.00	\$5,520.00	\$132,480.00	\$4,800.00	\$110,400.00
27-2	Light Post with Double Arm, Luminaies and Foundation	EA	4	\$8,900.00	\$37,600.00	\$5,600.00	\$22,400.00	\$5,800.00	\$23,200.00	\$9,200.00	\$36,800.00	\$7,098.00	\$28,272.00	\$5,000.00	\$20,000.00
27A	Electrical Service and Power Distribution Equipment	LS	1	\$10,500.00	\$10,500.00	\$38,000.00	\$38,000.00	\$6,400.00	\$6,400.00	\$9,800.00	\$9,800.00	\$18,875.00	\$18,875.00	\$9,500.00	\$9,500.00
27B12	Polymer Concrete Pulbox - 12" x 12"	EA	30	\$380.00	\$11,700.00	\$245.00	\$7,350.00	\$250.00	\$7,500.00	\$405.00	\$12,150.00	\$802.00	\$24,060.00	\$250.00	\$7,500.00
17B13	Polymer Concrete Pulbox - 13" x 24"	EA	5	\$550.00	\$2,750.00	\$300.00	\$1,500.00	\$400.00	\$2,000.00	\$607.00	\$3,035.00	\$837.00	\$4,185.00	\$400.00	\$2,000.00
27C-4	1-1/2" Diameter Steel Conduit	LF	240	\$25.00	\$6,000.00	\$26.00	\$6,240.00	\$11.00	\$2,640.00	\$4.00	\$960.00	\$19.28	\$4,627.20	\$8.00	\$1,920.00
27C-5	2" Diameter Steel Conduit	LF	140	\$38.00	\$5,320.00	\$37.00	\$5,180.00	\$13.50	\$1,890.00	\$15.00	\$2,100.00	\$22.28	\$3,119.20	\$9.00	\$1,260.00
27CP-4	1-1/2" Diameter Rigid Plastic Conduit	LF	1480	\$7.00	\$10,360.00	\$13.00	\$19,240.00	\$8.30	\$12,284.00	\$8.80	\$12,784.00	\$15.00	\$21,750.00	\$4.00	\$5,920.00
27CP-5	2" Diameter Rigid Plastic Conduit	LF	180	\$9.00	\$1,620.00	\$40.00	\$7,200.00	\$9.30	\$1,674.00	\$10.00	\$1,800.00	\$15.14	\$2,725.20	\$5.00	\$900.00
27D-1	Single Conductor Cable Number 6 AWG	LS	1	\$12,200.00	\$12,200.00	\$2,980.00	\$2,980.00	\$11,500.00	\$11,500.00	\$14,350.00	\$14,350.00	\$10,388.00	\$10,388.00	\$11,500.00	\$11,500.00
27D-3	Single Conductor Cable Number 20 AWG	LS	1	\$1,800.00	\$1,800.00	\$300.00	\$300.00	\$1,655.00	\$1,655.00	\$2,100.00	\$2,100.00	\$1,804.00	\$1,804.00	\$1,655.00	\$1,655.00
27D-4	Single Conductor Cable Number 20 AWG	LS	1	\$8,000.00	\$8,000.00	\$600.00	\$600.00	\$4,650.00	\$4,650.00	\$5,800.00	\$5,800.00	\$4,915.00	\$4,915.00	\$4,650.00	\$4,650.00
30B	Plastic Bulkhead Construction	LF	775	\$475.00	\$368,125.00	\$475.00	\$368,125.00	\$320.00	\$248,000.00	\$458.00	\$354,950.00	\$479.60	\$371,690.00	\$600.00	\$465,000.00
30D	Bridal Veil Falls Reconstruction	EA	1	\$60,525.00	\$60,525.00	\$38,000.00	\$38,000.00	\$50,000.00	\$50,000.00	\$128,200.00	\$128,200.00	\$98,000.00	\$98,000.00	\$100,015.00	\$100,015.00
30F	Frames and Grates - Fabricated	EA	1	\$2,440.00	\$2,440.00	\$4,000.00	\$4,000.00	\$3,500.00	\$3,500.00	\$324.00	\$324.00	\$3,110.00	\$3,110.00	\$2,000.00	\$2,000.00
30H	Wood Bridge Reconstruction	LS	1	\$18,000.00	\$18,000.00	\$85,000.00	\$85,000.00	\$116,000.00	\$116,000.00	\$87,300.00	\$87,300.00	\$77,127.00	\$77,127.00	\$80,000.00	\$80,000.00
30P	Timber Pedestals Bridge	LS	1	\$88,000.00	\$88,000.00	\$82,000.00	\$82,000.00	\$128,000.00	\$128,000.00	\$59,200.00	\$59,200.00	\$59,700.00	\$59,700.00	\$90,000.00	\$90,000.00
32	Gravel/Stone System	SF	14000	\$4.85	\$67,900.00	\$7.00	\$98,000.00	\$6.70	\$93,800.00	\$9.20	\$128,800.00	\$155.633.00	\$1,556,333.00	\$80,000.00	\$80,000.00
33	Decorative Park Bench	EA	16	\$1,300.00	\$20,800.00	\$1,700.00	\$27,200.00	\$1,500.00	\$24,000.00	\$1,800.00	\$28,800.00	\$1,484.00	\$23,744.00	\$2,000.00	\$23,200.00
34	Trash Receptacle	EA	7	\$1,500.00	\$10,500.00	\$1,200.00	\$8,400.00	\$1,500.00	\$10,500.00	\$1,100.00	\$7,700.00	\$1,074.00	\$7,518.00	\$1,000.00	\$7,000.00
35	Performance Platform	LS	1	\$88,000.00	\$88,000.00	\$68,000.00	\$68,000.00	\$103,000.00	\$103,000.00	\$165,500.00	\$165,500.00	\$118,420.00	\$118,420.00	\$130,000.00	\$130,000.00
36A	Treated Timber Cap on Existing Bulkhead	LF	100	\$75.00	\$7,500.00	\$12.00	\$1,200.00	\$82.00	\$8,200.00	\$18.00	\$1,800.00	\$27.50	\$2,750.00	\$20.00	\$2,000.00
37	Stone Retaining Wall	LF	90	\$185.00	\$16,650.00	\$225.00	\$20,250.00	\$110.00	\$9,900.00	\$170.00	\$15,300.00	\$418.00	\$37,620.00	\$300.00	\$27,000.00
38	Ornamental Metal Railings	LF	80	\$48.00	\$3,840.00	\$288.00	\$23,040.00	\$470.00	\$37,600.00	\$350.00	\$28,000.00	\$277.20	\$22,176.00	\$350.00	\$28,000.00
80M	Stone Filling (Medium)	CY	20	\$385.00	\$7,700.00	\$190.00	\$3,800.00	\$350.00	\$5,000.00	\$155.00	\$3,100.00	\$218.00	\$4,320.00	\$200.00	\$4,000.00
118	Project Stakeout and Survey	LS	1	\$8,500.00	\$8,500.00	\$15,000.00	\$15,000.00	\$10,000.00	\$10,000.00	\$35,600.00	\$35,600.00	\$34,200.00	\$34,200.00	\$20,000.00	\$20,000.00
123AS	Tropsoil Furnished and Placed	CY	400	\$95.00	\$38,000.00	\$18,000.00	\$7,200.00	\$58.00	\$23,200.00	\$52.00	\$20,800.00	\$84.80	\$33,920.00	\$90.00	\$36,000.00
123AS	Steered on Prepared Areas	LS	1	\$18,000.00	\$18,000.00	\$8,000.00	\$8,000.00	\$5,000.00	\$5,000.00	\$9,600.00	\$9,600.00	\$14,770.00	\$14,770.00	\$8,000.00	\$8,000.00



Galvin Bros, Inc.		Error		Atlantic Coast Dock Building	
Unit Cost	Total Price	Type	Unit Cost	Total Price	
\$50,000.00	\$50,000.00		\$80,000.00	\$80,000.00	
\$100,000.00	\$100,000.00		\$66,750.00	\$66,750.00	
\$25,000.00	\$25,000.00		\$21,650.00	\$21,650.00	
\$6,000.00	\$6,000.00		\$10,000.00	\$10,000.00	
\$70,000.00	\$70,000.00		\$65,000.00	\$65,000.00	
\$4,000.00	\$4,000.00		\$51,750.00	\$51,750.00	
\$55.00	\$53,000.00		\$35.00	\$21,000.00	
\$6,600.00	\$28,400.00		\$9,000.00	\$36,000.00	
\$143,640.00	\$48,400.00		\$11.75	\$25,850.00	
\$6,400.00	\$143,640.00		\$116,000.00	\$116,000.00	
\$6,400.00	\$153,800.00		\$9,320.00	\$151,080.00	
\$11,000.00	\$26,400.00		\$7,200.00	\$28,800.00	
\$500.00	\$11,000.00		\$28,590.00	\$28,590.00	
\$900.00	\$15,000.00		\$528.00	\$15,750.00	
\$25.00	\$3,000.00		\$575.00	\$2,675.00	
\$40.00	\$9,000.00		\$11.50	\$2,760.00	
\$8.00	\$5,800.00		\$13.75	\$1,925.00	
\$7.00	\$9,700.00		\$9.75	\$12,087.50	
\$3.00	\$1,280.00		\$9.75	\$1,795.00	
\$5.00	\$3.00		\$16,500.00	\$16,500.00	
\$5.00	\$5.00		\$1,800.00	\$1,800.00	
\$12.00	\$12.00		\$5,650.00	\$5,650.00	
\$700.00	\$542,500.00		\$987.00	\$987,425.00	
\$120,000.00	\$120,000.00		\$138,000.00	\$138,000.00	
\$1,052.00	\$1,052.00		\$2,100.00	\$2,100.00	
\$1,000.00	\$1,000.00		\$50,000.00	\$50,000.00	
\$85,000.00	\$85,000.00		\$24,000.00	\$24,000.00	
\$13.00	\$182,000.00		\$9.00	\$129,000.00	
\$2,000.00	\$2,000.00		\$1,750.00	\$28,640.00	
\$900.00	\$5,390.00		\$1,500.00	\$11,200.00	
\$180,000.00	\$180,000.00		\$178,000.00	\$178,000.00	
\$100.00	\$10,000.00		\$8.00	\$800.00	
\$570.00	\$51,300.00		\$680.00	\$54,000.00	
\$170.00	\$10,200.00		\$375.00	\$22,500.00	
\$170.00	\$3,400.00		\$300.00	\$6,000.00	
\$40,000.00	\$40,000.00		\$30,000.00	\$30,000.00	
\$57.00	\$22,800.00		\$20.00	\$8,000.00	
\$28,500.00	\$28,500.00		\$12,840.00	\$12,840.00	

Unit Price Analysis			Description
Mean	Median		
\$24,495.13	\$9,740.50		Cleaning and Grubbing
\$44,849.88	\$37,500.00		Demolition
\$15,277.25	\$15,794.00		Temporary Silt Screen
\$7,833.75	\$5,750.00		Removal of Existing Lighting Equipment
\$49,753.75	\$50,000.00		Mobilization (See Note 3)
\$22,412.50	\$12,575.00		Unclassified Excavation
\$49.73	\$40.50		Granular Fill
\$4,123.75	\$3,095.00		Leaching Basin-10' dia x 2' Effective Depth
\$18.03	\$18.73		Back Pavers
\$153,788.75	\$138,820.00		Paving
\$5,971.25	\$5,590.00		Light Post with Single Arm, Luminaire and Foundation
\$6,271.00	\$6,400.00		Light Post with Double Arm, Luminares and Foundation
\$15,929.38	\$10,750.00		Electrical Service and Power Distribution Equipment
\$395.88	\$387.50		Polymer Concrete Pulbox - 12" x 12"
\$333.63	\$592.50		Polymer Concrete Pulbox - 13" x 24"
\$17.47	\$16.84		1-1/2" Diameter Steel Conduit
\$23.57	\$18.84		2" Diameter Steel Conduit
\$8.86	\$8.53		1-1/2" Diameter Rigid Plastic Conduit
\$13.15	\$9.53		2" Diameter Rigid Plastic Conduit
\$9,915.13	\$11,500.00		Single Conductor Cable Number 6 AWG
\$1,338.88	\$1,829.50		Single Conductor Cable Number 2 AWG
\$4,034.63	\$4,782.50		Single Conductor Cable Number 20 AWG
\$549.33	\$477.30		Plastic Bulkhead Construction
\$91,217.80	\$99,007.50		Bridal Veil Falls Reconstruction
\$2,315.75	\$2,270.00		Frames and Gates - Fabricated
\$88,053.38	\$82,213.50		Wood Bridge Reconstruction
\$110,291.83	\$83,500.00		Timber Pedestrian Bridge
\$9.33	\$8.00		Gravel-pave System
\$1,709.75	\$1,745.00		Decorative Park Bench
\$1,234.25	\$1,150.00		Trash Receptacle
\$126,115.00	\$123,210.00		Performance Platform
\$40.08	\$23.75		Treated Timber Cap on Existing Bulkhead
\$322.00	\$282.50		Stone Retaining Wall
\$278.53	\$282.80		Ornamental Metal Railings
\$233.25	\$208.00		Stone Filling (medium)
\$23,912.50	\$25,000.00		Project Stakeout and Survey
\$58.98	\$57.50		Topsoil Furnished and Placed
\$12,188.75	\$10,320.00		Seeded on Prepared Areas



**TOWN OF RIVERHEAD**

**Resolution # 201**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST ADVERTISEMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Riverhead Town Board desires to seek candidates for membership upon the Riverhead Industrial Development Agency Board,

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be authorized to publish the attached as a display advertisement in the Help Wanted section in the March 25, 2010 edition of the Riverhead News Review, 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**PLEASE TAKE NOTICE**, The Town Board of the Town of Riverhead, as the appointing agency, is seeking qualified applicants for the position of Member of Board of Directors of the Riverhead Industrial Development Agency. Applicants should have a background in business development, public and/or private finance, government and civic involvement. Board members must be able to devote time and skills necessary to induce economic development and the creation of jobs within the Town of Riverhead. Board members must be residents of the Town and commit to attend state mandated training and continuing education in the governance of the Agency. Letter applications with resume may be submitted to the Town Clerk, 200 Howell Avenue, Riverhead New York 11901 on or before April 14, 2010.

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

TOWN OF RIVERHEAD

Resolution # 202

**OFFERS SUPPORT TO THE NEW YORK STATE LEGISLATURE TO  
AUTHORIZE (2) POLICE OFFICERS TO FILE FOR RETROACTIVE  
MEMBERSHIP IN THE OPTIONAL 20 YEAR RETIREMENT PLAN OF THE  
NEW YORK STATE AND LOCAL POLICE AND FIRE RETIREMENT SYSTEM  
PURSUANT TO SECTION 384-d OF THE RETIREMENT AND SOCIAL  
SECURITY LAW  
(Senate Bill #S.6861/Assembly Bill #A.9947)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead adopted an optional 20 year retirement plan pursuant to section 384-d and e of the retirement and social security law which allowed a limited time period for its officers to opt into the plan. The Town, by resolution, has determined that the officers, for no reasons ascribable to their intentional negligence, did not opt into the plan and supports legislation which will allow them to make timely applications; and

**WHEREAS**, Bill S.6861/A.9947 has been introduced in the New York State Assembly with the intent that such legislative act would allow the two police officers to timely file applications to participate in the Town's option retirement plan.

**WHEREAS**, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation; and

**WHEREAS**, the Town is in support of the aforementioned act of the New York State Legislature.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to authorize (2) police officers to file for retroactive membership in the optional 20 year retirement plan of the New York State and local police and fire retirement system pursuant to section 384-d of the retirement and social security law; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road - Suite #4, Selden, NY, 11784, Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932 and the Office of Accounting.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

Town of Riverhead

Resolution #203

Authorizes the Supervisor to Execute a Contract with the U.S. Department of Justice for Grant Funding Under the "Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2009 Local Solicitation Program"

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Riverhead Town Board approved the submission of a grant application under the U.S. Department of Justice "Edward Byrne Memorial Justice Assistance Grant (JAG) FY 2009 Local Solicitation Program" by Resolution #701 on July 9, 2009;

**WHEREAS**, said application was approved in the amount of \$17,442; and

**WHEREAS**, the Police Department has received a donation of a Mobile Command Unit from the Riverhead Fire Department;

**WHEREAS**, the Police Department has identified technological needs to make the Mobile Command Unit more efficient; and

**WHEREAS**, the Riverhead Town Board previously committed up to \$1,000 towards said enhancements.

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the supervisor to execute any and all document relative to the execution of a contract between the Town of Riverhead and the U.S. Department of Justice with regards to this specific grant, subject to review by the Office of the Town Attorney.

**THEREFORE, 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 204

NORTH SPILLWAY CAPITAL PROJECT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**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>
406.071100.547900.70805	Special Items - Contingency	5,200	
406.071100.523018.70805	Construction		5,200

**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**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution #205**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR SNACK VENDORS TO BE UTILIZED BY THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for SNACK VENDORS to be utilized by the TOWN OF RIVERHEAD and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 25, 2010 issue of the News Review and;

**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.

**THE VOTE**

Giglio Yes No    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

### NOTICE TO BIDDERS

Scaled bids for **2010 SNACK VENDOR SERVICES FOR the Town of Riverhead for each of the following locations**: Wading River Beach, Reeves Beach, and Stotzky Park will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on APRIL 5, 2010.**  
(Individual or all locations may be bid on.)

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

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

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

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR 2010 SNACK VENDOR SERVICES.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 206

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS

PROJECT NO.: RDWD 10-01

INTERIM TREATMENT AT WELL NO. 16

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, plans and specifications have been prepared by H2M, consulting engineers to the Riverhead Water District, regarding interim treatment at Well No. 16 of the Riverhead Water District.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the April 1, 2010 edition of The News Review with regard to receiving bids for interim treatment at Well No. 16 of the Riverhead Water District, and be it further

**RESOLVED**, that the Town Clerk shall publicly open and read aloud the submitted bids on the date as advertised in the Notice to Bidders, 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**H2M**

**NOTICE TO BIDDERS**

The Town Board of Riverhead will receive bids for the "INTERIM TREATMENT AT PLANT NO. 16" for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 A.M.**, on **Thursday, April 15, 2010**, at which time and place all bids will be publicly opened and read aloud for:

**PROJECT NO.: RDWD 10-01  
INTERIM TREATMENT AT WELL NO. 16**

An electronic copy of the plans and specifications may be examined and obtained on or after **Thursday, April 1, 2010** at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on "Bid Requests."

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

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

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

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

DIANE WILHELM, TOWN CLERK

DATED: **Thursday, April 1, 2010**

TOWN OF RIVERHEAD

Resolution # 207

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A NOTICE TO BIDDERS FOR SEWER PIPE REPLACEMENT AT EAST END ARTS SITE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead received a portion of the 2009 Suffolk County consortium allocation of Housing and Urban Development Community Development Block Grant funds under the American Reinvestment and Recovery Act (CDBG-R); and

**WHEREAS**, the CDBG-R funding will be used to implement Phase I of the Main Street Walkway Improvements to include sewer pipe replacement under the public walkway located on the Town of Riverhead property leased to the East End Arts Council.

**RESOLVED**, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to publish and post the attached Notice to Bidders in the March 25, 2010 issue of the official Town newspaper for the Sewer Pipe Replacement at the East End Arts Council Site located at 133 East Main Street, Riverhead, New York; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed proposals for the Sewer Pipe Replacement at the East End Arts Council site located at 133 East Main Street, Riverhead, New York 11901 will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 am April 15, 2010 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about March 29, 2010 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Sewer Pipe Replacement" and must be accompanied by a bid surety as stated in the Instruction to Bidders.

Please take further notice, that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder.

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

Dated: March 16, 2010

TOWN OF RIVERHEAD

Resolution # 208

AUTHORIZES PUBLICATION OF DISPLAY AD  
RE: ATTENDANCE AT SUFFOLK COUNTY POLICE ACADEMY

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the below advertisement as a display ad in the March 25, 2010, issue of The News Review.

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

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD PUBLIC NOTICE

PLEASE TAKE NOTICE, the Town of Riverhead is seeking candidates to attend the Suffolk County Police Academy for the purpose of serving as Part-time Police Officers with the Town of Riverhead Police Department. Candidates for the position must:

1. Apply to the Riverhead Town Police Department no later than April 2, 2010; and
2. Have reached age twenty (20) by date of application; and
3. Be a high school graduate or possess a high school equivalency diploma, recognized by the New York State Department of Education; and
4. Successfully pass a qualifying psychological evaluation as directed by the Suffolk County Department of Civil Service; and
5. Successfully pass a qualifying medical evaluation as directed by the Suffolk County Department of Civil Service; and
6. Successfully pass a qualifying physical fitness agility evaluation at the direction of the Suffolk County Department of Civil Service; and
7. Submit to polygraph testing as directed; and
8. Be a United States citizen; and
9. Possess a valid New York State operator's or chauffeur's license at the time of original appointment and throughout their employment; and
10. Successfully pass an applicant background investigation conducted by the Suffolk County Police Department; and
11. Attend the Suffolk County Police Academy for a minimum of 587 hours of instruction.
12. The course of instruction is **TENTATIVELY** scheduled to begin in the Fall of 2010.

If the candidate fulfills the basic requirements and successfully completes the courses at the Suffolk County Police Academy, that graduate will be awarded a certificate by the Bureau for Municipal Police, which certifies that person as a Police Officer in the State of New York.

Following graduation, the candidate is required to have on-the-job training with the Town of Riverhead for a period of not less than 40 hours.

Any individual requesting further information on this program is directed to call the Riverhead Police Department at 727-4500, ext. 315.

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

**TOWN OF RIVERHEAD**

**Resolution # 209**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF  
THE RIVERHEAD TOWN CODE  
(DESTINATION RETAIL CENTER (DRC) ZONING USE DISTRICT)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, the Town Clerk is hereby authorized to publish and post the attached public notice to consider a local law to amend Chapter 108 entitled "Zoning" of the Riverhead Town Code (Destination Retail Center Zoning Use District) once in the March 25, 2010 issue of the News- Review Newspaper, 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter 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 20<sup>th</sup> day of April, 2010 at 7:10 o'clock p.m. to consider a local law to amend 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:

A. Permitted uses:

- (1) Retail stores or shops.
- (2) Hotels.
- (3) Car dealerships.
- (4) Banks.
- (5) Warehouse club or wholesale club.

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically included are the following:

- (1) Drive-through windows for banks and pharmacies.
- (2) Fueling facility as accessory to warehouse club or wholesale club located a minimum of 300 feet from a residential land use.

- Underline represents addition(s)

Dated: Riverhead, New York  
March 16, 2010

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

**DIANE M. WILHELM, Town Clerk**

3/16/10

TOWN OF RIVERHEAD

ADOPTED

Resolution # 210

**SCHEDULING A PUBLIC HEARING TO DETERMINE WHETHER THE JAMESPORT FIRE DEPARTMENT'S STORAGE BUILDING EXPANSION, LOCATED ON MANOR LANE, JAMESPORT, NEW YORK, MUST COMPLY WITH THE TOWN CODE OF THE TOWN OF RIVERHEAD.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby determines to hold a public hearing on April 6, 2010 at 2:20 o'clock of that day to hear all interested persons with regard to whether the expansion of an existing storage building, located on Manor Lane, Jamesport, New York must comply with the Town Code of the Town of Riverhead.

**RESOLVED**, that the Town Clerk is hereby directed to publish the attached notice of public hearing as follows:

a. in the *News Review*, the official newspaper of the Town of Riverhead on Thursday March 25, 2010;

b. by mailing a copy of the notice, by certified mail, return receipt requested, to the Jamesport Fire District, c/o Francis J. Yakaboski, Esq., 456 Griffing Avenue, Box 389, Riverhead, NY 11901 by March 27, 2010; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., P.O. Box 389, 456 Griffing Avenue, Riverhead, New York, 11901; and the Town Attorney.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held before the Town Board of the Town of Riverhead on April 6, 2010, at 2:20 o'clock of that day at Riverhead Town Hall, Riverhead, NY, to hear all interested persons with regard to whether the expansion of an existing storage barn on property owned by the Jamesport Fire Department on Manor Lane in Jamesport, New York must comply with the Town Code of the Town of Riverhead.

Dated: Riverhead, New York  
March 16, 2010

**BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF RIVERHEAD  
DIANE WILHELM, TOWN CLERK**

TOWN OF RIVERHEAD

Resolution #211

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE OF EMPIRE ZONE ADMINISTRATIVE BOARD MEETINGS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice of Empire Zone Board meetings in the March 25th, 2010 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a copy of this resolution to the Empire Zone Coordinator and the Town Attorney.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**PUBLIC NOTICE**  
**TOWN OF RIVERHEAD**  
**Zone Administrative Board Meetings**

**PLEASE TAKE NOTICE**, that the Suffolk County/Town of Riverhead Empire Zone Administrative Board has scheduled its meetings for every third Friday of each month beginning with March 19, 2010. The meetings are held in the board room of the Suffolk County National Bank Headquarters on West Second Street, Riverhead at 9am unless otherwise determined. Changes in the schedule will be posted prior to the meeting on the Town Clerk Public Notice Board in Town Hall, the Empire Zone website [www.riverheadzone.com](http://www.riverheadzone.com), or call Zone Office prior to meetings (631-727-3200 X373).

DATE: 03-1-2010  
Ez/TLS

Riverhead, New York

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution # 212

**RATIFIES SUPERVISOR'S EXECUTION OF MEMORANDUM OF AGREEMENT FOR EASTERN LONG ISLAND MARITIME DISASTER PREPAREDNESS PORT SECURITY GRANT REQUEST FY 2010**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a consortia of private and public entities has been organized to address disaster preparedness training and mobile emergency response in the event of acts of terrorism or natural disasters on the vulnerable and isolated eastern end of Long Island; and

**WHEREAS**, this initiative aims to purchase a mobile emergency response facility (MERF) that will be available to members of the consortia for training and use in the event of a disaster; and

**WHEREAS**, the following parties agree to work in consortium to implement the above referenced project: National Recreation Education Foundation, Sea Tow Foundation for Boating Safety and Education, East End Marine Law Enforcement Task Force, Town of Riverhead, and Town of Southold.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor's execution on the attached Memorandum of Agreement is hereby ratified; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 213

**AUTHORIZES THE RELEASE OF SECURITY OF BEACON WIRELESS MANAGEMENT, LLC (Dynamic Radiator)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Beacon Wireless Management, LLC posted cash security (Check #1314) in the amount of Five Thousand Dollars (\$5,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #30 dated April 2, 2009, for improvements to be completed at 1863 W. Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-118-4-4.1, pursuant to Section 108-133(I) of the Riverhead Town Code; and

**WHEREAS**, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site requirements and Certificate of Occupancy Nos. 23379 and 23380 have been issued.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the above mentioned security in the sum of Five Thousand Dollars (\$5,000.00); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Beacon Wireless Management, LLC, 27 Oak Lane, Hampton Bays, NY, 11946; and be it further

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

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution #214

APPROVES REQUEST FOR LEAVE OF ABSENCE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Jessica Steimel, a Police Officer in the Riverhead Police Department, has requested a non-paid leave of absence from the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that Jessica Steimel's request for a non-paid leave of absence is approved for the period of March 16, 2010 through June 16, 2010, subject to the following condition(s):

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

**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

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD.

Resolution # 215

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

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a Call-In Recreation Aide II is needed by the Riverhead Town Recreation Department

**NOW THEREFORE BE IT RESOLVED**, that effective March 17, 2010, this Town Board hereby appoints William Brandt to the position of Call-In Recreation Aide II – Level 2 to be paid the rate of \$10.00 per hour to the Recreation Department and

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #216

APPOINTS A CALL-IN RECREATION SUPERVISOR TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a Call-In Recreation Supervisor is needed by the Riverhead Town Recreation Department

**NOW THEREFORE BE IT RESOLVED**, that effective March 17, 2010, this Town Board hereby appoints Cynthia Hynds to the position of Call-In Recreation Supervisor to be paid the rate of \$21.22 per hour and

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 217

APPOINTS A CALL-IN RECREATION SPECIALIST- EXERCISE INSTRUCTOR TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a Call-In Recreation Specialist- Exercise Instructor is needed by the Riverhead Town Recreation Department

**NOW THEREFORE BE IT RESOLVED**, that effective April 12, 2010, this Town Board hereby appoints Cherie Paveglio to the position of Call-In Recreation Specialist- Exercise Instructor to be paid the rate of \$31.37 per hour to the Recreation Department and

**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**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

ADOPTED

Resolution #218

AUTHORIZES THE SUPERVISOR TO ENTER INTO AN AGREEMENT WITH SUFFOLK ONLINE ADVERTISING FOR INTERNET AND E MAIL SERVICES

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town is in need of assistance on occasion with e mail and website management to maintain and enhance the computer communications and peripherals throughout the Town.

**WHEREAS**, SUFFOLK ONLINE ADVERTISING is, by skill training and expertise, qualified to render such services,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to retain Suffolk Online Advertising to provide the aforementioned services; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute the attached agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to SUFFOLK ONLINE ADVERTISING, with its principal place of business 43 Warwick Row, Riverhead, New York 11901, and be it further

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

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

PROFESSIONAL SERVICES AGREEMENT

This agreement made this \_\_\_\_\_ day of February 2010 by and between the Town of Riverhead, a Municipal Corporation, having its principal offices at 200 Howell Avenue, Riverhead New York (hereinafter referred to as the "TOWN"), and SUFFOLK ONLINE ADVERTISING, with its principal place of business 43 Warwick Row, Riverhead, New York 11901 (hereinafter referred to as the CONSULTANT").

W I T N E S S E T H

Whereas, the Town is in need of assistance on occasion with e mail and website management to maintain and enhance the computer communications and peripherals throughout the Town.

Whereas, SUFFOLK ONLINE ADVERTISING is, by skill training and expertise, qualified to render such services,

Now, therefore, the parties hereto mutually agree as follows:

1. SERVICES

That Consultant shall provide, at the Town's request consulting services as needed.

2. COMPENSATION

In consideration for these services rendered by the Consultant under this agreement, the Town agrees to pay the Consultant as follows:

1. e mail spam and anti virus filtering for 250 e mail accounts at the flat rate \$1200.00 annually which includes Black and White listing. Collected spam will be auto-deleted after 10 days.

2. \$3,100,00 annually for website management and updating, commercial web hosting high capacity storage for \$465.00 annually including web mail, spam services and virus scan together with \$35.00 annually for reimbursement of domain name registration or re-registration annually. Consultant will hosting of up to 250 e mail accounts.

3. PAYMENTS

SUFFOLK ONLINE ADVERTISING shall submit invoices to the Town every

Town Attorney: ratify extension of bid for food/seniors/purchasing

month and will indicate time and expenses incurred during that period pursuant to the tasks identified herein. Invoices shall be due and payable to Suffolk Online Advertising within 30 days of their receipt by the Town. The Town has the right to withhold payment for portions of work not completed, after notification to SUFFOLK ONLINE ADVERTISING unless the schedule is extended for reasons beyond the control of Suffolk Online Advertising, including extra agency review or other unanticipated events.

4. Term of Agreement

January 15, 2010 - January 15, 2011 unless otherwise terminated pursuant to the provisions herein. The Agreement shall commence upon the execution of this agreement by the Town Supervisor pursuant to authorization of the Town Board and shall expire upon completion of the work specified herein to the satisfaction of the Town.

5. TERMINATION

The Town shall have the right to terminate the services for which the consultant is herein engaged at any time and for any reason. In such event, the Consultant shall be paid such part of the fee as shall have been determined to fairly compensate the Consultant, in the sole opinion of the Town for work done by it.

6. Modifications to Agreement

This Agreement may only be modified in writing and such modification is subject to approval by the Town Board of the Town pursuant to a duly adopted resolution.

7. Performance of Professional Services

SUFFOLK ONLINE ADVERTISING will perform its service hereunder in a timely manner. SUFFOLK ONLINE ADVERTISING shall not be responsible for delays occasioned by factors beyond its control nor by factors which could not reasonably have been foreseen at the time this Agreement was executed.

SUFFOLK ONLINE ADVERTISING shall be entitled to rely on information provided by the Town provided said information is sealed by a licensed professional where appropriate or directly provided to SUFFOLK ONLINE ADVERTISING by the Town.

SUFFOLK ONLINE ADVERTISING shall perform its services in accordance with the professional standards applicable to the services provided, i.e. information technology, at the time such services are rendered.

Estimates made by SUFFOLK ONLINE ADVERTISING of probable costs and detailed cost projections represent consultant's judgment with respect

thereto. It is recognized, however, that SUFFOLK ONLINE ADVERTISING has no control over actual site conditions or the cost of materials or equipment. Accordingly, SUFFOLK ONLINE ADVERTISING cannot and does not represent or guarantee that ultimate project costs will not vary from that set forth in Exhibit A. However, SUFFOLK ONLINE ADVERTISING will advise the Town prior to ordering any materials or equipment prices if said prices have increased beyond that quoted herein.

All drawing, specifications, reports, notes and data developed pursuant to this Agreement are instruments of service, and as such, the original documents will become the property of the Town.

Except as otherwise provided herein, the parties agree that SUFFOLK ONLINE ADVERTISING's liability under this agreement and for the project shall be limited to the total contract cost to the Town as specified herein and any modifications made thereto.

8. SUFFOLK ONLINE ADVERTISING understands and recognizes that in conducting the work authorized by this agreement its employees and or agents may have access to confidential or sensitive Town documents and/or records. SUFFOLK ONLINE ADVERTISING agrees that it shall not copy, utilize, distribute or otherwise provide unauthorized access to any Town documents and/or records. SUFFOLK ONLINE ADVERTISING agrees to indemnify and hold the Town harmless from any and all damages it may incur by reason of the unauthorized distribution, use or exposure of Town documents together with the Town's reasonable attorneys fees incurred in connection with such unauthorized distribution, use or exposure of confidential Town documents. SUFFOLK ONLINE ADVERTISING shall immediately notify the Town in writing should its employees or agents become aware that copying, use, distribution or other unauthorized exposure of Town documents has occurred.

9. Controlling Law

This Agreement shall be construed according to the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto.

TOWN OF RIVERHEAD

SUFFOLK ONLINE ADVERTISING

By: \_\_\_\_\_  
Sean M. Walter, Supervisor

By: \_\_\_\_\_

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution #219

ADOPTS AMENESTY PROGRAM FOR SWIMMING POOL PERMITS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board has determined that code compliance is the best way to achieve the highest level of pool safety in the town, and

**WHEREAS**, there are currently approximately 100 outstanding swimming pool permits that have either expired or have not received a certificate of occupancy, and

**WHEREAS**, the Town Board wishes to achieve one hundred percent compliance with the code and particularly with regard to swimming pools, and

**WHEREAS**, putting safety first the Town Board has determined that an amnesty program for pool permits will encourage code compliance, and

**NOW, THEREFORE, BE IT RESOLVED**, the Building Department is hereby authorized to implement the following amnesty program for pool permits and building code compliance:

For a period of 90 days from the date of adoption of this resolution, building permit fees for swimming pool permits that have either expired or have not received a certificate of occupancy shall be waived. No first time building permit fees shall be waived, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Building Department.

THE VOTE

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 220

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH THE ATTACHED NOTICE TO BIDDERS FOR THE WEST MAIN STREET COMFORT STATION**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Board be and does hereby authorize the Town Clerk to post and publish the attached Notice to Bidders in the March 18, 2010, issue of the official Town newspaper for the West Main Street Comfort Station Renovation Project, Riverhead, New York; 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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No  
The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed proposals for the West Main Street Comfort Station Renovation Project will be received by the Town of Riverhead in the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:15 am on April 5, 2010 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about March 18, 2010 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "West Main Street Comfort Station Renovation Project" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

Please take further notice that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder.

BY ORDER OF THE RIVERHEAD TOWN BOARD  
Diane M. Wilhelm, Town Clerk

Dated: March 16, 2010

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution # 221

Reduction of Overtime

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town is projecting a revenue shortfall for 2010;

**NOW, THEREFORE BE IT, RESOLVED**, all non-emergency personnel overtime for 2010 must have written approval from the Supervisor,

**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**

Giglio  Yes  No Gabrielsen  Yes  No  
Wooten  Yes  No Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not

Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #222

**APPOINTING THE FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, LLP SPECIAL COUNSEL WITH RESPECT TO THE APPELLATE DIVISION DECISION IN RIVERHEAD V. PINE BARRENS COMMISSION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Appellate Division, Second Department, has reversed the lower Court's grant of judgment in the Town's favor in the case brought against the Central Pine Barrens Joint Planning and Policy Commission, Suffolk County Index No. 07-14186; and

**WHEREAS**, the Town has determined to seek leave to reargue the decision and/or seek leave to appeal from that decision to the Court of Appeals; and

**WHEREAS**, the Town Attorney's office has recommended that the matter be handled by outside counsel from this point forward;

**NOW THEREFORE BE IT RESOLVED**, that Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., be retained as special counsel in the aforementioned matter and same are authorized to retain the services of experts, as needed; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby approves the attached Retainer Agreement from Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, the office of the Town Attorney, and the office of Accounting.

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

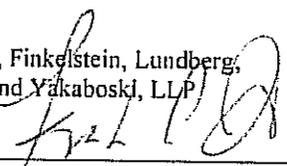
**RETAINER AGREEMENT**

AGREEMENT made this \_\_\_\_ day of March, 2010 and between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (hereinafter the Town), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, Riverhead, New York 11901 (hereinafter the Firm), pursuant to Resolution # \_\_\_\_ of the Town Board adopted on \_\_\_\_\_ as follows:

1. The Town retains the Firm to provide the legal services described in said resolution.
2. The Town agrees to pay the Firm at an hourly rate of \$175 an hour for partners; \$175 an hour for associates and \$85 an hour for paralegals.
3. The Town shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
Sean Walter  
Town Supervisor

Smith, Finkelstein, Lundberg,  
Isler and Yakaboski, LLP  
By:   
FRANK A. ISLER

3/16/10

ADOPTED

TOWN OF RIVERHEAD

Resolution #223

**APPOINTING THE FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, LLP SPECIAL COUNSEL WITH RESPECT TO THE NOTICE OF VIOLATION ISSUED BY NYSDEC REGARDING MINING**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead has been served with a Notice of Violation issued by the NYSDEC regarding allegations of sand mining without permit; and

**WHEREAS**, the Town Attorney's office has recommended that the matter be handled by outside counsel from this point forward;

**NOW THEREFORE BE IT RESOLVED**, that Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., be retained as special counsel in the aforementioned matter and same are authorized to retain the services of experts, as needed; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby approves the attached Retainer Agreement from Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, the office of the Town Attorney, and the office of Accounting.

**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**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

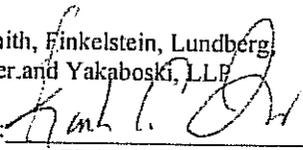
RETAINER AGREEMENT

AGREEMENT made this \_\_\_\_ day of March, 2010 and between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (hereinafter the Town), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, Riverhead, New York 11901 (hereinafter the Firm), pursuant to Resolution # \_\_\_\_ of the Town Board adopted on \_\_\_\_\_ as follows:

1. The Town retains the Firm to provide the legal services described in said resolution.
2. The Town agrees to pay the Firm at an hourly rate of \$175 an hour for partners; \$175 an hour for associates and \$85 an hour for paralegals.
3. The Town shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
Sean Walter  
Town Supervisor

Smith, Finkelstein, Lundberg  
Isler and Yakaboski, LLP  
By:   
FRANK A. ISLER

TOWN OF RIVERHEAD

Resolution #224

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLUTION #		ABSTRACT #10-11 March 11, 2010 (TBM 03/16/10)			
offered the following Resolution which was seconded by					
FUND NAME				03/11/10 CHECKRUN	GRAND TOTALS
GENERAL FUND	1				
POLICE ATHLETIC LEAGUE	4			1,000,127.07	1,000,127.07
RECREATION PROGRAM FUND	6			179.20	179.20
CHILD CARE CENTER BUILDING FUN	9			5,353.34	5,353.34
ECONOMIC DEVELOPMENT ZONE FUND	30			49.81	49.81
RECREATION YOUTH COMMITTEE FUN	31			3,408.54	3,408.54
HIGHWAY FUND	111			500.00	500.00
WATER DISTRICT	112			131,959.99	131,959.99
RIVERHEAD SEWER DISTRICT	114			116,112.65	116,112.65
REFUSE & GARBAGE COLLECTION DI	115			84,669.68	84,669.68
STREET LIGHTING DISTRICT	116			6,474.06	6,474.06
PUBLIC PARKING DISTRICT	117			54,638.45	54,638.45
BUSINESS IMPROVEMENT DISTRICT	118			3,836.17	3,836.17
AMBULANCE DISTRICT	120			64.46	64.46
EAST CREEK DOCKING FACILITY FU	122			2,216.46	2,216.46
CALVERTON SEWER DISTRICT	124			33.52	33.52
RIVERHEAD SCAVANGER WASTE DIST	128			6,329.33	6,329.33
WORKERS' COMPENSATION FUND	173			26,869.46	26,869.46
RISK RETENTION FUND	175			4,194.26	4,194.26
CDBG CONSORTIUM ACOUNT	181			1,010.51	1,010.51
RESTORE GRANT PROGRAM	184			736.28	736.28
TOWN HALL CAPITAL PROJECTS	406			697.00	697.00
YOUTH SERVICES CAP PROJECT	452			128,735.98	128,735.98
TRUST & AGENCY	735			490.56	490.56
CALVERTON PARK - C.D.A.	914			1,202,762.24	1,202,762.24
				24.91	24.91
<b>TOTAL ALL FUNDS</b>				<b>2,781,473.93</b>	<b>2,781,473.93</b>

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
 Wooten  Yes  No Dunleavy  Yes  No  
 Walter  Yes  No

The Resolution Was  Was Not   
 Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution #224**

**PAYS BILLS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLUTION # _____ ABSTRACT #10-10 March 4, 2010 (TBM 03/16/10)			
offered the following Resolution which was seconded by			
FUND NAME		03/04/10 CHECKRUN	GRAND TOTALS
GENERAL FUND	1	312,765.89	312,765.89
ECONOMIC DEVELOPMENT ZONE FUND	30	461.61	461.61
HIGHWAY FUND	111	40,305.30	40,305.30
WATER DISTRICT	112	26,059.31	26,059.31
RIVERHEAD SEWER DISTRICT	114	11,489.22	11,489.22
REFUSE & GARBAGE COLLECTION DI	115	2,940.31	2,940.31
STREET LIGHTING DISTRICT	116	1,682.82	1,682.82
PUBLIC PARKING DISTRICT	117	606.53	606.53
BUSINESS IMPROVEMENT DISTRICT	118	49.95	49.95
AMBULANCE DISTRICT	120	340.00	340.00
RIVERHEAD SCAVANGER WASTE DIST	128	5,897.80	5,897.80
WORKERS' COMPENSATION FUND	173	17,881.44	17,881.44
CDBG CONSORTIUM ACOUNT	181	5,035.00	5,035.00
TOWN HALL CAPITAL PROJECTS	406	135,313.18	135,313.18
TRUST & AGENCY	735	187,227.73	187,227.73
<b>TOTAL ALL FUNDS</b>		<b>748,056.09</b>	<b>748,056.09</b>

**THE VOTE**

Giglio  Yes  No Gabrielsen  Yes  No  
 Wooten  Yes  No Dunleavy  Yes  No  
 Walter  Yes  No

The Resolution Was  Was Not   
 Thereupon Duly Declared Adopted

3/16/10

TOWN OF RIVERHEAD

ADOPTED

Resolution #225

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION FO SETTLEMENT WITH PIKE REALTY, LLC

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town and Pike Realty, LLC have been engaged in litigation regarding the renovation of the Suffolk Theatre to further the purposed of urban renewal in downtown Riverhead, and

**WHEREAS**, the parties have arrived at a settlement which will facilitate the restoration of the Suffolk Theatre,

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the stipulation of settlement, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Thomas Maimone, Esq., the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted