

SEPTEMBER 20, 2010  
RESOLUTION LIST

- Res. #710 Adopts a Local Law to Amend Chapter 108 Entitled "Zoning" of the Riverhead Town Code (§108-58.1 Yard Sales)
- Res. #711 2009 Construction of Salt Barns Budget Adjustment
- Res. #712 Ratifies Acceptance of Coastal America Foundation Grant on Behalf of the New York Corporate Wetlands Restoration Partnership in Support of the Grangebél Park Fish Passage
- Res. #713 Authorizes the Supervisor to Execute an Addendum to Professional Services Agreement with Converged Technology Group for Computer Services
- Res. #714 Appoints Member to the Open Space/Park Preserve Committee (Nancy Gilbert)
- Res. #715 Awards Bid for Salt Storage Barns
- Res. #716 Awards Bid on Traffic Line Striping
- Res. #717 Awards Bid – Construction of Well at Plant No. 17 – Route 105 – Riverhead Water District
- Res. #718 Orders the Town Engineering Department to Facilitate the Removal of an Unsafe and Abandoned Structure Located at the Knolls of Baiting Hollow, 1411, 1311, 1211, 1111, 1410, 1310, 1210, 1100 Bluffs Drive Baiting Hollow, also Known as Suffolk County Tax Map No. 600-11.1-1-181,182, 183, 184, 185, 186, 187 and 188 and to Assess Removal Costs Against the Subject Property
- Res. #719 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Country Western Concert – October 9, 2010)

- Res. #720 Releases Maintenance Security in Connection with the Subdivision Entitled, "Map of Roanoke Landing" (Road and Drainage Improvements)
- Res. #721 Approves Chapter 90 Application of Martha Clara Vineyards, LLC ("IRIE" Therapeutic Riding Program Fundraiser – October 9, 2010)
- Res. #722 Approves Chapter 90 Application of Darkside Productions Inc. (Haunted House Walk-Through – October 1<sup>st</sup> – October 31<sup>st</sup>, 2010)
- Res. #723 Approves Chapter 90 Application of East End Arts & Humanities Council, Inc. (Downtown Dance Party – October 16, 2010)
- Res. #724 Approves the Chapter 90 Application of Riverhead Elks Lodge #2044 (Lawn Mower Event and Children's Bicycle Races – November 14, 2010)
- Res. #725 Approves the Chapter 90 Application of Riverhead Elks Lodge #2044 (Lawn Mower Event and Children's Bicycle Races – October 3, 2010)
- Res. #726 Approves the Chapter 90 Application of George M. Bartunek (Antique Car Show – October 3, 2010)
- Res. #727 Highway Department Budget Adjustment
- Res. #728 Landfill Capping and Closing Capital Project Budget Adjustment
- Res. #729 Authorizes Settlement with Certain Defendants in MTBE Litigation
- Res. #730 Authorizes Town Clerk to Advertise for Bids Project No. RDWD 06-05 Construction of Supply Well at Plant No. 15- Contract C – Civil and Electrical Work Riverhead Water District

- Res. #731 Order Calling Public Hearing Regarding Proposed Extension No. 89 to Riverhead Water District Peconic River Sportsman's Club, River Road, Manorville
- Res. #732 Appoints a Part-Time Crossing Guard (Bruce Edwards)
- Res. #733 Classifies Action and Declares Lead Agency on Special Permit of Michael Stapleton Associates and Calls Public Hearing
- Res. #734 Ratifies the Appointment of Part-Time Groundskeepers (Howard Bowe and Paul Bauerfeind)
- Res. #735 Sets Salaries for 2010 Fall/Winter Personnel for the Riverhead Youth Bureau/Recreation Department
- Res. #736 Approves Chapter 90 Application of St. John the Evangelist R.C. Church (Annual Holiday Fair – December 4, 2010)
- Res. #737 Authorizes the Release of Security of Suffolk Cement Products, Inc. in Connection with an Excavation Permit Issued by Town of Riverhead
- Res. #738 Authorization to Publish Advertisement for Work Clothes
- Res. #739 Authorization to Publish Advertisement for Milk for the Town of Riverhead
- Res. #740 Authorization to Publish Advertisement for Propane for the Town of Riverhead
- Res. #741 Riverhead Sewer Treatment Plant Upgrade Capital Project Budget Adjustment
- Res. #742 Water Department Budget Adjustment
- Res. #743 New Well Construction Plant 17 Water Capital Project Budget Adoption

- Res. #744 Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 and Authorizes the Supervisor to Enter an Agreement with an Employee Setting Terms and Conditions of Employment
- Res. #745 Accepts the Resignation of a Police Officer (Jessica Steimel)
- Res. #746 Authorizes Acceptance of Employees Retirement Pursuant to the Early Retirement Incentive Program
- Res. #747 Pays Bills
- Res. #748 Notifies NYS DEC of Calverton Sewer Upgrade Status
- Res. #749 Authorizes the Supervisor to Enter into a Professional Services Agreement for Grant Writing Services for FEMA Grant
- Res. #750 Authorizes the Supervisor to Execute Lease Agreement Authorizing the Town to Lease an Automobile from Suffolk County Office for the Aging for Transportation Use Regarding In-Home Delivery of meal Services for Elderly Residents
- Res. #751 Authorizes Town Supervisor to Execute Navy Procurement Document Regarding Riverhead Water District Extension No. 89

09.21.2010  
100710

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 710**

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE**  
**(§108-58.1 Yard sales.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 entitled, "Zoning" (§108-58.1 Yard sales.) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 3<sup>rd</sup> day of August, 2010 at 2:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (§108-58.1 Yard sales.) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to 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  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" at its regular meeting held on September 21, 2010.

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

Chapter 108  
**ZONING**

**Article XIII  
Supplementary Use Regulations**

**§ 108-58.1 Yard sales.**

A. Yard sales, attic sales, garage sales, auction sales or similar types of sales of personal property owned by the occupant of the premises and located thereon are subject to the following requirements:

- (1) No signs, except one on-premises sign and one off-premises directional sign, not larger than six square feet in size, displayed for a period of not longer than one week immediately prior to the day of such sale, shall be permitted.
- (2) The hours, location on the site and methods of operation will cause no unreasonable disturbance to the neighborhood.
- (3) The premises will be cleared of trash and debris and all signs erected will be removed the same day as the sale by sunset.
- (4) Not more than ~~three~~ four days of such sales shall be conducted on any lot within any calendar year.
- (5) To accommodate emergency vehicle access, the premises where the yard sale is to occur must be located on and abut a road that is at least 33 1/2 feet wide or otherwise the premises must provide off-street on-site parking for all patrons.
- (6) The sale of any firearm, rifle or shotgun is prohibited.

B. Registration; fee.

- (1) Prior to any operator holding such sales within any calendar year, such operator must register the dates and location with the Town of Riverhead.
- (2) A registration form shall be obtained therefore from the Town Clerk.
- (3) A fee of \$5 shall be required for each permit issued.

C. Enforcement; violations and penalties.

(1) The Ordinance Inspector shall enforce the provisions of this section.

(2) Each violation of the provisions of this section shall be punishable by a fine of not less than \$50 no more than \$500 per offense, with each day that a violation exists considered as a separate offense.

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

Dated: Riverhead, New York  
September 21, 2010

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

**DIANE M. WILHELM, Town Clerk**

09.21.2010  
100711

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 711**

**2009 CONSTRUCTION OF SALT BARNs**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, The Superintendent of Highway has requested the following budget adjustment to complete the construction of the Salt Barns;

**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>
406.092801.481111.40203	Transfer from Highway	166,000	
406.051120.543505.40203	Professional Svcs-Engineer	12,000	
406.051120.522100.40203	Salt Storage Barn		178,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Highway Department.

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100712

ADOPTED

TOWN OF RIVERHEAD

Resolution # 712

**RATIFIES ACCEPTANCE OF COASTAL AMERICA FOUNDATION GRANT ON BEHALF OF THE NEW YORK CORPORATE WETLANDS RESTORATION PARTNERSHIP IN SUPPORT OF THE GRANGEBEL PARK FISH PASSAGE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, grant funding is available from the Coastal America Foundation on behalf of the New York Corporate Wetlands Restoration Partnership to provide funds for the Town of Riverhead Peconic River Fishways Project; and

**WHEREAS**, the Town of Riverhead Community Development Department ("CDD") has, through the assistance of Laura Stephenson at the NYS DEC Peconic Estuary Program, applied for and received a FAF award of \$45,0000 grant funds for the Peconic River Fishways Project to fund the construction inspection of the rock ramp located at the south spillway in Grangebhel Park; and

**WHEREAS**, the award requires no matching grant funds.

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby ratifies the acceptance of the grant funds from the Coastal America Foundation on behalf of the New York Corporate Wetlands Restoration Partnership.

**BE IT FURTHER RESOLVED**, that Riverhead Town Board ratifies the Accounting Department to set a budget for the new grant project and payment to construction inspection contractor; and

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Community Development Agency and the Accounting Department; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100713

ADOPTED

TOWN OF RIVERHEAD

Resolution #713

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN ADDENDUM TO  
PROFESSIONAL SERVICES AGREEMENT WITH CONVERGED TECHNOLOGY  
GROUP FOR COMPUTER SERVICES**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, pursuant to Resolution #191 adopted on March 16, 2010, the Town Board authorized the Supervisor to execute a professional services agreement with Converged Technology Group for computer services; and

**WHEREAS**, it has been determined that CONVERGED TECHNOLOGY GROUP is required to perform additional work which was not foreseeable at the time the original agreement was executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute the attached Addendum to the Professional Services Agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to CONVERGED 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 Doculex 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  Thereupon Duly Declared Adopted

## ADDENDUM TO PROFESSIONAL SERVICES AGREEMENT

between

Town of Riverhead and Converged Technology Group

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2010 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and CONVERGED TECHNOLOGY GROUP, with a principal place of business at 1377 Motor Parkway, Suite 402, Islandia, NY 11749 (hereinafter referred to as "Consultant").

### WITNESSETH:

WHEREAS, pursuant to Resolution #191 adopted on March 16, 2010, the Town Board authorized the Supervisor to execute a professional services agreement with Converged Technology Group for computer services; and

WHEREAS, pursuant to the terms and provisions of the original agreement the cost for all services required shall not exceed \$5000.00 annually; and

WHEREAS, the due to building fire, Building Department staff and equipment, including computers and wiring, had to be temporarily relocated to available space within other departments until a permanent location for Building Department staff and equipment was secured such that the Town required additional services not anticipated in the original agreement; and

WHEREAS, Converged Technology Group was required to perform additional work related to the factors described above which were not reasonably foreseeable at the time the agreement was originally executed; and

WHEREAS, the Town Board seeks to authorize the additional work in an amount not to exceed two thousand dollars (\$2,000.00); and

NOW THEREFORE be it mutually agreed by and between the Town and Converged Technology Group:

The provision titled "Compensation" in the original professional services agreement dated March 24, 2010 is amended to compensate Converged Technology Group for additional services not anticipated and unforeseen at the time of the original agreement in the amount of \$2000.00 such that all services shall not exceed \$7000.00 (\$5000.00 pursuant to the original terms plus additional \$2000.00 authorized by Resolution # \_\_\_ adopted on September 21, 2010). All other provisions in the original professional services agreement shall remain in full force and effect.

\_\_\_\_\_  
Sean Walter, Supervisor

\_\_\_\_\_  
Converged Technology Group

**TOWN OF RIVERHEAD**

**Resolution # 714**

**APPOINTS MEMBER TO THE OPEN SPACE/PARK PRESERVE COMMITTEE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Chapter 14-§14-40 of the Riverhead Town Code entitled "Open Space/Park Preserve Committee" causes the establishment of an advisory body to the Town Board known as the Open Space/Park Preserve Committee (commonly referred to as the "Open Space Committee") consisting of seven members appointed by the Town Board for staggered two-year terms, including five representatives from the community at large, and one representative each from the Recreation Committee and the Conservation Advisory Council; and

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

**WHEREAS**, one vacancy presently exists on the Open Space Committee for a representative from the community at large.

**NOW, THEREFORE, BE IT RESOLVED**, the Riverhead Town Board hereby appoints Nancy Gilbert to the Open Space Committee for a two-year term expiring September 2012; and be it further

**RESOLVED**, that the Town Clerk is authorized to forward a copy of this resolution to Nancy Gilbert; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21. 2010  
100715

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 715**

**AWARDS BID FOR SALT STORAGE BARN**

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 Highway Department demolition of existing salt storage structure and construction of new salt storage facility, Riverhead, New York; and

**WHEREAS**, eight (8) bids were received, opened and read aloud on the 30<sup>th</sup> day of August, 2010 at 11:15 am in the Office of Town Clerk, 200 Howell Avenue, Riverhead, New York.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for the Highway Department Salt Storage Barn be and is hereby awarded to DeLalio-South Fork Asphalt, Inc. in the amount of Seven Hundred Six Thousand Seven Hundred Thirty Two & 00/100 (\$706,732.00); 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 Highway Salt Storage Facility; 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 of \$706,732.00; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to DeLalio-South Fork Asphalt, Inc., 224A N. Main Sreet, Southampton, NY 11968, Christine Fetten, P.E., George Woodson, Purchasing Department 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  Thereupon Duly Declared Adopted

09.21.2010  
100716

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 716**

**AWARDS BID ON TRAFFIC LINE STRIPING**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk was authorized to advertise for sealed bids on Traffic Line Striping for the use of the Riverhead Highway Department, and

**WHEREAS**, all bids were received and read aloud on the 7th of September at 11:00 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

**WHEREAS**, two bids were received,

**NOW THEREFORE BE IT RESOLVED**, that the bid for Traffic Line Striping be and is hereby awarded to Seneca Pavement Marking, 3526 Watkins Rd., Horseheads, New York 14845, and

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Seneca Pavement Marking, Highway Department Superintendent, Purchasing Agent and the Financial Administrator; and be it further

**BE IT FURTHER RESOLVED** that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21.2010  
100717

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 717**

**AWARDS BID – CONSTRUCTION OF WELL AT PLANT NO. 17 – ROUTE 105 -  
RIVERHEAD WATER DISTRICT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, this Town Board did authorize the advertisement for bids for project known as Construction of Well at Plant No. 17 of the Riverhead Water District, and

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

**WHEREAS**, H2M Group, consulting engineers to the Riverhead Water District, by attached letter dated September 15, 2010 did recommend that the bid be awarded to Gregor Well Drilling, Inc. at the total bid price of \$204,770.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for project known as Construction of Well at Plant No. 17 of the Riverhead Water District , be and is hereby awarded to:

Gregor Well Drilling, Inc.  
Hampton Bays, New York  
In the bid amount of \$204,770.00

and be it further

**RESOLVED**, that the Town Clerk forward certified copy of this resolution to the above named contractor, and be it further

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

**RESOLVED**, that the Town Supervisor be and is hereby authorized to execute a contract with Gregor Well Drilling, Inc. for this project, and be it further

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

**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  Thereupon Duly Declared Adopted



architects + engineers

575 Broad Hollow Road tel 631.756.8000  
Melville, NY 11747 fax 631.694.4122

September 15, 2010

Supervisor Sean M. Walter  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Riverhead Water District  
Construction of Well at Plant No. 17 – Route 105  
H2M Project No.: RDWD 10-01

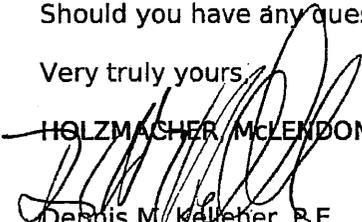
Dear Supervisor Walter:

On Thursday, February 25, 2010, the Town of Riverhead/Riverhead Water District received bids for the Construction of Test Wells at Plant No. 16 – Edwards Avenue and Plant No. 17 - Route 105. Six (6) contractors submitted bids, with the low bid on the base bid as well as the alternate bids being submitted by Gregor Well Drilling, Inc. of Hampton Bays, New York. The Town awarded work related to Well No. 16 back in February. However, since funding was not yet in place for Well No. 17, the alternate bid work was not awarded. Now that the funding for Well No. 17 has been approved by the Town, we recommend that the work related to Well No. 17 be awarded at this time. Gregor Well Drilling was the low bidder for this work at a price of \$204,770. A copy of the *bid tabulation* is enclosed for your records.

Gregor Well Drilling, Inc. has successfully completed similar projects for various water utilities over the past few years including Well No. 16. Additionally, the bid prices submitted compare to projects similar in size and nature. It is our opinion that Gregor Well Drilling, Inc. is qualified and his bid prices are fair and reasonable. Based on the above information, we recommend that the Town Board award the Construction of Test Well at Plant No. 17 to Gregor Well Drilling, Inc. at a Total Alternate Bid price of \$204,770.

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

Very truly yours,

  
HOLZMACHER, McLENDON & MURRELL, P.C.

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

DMK:slj  
Enclosures

cc: Supt. Gary Pendzick (w/encls.)  
David Cullen (w/encls.)  
Diane Wilhelm, Town Clerk (w/encls.)  
Richard Ehlers, Esq. (w/encls.)

x:\rdwd (riverhead water district) - 10810\rdwd1001 - plant no 16\correspondence\well construction\10.09.15 - walter - bid tabulation - recommendation.doc



CLIENT NAME: RIVERHEAD WATER DISTRICT

PROJECT TITLE: CONSTRUCTION OF TEST WELL AT PLANT NO. 16, EDWARDS AVENUE

PROJECT NO.: RDWD 10-01

BID DATE: FEBRUARY 25, 2010

5% BB or CC

				BIDDER		BIDDER		BIDDER		BIDDER		BIDDER		BIDDER	
				GREGOR WELL DRILLING, INC HAMPTON BAYS, NY		DELTA WELL & PUMP CO., INC. RONKONKOMA, NY		R&L WELL DRILLING LLC ISLIP, NY		LAYNE CHRISTENSON HOLBROOK, NY		A C SHULTES WOODBURY HEIGHTS, NJ		EAGLE CONTROL CORP. YAPHANK, NY	
				BB		BB		BB		BB				BB	
ITEM NO.	DESCRIPTION	QTY.	UNITS	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	SITE WORK, MOBILIZATION, AND FINAL RESTORATION				\$2,500.00		\$25,000.00		\$500.00		\$39,000.00		\$5,000.00		\$34,000.00
2	SITE WORK, MOBILIZATION, AND FINAL RESTORATION (ALTERNATE)				\$2,500.00		\$20,000.00		\$500.00		\$39,000.00		\$5,000.00		\$34,000.00
3	TEST WELL BORING FOR THE PROPOSED WELL AT PLANT No. 16				\$37,500.00		\$122,000.00		\$40,000.00		\$65,000.00		\$105,000.00		\$104,000.00
4	TEST WELL BORING FOR THE PROPOSED WELL AT PLANT No. 17 (ALTERNATE)				\$39,500.00		\$135,000.00		\$47,000.00		\$75,000.00		\$130,000.00		\$118,000.00
5	DEPTH ADJUSTMENT FOR TEST WELL BORING (CONTINGENCY)			\$20.00	\$1,000.00	\$25.00	\$1,250.00	\$20.00	\$1,000.00	\$30.00	\$1,500.00	\$25.00	\$1,250.00	\$40.00	\$2,000.00
6	ADDITIONAL TEST SCREEN SETTING (CONTINGENCY)				\$1,000.00		\$10,000.00		\$7,500.00		\$15,000.00		\$55,000.00		\$34,000.00
7	ABANDONMENT OF TEST WELL BORING OR PERMANENT WELL (CONTINGENCY)				\$0.00		\$100.00		\$100.00		\$6,000.00		\$5,000.00		\$12,000.00
8	PROPOSED WELL CONSTRUCTION				\$124,910.00		\$20,000.00		\$160,000.00		\$105,000.00		\$200,000.00		\$204,000.00
9	PROPOSED WELL CONSTRUCTION (ALTERNATE)				\$141,770.00		\$25,000.00		\$200,000.00		\$130,000.00		\$230,000.00		\$245,000.00
10	WELL DEVELOPMENT FOR THE PROPOSED WELL AT PLANT No. 16				\$2,500.00		\$10,000.00		\$5,000.00		\$14,000.00		\$10,000.00		\$14,000.00
11	WELL DEVELOPMENT FOR THE PROPOSED WELL AT PLANT No. 17 (ALTERNATE)				\$2,500.00		\$10,000.00		\$5,000.00		\$14,000.00		\$10,000.00		\$14,000.00
12	DEPTH ADJUSTMENT - WELL CONSTRUCTION (CONTINGENCY)			\$30.00	\$1,500.00	\$25.00	\$1,250.00	\$30.00	\$1,500.00	\$40.00	\$2,000.00	\$150.00	\$7,500.00	\$100.00	\$5,000.00
13	BLANK STAINLESS STEEL PIPE OR SCREEN LENGTH FOR WELL (CONTINGENCY)			\$50.00	\$1,000.00	\$100.00	\$2,000.00	\$80.00	\$1,200.00	\$100.00	\$2,000.00	\$130.00	\$2,600.00	\$160.00	\$3,200.00
14	CASH ALLOWANCE				\$12,000.00		\$12,000.00		\$12,000.00		\$12,000.00		\$12,000.00		\$12,000.00
15	DISINFECTION AND TESTING				\$1,000.00		\$1,500.00		\$5,000.00		\$4,000.00		\$5,000.00		\$7,000.00
16	DISINFECTION AND TESTING (ALTERNATE)				\$1,000.00		\$1,500.00		\$5,000.00		\$4,000.00		\$5,000.00		\$7,000.00
17	TELEVISION INSPECTIONS FOR THE PROPOSED WELL AT PLANT NO. 16				\$1,000.00		\$10.00		\$500.00		\$1,300.00		\$1,000.00		\$3,000.00
18	TELEVISION INSPECTIONS FOR THE PROPOSED WELL AT PLANT NO. 17 (ALTERNATE)				\$1,000.00		\$10.00		\$500.00		\$1,300.00		\$1,000.00		\$3,000.00
TOTAL BASE BID (SUM OF ITEMS 1, 3, 5, 6, 7, 8, 10, 12, 13, 14, 15, AND 17)					\$185,910.00		\$205,110.00		\$234,300.00		\$266,800.00		\$409,350.00		\$434,200.00
TOTAL ALTERNATE BID (SUM OF ITEMS 1 THROUGH 18)					\$374,180.00		\$396,620.00		\$492,300.00		\$530,100.00		\$790,350.00		\$855,200.00
TOTAL ALTERNATE BID (SUM OF ITEMS 2, 4, 5, 6, 7, 9, 11, 12, 13, 14, 16, AND 18)					\$204,770.00		\$218,110.00		\$281,300.00		\$301,800.00		\$464,350.00		\$489,200.00

**TOWN OF RIVERHEAD**

**Resolution # 718**

**ORDERS THE TOWN ENGINEERING DEPARTMENT TO FACILITATE THE REMOVAL OF AN UNSAFE AND ABANDONED STRUCTURE LOCATED AT THE KNOLLS OF BAITING HOLLOW, 1411, 1311, 1211, 1111, 1410, 1310, 1210, 1100 BLUFFS DRIVE, BAITING HOLLOW, ALSO KNOWN AS SUFFOLK COUNTY TAX MAP NO. 600-11.2-1-181, 182, 183, 184, 185, 186, 187 AND 188 AND TO ASSESS REMOVAL COSTS AGAINST THE SUBJECT PROPERTY**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Riverhead Town Clerk was directed to publish and post a public notice for a public hearing regarding an alleged unsafe structure as delineated above; and

**WHEREAS**, a hearing was conducted on September 8, 2010, at about 2:00 p.m., at Town Hall, for the purpose of determining the structural integrity of the delineated structure, pursuant to Chapter 54 of the Riverhead Town Code, and pursuant to statutory notice requirements; and

**WHEREAS**, the Town Board received testamentary evidence as well as other evidence in the form of exhibits during the hearing on September 8, 2010; and

**WHEREAS**, the Town Board, upon due deliberation and consideration, of all evidence adduced at the hearing, has determined that the delineated structure is unsafe and abandoned and constitutes a hazard to safety and health; and

**WHEREAS**, the evidence adduced at the hearing warrants the removal of the structure.

**NOW THEREFORE BE IT RESOLVED**, that the Town Engineering Department is ordered to facilitate the removal of the delineated structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Town in connection with the proceedings to the property owner, including the cost of actually removing said structure and/or remediate or secure the property such that the dangerous condition is not accessible to the public pursuant to Riverhead Town Code Chapter 54.

**BE IT FURTHER RESOLVED**, that a copy of this resolution shall be forwarded to The Knolls of Baiting Hollow, LLC, 1150 Portion Road, Suite 16, Holtsville, New York, 11742, via certified mail, return receipt requested; the Town Engineering Department and the Chief Fire Marshal. In addition, all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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

09.21.2010  
100719

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 719**

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS  
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION  
(Country Western Concert – October 9, 2010)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on September 1, 2010, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting a “Country Western Concert” to be held at the Peconic Riverfront, Riverhead, New York on Saturday, October 9, 2010 between the hours of 3:00 p.m. and 7:00 p.m.; and

**WHEREAS**, BIDMA 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**, BIDMA has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, BIDMA has requested that this event be exempt from Chapter 46 of the Riverhead Town Code entitled, “Alcohol Consumption”; and

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

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

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

**RESOLVED**, that the Chapter 90 Application of BIDMA for the purpose of conducting a "Country Western Concert" to be held at the Peconic Riverfront, Riverhead, New York on Saturday, October 9, 2010 between the hours of 3:00 p.m. and 7:00 p.m., is hereby approved; and be it further

**RESOLVED**, that approval for this event shall be subject to the receipt of required Suffolk County Department of Health permit(s), including the Temporary Food Service Permit; and be it further

**RESOLVED**, that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beverages during the event in or at locations by licensed alcohol service providers to be determined prior to the commencement of the event; and be it further

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee due to BIDMA's not-for-profit status; and be it further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 21 West 2<sup>nd</sup> Street, S-12, Riverhead, New York, 11901, the Riverhead Fire Marshal; Police Chief Hegermiller and the Office of the Fire Marshal.

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 720**

**RELEASES MAINTENANCE SECURITY IN CONNECTION WITH THE SUBDIVISION ENTITLED, "MAP OF ROANOKE LANDING" (ROAD AND DRAINAGE IMPROVEMENTS)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, by Resolution #1150 dated December 30, 2008, the Town Board of the Town of Riverhead accepted Merrill Lynch Pledged Collateral Account Control Agreement associated with Account #841-17264 in the original amount of \$341,666.67, representing the assurance of the completion of the roads, recharge basins and associated improvements located within the subdivision entitled, "Map of Roanoke Landing"; and

**WHEREAS**, Water Key Money in the amount of \$80,000.00 and Park and Recreation Fees in the amount of \$96,000.00 have been paid; and

**WHEREAS**, it has been confirmed by the appropriate Town Departments and Vincent Gaudiello, P.E. that all improvements have been completed in a manner that substantially conforms to the approved site plan and have sustained the one-year maintenance period.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned maintenance security in connection with the above referenced subdivision; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Morgan Creek Development, LLC, 273 Main Street, 2<sup>nd</sup> Floor, Huntington, NY, 11743; Merrill Lynch, 1010 Northern Boulevard, Great Neck, NY, 11021, Attn: Robert Smith, the Building Department, the Planning Department 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  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 721**

**APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC**  
**("IRIE" Therapeutic Riding Program Fundraiser – October 9, 2010)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on August 30, 2010, Martha Clara Vineyards, LLC had submitted a Chapter 90 Application for the purpose of conducting a fundraiser event entitled "IRIE" Therapeutic Riding Program, to include a "riderless horse show", a scarecrow making contest and pony rides, to be held on their property located at 6025 Sound Avenue, Riverhead, New York, on October 9, 2010 between the hours of 8:00 a.m. and 5:00 p.m.; and

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

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

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

**RESOLVED**, that the Chapter 90 Application of Martha Clara Vineyards, LLC for the purpose of a fundraiser event entitled "IRIE" Therapeutic Riding Program, to include

a "riderless horse show", a scarecrow making contest and pony rides, to be held on their property located at 6025 Sound Avenue, Riverhead, New York, on October 9, 2010 between the hours of 8:00 a.m. and 5:00 p.m., is hereby approved; and be it further

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

**RESOLVED**, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

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

**RESOLVED**, that 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 a "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Martha Clara Vineyards, LLC, Attn: Julia Bowman, 6025 Sound Avenue, Riverhead, New York, 11901, Police Chief David Hegermiller and the Office of the Fire Marshal.

#### **THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 722**

**APPROVES CHAPTER 90 APPLICATION OF DARKSIDE PRODUCTIONS INC.  
(Haunted House Walk-through – October 1<sup>st</sup> – October 31<sup>st</sup>, 2010)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on August 30, 2010, Darkside Productions Inc. submitted a Chapter 90 Application for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on Friday, October 1, 2010 through Sunday, October 31, 2010, between the hours of 12:00 noon and 12:00 midnight; and

**WHEREAS**, Darkside Productions, Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of Darkside Productions, Inc. for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on Friday, October 1, 2010 through Sunday, October 31, 2010, between the hours of 12:00 noon and 12:00 midnight, is hereby approved; and

be it further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

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

**RESOLVED**, that 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 a "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Darkside Productions, Inc., 4 Olive Street, Rocky Point, New York, 11778, Police Chief David Hegermiller and the Office of the Fire Marshal.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 723**

**APPROVES CHAPTER 90 APPLICATION OF EAST END ARTS & HUMANITIES COUNCIL, INC. (Downtown Dance Party – October 16, 2010)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on September 9, 2010, the East End Arts & Humanities Council Inc. (“EEAC”) submitted a Chapter 90 Application for the purpose of conducting a “Downtown Dance Party” having live music for an evening of fun and entertainment to support the revitalization of Downtown Riverhead to be held at 221 East Main Street, Riverhead, New York, on Saturday, October 16, 2010, between the hours of 8:00 p.m. and 11:00 p.m.; and

**WHEREAS**, EEAC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived; and

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

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

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

**RESOLVED**, that the application of EEAC for the purpose of conducting a "Downtown Dance Party" having live music for an evening of fun and entertainment to support the revitalization of Downtown Riverhead to be held at 221 East Main Street, Riverhead, New York, on Saturday, October 16, 2010, between the hours of 8:00 p.m. and 11:00 p.m., is hereby approved; and be it further

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

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; 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 East End Arts & Humanities Council, Inc., 133 East Main Street, Riverhead, New York, 11901; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21.2010  
100724

ADOPTED

TOWN OF RIVERHEAD

Resolution #724

**APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE #2044  
(Lawn Mower Event and Children's Bicycle Races – November 14, 2010)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on August 19, 2010, the Riverhead Elks Lodge #2044 (Riverhead Elks) submitted a Chapter 90 Application for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, November 14, 2010 between the hours of 12:00 noon and 4:00 p.m.; and

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

**WHEREAS**, the Riverhead Elks have requested the Chapter 90 Application fee for this event be waived; and

**WHEREAS**, a certificate of insurance has been received; and

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

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

**RESOLVED** that the Chapter 90 Application of the Riverhead Elks for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, November 14, 2010, between the hours of 12:00 noon and 4:00 p.m., is hereby approved subject to the conditions set forth herein; and be it further

**RESOLVED**, that there shall be no music played out of doors before 12:30 p.m.

or after 5:30 p.m. on the day of the event, including music played from vehicles; and be it further

**RESOLVED**, that the applicant shall water down the lawnmower track area to prevent excessive dust from the lawnmower races; and be it further

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

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

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

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

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

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

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21.2010  
100725

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 725**

**APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE  
#2044 (Lawn Mower Event and Children's Bicycle Races – October 3, 2010)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on August 19, 2010, the Riverhead Elks Lodge #2044 (Riverhead Elks) submitted a Chapter 90 Application for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, October 3, 2010, having a rain date of Sunday, October 17, 2010, between the hours of 12:00 noon and 4:00 p.m.; and

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

**WHEREAS**, the Riverhead Elks have requested the Chapter 90 Application fee for this event be waived; and

**WHEREAS**, a certificate of insurance has been received; and

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

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

**RESOLVED** that the Chapter 90 Application of the Riverhead Elks for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, October 3, 2010, having a rain date of Sunday, October 17, 2010, between the hours of 12:00 noon and 4:00 p.m., is hereby approved subject to the conditions set forth herein; and be it further

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

**RESOLVED**, that the applicant shall water down the lawnmower track area to prevent excessive dust from the lawnmower races; and be it further

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

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

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

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

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

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

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21.2010  
100726

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 726**

**APPROVES THE CHAPTER 90 APPLICATION OF GEORGE M. BARTUNEK**  
**(Antique Car Show – October 3, 2010)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on August 23, 2010, George M. Bartunek submitted a Chapter 90 Application for the purpose of conducting an Antique Car Show to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Sunday, October 3, 2010, having a rain date of Sunday, October 10, 2010, between the hours of 9:00 a.m. and 5:00 p.m.; and

**WHEREAS**, George M. Bartunek has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of Hallockville Inc. for the purpose of conducting an Antique Car Show to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Sunday, October 3, 2010, having a rain date of Sunday, October 10, 2010, between the hours of 9:00 a.m. and 5:00 p.m., is hereby approved; and be it further

**RESOLVED**, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Emergency Medical Services (EMS) information;

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 108-56 entitled, "Signs" and any other section of the Riverhead Town Code that may apply to this event; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to George M. Bartunek, 21 Silver Beech Lane, Calverton, New York, 11931; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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  Thereupon Duly Declared Adopted

09.21.2010  
100727

**TOWN OF RIVERHEAD**

**Resolution # 727**

**HIGHWAY DEPARTMENT**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Superintendent of Highway requests this transfer of funds to cover the costs of biodegradable bags;

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

		<u>FROM</u>	<u>TO</u>
111.051420.540000	Snow Removal	30,000	
111.051400.523000	Improvements other than buildings	13,500	
111.051100.545200	Equipment Rental	6,500	
111.051400.547504	Garbage Expense		50,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Recreation Department.

**THE VOTE**

Giglio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Gabrielsen	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Walter	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

09.21.2010  
100728

**ADOPTED**

**TOWN OF RIVERHEAD**

**Resolution # 728**

**LANDFILL CAPPING AND CLOSING  
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>
406.081600.492310.80003	DEC State Aid	200,000	
406.095731.494200.80003	Serial Bond Proceeds	76,885	
406.081600.523044.80003	Landfill Capping and Closing		276,885

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Department of Engineering.

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 729**

**AUTHORIZES SETTLEMENT WITH CERTAIN DEFENDANTS IN MTBE LITIGATION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Riverhead Town Board has authorized settlements with defendants as recommended by Napoli Bern Ripka, LLP, attorneys, and

**WHEREAS**, additional defendants have agreed to the same settlement terms.

**NOW THEREFORE BE IT RESOLVED**, that the Town Supervisor be and hereby is authorized to execute the settlement agreement with the settling defendants, Bartco Corporation; Bartco Management Corporation; individually and formally known as Getty Petroleum Corp.; Leemilt's Petroleum, Inc.; and Lyondell Chemical Company, and

**BE IT FURTHER RESOLVED**, that the Town Clerk forward a certified copy of this resolution to Frank Isler, Esq., 456 Griffing Avenue, Riverhead, NY 11901, 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  Thereupon Duly Declared Adopted

09.21.2010  
100730

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 730**

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS PROJECT NO. RDWD 06-05 CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 15 – CONTRACT C – CIVIL AND ELECTRICAL WORK RIVERHEAD WATER DISTRICT**

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 construction of Supply Well at Plant No. 15 – Contract C – Civil and Electrical Work.

**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 September 30, 2010 edition of The News Review, with regard to receiving bids for construction of Supply Well at Plant No. 15 – Contract C – Civil and Electrical Work 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  Thereupon Duly Declared Adopted

## NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 15" 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, OCTOBER 14, 2010, at which time and place all bids will be publicly opened and read aloud for:

**PROJECT NO.: RDWD 06-05**

**CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 15  
CONTRACT C - CIVIL AND ELECTRICAL WORK**

An electronic copy of the plans and specifications may be examined on or after THURSDAY, SEPTEMBER 30, 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, SEPTEMBER 30, 2010

**TOWN OF RIVERHEAD**

**Resolution # 731**

**ORDER CALLING PUBLIC HEARING REGARDING PROPOSED EXTENSION NO. 89 TO RIVERHEAD WATER DISTRICT PECONIC RIVER SPORTSMAN'S CLUB, RIVER ROAD, MANORVILLE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a petition has been filed by the US Navy to include the Peconic River Sportsman's Club located at River Road, Manorville, New York within the boundaries of the Riverhead Water District in order that public water may be provided, and

**WHEREAS**, a map and plan detailing the proposed extension has been prepared by H2M, consulting engineers to the Riverhead Water District, which report recommends the approval of proposed Riverhead Water District Extension No. 89 as more particularly set forth in the report prepared by H2M dated August 23, 2010, which is currently on file with the Riverhead Town Clerk, and

**WHEREAS**, the maximum amount to be expended for the extension is \$500,000 to be borne by the petitioner, US Navy, with no funding to be provided by the Riverhead Water District or Peconic River Sportsman's Club, and

**WHEREAS**, key money will be assessed at the rate of \$6,052 per single family dwelling unit to cover the cost of constructing capital improvement facilities, for a total amount of \$6,052, and

**WHEREAS**, the boundary of the said extension is set forth fully in the attached Exhibit A, and

**WHEREAS**, the Town Board desires to call a public hearing to consider the proposed Extension No. 89 to the Riverhead Water District.

**NOW THEREFORE BE IT RESOLVED**, the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 19<sup>th</sup> day of October, 2010 at 7:10 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead,

New York to hear all interested persons with regard to the proposed Extension No. 89 to the Riverhead Water District, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the September 30, 2010 edition of The 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  Thereupon Duly Declared Adopted

# **ENGINEERING REPORT**

## **PROPOSED EXTENSION NO. 89 PECONIC RIVER SPORTSMAN'S CLUB**

Riverhead Water District  
Town of Riverhead  
Suffolk County, New York

H2M Project No.  
RDWD 10-53

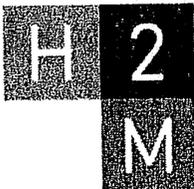
**AUGUST 2010**

**Prepared for:**

Riverhead Water District  
1035 Pulaski Street  
Riverhead, New York 11901

**Prepared by:**

Holzmacher, McLendon & Murrell, P.C.  
575 Broad Hollow Road  
Melville, New York 11747



architects + engineers



architects + engineers

575 Broad Hollow Road tel 631.756.8000  
Melville, NY 11747 fax 631.694.4122

August 23, 2010

Supervisor Sean Walter  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Riverhead Water District  
Water Main Extension No. 89  
Peconic River Sportsman's Club - River Road  
H2M Project No.: RDWD 10-53

Dear Supervisor Walter:

Enclosed please find a copy of the engineering report entitled "Proposed Extension No. 89 - Peconic River Sportsman's Club", dated August 2010. We have included, as an exhibit, a copy of the Extension No. 89 facilities plan showing the proposed water main layout and connection to the existing District.

The intention of this proposed extension of the Water District boundaries is to include the Peconic River Sportsman's Club within the District boundaries in order that public water may be provided. The request for public water was made to the District by the United States Navy and is consistent with the Environmental Impact Statement submitted at the time of transfer of the former Navy property to the Town of Riverhead Community Development Agency wherein it was determined that the Riverhead Water District would serve the property. The total cost of this extension is to be borne by the US Navy with no funding provided by the Riverhead Water District or the Sportsman's Club.

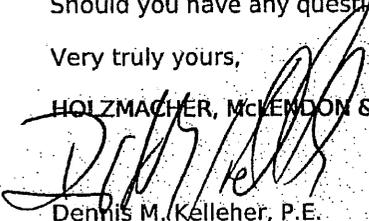
We recommend that the Town Board approve the Extension subject to the scheduling of a Public Hearing and the U.S. Navy depositing additional monies to cover the cost of the project.

We have included the necessary documents and permits for the District to make application to the New York State Department of Environmental Conservation. These documents will be forwarded to the NYSDEC once the Town Board approves the extension.

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

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

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

DMK:JRC

Enclosures

cc: Supt. Gary Pendzick (w/report)	Town Board Members (via e-mail)
Diane Wilhelm, Town Clerk (w/report)	Accounting Dept. (via e-mail)
Richard Ehlers, Esq. (w/report)	Town Assessor's Office (via e-mail)
Town Attorney's Office (via e-mail)	Lora Fly, Remedial Project Manager - U.S. Navy (w/report)

X:\RDWD (Riverhead Water District) - 10810\RDWD1053 - Sportsman club\01 - Report\Report Letter.doc

**RIVERHEAD WATER DISTRICT  
ENGINEERING REPORT  
FOR  
PROPOSED EXTENSION NO. 89  
PECONIC RIVER SPORTSMAN'S CLUB – RIVER ROAD**

**TABLE OF CONTENTS**

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2.0 DESCRIPTION OF PROPOSED EXSTENSION	1
3.0 PROJECT COSTS	3
4.0 RECOMMENDATION	3

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TABLE 1	SUMMARY OF COST OPINION
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**LIST OF EXHIBITS**

EXHIBIT A	DESCRIPTION OF EXTENSION
EXHIBIT B	PROPOSED EXTENSION AREA

**APPENDIX**

APPENDIX A	N.Y.S.D.E.C. SUBMITTAL - SHORT ENVIRONMENTAL ASSESSMENT FORM - JOINT APPLICATION FOR PERMIT - APPLICATION FOR PUBLIC WATER SUPPLY PERMIT
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**RIVERHEAD WATER DISTRICT  
ENGINEERING REPORT  
FOR  
PROPOSED EXTENSION NO. 89  
PECONIC RIVER SPORTSMAN'S CLUB**

**AUGUST 2010**

**1.0 – INTRODUCTION**

As per Town Board authorization, this report shall evaluate the proposal of extending the boundaries of the Riverhead Water District to allow public water to be provided to the Peconic River Sportsman's Club on River Road in Manorville, NY. The intention of this proposed extension of the Water District boundaries is to include the Peconic River Sportsman's Club within the District boundaries in order that public water may be provided. The request for public water was made to the District by the United States Navy and is consistent with the Environmental Impact Statement submitted at the time of transfer of the former Navy property to the Town of Riverhead Community Development Agency wherein it was determined that the Riverhead Water District would serve the property. Since the subject property is located outside the boundaries of the existing Water District, a formal extension of the District is required. The total cost of this extension is to be borne by the US Navy with no funding provided by the Riverhead Water District or the Sportsman's Club.

**2.0 – DESCRIPTION OF PROPOSED EXTENSION**

Proposed extension No. 89, Peconic River Sportsman's Club – River Road is located on the south side of River Road and the west side of Connecticut Avenue. The property is designated by four parcels on the Suffolk County Tax Map: District 600, Section 142, Block 2, Lot 1, Sublot 1; District 600, Section 143, Block 1, Lot 8, Sublot 1; District 600, Section 143, Block 1, Lot 13, Sublot 1; and District 600, Section 143, Block 1, Lot 15. The property is the site of an existing Sportsman's Club with a common clubhouse housing bathroom and kitchen facilities and accessory buildings.

The subject property currently maintains a private well for potable water. Representatives from the U.S. Navy have expressed concern about possible contamination

impacting the Club's water well from a groundwater plume emanating from the former Grumman property located directly north of the subject parcel. The private well on the property is subject to contamination by volatile organic compounds (VOCs) that exceed the maximum contaminant level (MCL) for drinking water. This extension of the District boundaries will be required to allow the Riverhead Water District to provide potable water to the Peconic River Sportsman's Club. A description of the proposed extension is presented on Exhibit "A". A location map of the subject property and proposed extension are shown on Exhibit "B".

The Riverhead Water District currently maintains no water mains along River Road where the Peconic River Sportsman's Club is located. The nearest Riverhead Water District main is located along Swan Pond Road/Grumman Blvd, on the corner of the Burman Boulevard, a distance of approximately 5,000 feet west of the corner of River Road and Connecticut Avenue. The extension of this 12" water main will require the installation of two (2) 12" valves located approximately 2,500 feet apart and five (5) fire hydrants approximately 1,000 feet apart, with the last hydrant located at the corner of River Road and Connecticut Avenue. A proposed layout of the proposed water mains and appurtenances is shown on Exhibit "B".

In order to service the Peconic River Sportsman's Club main building, a 2" water service line will be required. This service line will be tapped off the proposed 12" water main and be fed through a meter and backflow prevention device located at or near the property line. The service line work from the connection up to the property line including the meter and meter pit will be included as part of the water main contract. The owner will be responsible for the extension of the new water service across private property and up to the existing building. The US Navy will be responsible for the cost of the new service line on private property.

The main building is situated within the high pressure zone of the Riverhead Water District. Based on the elevation of the District's storage tank and the elevation of the property, we anticipate the water pressure at the main building to vary between 95 to 115 psi. Because this is a relatively high pressure, we recommend that the owner/US Navy consider the installation of a pressure reducing valve on the water service line to avoid damage to internal plumbing. The demand for this project will have a minimal impact on the facilities of the Riverhead Water District.

The Water District will require that the existing private supply well be physically disconnected from the building's plumbing that will be fed by the District's water supply. In addition, the Riverhead Water District requires that all non-residential buildings be equipped with an individual backflow prevention device. In this case, the form of device required is a double check valve. This valve shall be installed in accordance with Suffolk County Department of Health standards.

### **3.0 – PROJECT COSTS**

The total project cost to implement Extension No. 89 has been estimated at \$500,000, including construction costs, engineering, inspection, legal, administration and contingencies as shown on Table 1. It should be noted that this cost also includes the cost of service lines from the water main to the meter pit, including the pit. We understand that the cost of the service work from pit to building will also be the responsibility of the US Navy. The total cost of this extension is to be borne by the U.S. Navy at no cost to the Riverhead Water District or the Peconic River Sportsman's Club.

In addition, it is the Town of Riverheads policy to charge a Key Money fee for all new developments to cover the cost of constructing capital improvement facilities including wells, storage tanks and transmission mains. The Key Money fee is based on anticipated water use of the subject property with an average water use per single family dwelling of 665 gallons per day assessed. The Peconic River Sportsman's Club is considered equal to one single family dwelling. With a Key Money Fee of \$6,052 per single family dwelling, the total key money fee for the entire property is equal to one unit or \$6,052.

### **4.0 – RECOMMENDATIONS**

After reviewing the facts presented within this report, H2M recommends that the Town Board approve this engineering report for Riverhead Water District Extension No. 89, Peconic River Sportsman's Club – River Road and proceed with scheduling a Public Hearing. Once approved by the Town Board, the U.S. Navy will need to deposit the balance of the total project cost including the appropriate Key Money Fees (\$496,000), in order that the design and public bidding of the water main installation can proceed.

# TABLES

**RIVERHEAD WATER DISTRICT  
PROPOSED LATERAL WATER MAIN EXTENSION  
EXTENSION No. 89 - PECONIC RIVER SPORTSMAN'S CLUB**

**Summary of Cost Opinion**

**PHASE 1 - DESIGN PHASE**

ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
Engineering Report, Exhibit & Public Hearing:			\$ 4,000.00
Topographic Field Survey :			8,000.00
Preparation of Design Documents & Regulatory Submissions:			22,000.00
Bidding Services:			2,000.00
<b>SUBTOTAL (PHASE 1 - DESIGN):</b>			<b>\$ 36,000.00</b>

**PHASE 2 - CONSTRUCTION PHASE**

ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
12" CLDI Water Main	5,000 LF	\$ 58.00	\$ 290,000.00
Special Castings	2,500 LBS	2.00	5,000.00
12" Valves & Boxes	2 UNITS	2,500.00	5,000.00
Hydrants, incl. 6" valve	5 UNITS	4,000.00	20,000.00
Testing & Sampling	5,000 LF	2.00	10,000.00
Asphalt Restoration	500 SY	80.00	40,000.00
Shoulder Restoration	4,000 LF	3.00	12,000.00
2" Water Service	1 UNIT	5,000.00	5,000.00
<b>SUBTOTAL (CONSTRUCTION COSTS):</b>			<b>\$ 387,000.00</b>
Construction Administration & Map Updates:			10,000.00
Construction Observation Services:			15,000.00
Town/District Administrative Fees (7%):			27,000.00
Key Money Fees (1 unit @ \$6,052)			6,052.00
Contingencies (approx. 5%):			18,948.00
<b>SUBTOTAL (PHASE 2 - CONSTRUCTION):</b>			<b>\$ 464,000.00</b>
<b>TOTAL PROJECT COST (ALL PHASES):</b>			<b>500,000.00</b>
Less Funds Already Deposited:			4,000.00
<b>BALANCE OF FUNDS REQUIRED:</b>			<b>\$ 496,000.00</b>

**Note:**

This cost opinion does not include the cost of installing the water service line from the meter pit to the buildings, backflow prevention or disconnection from the existing well.

**EXHIBIT 'A'**

**DESCRIPTION OF EXTENSION**

**EXHIBIT "A"**

**RIVERHEAD WATER DISTRICT**

**PROPOSED EXTENSION NO. 89**

**PECONIC RIVER SPORTSMAN'S CLUB - RIVER ROAD**

**DESCRIPTION OF EXTENSION**

**AUGUST 2010**

All these certain lots, parcels of land, said property being known as District 600, Section 142, Block 2, Lot 1, Sub lot 1; District 600, Section 143, Block 1, Lot 8, Sub lot 1; District 600, Section 143, Block 1, Lot 13, Sub lot 1; and District 600, Section 143, Block 1, Lot 15, situated and lying and being at Manorville, Town of Riverhead, County of Suffolk and State of New York, along with the right-of-way known as River Road, bounded and described as follows:

**BEGINNING** at a point formed by the southerly right-of-way of River Road and the westerly right-of-way of Connecticut Avenue. Said point being POINT OF BEGINNING.

From said POINT OF BEGINNING, Traveling southerly along the westerly right-of-way of Connecticut Avenue a distance of approximately 680 feet to a point formed by the westerly right-of-way of Connecticut Avenue and the northerly property line of District 600, Section 143, Block 1, Lot 23.

**THENCE** running westerly along the northerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 100 feet to a point formed by the westerly property line of District 600, Section 143, Block 1, Lot 23 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

**THENCE** running southerly along the westerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 84 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 23 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

**THENCE** running easterly along the southerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 100 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 23 and the westerly right-of-way line of Connecticut Avenue.

formed by the easterly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 and the westerly property line of District 600, Section 147, Block 1, Lot 3, Sub lot 1.

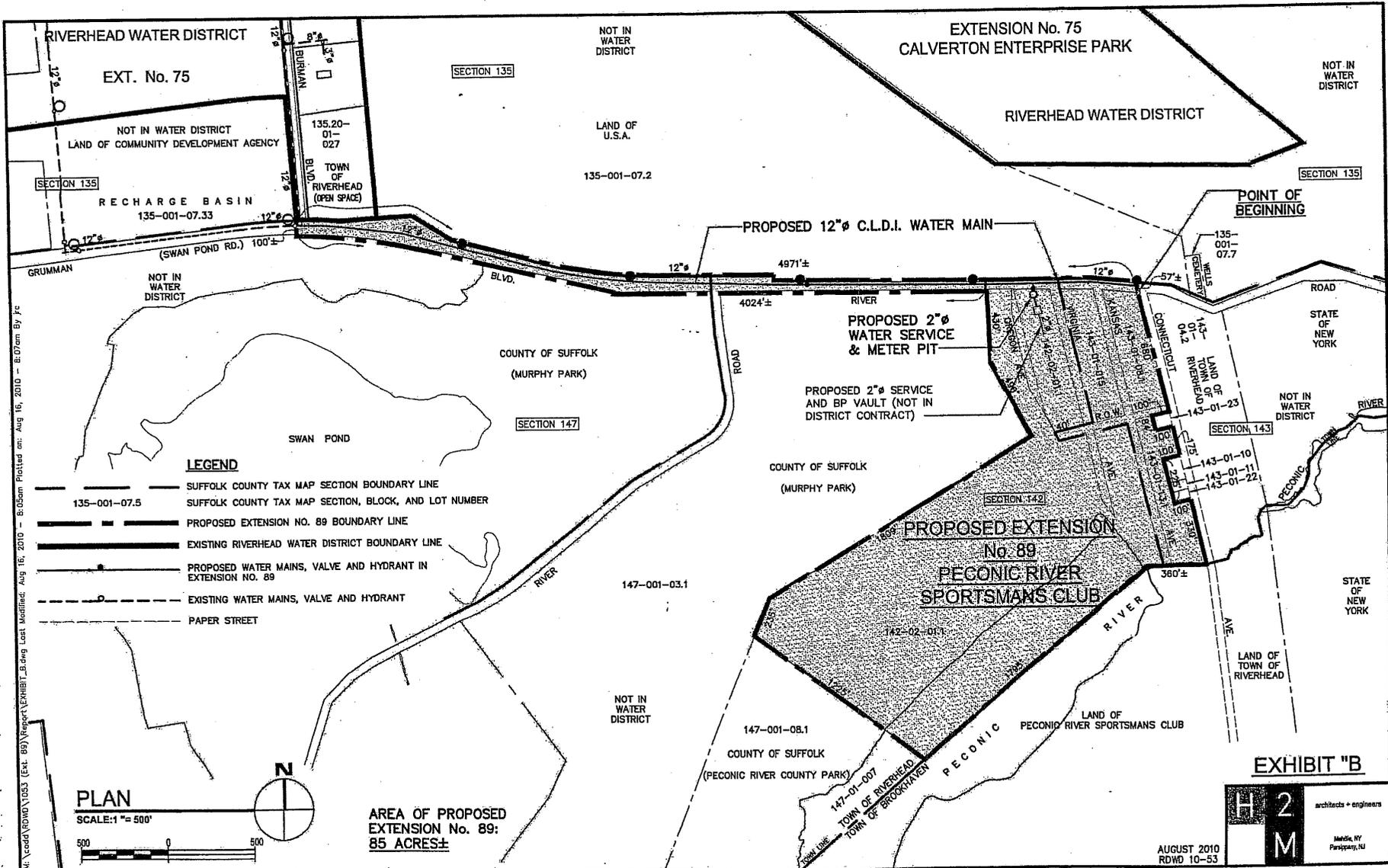
THENCE running northerly along the easterly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 a distance of approximately 2,970 feet to a point formed by the west property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 and the southerly right-of-way line of River Road.

THENCE running easterly along the southerly right-of-way line of River Road a distance of approximately 935 feet to a point formed by the southerly right-of-way line of River Road and the westerly right-of-way line of Connecticut Avenue. Said point being the POINT OF BEGINNING.

**END OF DESCRIPTION**

**EXHIBIT 'B'**

**PROPOSED EXTENSION AREA**

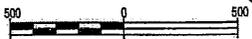


**LEGEND**

- SUFFOLK COUNTY TAX MAP SECTION BOUNDARY LINE
- SUFFOLK COUNTY TAX MAP SECTION, BLOCK, AND LOT NUMBER
- PROPOSED EXTENSION NO. 89 BOUNDARY LINE
- EXISTING RIVERHEAD WATER DISTRICT BOUNDARY LINE
- PROPOSED WATER MAINS, VALVE AND HYDRANT IN EXTENSION NO. 89
- EXISTING WATER MAINS, VALVE AND HYDRANT
- PAPER STREET

**PLAN**

SCALE: 1" = 500'



**AREA OF PROPOSED EXTENSION No. 89: 85 ACRES±**

H:\Cadd\RDWD\1053 (Ext. 89)\Report\EXHIBIT\_B.dwg Last Modified: Aug 16, 2010 - 8:05am Plotted on: Aug 16, 2010 - 8:05am By: Jc

**EXHIBIT "B"**

**H 2 M** architects + engineers  
 Maple, NY  
 Parsippany, NJ

AUGUST 2010  
 RDWD 10-53

# APPENDIX

PROJECT I.D. NUMBER

617.20

SEQR

Appendix C

State Environmental Quality Review  
**SHORT ENVIRONMENTAL ASSESSMENT FORM**  
 For UNLISTED ACTIONS Only

**PART I - PROJECT INFORMATION** (To be completed by Applicant or Project sponsor)

1. APPLICANT / SPONSOR <b>Riverhead Water District</b>	2. PROJECT NAME <b>Peconic River Sportsman's Club - River Road</b>
3. PROJECT LOCATION Municipality <b>Manorville</b> County <b>Suffolk</b>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) River Road just West of Connecticut Ave Suffolk County Tax Map: 600-143-01-008-01; 600-143-01-013-01; 600-143-01-015; 600-142-02-001-01	
5. IS PROPOSED ACTION: <input type="checkbox"/> New <input checked="" type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: Extending of public water to the main building of the Peconic River Sportsman's Club.	
7. AMOUNT OF LAND AFFECTED:      See Exhibit or Tax Map Initially <u>85</u> acres      Ultimately <u>85</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If No, describe briefly.	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input type="checkbox"/> Residential Industrial <input type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input type="checkbox"/> Park/Forest/Open Space <input checked="" type="checkbox"/> Other Describe: Sportsman's Club	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOV'T AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No    If yes, list agency(s) and permit/approvals: US Department of Defense, US Navy	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No    If yes, list agency name and permit/approval	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor Name: <u>Dennis Kelleher</u>	Date: <u>9-6-10</u>
Signature: 	

**If the action is in the Coastal Area, and you are a state agency, complete the Coastal Assessment Form before proceeding with this assessment**

OVER

**PART II - ENVIRONMENTAL ASSESSMENT (To be completed by Agency)**

A. DOES ACTION EXCEED ANY TYPE I THRESHOLD IN 6 NYCRR, PART 617.4? If yes, coord. review process and use FULL EAF.  
 Yes  No

B. WILL ACTION RECEIVE COORDINATED REVIEW AS PROVIDED FOR UNLISTED ACTIONS IN 6 NYCRR, PART 617.6? If No, a negative declaration may be superseded by another involved agency.  
 Yes  No

C. COULD ACTION RESULT IN ANY ADVERSE EFFECTS ASSOC. WITH THE FOLLOWING: (Answers may be handwritten, if legible)

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic patterns, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:

C2. Aesthetic, agricultural, archaeological, historic, or other natural or cultural resources; or community or neighborhood character? Explain briefly:

C3. Vegetation or fauna, fish, shellfish or wildlife species, significant habitats, or threatened or endangered species? Explain briefly:

C4. A community's existing plans or goals as officially adopted, or a change in use of land or other natural resources? Explain briefly.

C5. Growth, subsequent development, or related activities likely to be induced by the proposed action? Explain briefly.

C6. Long term, short term, cumulative, or other effects not identified in C1-C5? Explain briefly.

C7. Other impacts (including changes in use of either quantity or type of energy)? Explain briefly.

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIR. CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CEA?  
 Yes  No

E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?  
 Yes  No

**PART III - DETERMINATION OF SIGNIFICANCE (To be completed by Agency)**

**INSTRUCTIONS:** For each adverse effect identified above, determine whether substantial, large, important or otherwise significant.

Each effect should be assessed in connection with its (a) setting (i.e. urban or rural); (b) probability of occurring; (c) duration; (d) irreversibility; (e) geographic scope; and (f) magnitude. If necessary, add attachments or reference supporting materials. Ensure that explanations contain sufficient detail to show that all relevant adverse impacts have been identified and adequately addressed. If question D of Part II was checked yes, the determination and significance must evaluate the potential impact of the proposed action on the environmental characteristics of the CEA.

Check this box if you have identified one or more potentially large or significant adverse impacts which MAY occur. Then proceed directly to the FULL EAF and/or prepare a positive declaration

Check this box if you have determined, based on the information and analysis above and any supporting documentation, that the proposed action **WILL NOT** result in any significant adverse environmental impacts **AND** provide on attachments as necessary, the reasons supporting this determination:

**RIVERHEAD WATER DISTRICT**

\_\_\_\_\_  
 Name of Lead Agency

\_\_\_\_\_  
 Print or Type Name of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Title of Responsible Officer

\_\_\_\_\_  
 Signature of Responsible Officer in Lead Agency

\_\_\_\_\_  
 Signature of Preparer (If different from responsible officer)

\_\_\_\_\_  
 Date



NEW YORK STATE  
DEPARTMENT OF ENVIRONMENTAL CONSERVATION

DEC APPLICATION NUMBER

US ARMY CORPS OF ENGINEERS APPLICATION NO

**DISTRIBUTION**

WHITE COPY  Permit Administrator  
CANARY COPY  Corps of Engineers  
PINK COPY  Program  
GOLDENROD  Applicant

**JOINT APPLICATION FOR PERMIT**

Please read ALL instructions on back before completing this application. Please type or print clearly in ink. Attach additional information as needed.

**S T A T E**

ARTICLE 9, TITLE 1, ARTICLE 43 6NYCRR 646 (LAKE GEORGE RECREATION ZONE)  
 ARTICLE 15, TITLE 3 (AQUATIC PESTICIDES CONTROL)  6NYCRR 327 (AQUATIC VEGETATION)  6NYCRR 328 (FISH)  6NYCRR 329 (INSECTS)  
 ARTICLE 15, TITLE 5 6NYCRR 608 (PROTECTION OF WATERS)  
 For the construction, reconstruction, or repair of a DAM or other impoundment structure  
 For the disturbance of a STREAM BED OR BANKS or excavation in or fill of NAVIGABLE WATERS  401 WATER QUALITY CERTIFICATION  
 ARTICLE 15, TITLE 15  6NYCRR 601 (WATER SUPPLY)  6NYCRR 602 (LONG ISLAND WELL)  
 ARTICLE 15, TITLE 27 6NYCRR 666 (WILD, SCENIC, AND RECREATIONAL RIVERS)  
 ARTICLE 24 6NYCRR 862, 663 (FRESHWATER WETLANDS)  ARTICLE 34 6NYCRR 505 (COASTAL EROSION)  
 ARTICLE 25 6NYCRR 661 (TIDAL WETLANDS)

**F E D**

SECTION 10 (RIVER AND HARBOR ACT OF 1899) for structures and work in navigable waters of the U.S.  COASTAL CONTINGENCY CERTIFICATION  
 SECTION 404 (CLEAN WATER ACT OF 1977) for disposal of dredged or fill material in waters of U.S.  
 SECTION 103 (MARINE PROTECTION, RESEARCH AND SANCTUARIES ACT) for the transportation of dredged materials for dumping into ocean waters

1 LIST PREVIOUS PERMIT / APPLICATION NUMBERS AND DATES (if any)

See Engineer's Report

IF OTHER THAN INDIVIDUAL, PROVIDE TAXPAYER ID NUMBER

2 APPLICANT IS A/AN

Owner  Operator  Lessee  Municipality / Government Agency (Check as many as Apply)

3 NAME OF APPLICANT (Use Full Name)

Riverhead Water District

MAILING ADDRESS: 1035 Pulaski Street

POST OFFICE: Riverhead Water District

TELEPHONE (Where can be reached during day): (631) 727-3205

STATE: NY ZIP CODE: 11901

4 NAME OF

Owner  Agent / Contact person (Check One)

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

MAILING ADDRESS: H2M Group, 575 Broadhollow Road

POST OFFICE: Melville

TELEPHONE (Where can be reached during day): (631) 756-8000

STATE: NY ZIP CODE: 11747

5 PROJECT / FACILITY LOCATION (Mark location on map, see Number 1A on reverse side)

County: Suffolk Town or city: Town of Riverhead Village: Riverhead

STREET ADDRESS (if different from applicant): River Road (See Map)

POST OFFICE: Manorville

STATE: NY ZIP CODE: 11949

6 NAME OF STREAM OR BODY OF WATER: none

7 HAS WORK BEGUN ON PROJECT?  Yes  No If YES, attach explanation on starting work without permit, include dates. Show work on map and/or drawings.

8. WILL PROJECT UTILIZE STATE LAND?  Yes  No

9 PROPOSED USE:  Public  Private Commercial

10. PROPOSED STARTING DATE: none

11. APPROX. COMPLETION DATE: n/a

12. FEE OF (NYS Permit Only) \$ - Enclosed

13 PROJECT DESCRIPTION: (e.g. quantity and type of material to be excavated, dredged or used for fill or rip rap, location of disposal sites; type of structure to be installed; height of dam; size of impoundment; capacities of proposed water sources; extent of distribution system, etc.)

The existing public water system will be extended with 5,000 L.F. of 12" water main to provide water service to the Peconic River Sportsman's Club due to a contaminated water well already located on the property. The water demand for this property will have a minimal impact on the facilities of the public water system.

14 WILL THIS PROJECT REQUIRE ADDITIONAL FEDERAL, STATE, AND/OR LOCAL PERMITS?  Yes  No If yes, please list.

15 CERTIFICATION:

I hereby affirm that under penalty of perjury that information provided on this form and all attachments submitted herewith is true to the best of my knowledge and belief. False statements made herein are punishable as a Class A misdemeanor pursuant to Section 210.45 of Penal Law.

Further, the applicant accepts full responsibility for all damage, direct or indirect, of whatever nature, and by whomsoever suffered, arising out of the project describe herein and agrees to indemnify and save harmless the State from suits, actions, damages and costs of every name and description resulting from said project. In addition, Federal law, 18 U.S.C. Section 1001 provides for a fine of not more than \$10,000 or imprisonment for not more than five years, or both, where an applicant knowingly and willfully falsifies, conceals, or covers up a material fact or knowingly makes a false, fictitious or fraudulent statement

I hereby authorize the agent named in Number 4, above to submit this application on my behalf

9-6-10 DATE

[Signature] SIGNATURE

[Signature] TITLE



**APPLICATION FOR PUBLIC WATER SUPPLY PERMIT**

Read instructions on reverse side of last sheet before completing this application.

PLEASE TYPE OR PRINT CLEARLY IN INK.

FOR DEPARTMENT USE ONLY
APPLICATION NUMBER
WSA NUMBER

PROJECT DESCRIPTION (Supplement W-1)

<p>1. TYPE OF PROJECT</p> <p>Extension of the Riverhead Water District boundaries for the Peconic River Sportsman's Club on River Road</p>								
<p>2. PROJECT PURPOSE</p> <p>To provide public water service to the above property to replace a private, contaminated water well.</p>								
<p>3. THIS PROJECT INVOLVES: (Check appropriate items)</p> <p><input type="checkbox"/> ACQUISITION of existing facilities <input checked="" type="checkbox"/> INSTALLATION of new facilities <input type="checkbox"/> CHANGES in capabilities of existing facilities</p> <p><input type="checkbox"/> ABANDONMENT of existing facilities</p> <p>For items checked, provide BRIEF description or identification:</p> <p>The boundaries of the Riverhead Water District will be modified to include the subject property. The Riverhead Water District will install approximately 5,000 l.f. of new water main to service the proposed development.</p>								
<p>4.</p> <p>This project will involve the taking of up to 500 gallons of water (per minute) (per day) from Existing public supply wells</p> <p>Figure given represents <input type="checkbox"/> increase in taking or <input checked="" type="checkbox"/> total taking (proposed source)</p>								
<p>5. If certain exhibits are omitted or reduced in scope by incorporation of files on prior applications, identify such applications and exhibits: (if more than 3, use 3 most recent or 3 most significant)</p> <table border="1"> <thead> <tr> <th>WSA No.</th> <th>NAME</th> <th>EXHIBITS</th> </tr> </thead> <tbody> <tr> <td>NA</td> <td></td> <td></td> </tr> </tbody> </table>			WSA No.	NAME	EXHIBITS	NA		
WSA No.	NAME	EXHIBITS						
NA								
<p>6. PROJECT AUTHORIZATION</p> <p>List all exhibits documenting the project authorization, such as resolutions, certificates of incorporation, contracts, referendum results, etc. (See special instructions accompanying this form):</p> <p>See Attached Engineering Report</p>								
<p>7. PROJECT JUSTIFICATION</p> <p>By the act of signing this application, the applicant certifies that each of the following statutory conditions is or will be satisfied: AND that a proper justification for each is given in exhibits attached to this application.</p> <p>A. The plans proposed by the applicant are justified by public necessity.</p> <p>B. The plans take proper consideration of other sources of supply which are or may become available.</p> <p>C. The plans provide for proper and safe construction or all work connected therewith.</p> <p>D. The plans provide for the proper sanitary control of the watershed and proper protection of the supply.</p> <p>E. The plans provide for an adequate water supply.</p> <p>F. The plans are just and equitable to the other municipal corporations and civil divisions of the state affected thereby and to the inhabitants thereof, particular consideration being given to their present and future necessities for sources of water supply.</p> <p>G. The plans make fair and equitable provisions for the determination and payment of any and all damages to persons and property, both direct and indirect, which will result from the acquisition of said lands or the execution of said plans.</p>								
<p>8. SEQR STATUS</p> <p>Unlisted Action</p>								
<p>9. SIGNATURE</p>		<p>10. DATE</p> <p>9-6-70</p>						

EXHIBIT "A"  
RIVERHEAD WATER DISTRICT  
PROPOSED EXTENSION NO. 89  
PECONIC RIVER SPORTSMAN'S CLUB – RIVER ROAD  
DESCRIPTION OF EXTENSION

AUGUST 2010

All these certain lots, parcels of land, said property being known as District 600, Section 142, Block 2, Lot 1, Sub lot 1; District 600, Section 143, Block 1, Lot 8, Sub lot 1; District 600, Section 143, Block 1, Lot 13, Sub lot 1; and District 600, Section 143, Block 1, Lot 15, situated and lying and being at Manorville, Town of Riverhead, County of Suffolk and State of New York, along with the right-of-way known as River Road, bounded and described as follows:

BEGINNING at a point formed by the southerly right-of-way of River Road and the westerly right-of-way of Connecticut Avenue. Said point being POINT OF BEGINNING.

From said POINT OF BEGINNING, Traveling southerly along the westerly right-of-way of Connecticut Avenue a distance of approximately 680 feet to a point formed by the westerly right-of-way of Connecticut Avenue and the northerly property line of District 600, Section 143, Block 1, Lot 23.

THENCE running westerly along the northerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 100 feet to a point formed by the westerly property line of District 600, Section 143, Block 1, Lot 23 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

THENCE running southerly along the westerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 84 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 23 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

THENCE running easterly along the southerly property line of District 600, Section 143, Block 1, Lot 23 a distance of approximately 100 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 23 and the westerly right-of-way line of Connecticut Avenue.

THENCE running southerly along the westerly right-of-way line of Connecticut Avenue a distance of approximately 175 feet to a point formed by the northerly property line of District 600, Section 143, Block 1, Lot 10 and the westerly right-of-way line of Connecticut Avenue.

THENCE running westerly along the northerly property line of District 600, Section 143, Block 1, Lot 10 a distance of approximately 100 feet to a point formed by the westerly property line of District 600, Section 143, Block 1, Lot 10 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

THENCE running southerly along the westerly property line of District 600, Section 143, Block 1, Lots 10, 11 and 22 a distance of approximately 225 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 22 and the easterly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1.

THENCE running easterly along the southerly property line of District 600, Section 143, Block 1, Lot 22 a distance of approximately 100 feet to a point formed by the southerly property line of District 600, Section 143, Block 1, Lot 22 and the westerly right-of-way line of Connecticut Avenue.

THENCE running southerly along the westerly right-of-way line of Connecticut Avenue a distance of approximately 330 feet to a point formed by the westerly right-of-way line of Connecticut Avenue and southerly property line of District 600, Section 143, Block 1, Lot 13, Sub lot 1. Said point also being located on the boundary line of the Towns of Riverhead and Brookhaven.

THENCE running westerly and southerly along the southerly property lines of District 600, Section 143, Block 1, Lot 13, Sub lot 1 and District 600, Section 142, Block 2, Lot 1, Sub lot 1 a distance of approximately 2,155 feet to a point lying along the southerly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 and the southerly property line of District 600, Section 147, Block 1, Lot 7. Said point also being located on the boundary line of the Towns of Riverhead and Brookhaven.

THENCE running northerly and westerly along the easterly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 a distance of approximately 1,225 feet to a point

formed by the easterly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 and the westerly property line of District 600, Section 147, Block 1, Lot 3, Sub lot 1.

THENCE running northerly along the easterly property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 a distance of approximately 2,970 feet to a point formed by the west property line of District 600, Section 142, Block 2, Lot 1, Sub lot 1 and the southerly right-of-way line of River Road.

THENCE running easterly along the southerly right-of-way line of River Road a distance of approximately 935 feet to a point formed by the southerly right-of-way line of River Road and the westerly right-of-way line of Connecticut Avenue. Said point being the POINT OF BEGINNING.

**END OF DESCRIPTION**

09.21.2010  
100732

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 732**

**APPOINTS A PART-TIME CROSSING GUARD**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the need for a part-time Crossing Guard exists in the Riverhead Town Police Department; and

**WHEREAS**, pending the results of a successfully completed background investigation, a recommendation by the Chief of Police and the Personnel Officer has been received to appoint Bruce Edwards to this part-time position.

**NOW, THEREFORE, BE IT RESOLVED**, that effective September 22, 2010 this Town Board hereby appoints Bruce Edwards to the position of part-time Crossing Guard at the hourly rate of \$11.00.

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Bruce Edwards, the Riverhead Town Police Department, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from DocuLex, and if needed, a certified copy of same can 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  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 733**

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY ON SPECIAL PERMIT OF MICHAEL STAPLETON ASSOCIATES AND CALLS PUBLIC HEARING**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from John Harvey, Director of Canine Operations Michael Stapleton Associates pursuant to Article XXVIA and Section 108-22B.(3) of the Riverhead Town Code, for the conversion of a 1,152sq.ft. horse stall area of an existing barn to operate a dog kennel facility on a 6.2677ac. parcel zoned Agriculture Protection Zone (APZ); such property more particularly described as SCTM 0600-48-1-3.4, and

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

**WHEREAS**, the Riverhead Planning Department has reviewed these materials and has assessed the petition as a Type II action pursuant to 6NYCRR Part 617.5(c)(7); with agency SEQR responsibilities ending with such designation and no determination of significance being needed, and

**WHEREAS**, the Planning Department has prepared a SEQR memo on the project's impact upon the natural and social environment as well as issues pertaining to the considerations and determinations of special permits, and

**WHEREAS**, the Town Board desires to proceed with the requisite public hearing, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Michael Stapleton Associates which it classifies as a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent and is directed to publish and post the following notice of public hearing in the September 30<sup>th</sup> , 2010 issue of the 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  Thereupon Duly Declared Adopted

**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 Ave., Riverhead, New York on the 19<sup>th</sup> day of October 2010 at 7:05 o'clock PM to consider the special use permit of Michael Stapleton Associates to convert a 1,152sq.ft. horse stall area of an existing barn to operate a dog kennel facility on a 6.2677ac. parcel zoned Agriculture Protection Zone (APZ) pursuant to Article XXVIA and Section 108-22B.(3) of the Riverhead Town Code; such property being located on Main Road (SR25) and Aliperti Road, Jamesport, New York and more particularly described as SCTM 0600-48-1-3.4.

Dated: Riverhead, New York  
September 21, 2010

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

09.21. 2010  
100734

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 734**

**RATIFIES THE APPOINTMENT OF PART-TIME GROUNDSKEEPERS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, employees have been serving in the position of Seasonal Groundskeepers in the Buildings and Grounds Division of the Town Engineer's Department to maintain Town properties; and

**WHEREAS**, due to staffing shortages a request has been made by the Department Head to change their status to that of a part-time designation in order to comply with Civil Service regulations, thereby allowing the Town to employ said individuals after September 15, 2010.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby ratifies the appointment of Howard Bowe and Paul Bauerfeind to the positions of Part-Time Groundskeeper I effective as of September 15, 2010 and continuing through December 31, 2010 at no change to their hourly rate of pay.

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Howard Bowe, Paul Bauerfeind, Engineering Department, the Personnel Director and the Financial Administrator; 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  Thereupon Duly Declared Adopted

09.21.2010  
100735

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 735**

**SETS SALARIES FOR 2010 FALL/WINTER PERSONNEL FOR THE RIVERHEAD  
YOUTH BUREAU/RECREATION DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead Youth Bureau needs to set salaries for Youth Bureau/ Recreation Department personnel for the Fall/Winter 2010 Youth Bureau Programs,

**NOW THEREFORE BE IT RESOLVED**, that effective September 21, 2010, this Town Board sets salaries for the 2010 Fall/Winter personnel for the Youth Bureau

**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 ABSTAIN  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

RIVERHEAD YOUTH BUREAU/RECREATION DEPARTMENT  
 FALL/WINTER APPOINTMENTS  
 9/21/10 TOWN BOARD MEETING

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Barrow	Eugene	Call in Rec. Leader I	I	9/21/10	12/31/10	\$10.50
Dunleavy	Jennifer	Call in Rec. Leader II	II	9/21/10	12/31/10	\$12.00
Nieves	Alexa	Call in Rec. Aide II	II	9/21/10	12/31/10	\$10.00
Yeager	Drew	Call in Rec. Leader I	II	9/21/10	12/31/10	\$11.55

D. Lyczkowski: Youth Bur. Fall/Winter 2010 Reso.

09.21.2010  
100736

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 736**

**APPROVES CHAPTER 90 APPLICATION OF ST. JOHN THE EVANGELIST R.C. CHURCH (Annual Holiday Fair – December 4, 2010)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on June 21, 2010, St. John the Evangelist R.C. Church submitted a Chapter 90 Application for the purpose of conducting their “Annual Holiday Fair” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, December 4, 2010 between the hours of 9:00 a.m. and 3:00 p.m.; and

**WHEREAS**, St. John the Evangelist R.C. Church 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 applicant has requested the Chapter 90 application fee be waived; and

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

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

**RESOLVED** that the Chapter 90 Application of St. John the Evangelist R.C. Church, for the purpose of conducting their “Annual Holiday Fair” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, December 4, 2010 between the hours of 9:00 a.m. and 3:00 p.m. is hereby approved; and be it

further

**RESOLVED**, that this approval is subject to an updated certificate of insurance *no later than November 15, 2010*; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 108-56, "Signs" and any other sections of the Town Code that may apply to this event; and be it further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

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

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to St. John the Evangelist R.C. Church, 546 St. John's Place, Riverhead, New York, 11901, the Riverhead Fire Marshal and Police Chief David Hegermiller.

LCalamita

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter ABSTAIN

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 737

**AUTHORIZES THE RELEASE OF SECURITY OF SUFFOLK CEMENT PRODUCTS,  
INC. IN CONNECTION WITH AN EXCAVATION PERMIT ISSUED BY TOWN OF  
RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, pursuant to Riverhead Town Board resolution dated October 18, 2005, the Town Board granted an Excavation Permit to Suffolk Cement Products, Inc., valid through August 20, 2007, authorizing the excavation of up to 15 acres of property as approved in the permit issued by the New York State Department of Environmental Conservation dated August 20, 2002 as is shown on the Excavation Plan prepared by Howard Young, P.E., dated February 8, 2003, showing excavation of not more than 15 acres of the subject real property; and

**WHEREAS**, the Town Board required that prior to the issuance of the Excavation Permit, Suffolk Cement Products, Inc. post an Irrevocable Letter of Credit with the Town Clerk in an amount to be determined by the Town Engineer based upon the cost of reclamation pursuant to Section 62-9 of the Town Code of the Town of Riverhead; and

**WHEREAS**, the Town Engineer did estimate and determine that the cost of reclamation would be \$544,000.00; and

**WHEREAS**, Suffolk Cement Products, Inc, did submit Suffolk County National Bank Irrevocable Letter of Credit No. 060426 in the amount of \$544,000.00 for the period of October 18, 2005 through August 20, 2007, which was thereafter renewed for the periods through August 30, 2008, September 30, 2009 and September 30, 2010; and

**WHEREAS**, the Riverhead Building Department did issue Riverhead Town Excavation Permit No. 05-503 for the period of November 20, 2005 through August 20, 2007; and; and

**WHEREAS**, The Riverhead Town Board, pursuant to Resolution #1102 dated November 20, 2007, did amend Chapter 62 of the Riverhead Town Code deleting the entire provision therein which had provided for Bank and Pit Excavations, and as a result thereof, the Town of Riverhead no longer grants Bank and Pit Mining Excavation permits; and

**WHEREAS**, Suffolk Cement Products, Inc. has received and currently holds a New York State Department of Environmental Conservation Mining Permit for the aforesaid premises located at Osborne Avenue and Youngs Avenue, Baiting Hollow, New York, further described as Suffolk County Tax Map #0600-80-2-11, effective from April 4, 2008 to an expiration date of April 3, 2013; and

**WHEREAS**, Suffolk Cement Products, Inc. does maintain a Surety Bond with Traveler's Casualty and Surety Company of America. The Bond was issued on behalf of Suffolk Cement Products, Inc. in favor of the New York State Department of Environmental Conservation to cover the cost of reclamation of the aforementioned mining project upon the subject premises, and

**WHEREAS**, the Riverhead Town Board has reviewed all the relevant information and has determined that Suffolk Cement Products, Inc. shall no longer be required to post an irrevocable letter of credit to cover the cost of reclamation pursuant to Section 62-10 of the Riverhead Town Code.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of Suffolk County National Bank Irrevocable Letter of Credit #060426 in the sum of \$544,000.00; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Charles E. Raffe, Esq., 727 Union Avenue, Riverhead, New York, 11901; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution Doculex 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  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 738**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR  
WORK CLOTHES**

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

**WHEREAS**, the Town Clerk is authorized to publish and post a Request for proposals for WORK CLOTHES FOR THE TOWN OF RIVERHEAD and;

**BE IT RESOLVED**, the Town Clerk is hereby authorized to publish and post the following public notice in the SEPTEMBER 30, 2010 issue of the News Review and;

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed bids for the purchase of WORK CLOTHES for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until 11:00 a.m. on OCTOBER 12, 2010.

Bid packets, including Specifications, may be obtained on line 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.

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation BIDS FOR WORK CLOTHES 2010.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

09.21.2010  
100739

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 739**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR**  
**MILK FOR THE TOWN OF RIVERHEAD**

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

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

**BE IT RESOLVED**, the Town Clerk is hereby authorized to publish and post the following public notice in the SEPTEMBER 30, 2010 issue of the News Review and;

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed bids for the purchase of MILK for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until 11:10 a.m. on OCTOBER 12, 2010.

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation BID FOR MILK.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

**TOWN OF RIVERHEAD**

**Resolution # 740**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR PROPANE  
FOR 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 PROPANE FOR THE TOWN OF RIVERHEAD and;

**BE IT RESOLVED**, the Town Clerk is hereby authorized to publish and post the following public notice in the SEPTEMBER 30, 2010 issue of the News Review and;

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**NOTICE TO BIDDERS**

**Sealed bids for the purchase of PROPANE for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until 11:05 a.m. on OCTOBER 12, 2010.**

**Bid packets, including Specifications, may be obtained on our website at 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.**

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

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

**All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation BIDS FOR PROPANE 2010-2011.**

**BY ORDER OF THE TOWN BOARD**

**Diane M. Wilhelm, Town Clerk**

09.21.2010  
100741

ADOPTED

TOWN OF RIVERHEAD

Resolution # 741

RIVERHEAD SEWER TREATMENT PLANT UPGRADE

CAPITAL PROJECT BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a Capital Project was adopted 4/6/2010, Resolution 10-279 for the Riverhead Sewer District Treatment Plant Upgrade; and

**WHEREAS**, the Sewer District Superintendent requests a transfer in order for the project's design to continue;

**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>
130.000000.49999	Riverhead Sewer Reserve	200,000	
414.083100.543504.20031	Professional Services Engineering		200,000

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

THE VOTE

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100742

**ADOPTED**

**TOWN OF RIVERHEAD**

**Resolution # 742**

**WATER DEPARTMENT**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, additional funds are requested from the Superintendent of Water to cover year end services;

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
112.083100.512500	Overtime	8,000	
112.083100.542113	Postage		8,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Recreation Department.

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100743

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 743**

**NEW WELL CONSTRUCTION PLANT 17 WATER CAPITAL PROJECT**

**BUDGET ADOPTION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Bond Resolution #610 authorized the issuance of \$1,980,000 for the cost of the increase and improvement of the facilities of the Riverhead Water District; and

**WHEREAS**, the Superintendent of Water requests a Capital Budget be adopted.

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

	<u>FROM</u>	<u>TO</u>
412.095731.494200.30102 Serial Bond Proceeds	1,980,000	
412.083200.523010.30102 Construction		1,465,000
412.083200.543501.30102 Professional Services Engineering		250,000
412.083200.547900.30102 Special Items – Contingency		104,000
412.083200.521000.30102 Capital Outlay – Land		161,000

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

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100744

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution #744**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL  
1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 AND  
AUTHORIZES THE SUPERVISOR TO ENTER AN AGREEMENT WITH AN EMPLOYEE  
SETTING TERMS AND CONDITIONS OF EMPLOYMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the annexed stipulation and agreement between Sharon Klos setting terms and conditions of part time employment and authorizes the Town Supervisor to execute same with his signature; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Supervisor, Matthew Hattorff, CSEA Unit President, Dawn C. Thomas, Town Attorney and William Rothaar, Financial Administrator.

**THE VOTE**

Giglio Recused herself      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

## STIPULATION

Made this \_\_\_\_\_ day of September 2010, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garret Place, Commack, New York (CSEA),

WHEREAS, the Sharon Klos is employed as a Building Permits Coordinator in the Building Department and is a member of Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, Sharon Klos wishes to retire from her position in the Building and to resume work as a Building Permits Coordinator in a part time capacity without continuing her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, the Town wishes to retain Sharon Klos as a part time Building Permits Coordinator,

NOW, THEREFORE, it is mutually agreed as follows:

1. That position of part-time Building Permits Coordinator shall be exempt from the Union.

2. That the full time Building Permits Coordinator title shall be part time and will expire two years from the execution of this stipulation.
3. The Town agrees to reinstate the full time position into the CSEA contract
4. This stipulation shall not, in any way, constitute “past practice” for the Town of Riverhead or the CSEA and is and shall remain specific to this matter.

---

Sean M. Walter, Supervisor

---

Matthew E. Hattorff, for CSEA

Agreement made and entered into the \_\_\_\_\_ day of September, between THE TOWN OF RIVERHEAD, County of Suffolk, State of New York, hereinafter referred to as the "Town", and Sharon Klos, hereinafter referred to as "Klos."

**WITNESSETH:**

WHEREAS, Klos has been employed by the Town since 1993 and has retired effective October 31, 2010, and

WHEREAS, the Town wishes to rehire Klos on a part time basis and the Town desires to provide Klos with written terms and conditions of employment in order to enhance administrative stability and continuity within the Town, which the Town believes generally improves the quality of its overall mission; and

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

WHEREAS, the Agreement supersedes all prior agreements between the parties; and

WHEREAS, the agreement has been negotiated by the parties and said negotiations and agreements have been reduced in writing in the agreement, which cannot be, in whole or in part, amended orally by the parties.

NOW THEREFORE, in exchange of the mutual covenants and considerations, it is agreed that the terms and conditions of employment of Klos in her position as Building Permits Coordinator of the Building Department, shall, effective upon execution of this contract and stipulation, be as follows:

**ARTICLE I**

**DURATION**

1. This Agreement shall be effective as of as of the date that the New York State Retirement System accepts the retirement of Klos and shall continue in full force and effect for a period of two years following the effective date.

**ARTICLE II**

**RECOGNITION**

1. The Town recognizes Klos' right to bargain for the terms and conditions of her employment with the Town. Both parties acknowledge that ther Agreement is personal to Klos

and shall not inure to her successor. Such recognition is for the period of the Agreement or extensions hereof.

2. Klos affirms that she does not assert the right to strike against the Town, or to assist or participate in any such strike, picket, job action or any work slowdown.

3. The Town recognizes Klos' right to designate a representative to appear on her behalf to discuss salaries, working conditions, grievances and disputes relative to the terms and conditions of the Agreement and to confer with Klos during working hours. The representative's activities shall not disrupt the orderly and smooth operation of Town government.

### **ARTICLE III**

#### **HOURS OF WORK**

1. Klos' minimum basic work week shall be seventeen and one half hours. However, Klos shall be entitled to flex her basic work week hours over each pay period. In addition, with the approval of the Supervisor, Klos shall be entitled to adjust her schedule such as he deems necessary provide Klos has arranged for adequate coverage of her duties and has adequate sick and vacation time to enable him to be paid for said time off. There shall be no maximum number of hours of work per week. Klos shall not receive additional compensation for hours worked in excess of seventeen and one half hours. Klos is not entitled to earn, accrue, or be paid for overtime or compensatory time

2. Klos shall be entitled to the same paid holidays as set forth in the CSEA contract at the rate of one half day.

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

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

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

6. Parentage Leave. Klos shall receive a parentage leave as defined in the in the current CSEA contract

## **ARTICLE IV**

### **VACATIONS**

1. Klos shall be entitled to twelve and one half (12.5) working days' vacation (January 1 to December 31).

2. Klos, upon request, shall be paid her vacation pay prior to the vacation, providing he shall have given three (3) weeks' notice to the Supervisor.

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

## **ARTICLE V**

### **SICK LEAVE**

1. Sick leave is absence necessitated by Klos' illness or other physical disability. Klos shall be entitled to seven and one half (7.5) sick days per annum. In order to receive sick leave, Klos shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him/her, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination Klos before her return to work.

2. Klos, or her legal representative, upon severance, is entitled to payment for unused sick leave.

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

## **ARTICLE VI**

### **GRIEVANCE PROCEDURE**

#### **1. Consideration of Grievance.**

A grievance by Klos shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request Klos to submit any agreed statement of facts or her version of the facts, or any other documents that the Town Board may deem pertinent to the

determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise Klos. The decision of the Town Board shall be final and all parties bound thereby.

2. Time of Hearings.

All discussions and hearings shall, so far as practicable, be conducted during working hours.

3. Representation.

Klos shall have the right at all times to representation of her choosing.

4. Limitations.

If a grievance occurs and cannot be resolved immediately, Klos shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances which are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

5. Withdrawn Grievances.

Klos may withdraw a grievance at any point in the grievance procedure.

## **ARTICLE XII**

### **MANAGEMENT RIGHTS**

1. Klos recognizes that all of the functions, rights, powers, responsibilities and authority of the Town which the Town has not specifically abridged, deleted, delegated, granted or modified by her Agreement are, and shall remain, exclusively those of the Town. Klos recognizes that the Town has the responsibility to manage the Town, direct its employees, determine the number of employees it will employ, has the right to hire, suspend, discharge, discipline, promote, demote, or transfer its employees, subject, however, to the provisions of the Civil Service Law.

Klos agrees, in recognition of management's rights, not to request the Town to bargain with respect to the preceding paragraph during the term of their Agreement, except as otherwise specifically provided for herein, either as to the basic decision or as to the effect of that decision upon wages, hours and other terms and conditions of employment. Any violation of the Agreement is subject to the Grievance procedure.

2. The Town Board recognizes that Klos' title with Suffolk County Civil Service shall remain Building Permits Coordinator. Klos and the Town Board recognize that strikes and other forms of work stoppages by Civil Service employees are contrary to law and public policy. Klos and the Town Board subscribe to the principle that differences shall be resolved by peaceful and appropriate means without interruption of the normal duties necessary to the operation of the Town.

Klos, therefore, agrees that he will not engage in a strike, work stoppage, job action or concerted refusal to perform work.

## ARTICLE IX

### GENERAL PROVISIONS

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

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

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

4. If Klos is absent without leave or without due notification to the Supervisor, he shall suffer loss of pay for the days of such absence.

5. Klos shall receive a medical examination once a year and inoculations, when

necessary, at the expense of the Town and by a physician selected by the Town.

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

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

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

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

10. The Town shall make available a safe and reliable vehicle to Klos for use on Town business. The Town Board, at its discretion, may determine that Klos has responsibilities on a twenty-four (24) hour basis that require that a vehicle be provided on that basis.

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

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

**ARTICLE X**

**WAGES**

Klos shall receive the following annual salary:

\$30,000.00

Klos' base salary for each remaining year of the Agreement shall not be less than that of the preceding year.

IN WITNESS WHEREOF, the parties hereto by their duly authorized representatives, have executed the Agreement the day and year stated above.

TOWN BOARD OF THE TOWN OF RIVERHEAD

BY:

\_\_\_\_\_  
SEAN M. WALTER, Town Supervisor

\_\_\_\_\_  
SHARON E. KLOS

09.21.2010  
100745

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 745**

**ACCEPTS THE RESIGNATION OF A POLICE OFFICER**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Chief of Police David J. Hegermiller has received notification from Jessica Steimel stating she is resigning from her position of Police Officer with the Riverhead Police Department, effective September 20, 2010.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the resignation submitted by Jessica Steimel; and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 746

**Authorizes Acceptance of Employees Retirement Pursuant to the Early Retirement Incentive Program**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board conducted a public hearing on September 7, 2010, to consider a local law for the offer and support of the Town of Riverhead Early Retirement Incentive Program; and

**WHEREAS**, the Town Board enacted a local law codified as Chapter 113 in the Riverhead Town Code entitled "Town of Riverhead Early Retirement Incentive Program" on or about July 20, 2010, pursuant to resolution number 590-2010; and

**WHEREAS**, the Town of Riverhead reserved the right to establish a minimum percentage of eligibility participation in order to proceed with this program; and

**WHEREAS**, four Town of Riverhead employees have proffered their intention of retiring in reliance upon the Town of Riverhead Early Retirement Incentive Program during the applicable retirement incentive window which ended on September 7, 2010.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead waives its right to establish a minimum percentage of eligibility participation solely related to this specific Town of Riverhead Early Retirement Incentive Program but reserves the right to establish a minimum percentage of eligibility participation regarding any other future retirement incentive programs.

**BE IT FURTHER RESOLVED**, that the Town of Riverhead formally offers the Town of Riverhead Early Retirement Incentive Program to eligible employees.

**BE IT FURTHER RESOLVED, AND THE TOWN OF RIVERHEAD DOES DECLARE**, that in the event an eligible employee, as a retiree in the program, dies between the retirement effective date and before expiration of forty-eight (48) months, the Town of Riverhead shall continue to honor and offer the program offerings codified in Chapter 113-6, including the family health insurance coverage and medical cost supplement, as applicable to the eligible employee, and as subject to applicable law, rule, regulation or court order.

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

**THE VOTE**

Giglio Recused herself    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 # 747

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

ABSTRACT #10-38 SEPTEMBER 16, 2010 (TBM 09/21/10)				
FUND NAME			09/16/10 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,457,267.42	1,457,267.42
POLICE ATHLETIC LEAGUE	4		5,941.68	5,941.68
RECREATION PROGRAM FUND	6		3,941.90	3,941.90
CHILD CARE CENTER BUILDING FUN	9		515.69	515.69
ECONOMIC DEVELOPMENT ZONE FUND	30		489.86	489.86
MULTI YEAR OPERATING GRANT FUN	99		74,970.00	74,970.00
HIGHWAY FUND	111		40,436.25	40,436.25
WATER DISTRICT	112		1,093,959.98	1,093,959.98
RIVERHEAD SEWER DISTRICT	114		99,466.90	99,466.90
REFUSE & GARBAGE COLLECTION DI	115		3,430.55	3,430.55
STREET LIGHTING DISTRICT	116		7,193.38	7,193.38
PUBLIC PARKING DISTRICT	117		3,522.38	3,522.38
AMBULANCE DISTRICT	120		1,518.71	1,518.71
EAST CREEK DOCKING FACILITY FU	122		1,122.89	1,122.89
CALVERTON SEWER DISTRICT	124		7,051.74	7,051.74
RIVERHEAD SCAVANGER WASTE DIST	128		16,293.69	16,293.69
WORKERS' COMPENSATION FUND	173		1,415.04	1,415.04
CDBG CONSORTIUM ACOUNT	181		379.00	379.00
COMMUNITY DEVELOPMENT AGENCY C	405		377,549.13	377,549.13
TOWN HALL CAPITAL PROJECTS	406		223,041.80	223,041.80
RIVERHEAD SEWER CAPITAL PROJEC	414		30,259.20	30,259.20
MUNICIPAL FUEL FUND	625		20,018.66	20,018.66
TRUST & AGENCY	735		38,748.25	38,748.25
<b>TOTAL ALL FUNDS</b>			<b>3,508,534.10</b>	<b>3,508,534.10</b>

THE VOTE

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

The Resolution Was  Thereupon Duly Declared Adopted

09.21.2010  
100748

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 748**

**NOTIFIES NYS DEC OF CALVERTON SEWER UPGRADE STATUS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, in order to provide for the orderly development of the former Grumman Plant at Calverton the Riverhead Town Board applied for Bond Act funding from the Peconic Estuary Program to reconstruct and improve the Calverton Sewer Plant in 2003, and

**WHEREAS**, grant funding was approved for a portion of the cost of the project, and

**WHEREAS**, additional grant applications have been filed from time to time by the Calverton Sewer District which have not been approved, and

**WHEREAS**, the current cost of the project is estimated to be \$6,500,000 of which \$2,500,000 would be paid by the grant leaving \$4,000,000 to be borne by the properties within the Calverton Sewer District, and

**WHEREAS**, the bonded indebtedness of \$4,000,000 would cause a 1,300 percent increase in the current ad valorem tax of the Calverton Sewer District, and

**WHEREAS**, the current daily flow through the plant is 20,000 gallons per day well below the current design flow of 150,000 gallons per day, and

**WHEREAS**, New York State has asked the Calverton Sewer District to certify a construction schedule.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board as governing body of the Calverton Sewer District hereby advises New York State Department of Environmental Conservation that a construction schedule cannot in good faith be determined at this time and therefore must defer utilization of the grant until other grants and financing are available, and

**BE IT FURTHER RESOLVED**, that the District will submit a new funding application when economic conditions and flow capacity can support this project, and

**BE IT FURTHER RESOLVED**, that grant application for Project ID No. 2003WQI6095/Contract No. C302560 be and hereby is withdrawn, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward copies of this resolution to Superintendent Michael Reichel, Frank Isler, Esq., Frank Russo, P.E., H2M Group, 175 Pinelawn Road, Suite 308, Melville, NY 11747, Jack McKeon, Deputy Commissioner, NYS DEC, Office of Administration, 14<sup>th</sup> Floor, 625 Broadway, Albany, NY 12233-1010, Mark Klotz, NYS DEC, Albany, NY 12233-1010, and Anthony Leung, P.E., Regional Project Manager, NYS DEC, Region 1, 50 Circle Road, SUNY-Stony Brook, Stony Brook, NY 11790-2356, 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

On a motion of Councilman Dunleavy, seconded by Councilman Wooten, resolution #748 TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter  
NO - 0

09.21.2010  
100749

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 749**

**AUTHORIZES THE SUPERVISOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT FOR GRANT WRITING SERVICES FOR FEMA GRANT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead experienced unprecedented flooding due to storms in March and April 2010, and

**WHEREAS**, FEMA has offered a grant for assistance to communities which were distressed by the unprecedented flooding, and

**WHEREAS**, the grant must be submitted by September 30, 2010, and will involve many hours of work to assemble relevant information and data, and

**WHEREAS**, the Town Board feels it is of the utmost importance to receive grant monies to assist flood victims on Horton Avenue and elsewhere within the Town of Riverhead, and

**WHEREAS**, the Town Board believes it is in the best interest of the Town resident to retain an experienced grant writer to assist with the submission of the grant,

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a Professional Services Agreement substantially in the form attached hereto with Jennifer Mesiano, and be it further

**RESOLVED**, that the Jennifer Mesiano be compensated as set forth in the agreement, but said compensation, excluding approvable disbursements, shall not exceed \$7,000.00 without prior Town Board approval, and be it further,

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Jennifer Mesiano, Financial Administrator and the Chief of Police; and be it further

**RESOLVED**, all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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

On a motion of Councilman Dunleavy, seconded by Councilman Wooten, resolution #749 TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter  
NO - 0

09.21.2010  
100750

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 750**

**AUTHORIZES THE SUPERVISOR TO EXECUTE LEASE AGREEMENT  
AUTHORIZING THE TOWN TO LEASE AN AUTOMOBILE FROM SUFFOLK  
COUNTY OFFICE FOR THE AGING FOR TRANSPORTATION USE REGARDING  
IN-HOME DELIVERY OF MEAL SERVICES FOR ELDERLY RESIDENTS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Senior Citizen Department offers a wide variety of programs, activities and support services including in-home meal delivery to the elderly residents of the Riverhead community; and

**WHEREAS**, the Senior Citizen Department wishes to utilize an automobile to transport meals to the homes of designated elderly residents of the Riverhead community; and

**WHEREAS**, Suffolk County Office for the Aging is interested in providing an automobile to the Town of Riverhead to use to transport meals to designated elderly residents in the Town of Riverhead by leasing an automobile for one dollar (\$1.00) per lease year.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached lease agreement with Suffolk County Office for the Aging authorizing the Town of Riverhead to accept an automobile to transport meals to the elderly residents of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Joanne Kandell, Principal Accountant, Suffolk County Office for the Aging, H.Lee Dennison Building, 100 Veterans Memorial Highway, PO Box 6100, Hauppauge, NY 11788; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from Doculex 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

On a motion of Councilman Dunleavy, seconded by Councilman Wooten, resolution #750 TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter  
NO - 0

**Lease Agreement**

**This Agreement of Lease** is between the **County of Suffolk** (Lessor), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted **Office for the Aging (Aging)**, located at H. Lee Dennison Building, 100 Veterans Memorial Highway, P. O. Box 6100, Hauppauge, New York 11788-0099; and **Town of Riverhead** (Lessee), a New York municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901.

The parties hereto desire to make a vehicle available to be used to transport elderly residents of Suffolk County to enable them to participate in County, State and/or Federal programs for the elderly and sufficient funding exists pursuant to Resolution No.611-2009.

**Term of Agreement:** Shall be from the Commencement Date (as defined in Exhibit A) in 2010 through December 31, 2014, unless terminated or extended as provided in Exhibit A.

**Total Cost of Agreement:** No cost to County.

**Terms and Conditions:** Shall be as set forth in Exhibit A and B attached.

**In Witness Whereof**, the parties hereto have executed this Agreement as of the latest date written below.

**Town of Riverhead**

**County of Suffolk**

By \_\_\_\_\_  
Sean M. Walter  
Town Supervisor

By: \_\_\_\_\_  
Name:  
Title: Deputy County Executive

Fed. Taxpayer ID# 11-6001935

Date: \_\_\_\_\_

Date: \_\_\_\_\_

**Approved:**

\_\_\_\_\_, hereby certifies under penalties of perjury that I am an officer of \_\_\_\_\_, that I have read and I am familiar with §A5-7 of Article V of the Suffolk County Code, and that \_\_\_\_\_ meets all requirements to qualify for exemption thereunder.

By \_\_\_\_\_ Date  
Holly S. Rhodes-Teague  
Director, Office for the Aging

**Recommended:**

\_\_\_\_\_  
Signature Date

By: \_\_\_\_\_ Date  
Anna Prencipe  
Food Service Supervisor

**Approved as to Form, Legality:**

**Christine Malafi**  
**Suffolk County Attorney**

By: \_\_\_\_\_ Date  
Jacqueline Caputi  
Assistant County Attorney



0005401

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### EXHIBIT B

Vehicle Specifications

## Exhibit A

### 1. Purpose of Lease; Use of Vehicle

The purpose of this Lease is to assist the Lessee in providing services to elderly residents of Suffolk County under separate contract(s) entered into between the Lessor and the Lessee, by the leasing to the Lessee of a Lessor-owned vehicle more particularly described in Exhibit B to this Agreement (the "Vehicle"). Lessor hereby leases the Vehicle to Lessee solely for the purpose of furnishing transportation or other services (such as meals to the homebound) for elderly residents of Suffolk County under such separate contract(s) as may be in effect from time to time during the term of this Agreement between the Lessor, acting through Aging (or such other Lessor office, department or instrumentality as may succeed to the functions of Aging), and the Lessee. Lessee shall not use the Vehicle for any other purpose whatsoever without the prior written consent of the Director of the Suffolk County Office for the Aging (or other officer of Lessor designated to succeed to such Director's functions). Under no circumstances shall the Lessee use or allow the use of the Vehicle in any way contrary to applicable laws, regulations or insurance requirements.

### 2. Term

This Lease shall cover the period provided on the first page hereof, unless sooner terminated or extended as provided under this Agreement. "Commencement Date" shall mean the date of delivery of the Vehicle to the Lessee, and "Lease Year" shall mean the 12-month period commencing on the Commencement Date or any anniversary thereof and ending on the day before the next ensuing anniversary thereof, both inclusive. Promptly after delivery, Aging and the Lessee shall sign a memorandum confirming the Commencement Date.

### 3. Termination of Lease

(a) This Lease may be terminated immediately by the Lessor if the Lessee shall fail to maintain the amount and types of insurance required by this Agreement or shall fail to comply with federal, state or local laws, rules, regulations or County policies or directives. In the event of failure by the Lessee to fulfill any of its other obligations under this Lease or in the event of the termination or expiration without renewal of one or more of the contracts between the Lessor and the Lessee for services to the elderly referred in paragraph 1 of this Agreement; this Agreement may be terminated, provided that no such termination shall be effective unless the Lessee is given three (3) calendar days' written notice of intent to terminate, delivered in accordance with the provisions of paragraph 16 of this Agreement.

(b) If either party shall deem it in its best interest to terminate this Lease, it shall have the right to do so by giving not less than thirty (30) days prior written notice in accordance with Paragraph 16 of this Agreement.

### 4. Extension of Lease

Upon written notification by Aging to the Lessee, the term of this Lease may be extended for one or more successive periods not in excess of five years per extension on the same terms and conditions; provided, however, that the Lessee does not notify Aging within 30 days after the receipt of such notification of its desire to terminate this Lease at an earlier date, in which event it shall terminate at such earlier date.

**5. Rent**

The Lessee shall pay the Lessor one dollar (\$1.00) per Lease Year, receipt waived, so long as the Lessee shall use the Vehicle for the purposes specified in paragraph 1 of this Lease. For any other use of the vehicle, either within the time periods of a lease year or outside of the time period of a lease year, Lessee shall pay rental charges as provided in paragraph 6 below until return of the Vehicle to the Lessor.

**6. End of Term; Rental Charges**

Upon the expiration of this Lease, or within 24 hours after other termination of this Lease, Lessee shall surrender the Vehicle to Lessor at a facility of Lessor as designated by Aging. If the Lessee fails to surrender the Vehicle, or for any period of use or instance of use of the vehicle for a use not authorized by this Lease, the Lessee shall pay to the Lessor as rental for the use of the Vehicle \$150 per day until the Vehicle is surrendered to Lessor.

**7. Title and Registration**

Title to the Vehicle and to all replacements, alterations and additions thereto shall be and remain in the name of the Lessor, but the Lessee shall register the Vehicle in its name as lessee, and the Lessor shall cooperate with the Lessee by temporarily entrusting the certificate of title to the Lessee and otherwise as may be appropriate to procure and maintain such registration.

**8. Condition and Maintenance**

Since the Vehicle is a new vehicle, all manufacturers' warranties are hereby assigned by the Lessor to the Lessee, and the Lessor shall cooperate with Lessee in obtaining warranty period labor and parts. Lessee has reviewed the purchase specifications for the Vehicle and represents that it is familiar therewith and with the owner's and service manuals. Lessee, at Lessee's sole cost and expense, shall perform or cause to be performed all work, ordinary and necessary, foreseen and unforeseen, to maintain the Vehicle in good working order and appearance and in accordance with the manufacturer's manuals and recommended practices. Lessee shall maintain records of all repairs and maintenance performed and the records shall be available to Aging.

**9. Alterations and Additions**

If Lessee is not in default under this Lease, Lessee, at its sole expense, may make reasonable alterations and additions to the Vehicle with the written approval of Aging; provided that any such alterations or additions

- (a) Shall not change the general character of the Vehicle, reduce its fair market value below such value immediately before such alterations or additions or impair its usefulness for the purpose provided in paragraph 1 of this Lease;
- (b) Are effected with due diligence, in a good and workmanlike manner and in compliance with applicable laws, regulations and insurance requirements; and
- (c) Are promptly and fully paid for by Lessee.

**10. Sole Responsibility of Lessee**

Nothing in this Lease or in any approval under the foregoing paragraph 8 shall constitute any consent or request by the Lessor, express or implied, for the performance of any labor or services or the furnishing of any materials or other property in connection with the Vehicle or any part or equipment thereof, and nothing in this Lease shall give Lessee any right or authority to contract for or permit the performance of any labor or services or the furnishing of any materials or other property for the account of or as a liability or obligation of the Lessor.

**11. Operational Information and Inspections**

Lessee shall provide such information relating to the use and operation of the Vehicle as may be requested from time to time by the Lessor.

Upon written notification from Aging, Lessee shall make the Vehicle available for inspection at reasonable times and locations. The Lessor shall not have any duty to make any such inspection and shall not incur any liability or obligation for not making such inspection.

**12. Compliance With Requirements**

Lessee, at its sole expense, shall promptly

(a) Comply with all legal requirements, whether or not such compliance shall require structural changes in the Vehicle or interfere with its use, and

(b) Procure, maintain and comply with all permits, licenses or other authorizations and comply with all applicable Federal, State, County and local laws, regulations or rulings, applicable to the Vehicle or to Lessee's use thereof.

**13. Lessee's Rights and Obligations**

(a) Lessee will expend whatever funds are necessary to insure that the Vehicle is properly maintained in operable condition.

(b) Lessee will return the Vehicle to the Lessor in the same condition as when received except for normal wear and tear and mileage.

(c) In lieu of making necessary repairs to the Vehicle and returning it upon the expiration or termination of this Lease, the Lessee may at its option elect to pay the Lessor the fair market value of the Vehicle and obtain title to the vehicle.

**14. Risk of Loss; Insurance and Indemnification**

(a) The Lessee assumes responsibility for all risks of loss through physical damage, including without limitation collision and comprehensive losses, to the Vehicle and to any part or equipment thereof.

(b) The Lessee agrees to procure, pay the entire premium for and maintain throughout the term of this Agreement insurance in amounts and types specified by the Lessor. Unless otherwise specified by the Lessor and agreed to by the Lessee, in writing, such insurance will be as follows:

- (i) COMMERCIAL GENERAL LIABILITY INSURANCE, insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
- (ii) AUTOMOBILE LIABILITY INSURANCE in an amount not less than Five Hundred Thousand Dollars (\$500,000) per person, per accident, for bodily injury and not less than One Hundred Thousand (\$100,000.00) for property damage per occurrence and PHYSICAL DAMAGE COVERAGE in an amount equal to the value of the vehicle as described in the paragraph below headed, "Damage to or Destruction of Vehicle".
- (iii) WORKERS' COMPENSATION and EMPLOYER'S LIABILITY INSURANCE in compliance with all applicable New York State laws and regulations and DISABILITY BENEFITS INSURANCE if required by law and shall furnish to the Lessor prior to execution of this Agreement the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§ 57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law § 108, this Agreement shall be void and of no effect unless the Lessee shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.
- (c) All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better.
- (d) The Lessee shall furnish to the Lessor Declaration Pages for each such policy of insurance, and, upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and Lessee shall furnish a Declaration Page and endorsement page evidencing the Lessor's status as an additional insured on said policy.
- (e) If the Contractor is a town or other municipal corporation and has a self-insurance program under which it acts as a self-insurer for any of such required coverage, it may provide self-funded coverage and certificates or other evidence of such self-insurance in lieu of insurance issued by insurance companies.
- (f) To the extent permitted by law, the Lessee agrees that it shall protect, indemnify and hold harmless the Lessor, its consultant (if any), officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, demands, losses, claims, costs, judgments, liens, encumbrances and expenses, suits or actions and reasonable attorneys' fees, by reason of liability imposed by law for damage because of bodily injury, including death at any time resulting therefrom, sustained by any person or persons, or on account of damage to property, arising out of the acts or omissions or negligence of the Lessee, its agents, employees or subcontractors or of other persons, in connection with the use of the vehicle described or referred to in this

Agreement. The Lessee shall defend the Lessor and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the Lessor's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the Lessee, its officers, officials, employees, subcontractors or agents, if any, in connection with its use of the vehicle, or in connection with services described or referred to in this Agreement.

**15. Accident Notification**

The Lessee shall notify its insurance carrier, and Aging, verbally and in writing within twenty-four (24) hours after any accident involving the vehicle. Without limitation, such communications shall include a copy of any accident report and the names and addresses of any persons alleging personal injury or property damage in connection with such accident.

**16. Notices and Contact Persons**

**A. Notices Relating to Payments, Reports, Insurance, Indemnification, or Other Submissions**

Any communication, notice, claim for payment, report, insurance, or other submission necessary or required to be made regarding the Contract shall be in writing, delivered as follows, and shall be given to the County or the Contractor, as the case may be, or their designated representative at the following addresses or at such other address that may be specified in writing by the parties:

By Personal Delivery and First Class Mail; or First Class and Certified Mail, Return Receipt Requested; or by Nationally Recognized Overnight Courier; or Fax Transmittal; or Email:

**Suffolk County Office of the Aging  
H. Lee Dennison Building  
100 Veterans Memorial Highway, P.O. Box 6100  
Hauppauge, New York 11788-0099  
Contact Name: Holly S. Rhodes-Teague  
Email: [aging.office@suffolkcountyny.gov](mailto:aging.office@suffolkcountyny.gov)  
Fax No. 631 853-8225**

**Contractor: Town of Riverhead**

**At the address set forth on page one of the Contract, to the attention of the person who executed the Contract or such other designee as the parties may agree in writing.**

**Email: [mcenvoy@riverheadli.com](mailto:mcenvoy@riverheadli.com)  
Fax No. 631 722-8761**

**B. Notices Relating to Termination and/or Litigation**

- i. In the event the Contractor receives a notice of claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant, etc.) to any legal action or proceeding related to the Contract, the Contractor shall immediately deliver to the County Attorney, at the address set forth below, copies of all papers filed by or against the Contractor.
- ii. Any communication or notice regarding termination shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

By Personal Delivery and First Class Mail; First Class and Certified Mail, Return Receipt Requested; or by Nationally Recognized Overnight Courier:

County:  
**Suffolk County Office of the Aging**  
**H. Lee Dennison Building**  
**100 Veterans Memorial Highway, P.O. Box 6100**  
**Hauppauge, New York 11788-0099**  
**Contact Name: Holly S. Rhodes-Teague**

and to

**Christine Malafi, County Attorney,**  
**Suffolk County Department of Law,**  
**H. Lee Dennison Building,**  
**100 Veterans Memorial Highway, Sixth Floor,**  
**Hauppauge, New York 11788**

Contractor:

**At the address set forth on page one of the Contract, attention to the person who executed the Contract or such other designee as the parties may agree in writing.**

**C. Notices shall be deemed to have been duly delivered (i) if mailed, upon the seventh business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof; or (iii) if personally, pursuant to New York Civil Practice Law and Rules Section 311; or (iv) if by fax or email, upon the transmittal thereof. "Business Day" means any day except a Saturday, a**

Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.

D. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

**17. Damage To or Destruction of Vehicle**

In case of any material damage to or loss or destruction of the vehicle or of its equipment, the Lessee shall give notice as provided in the foregoing paragraph headed, "Accident Notification", generally describing the nature and extent of such damage, loss or destruction, and the time, place and circumstances thereof, and shall promptly replace or repair the vehicle and/or its equipment at least to the condition that it was in immediately prior to the damage, loss or destruction.

**18. Application of Insurance Proceeds**

In the event of damage to or loss or destruction of the Vehicle or any part or equipment thereof, Lessee shall use any proceeds of insurance solely to repair or replace the Vehicle or its equipment and for no other purpose, and, if not so used, such proceeds and the Vehicle shall be forthwith turned over to the Lessor.

**19. Non-Discrimination in Services**

During the performance of this Agreement:

- (a) The Lessee shall not, on the grounds of race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status:
- i. deny any individual any services or other benefits provided pursuant to this Agreement; or
  - ii. provide any services or other benefits to an individual that are different, or are provided in a different manner, from those provided to others pursuant to this Agreement; or
  - iii. subject an individual to segregation or separate treatment in any matter related to the individual's receipt of any service(s) or other benefits provided pursuant to this Agreement; or
  - iv. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any services or other benefits provided pursuant to this Agreement; or
  - v. treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or condition which individuals must meet in order to receive any aid, care, service(s) or other benefits provided pursuant to this Agreement.
- (b) The Lessee shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, color, national

origin, sex, age, disability, sexual orientation, military status or marital status, or have the effect of defeating or substantially impairing accomplishment of the objectives of this Agreement in respect to individuals of a particular race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, in determining:

- i. the types of service(s) or other benefits to be provided, or
- ii. the class of individuals to whom, or the situations in which, such service(s) or other benefits will be provided; or
- iii. the class of individuals to be afforded an opportunity to receive services.

**20. Arrears or Default**

The Lessee warrants that it is not, and shall not be during the term of this Agreement, in arrears to the LESSOR for taxes or upon debt or contract and is not, and shall not be during the term of this Agreement, in default as surety, Lessee or otherwise on any obligation to the LESSOR.

**21. No Gratuities**

The Lessee represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Lease has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

**22. Independent Contractor**

The Lessee is not, and shall never be considered an employee of the County for any purpose. Notwithstanding anything herein, this Agreement shall not be construed as creating a principal-agent relationship between the County and the Lessor, or the Lessor and the County, as the case may be.

**23. Assignability**

The Lessee shall not assign, transfer, convey, sublet or otherwise dispose of this Lease, or any of its right, title or interest therein, or its power to execute this Lease, or assign all or any portion of the monies that may be due or become due to the Lessee under the terms of this Lease, to any other person or corporation, without the prior consent in writing of the Lessor, and any attempt to do any of the foregoing without such consent shall be of no effect.

**24. Publications**

(a) The Lessee shall not issue or publish any book, article, announcement, report, radio, television, data communication or other publication or publicity relating to the use of the vehicle or the Services without prior written permission from the Lessor. Any such publication shall bear a statement acknowledging the cooperation and/or funding by the Suffolk County Executive's Office.

- (b) The Lessee shall maintain the following identifying text conspicuously on the vehicle:

Funding Provided by Suffolk County  
through the  
Suffolk County Office for the Aging

**25. No Intended Third Party Beneficiaries**

This Agreement is entered into solely for the benefit of Lessor and Lessee. No third party shall be deemed a beneficiary of this Agreement, and no third party shall have the right to make any claim or assert any right under this Agreement.

**26. Cooperation on Claims**

Each of the parties agrees to render diligently to the other, without compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Agreement.

**27. Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York

**28. Severability; No Implied Waiver**

(a) It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall, to any extent, be held invalid or unenforceable, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby; and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

(b) No waiver shall be inferred from any failure or forbearance of the Lessor to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.

**29. Entire Agreement**

It is expressly agreed that this instrument represents the entire agreement of the parties and that all previous understandings are merged in this Lease.

**30. No Oral Changes**

No modification of this Lease shall be valid unless written in the form of an Addendum or Amendment signed by both parties.

— End of Text —

**Exhibit B**  
**Vehicle Specifications for Lease Between**  
**The County Of Suffolk and**  
**The Town of Riverhead**

<u>Manufacturer:</u>	FORD
<u>Type of Vehicle:</u>	14 PASSENGER BUS
<u>Year and Make:</u>	2010 FORD
<u>Model No.:</u>	E4FF
<u>Vehicle Identification Number:</u>	1FDFE4FS5ADA08953
<u>Color:</u>	WHITE
<u>Other Identifying Features and Special Equipment</u>	Wheelchair Lift
	Flip Seat (2)
	Wheelchair Tie Down Kit (2)
	Ceiling Grab Bars (2)

**SUFFOLK COUNTY DEPARTMENT OF LABOR - LABOR MEDIATION UNIT**  
**UNION ORGANIZING CERTIFICATION/DECLARATION - SUBJECT TO AUDIT**

If the following definition of "County Contractor" (Union Organizing Law Chapter 466-2) applies to the contractor's/beneficiary's business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

**County Contractor:** "Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above."

**Section I** The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as such shall not use County funds to assist, promote, or deter union organizing (Chapter 466-3 A), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing. (Chapter 466-3 B)

Check if Applicable I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing. (Chapter 466-3 H)



I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made, I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request. (Chapter 466-3 I)

I/we further affirm to the following:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by prerecognition labor disputes through the adoption of nonconfrontational procedures for the resolution of prerecognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

I/we further agree that every County contract for the provision of services, when such services will be performed on County property, shall include a requirement that I/we adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, no intimidation agreement, and a majority authorization card agreement.

I/we further agree that every County contract for the provision of human services, when such services are not to be performed on County property, shall include a requirement that I/we adopt, at the least, a neutrality agreement.

I/we understand that the efficient, timely, and nondisruptive provision of goods and services is a paramount financial interest of the County of Suffolk and as such, the County expects the potential County contractor to protect the County's financial interest by adopting nonconfrontational procedures for the orderly resolution of labor disputes, including, but not limited to, neutrality agreements, majority authorization card agreements, binding arbitration agreements, fair communication agreements, nonintimidation agreements, and reasonable access agreements.

Section II The Union Organizing Law does not apply to this contract for the following reason(s):

Check if  
Applicable

Section III

Contractor Name:

Town of Riverhead

Federal Employer ID#:

11-600-193-5

Contractor Address:

200 Howell Avenue

Amount of Assistance:

Riverhead NY 11901

Vendor #:

Contractor Phone #:

727-3200

Description of project or service:

Bus Lease

Section IV

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

Authorized Signature

Date

Sean M. Walter, Town Supervisor

6/15/10

Print Name and Title of Authorized Representative

**SUFFOLK COUNTY DEPARTMENT OF LABOR**  
**NOTICE OF APPLICATION TO CERTIFY COMPLIANCE WITH FEDERAL LAW**  
**(8 U.S.C. SECTION 1324A)**  
**WITH RESPECT TO *LAWFUL HIRING OF EMPLOYEES***

**VERIFICATION OF SUBMISSION OF *LAWFUL HIRING OF EMPLOYEES***  
Suffolk County Code, Chapter 234 (2006)

To Be Completed By the Local Law Compliance Unit

DATE: May 25, 2010

TO: Mary Valerie Kempinski, S. C. Office of the Aging

FROM: Brenda Rosenberg, Director

TELEPHONE# 631 853-3808

EMPLOYER: Town of Riverhead

VENDOR #: 11-6001936

REF. #: Vehicle Lease

You are hereby notified that the submission from Town of Riverhead has been received by the *Lawful Hiring of Employees* Unit of the Suffolk County Department of Labor. We find that this submission is complete and is in compliance with the requirements set forth by the Suffolk County *Lawful Hiring of Employees* Law (Local Law #52-2006),.

LHE-3

(01/07)

SUFFOLK COUNTY DEPARTMENT OF LABOR – LIVING WAGE UNIT

NOTICE OF NON-APPLICABILITY  
OF LIVING WAGE LAW

Living Wage Law, Suffolk County Code, Chapter 347 (2001)

To Be Completed By The Living Wage Unit

DATE: May 25, 2010

TO: Mary Valerie Kempinski, S. C. Office of the Aging

FROM: Brenda Rosenberg, Director

TELEPHONE# 631 853-3808

EMPLOYER: Town of Riverhead

VENDOR #: 11-6001936

REF. #: Vehicle Lease

You are hereby notified that the response from the Town of Riverhead has been evaluated by the *Living Wage* Unit of the Suffolk County Department of Labor. We find that this employer is not covered by the Suffolk County *Living Wage* Law (Local Law #12-2001), and that the requirements of this law as currently constituted do not constrain this contractor at this time.

Brenda Rosenberg  
Director of *Living Wage* Compliance  
Suffolk County Department of Labor

**TOWN OF RIVERHEAD**

**Resolution # 751**

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE NAVY PROCUREMENT DOCUMENT REGARDING RIVERHEAD WATER DISTRICT EXTENSION NO. 89**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the U.S. Department of the Navy has prepared procurement document N40085-10-C-2885 which will permit the funding of the proposed extension 89 of the Riverhead Water District after the necessary proceedings are held thereon,

WHEREAS, it is necessary that this procurement agreement be executed by the Town Supervisor.

NOW THEREFORE BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute procurement document N40085-10-C-2885 of the U.S. Department of the Navy.

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

On a motion of Councilman Dunleavy, seconded by Councilman Wooten, resolution #751 TAKEN OFF THE FLOOR

YES – 5 Giglio, Gabrielsen, Wooten, Dunleavy, Walter  
NO - 0