

OCTOBER 5, 2010

CDA RESOLUTION LIST:

- CDA Res. #17 Authorizes Optimized Reconstruction of the Calverton Rail Spur
- CDA Res. #18 Acknowledging the Termination of the Agreement of Sale with Riverhead Resorts LLC
- CDA Res. #19 Ratifies the Execution of an Agreement with the Isotope Films, LLC for Use of the Runway
- CDA Res. #20 Ratifies the Execution of an Agreement with the Gotham Arts, Inc. for Use of the Runway

TOWN BOARD RESOLUTION LIST:

- Res. #752 Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 1010 "Vehicles & Traffic" of the Riverhead Town Code (§101-7. Turns – Northville Turnpike and Roanoke Avenue)
- Res. #753 Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 101 "Vehicles & Traffic" of the Riverhead Town Code (§101-10. Parking Prohibited. – Misc. Road, Wading River)
- Res. #754 Appoints Part-Time Recreation Aides/Volleyball Attendants and Officials to the Recreation Department
- Res. #755 Appoints a Call-In Recreation Aide I to the Recreation Department (Robert Chituk)
- Res. #756 Appoints a Call-In Recreation Specialist to the Recreation Department (Victor Guadagnino)
- Res. #757 Ratifies the Appointment of a Call-In Recreation Aide II to the Recreation Department (Joseph Doll)

- Res. #758 Set Salaries for 2010 Fall/Winter Personnel for the Riverhead Youth Bureau/Recreation Department
- Res. #759 Acknowledging the Termination of the Agreement of Sale with Riverhead Resorts LLC
- Res. #760 Approves Reduction of Security Posted by Gendot Home in Connection with the Subdivision Entitled "Osborne Acres" (Road and Drainage Improvements)
- Res. #761 Authorizes Appointment of LINSHA Representative
- Res. #762 Authorizes the Retention of the Center for Municipal Solutions to Perform Expert Services Pursuant to §108-133.3(H) of the Town Code of the Town of Riverhead
- Res. #763 Rescinds Resolution #540 of 2010 and Adopts Resolution Authorizing the Supervisor to Execute an Amended Agreement with Dunn Engineering Associates, P.C.
- Res. #764 Authorizes the Financial Administrator to Convey Funds in the Amount of \$2500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., in Support of the Classic Rock and Classic Car Festival
- Res. #765 Authorizes the Financial Administrator to Convey Funds in the Amount of \$2500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., in Support of the Music Idol Event
- Res. #766 Ratifies the Authorization of the Supervisor to Execute Amended So-Ordered Stipulation of Settlement in connection with the Matter Entitled "Town of Riverhead v. Cornelius O'Neill and Sean O'Neill" Index No. 07-2344
- Res. #767 Authorizes the Supervisor to Extend an Agreement with Sav Mor Mechanical Services Inc.
- Res. #768 Business Improvement District Budget Adjustment (\$10,500)
- Res. #769 Business Improvement District Budget Adjustment (\$5,000)

- Res. #770 Authorizes Town Supervisor to Execute Change Order No. 9 Final Reconciliation for Youngs Avenue Landfill Capping and Closure Project
- Res. #771 Authorizes the Financial Administrator to Convey Funds in the Amount of \$10,500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., in Support of the "Country Slam 2010" Event
- Res. #772 Authorizes the Supervisor to Execute a Grant Agreement with New York State Affordable Housing Corporation for Funds to Support the Town of Riverhead Home Improvement Program
- Res. #773 Authorizes Town Clerk to Advertise for Bids on Bio-Degradable Leaf Bags
- Res. #774 Awards Bid for Police Uniforms 2010
- Res. #775 Town Board Audit of Claim of Harriman Estates at Aquebogue, LLC
- Res. #776 Ratifies the Appointment of a Call-In Guard to the Sanitation Department (Thomas Vance)
- Res. #777 Accepts the Resignation of a Crossing Guard (Thomas J. Ryan)
- Res. #778 Authorizing the Law Firm of Reynolds, Caronia, Gianelli, Hagney, Lapinta & Quatela, LLP to Settle Lawsuit Between the Town of Riverhead and Young & Young, Et Al. and Authorizing the Supervisor to Execute Documents Necessary to Effectuate the Settlement of the Litigation
- Res. #779 Classifies Action and Declares Lead Agency on Proposed Amendment of Chapter 12 of the Riverhead Town Code (Coastal Erosion Hazard Areas) Concerning Invasive Species and Calls Public Hearing
- Res. #780 Authorizes Town Clerk to Re-Post and Re-Publish the Attached Notice to Bidders for the Asbestos Removal and

Sanitary System Remediation and Abandonment for the
Former Weeping Willow Motel

Res. #781 Appoints Hearing Officer

Res. #782 Authorizes the Town Attorney to Execute a Stipulation of
Settlement with an Employee

Res. #783 Pays Bills

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

CDA # 17

AUTHORIZES OPTIMIZED RECONSTRUCTION OF THE CALVERTON RAIL SPUR

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the New York State Department of Transportation (NYS DOT) Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project in the Town of Riverhead, in Suffolk County, (hereinafter “the Municipality/Sponsor”) is eligible for and has been awarded funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the New York State Empire State Development Corporation through its Downstate Revitalization Fund awarded \$650,000 towards the Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation Project funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the Town of Riverhead Community Development Agency (CDA) Board desires to foster the continued development of infrastructure at the Calverton Enterprise Park site to attract businesses, improve commerce, enhance the tax base and the local economy and encourage continued economic development at the site consistent with the comprehensive plans; and

WHEREAS, on February 11, 2010, the CDA Board adopted Resolution No. 2 entitled, “Awards Calverton Rail Access Rehabilitation Contract” that awarded the construction bid for the above mentioned project to Railroad Construction Co., Inc.; and

WHEREAS, on April 6, 2010, the CDA Board adopted Resolution No. 8 entitled, “Awards Calverton Rail Access Rehabilitation Contract” that authorized Change Order #1 to the construction contract for acquisition of the Long Island Rail Road Mainline switch and adopted Resolution No. 6 entitled, “Authorizes Dunn Engineering Associates, P.C. to Proceed with Calverton Rail Construction Administration”, that authorized Dunn Engineering to proceed with construction inspection for the contract; and

WHEREAS, the initial design of the ARRA funded Calverton Rail Spur Rehabilitation was a rehab of existing trackage built in the 1950's when freight rail cars were substantially shorter that included the current runaround track that is outdated, too short, cannot be lengthened and impedes future expansion; and

WHEREAS, the CDA Board wishes to optimize the reconstruction of the Calverton Rail Spur; and

WHEREAS, the CDA Board would like to request the remaining ARRA funding certified for the Calverton Rail project to enhance the design and provide more efficient trackage that accommodates modern freight rail cars to eliminate the obsolete runaround track as depicted on the attached sketch to relocate said runaround track to include an approximately 1500' long runaround track, which includes additional turnouts to make the spur more operationally efficient and create a better functioning spur that will provide more efficient service; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead Community Development Agency in cooperation with the Town Attorney and the Town Engineering Department are authorized to proceed with progressing the change order to the construction contract for optimized design and enhancements utilizing remaining available grant funds of approximately \$466,000 in ARRA NYSDOT funds towards construction and approximately \$575,000 in NYS Empire State Development grant funds and up to \$60,000 in Town of Riverhead Community Development Department and Community Development Agency Budget funds towards planning and construction; and

BE IT FURTHER RESOLVED, that the CDA Board be and does hereby authorize the Accounting Department to issue a Town of Riverhead Purchase Order to progress the project described above; and

BE IT FURTHER RESOLVED, that the CDA Board be and does hereby authorize the Chairman to enter into an amended Town of Riverhead Consultant/Professional Services Agreement with Dunn Engineering Associates, P.C. and/or directly with a rail design firm subject to review and approval by the Town Attorney; 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
Wooten Yes No

Gabrielsen Yes No
Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

10.05.10 Tabled
11.12.10 UNTABLED
11.12.10 ADOPTED

10.05.2010
CDA1018

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

CDA # 18

**ACKNOWLEDGING THE TERMINATION OF THE AGREEMENT OF SALE
WITH RIVERHEAD RESORTS LLC**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale (the Agreement), to sell some 755 acres of property located at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Riverhead Resorts LLC; and

WHEREAS, the Agreement was amended by an amendment signed by Riverhead Resorts on November 12, 2009 and by the Town of Riverhead and Town of Riverhead Community Development Agency on December 15, 2009 (the First Amendment); and

WHEREAS, the Agreement was further amended by an amendment dated June 8, 2010 (the Second Amendment); and

WHEREAS, pursuant to the Second Amendment, the date of closing was extended to June 15, 2010; and

WHEREAS, the Agreement provided that in the event the Purchaser was not ready to close on the Closing Date, it had the option to either terminate the Agreement or pay a non-refundable extension fee pursuant to Article X of the Agreement; and

WHEREAS, the Purchaser failed to pay the extension fee required to be paid on June 15, 2010 in accordance with Article X of the Agreement, as amended by the Second Amendment;

NOW THEREFORE BE IT RESOLVED, Based upon the Purchaser's failure to extend the Closing Date, the Agreement of Sale has been terminated and the payments received by the Town and the CDA shall be retained in accordance with the terms of the Agreement.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Mitchell H. Pally, Esq., Weber Law Group, LLP, 290 Broadhollow Road, Suite 200E, Melville, New York 11747-4818, and 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 TABLED

11.12.10

On a motion of Councilman Dunleavy, seconded by Councilwoman Giglio CDA resolution #18 was UNTABLED.

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

On a motion of Councilman Wooten, seconded by Councilman Gabrielsen CDA resolution #18 was ADOPTED

Yes – 4 Giglio, Gabrielsen, Wooten, Walter
No – 1 Dunleavy

10.05.2010
CDA1019

ADOPTED

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

CDA #19

**RATIFIES THE EXECUTION OF AN AGREEMENT WITH THE ISOTOPE FILMS, LLC
FOR USE OF THE RUNWAY**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Riverhead Community Development Agency (CDA) is the owner of the remaining land of approximately 1500 acres known as Enterprise Park (EPCAL), Calverton, New York (hereinafter referred to as the "Property"); and

WHEREAS, Gotham Arts, Inc., acting on behalf of its co-production partner Isotope Films, LLC advised the CDA that it wished to utilize the western runway owned by the CDA, as shown on Exhibit "A" annexed hereto (the "facilities"), for the purposes of videotaping for film production of short film entitled "Love, Lots of It" on October 4, 2010, and

WHEREAS, the CDA had agreed to grant Gotham Arts, Inc. as agent and co-production partner with Isotope Films, LLC the right to occupy said premises in order to conduct the aforementioned activity; and

WHEREAS, the CDA wishes to ratify the execution of an agreement with Isotope Films, LLC

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the CDA be and hereby, ratifies the attached License Agreement with Isotope Films, LLC for use of the westerly runway; and be it further

RESOLVED, that the CDA Chairman was and is hereby authorized to execute the with Isotope Films, LLC for use of the westerly runway for the purposes of videotaping for film production of short film entitled "Love, Lots of It" on October 4, 2010; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Isotope Films, LLC, 375 Greenwich St, #514, New York, New York 11013; Gotham Arts, Inc., 2 Peter Cooper Road, #12C, New York, New York 10010, the Office of the Town Attorney, the Community Development Director and the Town Financial Administrator.

THE VOTE

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

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

| | | |
|--|---|--------------------------------------|
| ACORD™ CERTIFICATE OF LIABILITY INSURANCE | | DATE (MM/DD/YYYY) 05/12/10 |
| PRODUCER Relff & Associates, LLC CA Lic#0G55457 212-603-0231 320 West 57th Street New York, NY 10019 | THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. | |
| INSURED Isotope Films LLC 375 Greenwich St, #514 New York, NY 10013 | INSURERS AFFORDING COVERAGE INSURER A: One Beacon Insurance Co INSURER B: INSURER C: INSURER D: INSURER E: | NAIC # |

COVERAGES

THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. AGGREGATE LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

| INSR ADD'L LTR | TYPE OF INSURANCE | POLICY NUMBER | POLICY EFFECTIVE DATE (MM/DD/YY) | POLICY EXPIRATION DATE (MM/DD/YY) | LIMITS | |
|---|--|----------------------|----------------------------------|-----------------------------------|--|--|
| A | GENERAL LIABILITY | CP0085401 | 05/12/10 | 05/12/11 | EACH OCCURRENCE \$1,000,000 | |
| | <input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY | | | | DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 | |
| | <input type="checkbox"/> CLAIMS MADE <input checked="" type="checkbox"/> OCCUR | | | | MED EXP (Any one person) \$1,000 | |
| | | | | | PERSONAL & ADV INJURY \$1,000,000 | |
| | GEN'L AGGREGATE LIMIT APPLIES PER: | | | | GENERAL AGGREGATE \$2,000,000 | |
| | <input checked="" type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC | | | | PRODUCTS - COM/PROP AGG \$1,000,000 | |
| | AUTOMOBILE LIABILITY | | | | | COMBINED SINGLE LIMIT (Ea accident) \$ |
| | <input type="checkbox"/> ANY AUTO | | | | | BODILY INJURY (Per person) \$ |
| | <input type="checkbox"/> ALL OWNED AUTOS | | | | | BODILY INJURY (Per accident) \$ |
| | <input type="checkbox"/> SCHEDULED AUTOS | | | | | PROPERTY DAMAGE (Per accident) \$ |
| <input type="checkbox"/> HIRED AUTOS | | | | | | |
| <input type="checkbox"/> NON-OWNED AUTOS | | | | | | |
| GARAGE LIABILITY | | | | | AUTO ONLY - EA ACCIDENT \$ | |
| <input type="checkbox"/> ANY AUTO | | | | | OTHER THAN AUTO ONLY: EA ACC \$ | |
| | | | | | AGG \$ | |
| EXCESS/UMBRELLA LIABILITY | | | | | EACH OCCURRENCE \$ | |
| <input type="checkbox"/> OCCUR <input type="checkbox"/> CLAIMS MADE | | | | | AGGREGATE \$ | |
| <input type="checkbox"/> DEDUCTIBLE | | | | | \$ | |
| <input type="checkbox"/> RETENTION \$ | | | | | \$ | |
| A | WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? If yes, describe under SPECIAL PROVISIONS below | 4060282550001 | 05/12/10 | 05/12/11 | <input checked="" type="checkbox"/> WC STATU-TORY LIMITS <input type="checkbox"/> OTH-ER | |
| | | | | | E.L. EACH ACCIDENT \$1,000,000 | |
| | | | | | E.L. DISEASE - EA EMPLOYEE \$1,000,000 | |
| | | | | | E.L. DISEASE - POLICY LIMIT \$1,000,000 | |
| A | OTHER Misc Equipment | CP0085401 | 05/12/10 | 05/12/11 | \$50,000 Ded: \$1,500 | |

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES / EXCLUSIONS ADDED BY ENDORSEMENT / SPECIAL PROVISIONS
Certificate Holder is included as Additional Insured as respects to liability coverage and the sole negligence of the named insured.

CERTIFICATE HOLDER
 Town of Riverhead Community Development Agency ("CDA")
 200 Howell Avenue
 Suffolk County, NY

CANCELLATION

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, THE ISSUING INSURER WILL ENDEAVOR TO MAIL 30 DAYS WRITTEN NOTICE TO THE CERTIFICATE HOLDER NAMED TO THE LEFT, BUT FAILURE TO DO SO SHALL IMPOSE NO OBLIGATION OR LIABILITY OF ANY KIND UPON THE INSURER, ITS AGENTS OR REPRESENTATIVES.

AUTHORIZED REPRESENTATIVE

D. R. R.

LICENSE AGREEMENT FOR UTILIZATION OF RUNWAY

This Contract is made and entered into as of this ____ day of September, 2010, by and between Isotope Films, LLC, a domestic limited liability company duly organized and existing under the laws of the State of New York having a principal place of business at 375 Greenwich Street, # 514, New York, New York 10013 and the Town of Riverhead Community Development Agency ("CDA"), an urban renewal agency, with offices located at 200 Howell Avenue, County of Suffolk and State of New York:

WHEREAS, Isotope Films, LLC, wishes to utilize the western runway owned by the CDA, as shown on Exhibit "A" annexed hereto (the "facilities"), for the purposes of videotaping for film production of short film entitled "Love, Lots of It", and:

WHEREAS, the CDA has agreed to permit the utilization of these facilities for said production on October 4, 2010; and

WHEREAS, Isotope Films, LLC, agreed to terms under which it will be granted the use of said facilities;

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Use of Property: the Town hereby grants Isotope Films, LLC permission to exclusive use of the facilities during October 4, 2010 for the aforementioned purposes.

2. Cleanup: Isotope Films, LLC, agrees to provide cleanup and removal of any debris or props deposited by reason of its actions in connection with the agreement.

3. Compliance With Laws: Isotope Films, LLC, agrees at all times comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out at the Property.

4. Compensation: In exchange for License set forth above for the use of the CDA property, Isotope Films, LLC, will pay the CDA the sum of four hundred and 00/100 dollars (\$400.00). All sums payable by Isotope Films, LLC, under this Agreement shall be made on or before October 4, 2010 by certified or official funds made payable to the Town of Riverhead Community Development Agency.

5. Responsibilities of Isotope Films, LLC: Subject to the terms of this Agreement, Isotope Films, LLC, will be responsible for carrying out and shall have exclusive control of all operations associated with the Event and related activities, including without limitation, and shall diligently and continuously engage in such cleanup efforts so that the cleanup will be accomplished as soon as reasonably practicable (but in no event later than October 5, 2010). All facilities and grounds will be restored to the

condition that existed prior to the Event (hereafter, the "restoration") and be completely clean and free of clutter and debris, if any, deposited by Isotope Films, LLC for its activities and operations carried out at the Property.

6. Insurance and Indemnification: Isotope Films, LLC will be responsible for providing comprehensive general liability insurance in the amount of not less than \$1,000,000 with a company or companies reasonably satisfactory to the CDA. Isotope Films, LLC, shall provide certificates of the foregoing insurance, showing the CDA as additional insured to the extent of their interest. Finally, Isotope Films, LLC, agrees to indemnify and hold the CDA, the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the Event and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Isotope Films, LLC, and its employees, agents, representatives and concessionaires, of the Property. With respect to any suit or claim by CDA whether under this indemnification provision or otherwise, Isotope Films, LLC, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the CDA, the Town of Riverhead securing compliance with the provision of this indemnification agreement.

7. Successors and Assigns. This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties;

provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

8. Entire Agreement. This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

10. Use of Town emblems or symbols. Isotope Films, LLC agrees not to utilize in any way shape or form the emblems or symbols representing the Town of Riverhead or the Town of Riverhead Police Department in the film it produces as a result of this agreement.

11. Rights. The Town hereby acknowledges that neither it nor any owner or tenant, or other party now or hereafter having an interest in said Premises, has any interest in company's photography or recording on or of the Premises, nor any right of action against Isotope Films, LLC or any other party arising out of any use of said photography. The Town hereby grants to Isotope Films, LLC, its successors and assigns the irrevocable and perpetual right, worldwide, in any manner and in any media to use and exploit the films, photographs, and recordings made of or on the Premises in connection with the Picture in such manner and to such extent as Isotope Films, LLC desires in its sole discretion. Isotope Films, LLC and its licenses, assigns and successors shall be the sole and

exclusive owner of all rights of whatever nature, including all copyrights, in and to all films, photographs and recordings made on of the Premises in connection with the Picture, in perpetuity.

In Witness Whereof, Isotope Films, LLC has caused this instrument to be signed in its corporate name and CDA has caused this instrument to be signed in its name as an urban renewal agency by Sean M. Walter, its Chairman, hereunto duly authorized, as of the day and the year first above written.

Isotope Films, LLC.

By: _____
Name:

The Town of Riverhead Community
Development Agency

By: _____
Name: Sean M. Walter, Chairman

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

CDA #20

**RATIFIES THE EXECUTION OF AN AGREEMENT WITH THE GOTHAM ARTS, INC.
FOR USE OF THE RUNWAY**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Riverhead Community Development Agency (CDA) is the owner of the remaining land of approximately 1500 acres known as Enterprise Park (EPCAL), Calverton, New York (hereinafter referred to as the "Property"); and

WHEREAS, Gotham Arts, Inc. advised the CDA that it wished to utilize the western runway owned by the CDA, as shown on Exhibit "A" annexed hereto (the "facilities"), for the purposes of videotaping for film production of short film entitled "Love, Lots of It" on October 4, 2010, and

WHEREAS, the CDA had agreed to grant Gotham Arts, Inc. the right to occupy said premises in order to conduct the aforementioned activity; and

WHEREAS, the CDA wishes to ratify the execution of an agreement with Gotham Arts, Inc.

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the CDA be and hereby, ratifies the attached License Agreement with Gotham Arts, Inc. for use of the westerly runway; and be it further

RESOLVED, that the CDA Chairman was and is hereby authorized to execute the with Gotham Arts, Inc. for use of the westerly runway; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Gotham Arts, Inc. 2 Peter Cooper Road, #12C, New York, New York 10010, the Office of the Town Attorney, the Community Development Director and the Town Financial Administrator.

THE VOTE

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

The Resolution was WITHDRAWN

10.05.2010
100752

ADOPTED

TOWN OF RIVERHEAD

Resolution # 752

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-7. Turns. – Northville Turnpike and Roanoke Avenue)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the October 14, 2010 issue of the News-Review newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

PLEASE TAKE NOTICE, that a public hearing will be held on the 3rd day of November, 2010 at 2:15 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
Vehicles and Traffic
ARTICLE III
Traffic Regulations

§ 101-7. Turns.

- B. Pursuant to the authority granted by §1660 of the New York State Vehicle and Traffic Law, the areas designated below restrict turns such that a right turn on red is prohibited at said location and a sign "no turn on red" shall be posted at the location:

Location

Northville Turnpike northbound at Roanoke Avenue

- Underscore represents addition(s)

Dated: Riverhead, New York
October 5, 2010

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

DIANE M. WILHELM, Town Clerk

10.05.2010
100753

TABLED

TOWN OF RIVERHEAD

Resolution # 753

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

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW THEREFORE BE IT RESOLVED, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the October 14, 2010 issue of the News-Review newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 3rd day of November, 2010 at 2:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

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

§ 101-10. Parking prohibited.

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

| Name of Street | Side | Location |
|--------------------------------|--------------|--|
| Cedar Road | Both | From a point at its intersection with Hulse Landing Road westerly for a distance of 100 feet <u>Entire length</u> |
| <u>Hulse Landing Road</u> | <u>East</u> | From a point at its intersection with <u>Wildwood Road in a northerly direction to its intersection with North Wading River Road</u> |
| <u>North Wading River Road</u> | <u>Both</u> | From a point at its intersection with <u>Wildwood Road to its intersection in a westerly direction to its intersection with Hulse Landing Road</u> |
| <u>Second Street</u> | <u>North</u> | From its intersection with <u>Ostrander Avenue in an easterly direction to its terminus</u> |

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

Dated: Riverhead, New York
October 5, 2010

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 754

APPOINTS PART-TIME RECREATION AIDES/VOLLEYBALL ATTENDANTS AND OFFICIALS TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Part-Time Recreation Aides/Volleyball Attendants and Officials are needed by the Riverhead Town Recreation Department for the Adult Volleyball Program.

NOW THEREFORE BE IT RESOLVED, that effective October 25, 2010, this Town Board hereby appoints the attached list of Volleyball Attendants and Officials to the Recreation Department.

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 type="checkbox"/> Yes | <input checked="" type="checkbox"/> No | Gabrielsen | <input type="checkbox"/> Yes | <input checked="" 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

**RECREATION DEPARTMENT APPOINTMENTS
10/5/10 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> |
|-------------|--------------|--------------------------|--------------|-------------------|-----------------|---------------|
| Bullock | Amy | P/T Volleyball Attendant | V | 10/25/10 | 5/31/11 | \$11.14/hr |
| Bullock | Amy | C/I Volleyball Official1 | II | 10/25/10 | 5/31/11 | \$9.90/game |
| Drumm | Kenneth | C/I Volleyball Attendant | IV | 10/25/10 | 5/31/11 | \$10.50/hr |
| Dunn | Daniel | C/I Volleyball Attendant | II | 10/25/10 | 5/31/11 | \$9.90/hr |
| Letourneau | Brian | C/I Volleyball Attendant | II | 10/25/10 | 5/31/11 | \$9.90/hr |
| Letourneau | Brian | C/I Volleyball Official1 | I | 10/25/10 | 5/31/11 | \$9.00/game |
| Scanlon | Gregory | P/T Volleyball Official2 | VII | 10/25/10 | 5/31/11 | \$13.57 /game |
| Terry | Richard | P/T Volleyball Attendant | VII | 10/25/10 | 5/31/11 | \$11.48 /hr |

10.05.2010
100755

ADOPTED

TOWN OF RIVERHEAD

Resolution # 755

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

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a Recreation Aide is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective October 6th,2010, this Town Board hereby appoints Robert Chituk to the position of Call-in Recreation Aide I, Level 1, to be paid the rate of \$7.50 per hour and

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 - ABSTAIN | Gabrielsen - ABSTAIN |
| 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 # 756

APPOINTS A CALL-IN RECREATION SPECIALIST TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a recreation specialist is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective October 6th, 2010, this Town Board hereby appoints Victor Guadagnino to the position of Call-in recreation specialist, Level 1, to be paid the rate of \$20.00 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

10.05.2010
100757

ADOPTED

TOWN OF RIVERHEAD

Resolution # 757

RATIFIES THE APPOINTMENT OF A CALL-IN RECREATION AIDE II TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Aide is needed by the Riverhead Town Recreation Department for work in recreation programs,

NOW THEREFORE BE IT RESOLVED, that effective October 1st, 2010, this Town Board hereby appoints Joseph Doll to the position of Call-in Recreation Aide II, Level 2, to be paid the rate of \$10.00 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

10.05.2010
100758

ADOPTED

TOWN OF RIVERHEAD

Resolution # 758

**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 the Fall/Winter 2010 Youth Bureau Programs,

NOW THEREFORE BE IT RESOLVED, that effective October 5, 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 Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

RIVERHEAD YOUTH BUREAU/RECREATION DEPARTMENT FALL/WINTER APPOINTMENTS
10/5/10 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> |
|-------------|--------------|------------------|--------------|-------------------|-----------------|---------------|
| Estrada | Christian | Call in Rec.Aide | II | 10/6/10 | 12/31/10 | \$8.25 |
| Yilmaz | Emin | Call in Rec.Aide | II | 10/6/10 | 12/31/10 | \$8.25 |

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

10.05.2010
100759

NOT ADOPTED

TOWN OF RIVERHEAD

Resolution # 759

**ACKNOWLEDGING THE TERMINATION OF THE AGREEMENT OF SALE
WITH RIVERHEAD RESORTS LLC**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale (the Agreement), to sell some 755 acres of property located at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Riverhead Resorts LLC; and

WHEREAS, the Agreement was amended by an amendment signed by Riverhead Resorts on November 12, 2009 and by the Town of Riverhead and Town of Riverhead Community Development Agency on December 15, 2009 (the First Amendment); and

WHEREAS, the Agreement was further amended by an amendment dated June 8, 2010 (the Second Amendment); and

WHEREAS, pursuant to the Second Amendment, the date of closing was extended to June 15, 2010; and

WHEREAS, the Agreement provided that in the event the Purchaser was not ready to close on the Closing Date, it had the option to either terminate the Agreement or pay a non-refundable extension fee pursuant to Article X of the Agreement; and

WHEREAS, the Purchaser failed to pay the extension fee required to be paid on June 15, 2010 in accordance with Article X of the Agreement, as amended by the Second Amendment;

NOW THEREFORE BE IT RESOLVED,

Based upon the Purchaser's failure to extend the Closing Date, the Agreement of Sale has been terminated and the payments received by the Town and the CDA shall be retained in accordance with the terms of the Agreement.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Mitchell H. Pally, Esq., Weber Law Group, LLP, 290 Broadhollow Road, Suite 200E, Melville, New York 11747-4818, and 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 Not ADOPTED

TOWN OF RIVERHEAD

Resolution # 760

APPROVES REDUCTION OF SECURITY POSTED BY GENDOT HOMES IN CONNECTION WITH THE SUBDIVISION ENTITLED "OSBORNE ACRES" (ROAD AND DRAINAGE IMPROVEMENTS)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Board, by Resolution #135 adopted on February 7, 2007, did accept Suffolk County National Bank Irrevocable Letter of Credit No. 070118A in the amount of \$215,000.00 representing road and drainage improvements to be completed within the subdivision entitled, "Osborne Acres"; and

WHEREAS, pursuant to Engineering Memo from Vincent A. Gaudiello, P.E. dated May 24, 2010, it has been determined that a significant amount of improvements have been completed and it is recommended that the performance security be reduced to an amount of \$80,000.00; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #7 adopted on January 15, 2009, the Planning Board approved a reduction of the above referenced letter of credit to the amount of \$81,000.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the reduction of the performance security posted representing the road and drainage improvements to be completed within the subdivision to the amount of \$81,000.00; and be it further

RESOLVED, that the Town Board hereby accepts Suffolk County National Bank Irrevocable Letter of Credit # 091215 in the amount of \$81,000.00: and be it further

RESOLVED, that the previously submitted Suffolk County National Bank Irrevocable Letter of Credit #070118A in the amount of \$215,000.00 may now be released; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Gendot Homes, Gerald Simone, P.O. Box 534, Wading River, NY, 11792; 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

10.05.2010
100761

ADOPTED

TOWN OF RIVERHEAD

Resolution #761

AUTHORIZES APPOINTMENT OF LINSHA REPRESENTATIVE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, in 1998, the New York State Legislature established the Long Island North Shore Heritage Area ("LINSHA") for the purpose of preserving and enhancing the historic, cultural, and natural resources of Long Island's North Shore (see www.linsha.org); and

WHEREAS, Town of Riverhead Resolution #724 dated August 1, 2006, entitled "Approves Long Island North Shore Heritage Area Management Plan and Adopts SEQR Findings Regarding Approval of the Plan", formalized Town of Riverhead support for the LINSHA plan as a Participating Municipality; and

WHEREAS, in accordance with the By-Laws of the Long Island North Shore Heritage Area, Inc., the chief executive officer (i.e. village mayor, Town Supervisor, or County Executive) of each Participating Municipality, as well as the two counties, is entitled to designate one representative to serve as a voting member of the corporation. These voting members assemble at the Annual Meeting in November to receive an Annual Report, elect the corporation's Board of Directors, and approve any proposed amendments of the By-Laws; and

WHEREAS, Town of Riverhead Community Development Director Chris Kempner has been participating as a voting member of the corporation for the past year as the Southold representative; and

WHEREAS, the Town of Riverhead wishes to appoint Chris Kempner to participate as a voting member of the corporation as the Town of Riverhead representative; and

WHEREAS, each year at their November Annual Meeting, the Voting Members of the Corporation elect one-third of the Board of Directors to new, three-year terms, in accordance with the organization's By-Laws (five (5) representatives of either Nassau County or its participating municipalities, five (5) representatives of either Suffolk County or its participating municipalities, and five (5) at-large representatives); and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board does hereby authorize Chris Kempner to participate as the Town of Riverhead LINSHA representative and further to serve as a member of the Board of Directors; 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

TOWN OF RIVERHEAD

Resolution # 762

AUTHORIZES THE RETENTION OF THE CENTER FOR MUNICIPAL SOLUTIONS TO PERFORM EXPERT SERVICES PURSUANT TO §108-133.3(H) OF THE TOWN CODE OF THE TOWN OF RIVERHEAD

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Board of the Town of Riverhead recognizes the advancements in technology and the increasing demand for the installation of wireless communication tower(s) and/or facilities within the Town; and

WHEREAS, the Center for Municipal Solutions (hereinafter referred to as "CMS") is an organization experienced in the regulation of towers and wireless facilities and safety standards for such facilities; and

WHEREAS, the Town Board determines that it is in the public interest to retain the services of CMS to assist the Town on matters relating to special permit applications seeking approval for the placement, construction, location of wireless telecommunications equipment, facilities, and towers; and

WHEREAS, pursuant to §108-133.3(H) of the Riverhead Town Code, the Town may retain expert testimony and reports necessary for review and determination of special permit applications seeking approval for the placement, construction, location of wireless telecommunications equipment, facilities, and towers the cost of which shall be paid by the applicant; and

WHEREAS, the Town shall refer any such application it deems appropriate to CMS and CMS shall review such application(s) and assist and advise the Town regarding compliance with current standard regulations of the FAA, the FCC and any other state or federal agency having authority to regulate towers or antennas; compliance with NYS civil, mechanical, or electrical requirements and standards; suitability of existing towers and/or other structures for possible co-location and/or alternative technology; suitability (as to height and structural strength) of the proposed tower or structure; and issues related to electromagnetic interference with antenna on the existing towers or structures. In addition, if deemed appropriate or necessary, CMS shall attend hearings with respect to the application.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Center for Municipal Solutions (“CMS”) to act as and provide expert opinion and reports pursuant to §108-133.3(H) of the Riverhead Town Code; and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute a Professional Services Agreement with CMS; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Center for Municipal Solutions, Attention: Dick Comi, Town Attorney’s Office and Office of Accounting; 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

10.05.2010
100763

ADOPTED

TOWN OF RIVERHEAD

Resolution # 763

**RESCINDS RESOLUTION #540 OF 2010 AND ADOPTS RESOLUTION
AUTHORIZING THE SUPERVISOR TO EXECUTE AN AMENDED AGREEMENT
WITH DUNN ENGINEERING ASSOCIATES, P.C.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead undertook to reconstruct the spillways at Grangebel Park and to install a permanent fish passage; and

WHEREAS, the Town of Riverhead, pursuant to Resolution No. 1186 of 2007 established a budget for the restoration of the north and south spillways at Grangebel Park; and

WHEREAS, on April 15, 2008, the Town Board adopted Resolution No. 343 entitled, "Authorizes Dunn Engineering Associates, P.C. to proceed with Grangebel Park North Spillway Design, Specification and Permitting Process"; and

WHEREAS, on September 8, 2008, Dunn Engineering submitted a second proposal for the "Reconstruction, Certification and Inspection" for the north and south spillways at Grangebel Park" which proposal included services related to and in compliance with NYS DEC requirements for the projects and more fully set forth in the attached proposal attached hereto and made a part hereof; and

WHEREAS, on July 7, 2010, the Town Board approved an Amended Professional Services Agreement with Dunn Engineering Associates, P.C. which did not include compensation for all services required to complete the reconstruction of the north and south spillways at Grangebel Park; and

WHEREAS, the Town and Dunn Engineering agree that all terms and provisions set forth in the Amended Professional Services Agreement approved on July 7, 2010 be rescinded and replaced by a corrected Amended Professional Services Agreement; and

NOW THEREFORE BE IT RESOLVED, that the Town Board rescinds Resolution # 540 and authorizes the Supervisor to execute the attached corrected Amended Professional Services Agreement with Dunn Engineering Associates, P.C.; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978; 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

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the 9th day of April, 2010 between the **TOWN OF RIVERHEAD Community Development Agency**, a municipal entity organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York, 11901, **DUNN ENGINEERING ASSOCIATES, P.C.**, a corporation existing under the laws of the State of New York with a principal place of business at Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978 (hereinafter referred as "DEA" or "Consultant").

WHEREAS, the Town of Riverhead is undertook to reconstruct the spillways at Grangebel Park and to install a permanent fish passage; and

WHEREAS, the Town of Riverhead, pursuant to Resolution No. 1186 of 2007 established a budget for the restoration of the north and south spillways at Grangebel Park ; and

WHEREAS, on April 15, 2008, the Town Board adopted Resolution No. 343 entitled, "Authorizes Dunn Engineering Associates, P.C. to proceed with Grangebel Park North Spillway Design, Specification and Permitting Process, and

WHEREAS, on September 8, 2008, Dunn Engineering submitted a second proposal for the "Reconstruction, Certification and Inspection" for the north and south spillways at Grangebel Park which proposal is attached hereto; and

WHEREAS, Dunn Engineering Associates, P.C. has submitted the attached proposal to

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

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in items numbered "1" through "6" on Schedule A attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on April 12, 2010 and terminate on September 15, 2011.

3. PAYMENT

For these services Town of Riverhead will pay Consultant a fee (performance based contract) or at the rate (hourly fee based contract) set forth in the attached schedule. Note, the Town may require the submission of documentation, including time records for performance based contracts solely for the purposes of verification of completion

of the project or a portion of the project and the request that consultant provide same shall not convert the performance contract to an hourly rate contract. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. The Consultant has inspected the areas/sites subject of the grant and performed other unrelated and related services to the Town such that Consultant is familiar with the existing conditions and difficulties that may affect the execution of the work and that due to the scope of the work he may encounter certain areas of special coordination such that it is understood that Consultant will not attempt to seek additional monies for hardships that may arise related to any of the above, including but not limited to, effort and time required to modify plans or coordinate activities required to complete the scope of this agreement. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require. In no event shall the cost of the project exceed eighty four thousand (\$84,000.00) dollars, without the prior written approval of the Town Board.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under, this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees to assign and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement. As set forth in Scope of Agreement Part III, DEA will provide the Town with two sets of signed and sealed contract plans, an electronic copy of final drawings in AutoCAD and portable document file (pdf) format, and hardcopy and electronic copies of all contract documents.

5. PUBLICITY

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

6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board, with the exception of the sub-contract for survey services identified in Part I and II to be performed by EEA, Inc.

7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

9. CHANGES

The Town, by resolution of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain a resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if

mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Ken Testa, P.E., 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Attention: Ronald Hill, P.E., Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978

11. COMPLIANCE WITH LAWS

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

12. INSURANCE, INDEMNITY AND LIABILITY

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

13. CONFLICT OF INTEREST

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

14. DISCLOSURE

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

15. DISPUTES

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

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

by: Sean M. Walter,
Town Of Riverhead
200 Howell Avenue
Riverhead, New York

Dunn Engineering Associates, P.C.
66 Main Street
Westhampton Beach, NY 11978

10.05.2010
100764

ADOPTED

TOWN OF RIVERHEAD

Resolution # 764

AUTHORIZES THE FINANCIAL ADMINISTRATOR TO CONVEY FUNDS IN THE AMOUNT OF \$2500.00 FROM THE BUSINESS IMPROVEMENT DISTRICT TO THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., IN SUPPORT OF THE CLASSIC ROCK AND CLASSIC CAR FESTIVAL

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc., administers the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991; and

WHEREAS, the Town of Riverhead and the Riverhead Business Improvement District Management Association Inc., (hereinafter "Association") are united in interest in promoting community events in the Riverhead Business Improvement District; and

WHEREAS, the Riverhead Chamber of Commerce had previously requested that the Association co-sponsor the Classic Rock and Classic Car Festival held on August 19, 2010 at the Peconic Riverfront; and

WHEREAS, a previous Association resolution authorized the Association to co-sponsor the Classic Rock and Classic Car Festival in the amount of \$2500.00.

NOW THEREFORE BE IT RESOLVED that the Financial Administrator is authorized to convey funds in the amount of \$2500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., for the sole purpose of defraying costs relating to the Association's co-sponsorship of the Classic Rock and Classic Car Festival with the Riverhead Chamber of Commerce previously held on August 7, 2010; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., PO Box 913, 21 West 2nd Street, Riverhead, New York 11901, the Financial Administrator and the Office of the Town Attorney; 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

10.05.2010
100765

ADOPTED

TOWN OF RIVERHEAD

Resolution # 765

AUTHORIZES THE FINANCIAL ADMINISTRATOR TO CONVEY FUNDS IN THE AMOUNT OF \$2500.00 FROM THE BUSINESS IMPROVEMENT DISTRICT TO THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., IN SUPPORT OF THE MUSIC IDOL EVENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc., administers the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991; and

WHEREAS, the Town of Riverhead and the Riverhead Business Improvement District Management Association Inc., (hereinafter "Association") are united in interest in promoting community events in the Riverhead Business Improvement District; and

WHEREAS, the Riverhead Chamber of Commerce had previously requested that the Association co-sponsor the Music Idol event held on August 7, 2010 at the Peconic Riverfront; and

WHEREAS, a previous Association resolution authorized the Association to co-sponsor the Music Idol event in the amount of \$2500.00.

NOW THEREFORE BE IT RESOLVED that the Financial Administrator is authorized to convey funds in the amount of \$2500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., for the sole purpose of defraying costs relating to the Association's co-sponsorship of the Music Idol event with the Riverhead Chamber of Commerce previously held on August 7, 2010; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., PO Box 913, 21 West 2nd Street, Riverhead, New York 11901, the Financial Administrator and the Office of the Town Attorney; 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

TOWN OF RIVERHEAD

Resolution # 766

**RATIFIES THE AUTHORIZATION OF THE SUPERVISOR TO EXECUTE
AMENDED SO-ORDERED STIPULATION OF SETTLEMENT
IN CONNECTION WITH THE MATTER ENTITLED
"TOWN OF RIVERHEAD V. CORNELIUS O'NEILL AND SEAN O'NEILL"
INDEX NO. 07-2344**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute an Amended So-Ordered Stipulation of Settlement in connection with the aforementioned Supreme Court matter; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Town Attorney; 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 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

10.05.2010
100767

ADOPTED

TOWN OF RIVERHEAD

Resolution # 767

**AUTHORIZES THE SUPERVISOR TO EXTEND AN AGREEMENT
WITH SAV MOR MECHANICAL SERVICES INC.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead wishes to maintain the heating, ventilation and air conditioning systems at Riverhead Town Hall; and

WHEREAS, Sav Mor Mechanical Services Inc. is interested and capable of providing maintenance of the Town Hall's heating, ventilation and air conditioning systems;

WHEREAS, the current contract with Sav Mor expired on August 1, 2010, and

WHEREAS, the Town Board wishes to bid for townwide services Sav Mor currently supplies for 2011, and

WHEREAS, the Town Board wishes to extend Sav Mor's agreement until a competitive bid is awarded for same,

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute a letter extending the present agreement with Sav Mor through December 31, 2010, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Chris Schiavone, Vice President, Sav Mor Mechanical Services Inc., 30-B Howard Place, Ronkonkoma, New York 11779; 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

10.05.2010
100768

ADOPTED

TOWN OF RIVERHEAD

Resolution # 768

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, The following budget adjustment to help fund the Business Improvement District;

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> |
|-------------------|---------------------------|-------------|-----------|
| 118.000000.499999 | Appropriated Fund Balance | 10,500 | |
| 118.064100.544160 | B.I.D. Programs | | 10,500 |

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., PO Box 913, 21 West 2nd Street, Riverhead, New York 11901.

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

10.05.2010
100769

ADOPTED

TOWN OF RIVERHEAD

Resolution # 769

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

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

WHEREAS, the following budget adjustment to help fund the Business Improvement District;

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> |
|-------------------|---------------------------|-------------|-----------|
| 118.000000.499999 | Appropriated Fund Balance | 5,000 | |
| 118.064100.544160 | B.I.D. Programs | | 5,000 |

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., PO Box 913, 21 West 2nd Street, Riverhead, New York 11901.

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 # 770

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER NO. 9 FINAL RECONCILIATION FOR YOUNGS AVENUE LANDFILL CAPPING AND CLOSURE PROJECT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on December 27, 2007, the Riverhead Town Board adopted Resolution No. 1205 entitled, "Awards Bid for Youngs Avenue Landfill Capping and Closure Project"; and

WHEREAS, the bid was awarded to Terry Contracting & Materials, Inc., in the amount of Seven Million Three Hundred Ninety Eight Thousand Two Hundred Nineteen & 75/100 (\$7,398,219.75); and

WHEREAS, the Town consulting engineering firm, SCS Engineers, PC, has recommended the approval of Change Order No. 9 for additional work items requested including excavation and installation of an additional cap drain (\$24,657.78), removal of excessive tires (\$31,819.12) and the additional trees and vegetation in the southeast corner of the landfill as requested by condominium owners and agreed to by the Town (\$25,000) including unit price adjustments for the final reconciliation of final unit price items (\$1,675.02) along with the contract adjustment for the engineering reimbursement costs (-9,242.10) for the total adjusted amount of Seventy Three Thousand Nine Hundred Nine Dollars & 82/100 (\$73,909.82).

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute Change Order No. 9 to Terry Contracting & Materials, Inc. in the amount of \$73,909.82 and to forward a fully executed copy to the Town Clerk, Engineering Department, SCS Engineering, PC, Terry Contracting and Materials, Inc. and the Office of Accounting; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Office of Accounting to process the final reconciliation payment request; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to forward a copy of this resolution to Robert Terry, Terry Contracting & Materials, Inc., 840 West Main Street, Riverhead, New York 11901, Lisa Wilkinson, P.E., SCS Engineers, PC, 140 Route 303, Valley Cottage, NY 10989, Engineering 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

SCS ENGINEERS, PC

September 10, 2010
File Number 13206007.01

Town Board Members
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Subject: Change Order No. 9
Additional Cap Drain, Tire Removal and Trees
Unit Price Adjustments and Engineers Reimbursement for Final Reconciliation
Youngs Avenue Landfill Closure
Riverhead, New York

Dear Supervisor and Town Board Members:

SCS Engineers of New York, PC (SCS) recommends approval of Change Order No. 9 (see Attachment No. 1) for additional work items requested including excavation and installation of an additional cap drain, removal of excessive tires and the additional trees and vegetation in the southeast corner of the Landfill. The change order also includes unit price adjustments for the final reconciliation of the final unit price items. The total amount of this change order is \$73,909.82. Each item is described in further detail below.

ADDITIONAL CAP DRAINS

As previously stated in Change Order Nos. 5 and 6, the reclaimed sand was used as the barrier protection layer of the landfill cap in order to save material costs for the cap project. The permeability of the reclaimed sand has been variable over the course of the project resulting in perched liquid in the barrier sand above the geomembrane. Seeps and sloughing of the reclaimed sand used as barrier protection layer has been observed. Per Change Order Nos. 5 and 6, additional cap drains were installed. Discolored runoff was observed during the June 25, 2009 site visit along the main entrance road to the Landfill. SCS directed Terry Contracting and Materials, Inc. (TCM) to install one additional cap drain at that time to promote drainage within the barrier layer. The cap drain was installed in July 2009.

TCM has provided a cost estimate of \$24,657.78 for the excavation and installation of the additional cap drain (see Attachment 2). SCS has reviewed the unit prices and quantities provided by TCM and are in agreement with the estimate provided.



EXCESSIVE TIRE REMOVAL

The contract documents indicated the contractor's responsibility for removal of approximately 100 cubic yards of tires from the site. TCM encountered excessive amounts of tires in the excavation and relocation of waste. After discussion and further review of numerous options for tire removal, it was decided during the June 19, 2008 Progress Meeting that the tires would be removed from the site by Pegasus Worldwide, LLC (see Attachment 3).

TCM has provided a cost estimate of \$33,619.12 for the picking of the tires, moving and stockpiling and loading of the tractor trailers for haul away by Pegasus. The Town received and paid all invoices from Pegasus. Therefore, SCS deducted \$1,800.00 for the cost of the 100 cubic yards loaded in the first trailer that was the responsibility of TCM (see Attachment 3). SCS has reviewed the unit prices and quantities provided by TCM and are in agreement with the cost of \$31,819.12.

ADDITIONAL TREES

The residents at the condominiums located adjacent to the southeast corner of the landfill requested additional trees planted to screen the landfill. The Town agreed to a lump sum cost of \$25,000 (see Attachment 4).

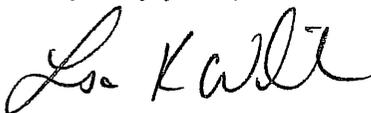
UNIT PRICE ADJUSTMENT AND ENGINEERS REIMBURSEMENT

We have adjusted the bid quantities to match the installed quantities for final reconciliation of the project. A table with the final installed quantities based on survey quantities and the overall contract adjustment of \$1,675.02 is provided in Attachment 5.

An adjustment to the contract amount is also required for the engineer's cost reimbursement that was deducted from Payment Application No. 8. A deduction of \$9,242.10 as documented in the correspondence provided in Attachment 5.

A fully executed copy should be returned to SCS for our files. Please call with any questions.

Very truly yours,



Lisa Wilkinson, PE
Project Manager
SCS ENGINEERS



Peter F. Kuniholm, PE
Vice President
SCS ENGINEERS

Attachment 1

Change Order

No. 09

Date of Issuance: September 10, 2010

Effective Date: September 10, 2010

| | | |
|--|---|------------------------------|
| Project: Young's Avenue Landfill Closure | Owner: Town of Riverhead | Owner's Contract No.: 07-LFC |
| Contract: Landfill Capping and Closure Project PO No. 080296 | Date of Contract: January 24, 2008 | |
| Contractor: Terry Contracting and Materials, Inc. | Engineer's Project No.: 13206007.01 and 13206007.03 | |

The Contract Documents are modified as follows upon execution of this Change Order:

Description: Cost of additional cap drain, excessive tire removal, additional trees in southwest corner and bid

Quantity reconciliation including engineer's cost reimbursement.

Attachments: (List documents supporting change):

SCS letter dated August 4, 2010.

CHANGE IN CONTRACT PRICE:

CHANGE IN CONTRACT TIMES:

Original Contract Price:

\$ 7,398,219.75

Original Contract Times: Working days Calendar days

Substantial completion (days or date): 360 days

Ready for final payment (days or date): _____

Net increase from previously approved Change Orders
No. 1 to No. 8:

\$ 1,020,589.00

Increase from previously approved Change Orders
No. 1 to No. 8:

Substantial completion (date): July 24, 2009

Ready for final payment (date): August 7, 2009

Contract Price prior to this Change Order:

\$ 8,418,808.75

Contract Times prior to this Change Order:

Substantial completion (date): July 24, 2009

Ready for final payment (date): August 7, 2009

Net increase of this Change Order:

\$ 24,657.78 (Cap Drain)

\$ 31,819.12 (Excessive Tire)

\$ 25,000.00 (Trees)

\$ 1,675.02 (Quantity Reconciliation)

\$ -9,242.10 (Engineers Cost Reimbursement)

\$ 73,909.82

Increase of this Change Order:

Substantial completion (days or date): N/A

Ready for final payment (days or date): N/A

Contract Price incorporating this Change Order:

\$ 8,492,718.57

Substantial completion (days or date): July 24, 2009

Ready for final payment (days or date): August 7, 2009

RECOMMENDED:

By: Lo. K. Will
Engineer (Authorized Signature)

Date: 9/10/10

ACCEPTED:

By: _____
Owner (Authorized Signature)

Date: _____

ACCEPTED:

By: Robert A. [Signature]
Contractor (Authorized Signature)

Date: 9/13/10

Terry Contracting & Materials, Inc.

840 West Main Street
Riverhead, NY 11901
(631) 727-0170 Fax: (631) 727-0410

611 Access Road
Stratford, CT 06615
(203) 375-8450 Fax: (203) 375-8410

June 30, 2010

Lisa Wilkinson, PE
SCS Engineers, PC
140 Route 303
Valley Cottage, NY 10989-1923

Re: Cost Estimate
Additional Cap Drains
Youngs Avenue Landfill Closure
Riverhead, NY

Dear Lisa:

We are pleased to provide a cost estimate for the excavation and installation of additional cap drains along the west side of the main access road. This work was done July 6,7,8 2009 as directed due to the wet condition observed during an inspection. Please note there is additional labor and equipment due to the removal of Curlex, topsoil and BPL. I did not charge for the disposal or all the equipment and labor. The work took a full 3 days and utilized 2 asv's a payloader, and the excavator.

The breakdown of unit quantities and cost are as follows:

| Item No. | Description | UOM | Quantity | Unit Price | Total |
|----------|---|-----|----------|------------|------------|
| 1 | Furnish and Install Erosion Control Blanket | SF | 4,900 | 0.65 | \$3,185.00 |
| 2 | Furnish and Install 6" Cap Drains | LF | 660 | 5.00 | \$3,300.00 |
| 3 | Replace Topsoil | CY | 90 | 21.00 | \$1,890.00 |
| 4 | Barrier Protection Layer | CY | 85 | 7.10 | \$6,035.00 |
| 5 | Misc. Tools | LS | 1 | 200.00 | \$200.00 |
| 6 | Excavator with Labor | Day | 2 | 1,589.81 | \$3,179.62 |
| 7 | ASV with Labor | Day | 2 | 1,226.08 | \$2,452.16 |
| 8 | Laborers - (4) Man Labor Crew | Day | 2 | 2,208.00 | \$4,416.00 |

The estimated total cost for this work is: \$24,657.78.

Please contact me in the office if you have any questions.

Sincerely,

Robert G. Terry
President
Terry Contracting & Materials, Inc.

DAILY LOG
 TERRY CONTRACTING & MATERIALS, INC.
 840 WEST MAIN STREET
 RIVERHEAD NY 11901

Cap drain

~~16~~

4 ends

| | | | | | |
|-----------------------------------|-------------------------------------|--------------------|------|----------------|--|
| LOCATION Youngs Ave | DATE 7-8-09 | WEATHER CONDITIONS | | WIC OF YR | |
| TYPE OF PROJECT Landfill cover | ARCHITECT/ENG | TEMPERATURE | WIND | UNDER CONTRACT | |
| | | | | COMPLETED | |
| | | | | REMAINING | |
| PRIME CONTRACTOR | TERRY CONTRACTING & MATERIALS, INC. | | | | |

| EQUIPMENT ON SITE | ACTIVITY |
|-------------------|----------|
|-------------------|----------|

| | | |
|---------------|--|-------|
| * ASV + 3 lab | Removing mat from road putting and lining installing 6" pipe with sock. Installing sand, fabric, stone and topsoil | |
| * ASV 3 hrs | backfilling mat to trench. | 3 hrs |
| * 330 cut | Digging out curbs topsoil and reclaimed sand | - 80 |
| * 980 | Removing excess mat and bringing clean sand for trench. | - 30 |

| | |
|--------|--|
| Roller | Compacting perimeter roads after logade. |
|--------|--|

| LABOR FORCE ON SITE | CLASS | EQUIPMENT | START | FINISH | HOURS | INITIALS |
|---------------------|--------------------|-------------------|-------|--------|-------|----------|
| Manny G | operator | ASV | 700 | 330 | 8 | |
| Willy G | operator labors | ASV 3 Lab 5 | 700 | 330 | 8 | |
| Oscar H | laborer | Lab | 700 | 330 | 8 | |
| Edwin E | laborer | Lab | 700 | 330 | 8 | |
| Chris J | | 330 cut | 730 | 830 | 6 | |
| Jay W | operator | roll off 3 980 | 700 | 130 | | |
| Jay W | operator | 330 cut | 130 | 330 | 2 | |

SUBCONTRACTOR
NONE

| EQUIPMENT ON SITE | ACTIVITY |
|-------------------|----------|
|-------------------|----------|

40 yds 1" gravel from RCB

| |
|---------------------|
| LABOR FORCE ON SITE |
|---------------------|

DAILY LOG
 TERRY CONTRACTING & MATERIALS, INC.
 840 WEST MAIN STREET
 RIVERHEAD NY 11901

Cap drain



Tues

| | | | | | |
|-------------------------------------|-------------------------------------|--------------------|------|----------------|--|
| LOCATION Youngs Ave | DATE 7-7-09 | WEATHER CONDITIONS | | W/C DAYS | |
| TYPE OF PROJECT Landfill closure | ARCHITECT/ENG | TEMPERATURE | WIND | UNDER CONTRACT | |
| | | | | COMPLETED | |
| | | | | REMAINING | |
| PRIME CONTRACTOR | TERRY CONTRACTING & MATERIALS, INC. | | | | |

| EQUIPMENT ON SITE | ACTIVITY |
|-------------------|--|
| #1 ASV+4 Lab | Remove soil and sand of liner on W-side |
| #2 ASV+4 Lab | man access and install 6" perf pipe cover with clean sand fabric and slope. |
| 330 | Dig topsoil and sand for cap drain. |
| 980 | Remove topsoil and rock ^{rocky sand} bring clean sand for backfill |
| materials | 1 roll 30E fabric |
| laborer | Dig up catch basin and break hole to pipe cap drain in. |

| LABOR FORCE ON SITE | CLASS | EQUIPMENT | START | FINISH | HOURS | INITIALS |
|---------------------|---------------------|----------------|-------|--------|--------|----------|
| Manny G | operator | ASV | 700 | 330 | 8 | |
| Willy G | operator Laborer | ASV 4 Lab 4 | 700 | 330 | 8 | |
| Osint H | Laborer | Lab | 700 | 330 | 8 | |
| Edwin E | Laborer | Lab | 700 | 330 | 8 | |
| Humberto M | Laborer | Lab | 700 | 330 | 8 | |
| Jay W | operator | 0-6m Roller | 700 | | 3 2 | |
| Jay W | operator | 980G | | 330 | 3 | |
| Chris Z | | 330 | 700 | 330 | 8 | |

SUBCONTRACTOR
NONE

| EQUIPMENT ON SITE | ACTIVITY |
|---------------------|---|
| mat | 30yds gravel from RCB |
| LABOR FORCE ON SITE | Nugent and Potter delivered 700' of 6" perf pipe with sock. |

DAILY LOG
 TERRY CONTRACTING & MATERIALS, INC.
 840 WEST MAIN STREET
 RIVERHEAD NY 11901



this

| | | | | | |
|--|-------------------------------------|--------------------|------|----------------|--|
| LOCATION <i>Kew-Forest Ave</i> | DATE <i>7-9-09</i> | WEATHER CONDITIONS | | W/C DAYE | |
| TYPE OF PROJECT <i>landfill closure</i> | ARCHITECT/ENG | TEMPERATURE | WIND | UNDER CONTRACT | |
| | | | | COMPLETED | |
| | | | | REMAINING | |
| PRIME CONTRACTOR OF | TERRY CONTRACTING & MATERIALS, INC. | | | | |

| EQUIPMENT ON SITE | ACTIVITY |
|-----------------------|---|
| <i>ASV + 3 labor</i> | <i>Finish installing new sand topsoil, stone & fabric over</i> |
| <i>ASV</i> | <i>new 600' of cap drain on W-side of main rd.</i> |
| <i>ASV & lab</i> | <i>same ↑ (ASV 3 hrs)</i> |
| <i>980 Payloader</i> | <i>Remove topsoil from and excess mud from cap drain from</i> |
| <i>D-6m Roller</i> | <i>Spread RCA over 1st 600' of main entrance from compact 1st 600' of main entrance.</i> |

| LABOR FORCE ON SITE | CLASS | EQUIPMENT | START | FINISH | HOURS | INITIALS |
|---------------------|-----------------|---------------------|------------|------------------------|------------------------|-------------|
| <i>Manny G</i> | <i>operator</i> | <i>ASV</i> | <i>700</i> | <i>2:45</i> | <i>7.75</i> | <i>7.75</i> |
| <i>Willy G</i> | <i>operator</i> | <i>ASV 3</i> | | <i>2:45</i> | <i>7.75</i> | <i>7.75</i> |
| | <i>laborer</i> | <i>Lab 45</i> | <i>700</i> | <i>2:45</i> | <i>7.75</i> | |
| <i>Edwin E</i> | <i>Laborer</i> | <i>Lab</i> | <i>700</i> | <i>2:45</i> | <i>7.75</i> | |
| <i>Humberto M</i> | <i>Laborer</i> | <i>Lab</i> | <i>700</i> | <i>2:45</i> | <i>7.75</i> | |
| <i>Oscar H</i> | <i>Laborer</i> | <i>Lab</i> | <i>700</i> | <i>2:45</i> | <i>7.75</i> | |
| <i>Chris Z</i> | | <i>D-6 / Roller</i> | <i>700</i> | <i>2:45</i> | | |
| <i>Chris Z</i> | | <i>980 1</i> | | <i>10:00</i> | | |

SUBCONTRACTOR
NONE

| | |
|-------------------|----------|
| EQUIPMENT ON SITE | ACTIVITY |
|-------------------|----------|

| |
|---------------------|
| LABOR FORCE ON SITE |
|---------------------|

Attachment 3

Terry Contracting & Materials, Inc.
Young's Avenue Landfill

Picking Tires

| <u>Date</u> | <u>Labor</u> | <u>Time (hrs)</u> | <u>Equipment</u> |
|-------------|--------------|-------------------|------------------|
| 4/2/2008 | Operator | 8 | ASV |
| 4/3/2008 | Operator | 8 | ASV |
| 4/4/2008 | Operator | 8 | ASV |
| 4/7/2008 | Operator | 5 | ASV |
| 4/9/2008 | Operator | 4 | ASV |
| 4/23/2008 | Operator | 3 | ASV |
| 4/24/2008 | Operator | 1 | ASV |
| 4/30/2008 | Operator | 6.5 | ASV |
| 5/1/2008 | Operator | 2 | ASV |
| 5/13/2008 | Operator | 2 | ASV |
| 5/23/2008 | Operator | 5 | ASV |
| 5/28/2008 | Operator | 2 | ASV |

Moving and Stockpiling Tires

| <u>Date</u> | <u>Labor</u> | <u>Time (hrs)</u> | <u>Equipment</u> |
|-------------|--------------------|-------------------|------------------|
| 4/7/2008 | Operator | 6 | ASV |
| 4/21/2008 | Operator Driver | 5 5 | 330 TA30 |

Loading Trailers

| <u>Date</u> | <u>Labor</u> | <u>Time (hrs)</u> | <u>Equipment</u> |
|-------------|--------------------------|---------------------|------------------|
| 10/30/08 | 1 Operator 2 Laborers | 8 8 ea. | ASV |
| 11/3/08 | 1 Operator 2 Laborers | 2.5 2.5 ea. | ASV |
| 9/17/09 | 1 Operator 3 Laborers | 8 8 ea. | ASV |
| 10/2/09 | 1 Operator 2 Laborers | 8 1 @ 4 1 @ 8 | ASV |
| 10/5/09 | 1 Operator 2 Laborers | 3 1 @ 8 1 @ 5 | ASV |
| | | | |

| | | | |
|----------|--------------------------|---------------------|-----|
| 10/6/09 | 1 Operator | 5.5 | ASV |
| 10/12/09 | 1 Operator 2 Laborers | 3 1 @ 8 1 @ 5 | ASV |
| 11/16/09 | 1 Operator 2 Laborers | 2.5 2 @ 2.5 | ASV |
| 12/7/09 | | 1 @ 1 1 @ 2 | |
| 12/8/09 | | 1 @ 1 | |

EQUIPMENT:

| | | |
|------|----------------------|-----------------|
| ASV | \$465./day @ 21 DAYS | \$9,765. |
| 330 | \$835./day @ 1 DAY | \$835. |
| TA30 | \$1,045./day @ 1 DAY | <u>\$1,045.</u> |
| | | \$11,645. |

FUEL:

LABOR:

OPERATOR (CLASS A)

| | | |
|-----------------|--|------------|
| WAGE: | \$47.31/hr | |
| SUPP. BENEFITS: | <u>\$27.39/hr</u> | |
| | $\$74.70 \times \$1.33(\text{ins. \& s.s.}) = \$99.35/\text{hr} \times 99\text{hrs} =$ | \$9,835.65 |

Driver (Teamster)

| | | |
|-----------------|---|----------|
| WAGE: | \$26.03/hr | |
| SUPP. BENEFITS: | <u>\$19.20/hr</u> | |
| | $\$45.23 \times \$1.33(\text{ins. \& s.s.}) = \$60.15/\text{hr} \times 5\text{hrs} =$ | \$300.75 |

Laborer

| | | |
|-----------------|--|----------|
| WAGE: | \$29.05/hr | |
| SUPP. BENEFITS: | <u>\$22.83/hr</u> | |
| | $\$51.88 \times \$1.33(\text{ins. \& s.s.}) = \$69./\text{hr} \times 87\text{hrs} =$ | \$6,003. |

| | |
|-------------------|-------------------|
| Wages & Equipment | \$27,784.40 |
| 10% OVERHEAD | <u>\$2,778.44</u> |
| | \$30,562.84 |
| 10% PROFIT | <u>\$3,056.28</u> |
| TOTAL AMOUNT | \$33,619.12 |

- 1800.00

31,819.12

DEPARTMENT (INDICATE DEPARTMENT PROCESSING THIS VOUCHER ONLY)
ENGINEERING
 VENDOR NO
 30766

Town of Riverhead
 200 HOWELL AVENUE
 RIVERHEAD, NY 11901-2596
 (631) 727-3200

Official Claim Voucher
 VOUCHER NO
 CHECK NO
 CHECK DATE

| APPROPRIATION NUMBER | PURCHASE ORDER NO | INVOICE NO | AMOUNT LIQUIDATED | AMOUNT PAID |
|----------------------|-----------------------|------------|-------------------|-------------|
| 1 406.081600.503044. | None | Att. | | 8,900.00 |
| 2 80003 | | | | |
| 3 | | | | |
| 4 | SEPARATE CHECK | | | |

ATTN: Lisa Wilkinson

Vendor Information
 CLAIMANT'S NAME
PEGASUS WORLDWIDE, LLC
 ADDRESS
686 LONG ISLAND AVENUE
 CITY & STATE
DEER PARK, NY 11729
 TELEPHONE
 FED ID NO
 X 204207257
 FAX NO

| DATE | INVOICE NO | INVOICE DESCRIPTION OF MATERIALS AND SERVICES | AMOUNT |
|------------|------------|---|-------------|
| 10/23/2008 | | INVOICE 00003284 | \$ 3,100.00 |
| 1/1/2009 | | INVOICE 0002571 | \$ 1,800 |
| 1/8/2009 | | INVOICE 00002651 | \$ 2,100.00 |
| 1/19/2009 | | INVOICE 00002652 | \$ 1,900.00 |

CD Credit #1,800 for 1 truckload per Job Mtg 4/5/09. SCS will prepare CO.

SEND INVOICE & VOUCHER DIRECTLY TO DEPARTMENT WHICH RECEIVED GOODS OR SERVICES AS PER OUR PURCHASE ORDER

CLAIMANT CERTIFICATION: I CERTIFY THAT THE ABOVE EXPENDITURES HAVE BEEN MADE IN ACCORDANCE WITH THE PROVISIONS OF THE APPLICABLE STATUTE; THAT THE CLAIM IS JUST AND CORRECT; THAT NO PART THEREOF HAS BEEN PAID EXCEPT AS STATED; THAT THE BALANCE IS ACTUALLY DUE AND OWING; AND THAT THE PRICES CHARGED HEREIN DO NOT INCLUDE FEDERAL EXCISE TAX OR ANY FEDERAL, N.Y. STATE OR N.Y.C. SALES TAX AND ARE NOT HIGHER THAN PRICES CHARGED TO ANY GOVERNMENTAL OR COMMERCIAL CONSUMER FOR LIKE DELIVERIES.

CLAIMANT'S SIGNATURE IN INK
 X [Signature] TITLE
 OWNER

DATE
 X 3/25/09
 NAME OF COMPANY
 PEGASUS Worldwide LLC
 AMOUNT CLAIMED

| DEPARTMENT CERTIFICATION | AMOUNT DISALLOWED |
|--|--------------------------------|
| I CERTIFY THAT THIS CLAIM IS CORRECT AND THAT SERVICES OR MATERIALS WERE RENDERED, AND PAYMENT IS APPROVED. SIGNATURE TITLE Town Engineer | \$ 8,900.00 |
| | NET AMOUNT PAYABLE \$ 8,900.00 |

5-3-19-09
w/ Vendor Pkg

ATTN: Ken. @ Riverhead
631-369-7739

Pegasus Worldwide, LLC
666 Long Island Ave
Deer Park, N.Y. 11729

Aged Receivables [Detail]

| 3/16/2009 11:32:09 AM | | 3/16/2009 | | | | | Page 1 |
|-----------------------------|------------|-------------------|---------------|-------------------|-------------------|-------------------|--------|
| ID# | Date | Total Due | 0 - 30 | 31 - 60 | 61 - 90 | 90+ | |
| Riverhead Landfill *None | | | | | | | |
| 631-466-0866 C.O.D. | | | | | | | |
| 00003284 | 10/23/2008 | \$3,100.00 | | | | | |
| 00002571 | 1/1/2009 | \$1,800.00 | | | | \$3,100.00 | |
| 00002651 | 1/8/2009 | \$2,100.00 | | | \$1,800.00 | | |
| 00002652 | 1/19/2009 | \$1,900.00 | | \$1,900.00 | \$2,100.00 | | |
| Total: | | \$8,900.00 | \$0.00 | \$1,900.00 | \$3,900.00 | \$3,100.00 | |
| Grand Total: | | \$8,900.00 | \$0.00 | \$1,900.00 | \$3,900.00 | \$3,100.00 | |
| Aging Percent: | | | 0.0% | 21.3% | 43.8% | 34.8% | |

Pegasus Worldwide, LLC
 688 Long Island Ave
 Deer Park, N.Y. 11729

Invoice

Invoice #: 00002671

Bill To:

Riverhead Landfill
 200 Howell Avenue
 Riverhead, NY 11901

Ship To:

Riverhead Landfill
 200 Howell Avenue
 Riverhead, NY 11901

| SALESPERSON | | YOUR NO. | SHIP VIA | CO/PPD | SHIP DATE | TERMS | DATE | PG. |
|-------------|--------|---------------------|------------|--------|-----------|-------------|------------|-----|
| | | | | X | | C.O.D. | 1/1/2009 | 1 |
| QTY. | ITEM # | DESCRIPTION | PRICE | UNIT | DISC % | EXTENDED | TX. | |
| 1 | 1002 | Trans. of Pass. | \$1,500.00 | | | | | |
| 1 | 1004 | Tires | \$100.00 | | | \$1,500.00 | | |
| 2 | 1004 | 29.5X29 35-85R33 | \$100.00 | | | \$100.00 | | |
| | | | \$100.00 | | | \$200.00 | | |
| | | | | | | SALE AMOUNT | \$1,800.00 | |
| | | | | | | FREIGHT | \$0.00 | |
| | | | | | | SALES TAX | \$0.00 | |
| | | | | | | TOTAL | \$1,800.00 | |
| | | | | | | PAID TODAY | \$0.00 | |
| | | | | | | BALANCE DUE | \$1,800.00 | |

Attachment 4

Wilkinson, Lisa

From: Bob Terry [bob@terrycontracting.com]
Sent: Thursday, July 01, 2010 7:35 AM
To: Wilkinson, Lisa; Ken Testa
Cc: Melissa Andujar; jimrossi@terrycontracting.com
Subject: Trees at Young,s Ave Landfill

Hi Ken and Lisa,

We planted the following list of trees and shrubs for the quoted budget of \$25,000 at the S/E corner of the landfill property.

95 arborvitae 8'-9' high
18 Norway 8'-10' high
4 eastern red cedars 12'-14' high
10 Holly shrubs 3' high

I can get you the exact botanical names later today. All plants were from our nursery, discounted, and installed at cost.
thanks,
Bob

Attachment 5

Table 1. Reconciliation for Bid Schedule Items for Change Order 9

| | Bid Quantity | Installed Quantity | |
|-------------------|--------------|--------------------|----|
| Geomembrane | 1,351,326 | 1,364,130 | SF |
| Anchor Trench | 6,293 | 6,009 | LF |
| Final Cover Sys B | | | SF |
| Topsoil | | | SF |

| Affected Bid Items | | | | | Bid Quantity/Cost | | Installed Quantity/Cost | | Difference |
|--------------------|----------------------|----------------|------------|-----|-------------------|-----------------------|-------------------------|-----------------------|-------------------|
| Bid Item | Description | Thickness (ft) | Unif Price | UOM | Bid Quantity | Cost | Actual Quantity | Cost | Cost |
| 6 | Abandon GW Wells | | 2000 | LS | 1 | \$2,000.00 | 0 | \$0.00 | (2,000.00) |
| 9 | Gas Venting Layer | 0.5 | 7.25 | cy | 25,025 | \$181,431.25 | 25,262 | \$183,147.00 | 1,715.75 |
| 10 | Geomembrane | | 0.7 | sf | 1,351,326 | \$945,928.20 | 1,364,130 | \$954,891.00 | 8,962.80 |
| 11 | Anchor Trench | | 10.4 | lf | 6,293 | \$65,447.20 | 6,009 | \$62,493.60 | (2,953.60) |
| 12 | BPL System A | 1.25 | 7.1 | cy | 46,321 | \$328,879.10 | 47,590 | \$337,890.97 | 9,011.87 |
| 13 | BPL System B | 1.75 | 7.1 | cy | 22,737 | \$161,432.70 | 21,789 | \$154,701.90 | (6,730.80) |
| 14 | Topsoil Credit | | -6 | CY | 26600 | (159,600.00) | 18,616.00 | (111,696.00) | 47,904.00 |
| 17 | Geocomposite | | 1 | sf | 125,853 | \$125,853.00 | 120,200 | \$120,200.00 | (5,653.00) |
| 23 | Perimeter Gas Probe | | \$ 81.00 | lf | 218 | \$17,658.00 | 206 | \$16,686.00 | (972.00) |
| 24 | GW Monitoring Well | | \$ 85.00 | lf | 380 | \$32,300.00 | 303 | \$25,755.00 | (6,545.00) |
| 30 | 8' Walking Path | | 13 | LF | 4,515 | \$58,695.00 | 4,243 | \$55,159.00 | (3,536.00) |
| 31 | 8' Path w/Channel | | 17 | LF | 2,436 | \$41,412.00 | 2,273 | \$38,641.00 | (2,771.00) |
| 33 | Slope Stabilization | | 48000 | LS | 1 | \$48,000.00 | 24% | \$11,521.00 | (36,479.00) |
| 35 | Waste Comp Test | | 6000 | LS | 1 | \$6,000.00 | 33% | \$2,000.00 | (4,000.00) |
| 37 | Unscreened RCS | | 7 | CY | 500 | 3,500.00 | 0.00 | 0.00 | (3,500.00) |
| 38 | Screened RCS | | 15 | CY | 250 | 3,750.00 | 0.00 | 0.00 | (3,750.00) |
| 39 | Leachate Seep | | 30 | SF | 20 | 600.00 | 0.00 | 0.00 | (600.00) |
| 40 | Asphalt Walking Path | | 13.4 | LF | 6,951 | \$93,143.40 | 6,516 | \$87,314.40 | (5,829.00) |
| 41 | Credit Reduced Vol. | | -2.3 | CY | 10000 | (23,000.00) | 0.00 | 0.00 | 23,000.00 |
| 43 | Equip Pass | | 0.05 | CY | 120000 | 6,000.00 | 0.00 | 0.00 | (6,000.00) |
| 44 | Credit Equip Pass | | -0.02 | CY | 120000 | (2,400.00) | 0.00 | 0.00 | 2,400.00 |
| | | | | | Total | \$1,937,029.85 | Total | \$1,938,704.87 | 1,675.02 |
| | | | | | | | Difference | | \$1,675.02 |

SCS ENGINEERS, PC

June 3, 2009
File No 13206007.01

Mr. Kenneth Testa, PE
Town Engineer
Town of Riverhead, Engineering Department
200 Howell Avenue
Riverhead, New York 11901

Subject: Payment Application No. 8
Youngs Avenue Landfill Capping Project

Dear Ken:

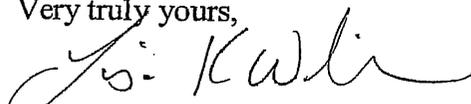
SCS Engineers, PC (SCS) has reviewed the Payment Application No. 8 for the Youngs Avenue Landfill Closure work performed by Terry Contracting & Materials, Inc. (TCM) for the period ending May 9, 2009 (two copies included). SCS has requested that TCM deduct \$9,242.10 from the pay requisition to cover the engineer's cost reimbursement (see Attachment 1). We have marked up the Certificate for Payment and the Claim Voucher to deduce this amount. Therefore, we approve the installed quantities, and payment in the amount \$482,591.22, which includes the deduction for the engineer's cost reimbursement.

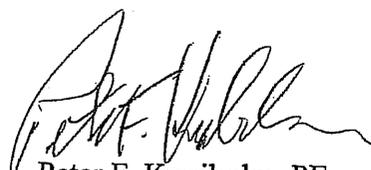
SCS notes that the payment application includes work performed through May 9, 2009 and weekly payroll forms through May 2, 2009.

Payment for the majority of the items is based on the percentage of actual work performed. Payment for Item 15-Topsoil inside cap, Item 17 – Geocomposite, Item 25 – Seed, Erosion Control Blanket Inside the Cap, have been determined from a survey drawing of geomembrane limits provided by L.K. McLean on behalf of TCM, entitled "July 2008 Subgrade Volume Plan", dated December 2, 2008 (see attached).

Please call with any questions.

Very truly yours,


Lisa Wilkinson, PE
Project Manager
SCS ENGINEERS, PC


Peter F. Kuniholm, PE
Vice President
SCS ENGINEERS, PC

cc: R. Terry (w/o enclosure)

ATTACHMENT 1

SCS ENGINEERS, PC

May 28, 2009
File No 13206007.01

Mr. Robert Terry
Terry Contracting & Materials, Inc.
840 West Main Street
Riverhead, New York 11901

Subject: Engineer's Cost Reimbursement
Youngs Avenue Landfill Closure
Riverhead, New York

Dear Bob:

SCS Engineers, PC will not recommend payment of Payment Application No. 8 submitted on May 21, 2009 without the inclusion of the engineer's cost reimbursement as requested in our letter dated February 23, 2009 and our electronic correspondence on May 21, 2009.

In accordance with Specification Section 01010-1.4.A.2 and Section 00700-6.05.E, Terry Contracting and Materials, Inc (TCM) is required to reimburse the Engineer's cost for work outside the normal construction hours and for evaluation of substitute items, methods or procedures. We have summarized these costs from April through November in Attachment 1. These costs total \$9,242.10. These costs include the following items:

- a. Alternative use of geotextile to screening sand.
- b. Additional testing for reclaimed sand.
- c. Reviewing substitute of confinement reinforcement material.
- d. Construction oversight by Kurt Peterson for weekend work and overtime work.
- e. Evaluation of substitute erosion control products.

We have invoiced the Town directly for these costs on previous occasions and the Town needs to recover this payment.

Please call with any questions.

Very truly yours,


Lisa Wilkinson, PE
Project Manager
SCS ENGINEERS, PC


Peter F. Kuniholm, PE
Vice President
SCS ENGINEERS, PC

cc: K. Testa

Labor Detail

SCS Engineers

Job-to-Date through 2/28/09

Thursday, February 19, 2009

12:26:15 PM

| | Date | Regular Hours | Overtime Hours | Ovt-2 Hours | Total Hours | Total Billing |
|---|---|---------------|----------------|-------------|-------------|---------------|
| Project Number: 13206007.01 Riverhead - Youngs Ave. LF CQA Services | | | | | | |
| Task Number: 00005 Terry Submittals/Substitutions | | | | | | |
| 03136 | Friedler, Brian | | | | | |
| | Submittal reviews | 4/28/08 | 3.00 | | 3.00 | 252.00 |
| 03136 | Friedler, Brian | | | | | |
| | Worked on Screen Sand Calculations | 5/29/08 | 1.50 | | 1.50 | 126.00 |
| 03136 | Friedler, Brian | | | | | |
| | Drop off Soil Sample to Advance | 5/30/08 | 1.50 | | 1.50 | 126.00 |
| 03136 | Friedler, Brian | | | | | |
| | Worked on Reviewing the Re-submittal No. 29A. (Confinement Reinforcement). Reviewed the requested substitute. | 11/20/08 | 2.00 | | 2.00 | 176.00 |
| 03136 | Friedler, Brian | | | | | |
| | Worked on Reviewing the Re-submittal No. 29A. (Confinement Reinforcement). Reviewed the requested substitute. | 11/21/08 | 3.00 | | 3.00 | 264.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 4/9/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 4/10/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 4/17/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 5/8/08 | 2.00 | | 2.00 | 358.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 5/21/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 5/28/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 5/29/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 6/2/08 | 2.00 | | 2.00 | 358.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 6/3/08 | 2.00 | | 2.00 | 358.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 6/4/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 6/26/08 | 1.00 | | 1.00 | 179.00 |
| 01618 | Kuniholm, Peter | | | | | |
| | | 9/11/08 | 1.00 | | 1.00 | 185.00 |
| * 01019 | Law, Har Tuan | | | | | |
| | | 5/19/08 | 1.00 | | 1.00 | 179.00 |
| * 01019 | Law, Har Tuan | | | | | |
| | | 5/20/08 | 2.50 | | 2.50 | 447.50 |
| * 01019 | Law, Har Tuan | | | | | |
| | | 5/21/08 | 2.00 | | 2.00 | 358.00 |
| * 00996 | McCarron, Gregory | | | | | |
| | move to 13206008.01 | 9/12/08 | -.50 | | -.50 | -92.50 |
| * 00996 | McCarron, Gregory | | | | | |
| | move to 13206008.01 | 9/12/08 | .50 | | .50 | 92.50 |
| * 01888 | Peterson, Kurt | | | | | |
| | Construction Oversight | 7/26/08 | | 8.00 | 8.00 | 720.00 |

Labor Detail

Job-to-Date through 2/28/09

Thursday, February 19, 2009 - 12:26:15 PM

| | Date | Regular Hours | Overtime Hours | Ovt-2 Hours | Total Hours | Total Billing |
|--|---------|---------------|----------------|-------------|-------------|---------------|
| * 01888 Peterson, Kurt Construction Oversite | 8/9/08 | | 8.00 | | 8.00 | 720.00 |
| * 01888 Peterson, Kurt Construction Oversite | 8/23/08 | | 7.00 | | 7.00 | 630.00 |
| 01828 Salerno, Mary Submittal copies/mailling | 4/3/08 | 1.00 | | | 1.00 | 69.00 |
| * 01828 Salerno, Mary | 7/8/08 | -2.00 | | | -2.00 | -144.00 |
| * 01828 Salerno, Mary | 7/8/08 | 2.00 | | | 2.00 | 138.00 |
| * 01828 Salerno, Mary | 7/15/08 | 2.50 | | | 2.50 | 172.50 |
| * 01828 Salerno, Mary | 7/15/08 | -2.50 | | | -2.50 | -180.00 |
| 01613 Wilkinson, Lisa calls, info to peter | 5/21/08 | 1.00 | | | 1.00 | 130.00 |
| 01613 Wilkinson, Lisa submittals, volume, textile | 5/28/08 | 1.00 | | | 1.00 | 130.00 |
| 01613 Wilkinson, Lisa calls,lab for sample, textile evaulation, submittal | 5/29/08 | 3.00 | | | 3.00 | 390.00 |
| 01613 Wilkinson, Lisa textile substitution | 6/2/08 | 3.50 | | | 3.50 | 455.00 |
| 01613 Wilkinson, Lisa textile sub | 6/3/08 | 1.50 | | | 1.50 | 195.00 |
| 01613 Wilkinson, Lisa | 6/6/08 | .50 | | | .50 | 65.00 |
| 01613 Wilkinson, Lisa sand results | 6/10/08 | 1.50 | | | 1.50 | 195.00 |
| 01613 Wilkinson, Lisa finalize letter | 6/11/08 | 1.50 | | | 1.50 | 195.00 |
| 01613 Wilkinson, Lisa finalize letter | 6/12/08 | 1.50 | | | 1.50 | 195.00 |
| 01613 Wilkinson, Lisa ecm substitution review | 11/4/08 | .50 | | | .50 | 67.50 |
| 01613 Wilkinson, Lisa rfi, s250 evaulation | 11/5/08 | 1.50 | | | 1.50 | 202.50 |
| Total for 00005 | | | | | | |
| Total for 13206007.01 | | 49.50 | 23.00 | | 72.50 | 8,965.00 |
| Final Totals | | 49.50 | 23.00 | | 72.50 | 8,965.00 |
| | | 49.50 | 23.00 | | 72.50 | 8,965.00 |

Expense Detail

Thursday, February 19, 2009

SCS Engineers

Job-to-Date through 2/28/09

12:52:05 PM

| Reference Number | Date | Amount | Description |
|------------------|------|--------|-------------|
|------------------|------|--------|-------------|

Project Number: 13206007.01 Riverhead - Youngs Ave. LF CQA Services

Task Number: 00005 Terry Submittals/Substitutions

Reimbursable Expenses

514.00 Meals & Incidentals

* 0000142 8/25/08 50.60 Peterson, Kurt / Per Diem @ 24 Days

517.00 Postage & Freight

* 1302102 12/31/08 20.40 Federal Express #1330-0335-5 / Overnight Delivery

* 1302102 12/31/08 -20.40 Federal Express #1330-0335-5 / Overnight Delivery

* 1302148 1/31/09 139.40 Federal Express #1330-0335-5 / Overnight Delivery

* 1302148 1/31/09 -139.40 Federal Express #1330-0335-5 / Overnight Delivery

Total for 517.00

547.00 Computer Expense

9999913 4/30/08 24.15 PC/LAN Log-13(Apr.) / PC/LAN Log-13(Apr.)

* 9999913 5/31/08 16.50 PC/LAN Log-13(May) / PC/LAN Log-13(May)

9999913 5/31/08 44.85 PC/LAN Log-13(May) / PC/LAN Log-13(May)

9999913 6/30/08 48.00 PC/LAN Log-13(June) / PC/LAN Log-13(June)

* 9999913 7/31/08 13.50 PC/LAN Log-13(July) / PC/LAN Log-13(July)

* 9999913 7/31/08 24.00 PC/LAN Log-13(July) / PC/LAN Log-13(July)

* 9999913 7/31/08 -13.50 PC/LAN Log-13(July) / PC/LAN Log-13(July)

* 9999913 8/31/08 45.00 PC/LAN Log-13(Aug.) / PC/LAN Log-13(Aug.)

* 9999913 9/30/08 4.50 PC/LAN Log-13(Sep.) / PC/LAN Log-13(Sep.)

* 9999913 9/30/08 -1.50 PC/LAN Log-13(Sep.) / PC/LAN Log-13(Sep.)

9999913 11/30/08 21.00 PC/LAN Log-13(Nov.) / PC/LAN Log-13(Nov.)

Total for 547.00

226.50

Total for Reimb. Exp.

277.10

Total for 00005

277.10

Total for 13206007.01

277.10

Final Totals

277.10

10.05.2010
100771

ADOPTED

TOWN OF RIVERHEAD

Resolution # 771

AUTHORIZES THE FINANCIAL ADMINISTRATOR TO CONVEY FUNDS IN THE AMOUNT OF \$10,500.00 FROM THE BUSINESS IMPROVEMENT DISTRICT TO THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., IN SUPPORT OF THE "COUNTRY SLAM 2010" EVENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc., administers the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991; and

WHEREAS, the Riverhead Business Improvement District Management Association Inc., (hereinafter "Association") wishes to sponsor the Country Slam 2010 event to be held on October 9, 2010, within the Riverhead Business Improvement District; and

WHEREAS, the Riverhead Business Improvement District Management Association Inc., is requesting funding in the amount of \$10,500.00 from the Riverhead Business Improvement District to defray associated costs relating to the "Country Slam 2010" event; and

WHEREAS, the Association represents and agrees to provide sufficient liability insurance in an amount and with coverage limits acceptable to the Town Attorney's Office; and

WHEREAS, The Association further represents that all applicable permits have been obtained or will be obtained by October 8, 2010.

NOW THEREFORE BE IT RESOLVED that the Financial Administrator is authorized to convey funds in the amount of \$10,500.00 from the Business Improvement District to the Riverhead Business Improvement District Management Association, Inc., for the sole purpose of defraying costs relating to the Association's sponsorship of the "Country Slam 2010" event subject to receipt from the Association of copies of all applicable permits and sufficient insurance coverage acceptable to the Town Attorney's Office; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., PO Box 913, 21 West 2nd Street, Riverhead, New York 11901, the Financial Administrator and the Office of the Town Attorney; and be it further

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

10.05.2010
100772

ADOPTED

TOWN OF RIVERHEAD

Resolution # 772

**AUTHORIZES THE SUPERVISOR TO EXECUTE A GRANT AGREEMENT WITH
NEW YORK STATE AFFORDABLE HOUSING CORPORATION FOR FUNDS TO
SUPPORT THE TOWN OF RIVERHEAD HOME IMPROVEMENT PROGRAM**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the New York State Housing Affordable Housing Corporation (AHC) has made available and awarded the Town of Riverhead \$200,000 to support the Town of Riverhead Home Improvement Program to provide 60% state funds to match 40% in federal Housing and Urban Development Community Development Block Grant (CDBG) funds to fund repairs that will eliminate hazardous conditions in the homes of eligible low to moderate income residents who otherwise cannot afford to make such repairs; and

WHEREAS, the Town of Riverhead Board desires to foster the continued development and preservation of housing stock in the Town of Riverhead; and

WHEREAS, AHC has submitted the grant award letter that forms the basis of the agreement for the above referenced grant (AHC – 9K32); and

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute the grant award letter, agreements, contracts and other documents necessary to receive and administer the AHC grant subject to review and approval by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Town Board authorizes and instructs the Accounting Department to set up a budget and issue purchase orders for the above mentioned grant once the agreement is fully executed and approved; and

BE IT FURTHER RESOLVED, that once the grant contract documents are fully executed the Community Development Department is authorized to begin administering the grant by soliciting project applications for home improvement renovations in the Town of Riverhead; 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

TOWN OF RIVERHEAD

Resolution # 773

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS ON
BIO-DEGRADABLE LEAF BAGS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for BIO-DEGRADABLE LEAF BAGS for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:00 A.M. on October 25, 2010, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on October 25, 2010 at 11:00A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, 11901 all sealed bids bearing the designation "BID ON BIO DEGEADABLE LEAF BAGS".

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

Wooten Yes No

Gabrielsen 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 BIO-DEGRAGABLE LEAF BAGS for use by the TOWN OF RIVERHEAD HIGHWAY DEPARTMENT 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 25, 2010

Bid packets, including Specifications, may be obtained on line 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 BID ON BIO-DEGRADABLE LEAF BAGS.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

10.05.2010
100774

ADOPTED

TOWN OF RIVERHEAD

Resolution #774

AWARDS BID FOR POLICE UNIFORMS 2010

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for POLICE UNIFORMS 2010 for the Town of Riverhead and;

WHEREAS, bids were received and opened at 11:00 am on SEPTEMBER 1, 2010, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for POLICE UNIFORMS for the Town of Riverhead be and hereby is, awarded to CHARLES GREENBLATT, INC.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby is authorized to forward a copy of this resolution to the CHARLES GREENBLATT, INC. and 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

10.05.2010
100775

ADOPTED

TOWN OF RIVERHEAD

Resolution # 775

TOWN BOARD AUDIT OF CLAIM OF HARRIMAN ESTATES AT AQUEBOGUE, LLC

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a notice of claim and voucher has been submitted for Town Board audit by Harriman Estates at Aquebogue, LLC (Harriman), and

WHEREAS, the claim seeks a refund of fees paid pursuant to approving resolution of the Riverhead Planning Board which resulted in the filing of the Harriman subdivision map with the Clerk of Suffolk County file number 11539 filed July 10, 2007 which filing constituted final disposition of the Harriman subdivision application by the Town of Riverhead, and

WHEREAS, the Town Board has reviewed the resolution of the Riverhead Planning Board granting final subdivision approval (copy attached) dated July 24, 2006, and

WHEREAS, the monies paid as required by the Planning Board decision set forth above were paid by Harriman voluntarily, without protest or any reservation whatsoever, and

WHEREAS, no petition to review the fees paid has been brought within the applicable statute of limitation, 30 days for the Planning Board final plat resolution and four months for all other decisions.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board upon audit of the claim of Harriman Estates at Aquebogue, LLC and the voucher submitted therewith, denies the payment of said claim, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Planning Board, Harriman Estates at Aquebogue, LLC, and Wm. W. Esseks, Esq., 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



**TOWN OF RIVERHEAD
PLANNING BOARD**

200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901-2596
(631) 727-3200, EXT. 240, FAX (631) 727-9101

July 24, 2006

Mr. Peter Danowski
Attorney at Law
P. O. Box 779
Riverhead, NY 11901

**Re: Final Plat – Harriman Estates
Resolution #71**

Dear Mr. Danowski:

The following resolution was duly adopted at a meeting of the Town of Riverhead Planning Board held on July 20, 2006:

WHEREAS, the Planning Board held a public hearing on the preliminary plat, Harriman Estates, filed by Harriman Estates Development Corp. located at Hubbard Avenue, Riverhead, New York also known as SCTM No. 0600-85-3-72.4 on October 6, 2005 and did by a duly adopted motion close said public hearing on October 6, 2005, and

WHEREAS, the Town of Riverhead Planning Board did by a duly adopted motion approve the preliminary plat by resolution #5, adopted January 5, 2006, and

WHEREAS, the consulting engineer for the Planning Board has reviewed said final plat and found said final plat to be consistent with our prior engineering comments and substantially conforms to the subdivision standards of the Town of Riverhead and recommended final approval subject to certain conditions and forwarded to this Board a performance bond estimate for the subdivision Harriman Estates, now

THEREFORE, BE IT

RESOLVED, that this Board approves the final plat entitled, "Harriman Estates" prepared by Howard Young, L.S. last dated April 19, 2006 and final road and drainage plans prepared by Thomas Wolpert, P.E., last dated April 19, 2006 and directs the Secretary or Chairman of this Board to affix his or her signature to the endorsement prescribed by this Board upon the final plat when:

1. Harriman Estates Development Corp. or their agent redeems certificates for 43 development rights pursuant to the Town of Riverhead Transfer of Development Rights Legislation, Article LXII;

Mr. Peter Danowski
RE: Subdivision – Harriman Estates
July 24, 2006
Page 2

2. Harriman Estates Development Corp. or their agent amends the final plat to contain a statement that the road and drainage facilities for this subdivision are to remain in private ownership;
3. Harriman Estates Development Corp. or their agent deposits cash, a certificate of deposit or pass book with the Town of Riverhead in accordance with Chapter 108, Section 108-97, Subsection B, Paragraph 14c in the amount of \$261,000.00 for park, playground, and other recreational purposes;
4. Harriman Estates Development Corp. or their agent deposits a cash payment with the Town Board of the Town of Riverhead in accordance with Chapter 108, Section 108-97, Subsection F-5 in the amount of \$271,400.00;
5. Harriman Estates Development Corp. or their agent files with the Town Board of the Town of Riverhead an agreement between the developer and utilities for installation of underground electric, telephone, and cable television to provide energized service and files receipts of full payment with the Clerk of the Town of Riverhead Planning Board which shall be endorsed and no refund shall be made without approval of the Town of Riverhead Planning Board;
6. Harriman Estates Development Corp. or their agent files a petition with the Town Board of the Town of Riverhead, which acts as the governing body of the Riverhead Water District for an extension of the water main and appurtenances; all costs and fees of which are to be assumed by the applicant and receipts filed with the Clerk of the Town of Riverhead Planning Board;
7. Harriman Estates Development Corp. or their agent files a covenant in a form acceptable to Counsel to the Riverhead Planning Board stating that:
 - a. The roads and drainage facilities for this subdivision are to remain in private ownership and shall never be offered for dedication to the Town of Riverhead;
 - b. That the open space areas depicted on said plat as Parcel "A" and Parcel "B" shall remain in private ownership and shall be fully landscaped to the satisfaction of the Riverhead Town Planning Director;
8. Harriman Estates Development Corp. or their agent files with the Town Board of the Town of Riverhead a performance bond in the amount of \$2,800,000.00 which bond shall run for a term not exceeding two (2) years and as set forth in Section 277 of Article 16 of the Town Law,

"....Such performance bond shall be issued by a bonding or surety company approved by the Town Board or by the owner with security acceptable to the Town Board, and shall also be approved by such Town Board as to form, sufficiency and manner of execution," and

Mr. Peter Danowski
RE: Subdivision – Harriman Estates
July 24, 2006
Page 3

BE IT FURTHER

RESOLVED, that the bond for the construction of the roads and drainage shall remain in effect until such time as notified by the Planning Board that the improvements have been made to this Board's satisfaction or until such time as the roads have been dedicated to the Town and accepted by the Town Board and laid out by the Superintendent of Highways, and

BE IT FURTHER

RESOLVED, that this Board requests that the Town Board notify this Board of its approval of the performance bond as required by Section 277 of the Town Law, and

BE IT FURTHER

RESOLVED, that the time for the Secretary or Chairman of the Board to affix his or her signature to the final plat shall expire on January 18, 2007, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to Harriman Estates Development Corp. or their agent, Town Attorney, Board of Assessors, Building Department and to the Town Clerk of the Town of Riverhead.

Very truly yours,

PLANNING BOARD

Richard O'Dea,
Chairman

ROD:js

10.05.2010
100776

ADOPTED

TOWN OF RIVERHEAD

Resolution # 776

RATIFIES THE APPOINTMENT OF A CALL-IN GUARD TO THE SANITATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, weekend hours of operations for the Yard Waste Facility are needed to provide improved services to the residents of the Town; and

WHEREAS, Thomas Vance has expressed interest in his name being placed on the list of employees called in to provide such services.

NOW, THEREFORE, BE IT RESOLVED, that effective for October 2, 2010 this Town Board hereby ratifies the appointment of Thomas Vance to the position of Call-In Guard at the hourly rate of \$13.1617.

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Thomas Vance, the Sanitation Supervisor, 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

10.05.2010
100777

ADOPTED

TOWN OF RIVERHEAD

Resolution #777

ACCEPTS THE RESIGNATION OF A CROSSING GUARD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Chief of Police David J. Hegermiller has received a letter of resignation from Thomas J. Ryan stating he is resigning from his position of Crossing Guard with the Riverhead Police Department, effective September 21, 2010.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the resignation submitted by Thomas J. Ryan; 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 # 778

AUTHORIZING THE LAW FIRM OF REYNOLDS, CARONIA, GIANELLI, HAGNEY, LA PINTA & QUATELA, LLP TO SETTLE LAWSUIT BETWEEN THE TOWN OF RIVERHEAD AND YOUNG & YOUNG, ET AL. AND AUTHORIZING THE SUPERVISOR TO EXECUTE DOCUMENTS NECESSARY TO EFFECTUATE THE SETTLEMENT OF THE LITIGATION

Councilman Wooten offered the following resolution,

which was seconded by Drop Down for Councilperson

WHEREAS, the Town retained the services of Reynolds, Caronia, Gianelli, Hagney, La Pinta & Quatela, LLP to commence and prosecute litigation against Young & Young, et al.; and

WHEREAS, after evaluation and consideration of all facts and assertions set forth by the respective parties during this protracted litigation and consideration of costs and uncertainties of litigation, the Town Board deems it in the best interests of the Town to resolve the lawsuit; and

WHEREAS, the parties to the litigation have agreed to resolve all matters and controversies as set forth in a Stipulation of Settlement to be executed by counsel for the respective parties; and

NOW, THEREFORE, BE IT RESOLVED, the Town Board authorizes the settlement of the above action; authorizes the Law Firm of Reynolds, Caronia, Gianelli, Hagney, La Pinta & Quatela, LLP to execute a Stipulation of Settlement on behalf of the Town of Riverhead in substantially the same form as annexed hereto; and, authorizes the Supervisor to execute any such other documents necessary to effectuate the settlement of the litigation; and

BE IT FURTHER RESOLVED, that the Town Clerk is to forward a copy of this resolution to Reynolds, Caronia, Gianelli, Hagney, La Pinta & Quatela, LLP, 35 Arkay Drive, PO Box 11177, Hauppauge, New York 11788 and the Office of the Town Attorney and Office of Accounting.

THE VOTE

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

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----X
TOWN OF RIVERHEAD,

Plaintiff,

-against-

YOUNG & YOUNG, a Partnership, ALDEN W. YOUNG,
as a Partner of Young & Young, HOWARD W. YOUNG,
as a Partner of Young & Young, THOMAS D. WOLPERT,
as a Partner of Young & Young, KENNETH F. ABRUZZO,
as a Partner of Young & Young, ROBERT C. TAST,
as a Partner of Young & Young and RONALD E. PFAHL,
as a Partner of Young & Young,

Defendants.
-----X

**STIPULATION
DISCONTINUING
ACTION**

Index No.: 07-16256

IT IS HEREBY STIPULATED AND AGREED, by and between the undersigned, the attorneys of record for the parties to the above entitled action, that whereas no party hereto is an infant or incompetent person for whom a committee has been appointed and no person not a party has an interest in the subject matter of the action, the above entitled action be, and the same hereby is discontinued with prejudice, as against defendant, without costs to either party as against the other. This stipulation may be filed without further notice with the Clerk of the Court.

Dated: Hauppauge, New York
September 30, 2010

**REYNOLDS, CARONIA, GIANELLI,
HAGNEY, LA PINTA & QUATELA, LLP**
Attorneys for Plaintiff
35 Arkay Drive, Suite 200
Hauppauge, NY 11788
(631) 231-1199

SINNREICH KOSAKOFF & MESSINA, LLP
Attorneys for Defendants
267 Carleton Avenue, Suite 301
Central Islip, NY 11722
(631) 650-1200

10.05.2010
100779

ADOPTED

TOWN OF RIVERHEAD

Resolution # 779

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY ON PROPOSED
AMENDMENT OF CHAPTER 12 OF THE RIVERHEAD TOWN CODE
(COASTAL EROSION HAZARD AREAS), CONCERNING INVASIVE SPECIES
AND CALLS PUBLIC HEARING**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead has assumed the responsibility and authority to implement and administer a coastal erosion program in its jurisdiction pursuant to Article 34 of the New York State Environmental Conservation Law, to establish standards and procedures for regulating land use and construction in areas subject to coastal flooding and erosion in order to minimize or prevent damage to structures, natural resources and natural protective features, and

WHEREAS, the Riverhead Town Board developed Chapter 12 of the Riverhead Town Code for these purposes and designated the Riverhead Planning Board as the administrator of the ordinance, and

WHEREAS, the ordinance includes a provision for revision in response to the ongoing experience of administration and to changes in conditions and circumstances over time, and the administrator Planning Board believes such a change is manifest in the increasing problem of invasive species and their inherent potential to spread beyond control with attendant adverse effect on native plant and animal species and on the real property value of the affected land, and

WHEREAS, Chapter 12 is able to regulate activity within its defined jurisdiction along the Long Island Sound shoreline to carry out its purpose and thereby provides an opportunity to prevent the unintended adverse consequences of planting invasive species while not interfering with planting native species adapted to the maritime environment and having the beneficial effect of naturally stabilizing the natural protective feature without these adverse effects, and

WHEREAS, these ends may be pursued by minor changes made to the code's definitions section (Section 12-6) taking advantage of the Suffolk County Legislature's having compiled a scientifically based list of invasive species and

those calling for management, which provides a dynamic reference subject to ongoing technical review, and,

WHEREAS, the Riverhead Planning Board has by Resolution No. PB. 2010.0056 recommended such changes to the Town Board by creation of a definition of "Prohibited Activity", a revised definition of "Unregulated Activity" and of "Vegetation", has further recommended that these amendments conform to the minimum standards of a certified program set by 6 NYCRR Part 505 and has advised that as the amendments are initiated by the administrator Planning Board, referral to the administrator pursuant to Section 12-37B.(3) at least 30 days prior to the hearing for review and report isn't needed but that referral to County Planning is required, and

WHEREAS, the Riverhead Planning Department has recommended by SEQR memo of 9/24/10 that the action be considered Type II pursuant to 6 NYCRR Part 617.5(c)(6)&(27) and that agency SEQR responsibilities end with this designation with no determination of significance being needed and further that the Town Board is the sole involved agency for SEQR purposes, 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 amendment of Chapter 12 of the Town Code 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 Riverhead Planning Board, to refer the proposed code amendment to the Suffolk County Planning Commission and is directed to publish and post the following notice of public hearing in the October 14th 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 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

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York on November 3rd 2010 at 2:05 PM to consider to consider a proposed local law to amend **Chapter 12** of the Riverhead Town Code entitled, "**Coastal Erosion Hazard Areas**" as follows (recommended text in red and underlined):

§ 12-6. Definitions.

The following terms, as used in this chapter, have the meanings indicated, unless the context clearly requires otherwise:

PROHIBITED ACTIVITY--Planting invasive, non native plant species found on the Suffolk County Do Not Sell and Management lists as established by Local Law No. 22-2007 and as amended;

UNREGULATED ACTIVITY -- Excepted activities that are not regulated by this chapter include but are not limited to: docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than 200 square feet or which are removed in the fall of each year; normal beach grooming or cleanup; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas in order to maintain or increase the height and width of dunes; planting of vegetation within the bluff limits which does not involve clearing, grading or placement of fill and does not utilize invasive, non native plant species found on the Suffolk County Do Not Sell and Management lists as established by Local Law No. 22-2007 and as amended; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in § 3(12) of the Soil and Water Conservation Districts Law; provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. In addition, the restoration (as defined in this chapter) of a preexisting, nonconforming structure damaged or destroyed by events not related to coastal flooding or erosion is considered an "unregulated activity."

VEGETATION -- Plant life capable of surviving and successfully reproducing in the area or region and which is compatible with the environment of the coastal erosion hazard area. Vegetation does not include those invasive, non native plant species found on the Suffolk County Do Not Sell and Management lists as established by Local Law No. 22-2007 and as amended.

Dated: Riverhead, New York
October 5, 2010

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

TOWN OF RIVERHEAD

Resolution # 780

AUTHORIZES TOWN CLERK TO RE-POST AND RE-PUBLISH THE ATTACHED NOTICE TO BIDDERS FOR THE ASBESTOS REMOVAL AND SANITARY SYSTEM REMEDIATION AND ABANDONMENT FOR THE FORMER WEEPING WILLOW MOTEL

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to re-post and re-publish the attached Notice to Bidders for the Asbestos Removal and Sanitary System Remediation and Abandonment for the Former Weeping Willow Motel in the October 14, 2010 issue of the official Town newspaper; and

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

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

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for Asbestos Removal and Sanitary System Remediation and Abandonment at the former Weeping Willow Motel, 961 West Main Street, Riverhead, New York will be received by the Town of Riverhead in the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on November 5, 2010 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about October 14, 2010 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on Bid Requests.

Funding for the project comes in part through an EPF grant administered by the New York State Office of Parks, Recreation and Historic Preservation (OPRHP). Under Article 15A, Executive Law, the State of New York is committed to providing Minority and Women Owned Business (MSBE) equal opportunity to participate in government contracts. The following goals have been set for this project 8% of the contract value for MBE's and 7% of the contract value for WBE's. The successful bidder may be required to furnish an EEO policy statement, staffing plan, and reports showing the participation of various business enterprises of subcontractors and suppliers on the contract.

Due to the scope of work for this contract, the Town is scheduling a Mandatory Pre-Bid Meeting for October 25, 2010 at 9:00 am at the site of the Former Weeping Willow Motel located at 961 West Main Street, Riverhead, New York, 11901.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk. Please note that all previous bidders on this application the fee shall be waived.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Asbestos Removal and Sanitary System Remediation and Abandonment at the former Weeping Willow Motel: and must be accompanied by a bid surety as stated in the Instruction to Bidders.

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

BY ORDER OF THE RIVERHEAD TOWN BOARD
DIANE M. WILHELM, TOWN CLERK
Riverhead, New York 11901

Dated: October 5, 2010

10.05.2010
100781

ADOPTED

TOWN OF RIVERHEAD

Resolution # 781

APPOINTS HEARING OFFICER

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED that the Town Board hereby appoints Stephen Bluth as the Hearing Officer in the Matter of Disciplinary Proceedings against a Town Employee.

RESOLVED, that the Town employee against whom disciplinary charges have been filed is hereby suspended without pay following their service upon the employee, pending the hearing and determination of those charges.

THE VOTE

Giglio - ABSTAIN Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

10.05.2010
100782

ADOPTED

TOWN OF RIVERHEAD

Resolution # 782

AUTHORIZES THE TOWN ATTORNEY TO EXECUTE A STIPULATION OF SETTLEMENT WITH AN EMPLOYEE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby approves the attached agreement and authorizes the Town Attorney to execute same; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Town Attorney Dawn Thomas, Esq., Paul Leavitt, Esq., Personnel Director and Financial Administrator.

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 # 783

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

| ABSTRACT #10-39 SEPTEMBER 23, 2010 (TBM 10/05/10) | | | | |
|---|-----|--|-------------------|--------------|
| FUND NAME | | | 09/23/10 CHECKRUN | GRAND TOTALS |
| GENERAL FUND | 1 | | 1,024,210.23 | 1,024,210.23 |
| POLICE ATHLETIC LEAGUE | 4 | | 3,069.81 | 3,069.81 |
| RECREATION PROGRAM FUND | 6 | | 4,458.35 | 4,458.35 |
| ECONOMIC DEVELOPMENT ZONE FUND | 30 | | 3,324.94 | 3,324.94 |
| HIGHWAY FUND | 111 | | 271,485.38 | 271,485.38 |
| WATER DISTRICT | 112 | | 86,466.11 | 86,466.11 |
| RIVERHEAD SEWER DISTRICT | 114 | | 121,879.88 | 121,879.88 |
| REFUSE & GARBAGE COLLECTION DI | 115 | | 361,831.83 | 361,831.83 |
| STREET LIGHTING DISTRICT | 116 | | 36,202.17 | 36,202.17 |
| AMBULANCE DISTRICT | 120 | | 1,446.20 | 1,446.20 |
| EAST CREEK DOCKING FACILITY FU | 122 | | 329.45 | 329.45 |
| CALVERTON SEWER DISTRICT | 124 | | 1,050.94 | 1,050.94 |
| RIVERHEAD SCAVANGER WASTE DIST | 128 | | 28,643.22 | 28,643.22 |
| RIVERHEAD SEWER DENITRIFICATIO | 130 | | 200,000.00 | 200,000.00 |
| WORKERS' COMPENSATION FUND | 173 | | 2,869.30 | 2,869.30 |
| RISK RETENTION FUND | 175 | | 296.88 | 296.88 |
| MAIN STREET REHAB PROGRAM | 177 | | 2,000.00 | 2,000.00 |
| CDBG CONSORTIUM ACOUNT | 181 | | 679.14 | 679.14 |
| WATER DISTRICT CAPITAL PROJECT | 412 | | 16,100.00 | 16,100.00 |
| TRUST & AGENCY | 735 | | 1,120,123.57 | 1,120,123.57 |
| CALVERTON PARK - C.D.A. | 914 | | 540.00 | 540.00 |
| TOTAL ALL FUNDS | | | 3,287,007.40 | 3,287,007.40 |

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 # 783

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

| ABSTRACT #10-39 SEPTEMBER 30, 2010 (TBM 10/05/10) | | | | |
|---|-----|--|---------------------|---------------------|
| FUND NAME | | | 09/30/10 CHECKRUN | GRAND TOTALS |
| GENERAL FUND | 1 | | 1,088,461.42 | 1,088,461.42 |
| POLICE ATHLETIC LEAGUE | 4 | | 7,821.92 | 7,821.92 |
| RECREATION PROGRAM FUND | 6 | | 2,922.00 | 2,922.00 |
| ECONOMIC DEVELOPMENT ZONE FUND | 30 | | 2.44 | 2.44 |
| HIGHWAY FUND | 111 | | 35,942.54 | 35,942.54 |
| WATER DISTRICT | 112 | | 23,028.84 | 23,028.84 |
| RIVERHEAD SEWER DISTRICT | 114 | | 22,003.15 | 22,003.15 |
| REFUSE & GARBAGE COLLECTION DI | 115 | | 293.47 | 293.47 |
| STREET LIGHTING DISTRICT | 116 | | 3,076.99 | 3,076.99 |
| BUSINESS IMPROVEMENT DISTRICT | 118 | | 49.95 | 49.95 |
| AMBULANCE DISTRICT | 120 | | 11,490.11 | 11,490.11 |
| EAST CREEK DOCKING FACILITY FU | 122 | | 3,453.26 | 3,453.26 |
| CALVERTON SEWER DISTRICT | 124 | | 1,584.50 | 1,584.50 |
| RIVERHEAD SCAVANGER WASTE DIST | 128 | | 15,188.36 | 15,188.36 |
| WORKERS' COMPENSATION FUND | 173 | | 6.60 | 6.60 |
| CDBG CONSORTIUM ACOUNT | 181 | | 20,735.00 | 20,735.00 |
| COMMUNITY DEVELOPMENT AGENCY C | 405 | | 471,468.60 | 471,468.60 |
| TOWN HALL CAPITAL PROJECTS | 406 | | 356,414.48 | 356,414.48 |
| WATER DISTRICT CAPITAL PROJECT | 412 | | 31,310.00 | 31,310.00 |
| TRUST & AGENCY | 735 | | 249.08 | 249.08 |
| TOTAL ALL FUNDS | | | 2,095,502.71 | 2,095,502.71 |

THE VOTE

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

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted