

01.19.2011

- Res. #42 Water District Estate of Rolle Land Acquisition Capital Project Budget Adoption
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- Res. #56 Adopts a Community Garden Located at West Main Street, Riverhead Described as SCTM #0600-128-3-72.1 and Authorizes the supervisor to Execute License Agreement with River and Roots
- Res. #57 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning “of the Riverhead Town Code (§108-188. Uses – Riverfront Corridor (RFC) Zoning Use District)
- Res. #58 Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of Suffolk Local
- Res. #59 Authorizes the Supervisor to Execute a Musical Works License Agreement with SESAC LLC
- Res. #60 Authorizes Antennas for Riverhead Ambulance at the EPCAL Site in Accordance with East End Wireless Lease Agreement
- Res. #61 Approves the Renaming of the Southern Portion of Horton Avenue, a Town of Riverhead Road, to “Horton Avenue South”
- Res. #62 Authorizes the Waiver of 30 Day Notification Required by the New York State Liquor Authority
- Res. #63 Authorizes the Law Office of Richard Ehlers to Act as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement
- Res. #64 Re-Appoints Member to the Accessory Apartment Review Board (Charles Funda)
- Res. #65 Authorizes the Release of Security of Gendot Homes, Inc. A/K/A Osborne Acres Subdivison (Water Key Money and Park and Recreation Fees)
- Res. #66 Authorizes the Release of Site Plan Security of Broadview Ventures Inc. A/K/A JR Irrigation
- Res. #67 Pays Bills

TOWN OF RIVERHEAD

Resolution # 42

**WATER DISTRICT ESTATE OF ROLLE LAND ACQUISITION
CAPITAL PROJECT**

BUDGET ADOPTION

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Resolution 10-784 authorized the Water District to purchase a portion of the Estate of Rolle to allow for wireless communications system installation; and

WHEREAS, the land purchase will be reimbursed by wireless communication carries and professional service fees incurred will be paid by the Water District.

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

		<u>FROM</u>	<u>TO</u>
412.095031.481112.42503	Transfer from Water District	15,000	
412.083200.442505.42503	Wireless Revenue Fees	50,000	
412.019400.521000.42503	Capital Outlay-Land		50,000
412.019400.543000.42503	Professional Services		15,000

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 43

**AUTHORIZATION OF THE RIVERHEAD IDA
ECONOMIC JOB DEVELOPMENT CORPORATION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Section 1411(a) of the Act authorizes the creation of not-for-profit local development corporations operated for the exclusively charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community by attracting new industry to a community by encouraging the development of, or retention of, an industry in a community, lessening the burdens of government, and acting in the public interest;

WHEREAS, any one or more counties, cities, towns or villages of the state, or any combination thereof, or the New York job development authority in exercising its power under the public authorities law to encourage the organization of local development corporations, may cause such corporations to be incorporated by public officers or private individuals upon compliance with the requirements of Section 1411 of the Act;

WHEREAS, by resolution adopted on January 10, 2011, the Town of Riverhead Industrial Development Agency (the "Agency") agreed to request the approval and authorization of the Town Board of the Town of Riverhead (the "Town") to cause the formation of a local development corporation pursuant to Section 1411 of the Not-for-Profit Corporation Law of the State of New York (the "Act");

WHEREAS, the Town Board of the Town wishes to approve the incorporation of the Riverhead IDA Economic Job Development Corporation (the "Corporation") and thereby cause certain public officers or private individuals to incorporate the Corporation as a not-for-profit, local development corporation pursuant to Section 1411 of the Act;

NOW THEREFORE BE IT RESOLVED, by the Town Board of the Town as follows:

Section 1. The Town Board of the Town hereby authorizes and directs the members of the Agency to form a local development corporation in accordance with Section 1411 of the Act.

Section 2. The Town Board of the Town hereby approves the form and substance of the Certificate of Incorporation of Riverhead IDA Economic Job Development Corporation in substantially the form attached hereto as Exhibit A, with such changes or modifications approved by the signing individuals, such execution and delivery thereof evidencing approval of such individual.

Section 3. It is hereby determined to be in the public interest that the Town be the sole member of the Corporation at the time of its incorporation, and the officers of the Town, including the Supervisor and the Clerk and any other officers, are hereby authorized to execute and deliver any instruments necessary or convenient to enable the Town to become the sole member of the Corporation at the time of its incorporation.

Section 4. This Resolution shall be effective immediately.

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead IDA and the Town Attorney's Office; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 44

AWARDS BID FOR ABANDONED/JUNK VEHICLES

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, one (1) bid for abandoned/junk vehicles was received, opened and read aloud by the Town Clerk on the 28th day of December, 2010 at 9:00 a.m. in the Town Clerk’s Office at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW, THEREFORE BE IT RESOLVED, that the bid for abandoned/junk vehicles is awarded to Gershow Recycling Corporation, for the purchase price of \$147.50 per vehicle, from January 1, 2011 to and including December 31, 2012; and,

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
Wooten Yes No Dunleavy ABSENT
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 45

APPOINTS A CHAPLAIN TO THE POLICE DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Michael Bonocore was ordained a Deacon for The Diocese of Rockville Centre in 2010 and assigned to St. Isidore's Parish in Riverhead; and,

WHEREAS, Deacon Bonocore, having been formally trained in crisis counseling, currently serves as Chaplain for the Riverhead Fire Department; and,

WHEREAS, Deacon Bonocore has offered to serve as Chaplain for the Riverhead Police Department.

NOW, THEREFORE, BE IT RESOLVED, that Deacon Michael Bonocore be appointed Chaplain to the Riverhead Police Department effective immediately.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Deacon Bonocore and Chief Hegermiller; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
Wooten Yes No Dunleavy ABSENT
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 46

EXTENDS BID CONTRACT WITH BURT'S RELIABLE FUEL

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk has requested the contract for the purchase of Heating Fuel from BURT'S RELIABLE FUEL be extended until DECEMBER 1, 2011.

WHEREAS, the contract for heating fuel is hereby extended until DECEMBER 1, 2011 for the same price as year 2010, +14.5 cents over Northville car reseller price;

NOW THEREFORE BE IT RESOLVED,

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
Wooten Yes No Dunleavy ABSENT
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 47

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT) FOR TOWN OF RIVERHEAD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT) and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the January 27th, 2011 issue of the News Review;

NOW THEREFORE BE IT RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the **REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT)** the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 a.m. on FEBRUARY 7TH, 2011.**

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 **BIDS FOR REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT).**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 48

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR MUNICIPAL SOLID WASTE
(MSW) FOR TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for MUNICIPAL SOLID WASTE (MSW) and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the January 27th, 2011 issue of the News Review;

NOW THEREFORE BE IT RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the **DISPOSAL OF MUNICIPAL SOLID WASTE** for the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:10 a.m. on February 7th, 2011.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR DISPOSAL OF MUNICIPAL SOLID WASTE.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 49

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR SURPLUS UNSCREENED COMPOST (MULCH) FOR TOWN OF RIVERHEAD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for SURPLUS UNSCREENED COMPOST (MULCH) and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the January 27th, 2011 issue of the News Review;

NOW THEREFORE BE IT RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

NOTICE TO BIDDERS

Sealed bids for the purchase of SURPLUS UNSCREENED COMPOST(MULCH) for the use by the Town of Riverhead will be received by the Town Clerk of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York, 11901 until Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on FEBRUARY 7TH, 2011 at which time they will be publicly opened and read aloud.

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

Each proposal must be submitted on the form provided in a sealed envelope clearly marked bids for "SURPLUS UNSCREENED COMPOST"(MULCH). Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

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

01.19.2011
110050

ADOPTED

TOWN OF RIVERHEAD

Resolution # 50

APPOINTS A PART-TIME RECREATION AIDE- VOLLEYBALL ATTENDANT TO
THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

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

NOW THEREFORE BE IT RESOLVED, that effective January 19, 2011, this Town Board hereby appoints Cassie Knight to the position of Part-Time Recreation Aide- Volleyball Attendant , Level 1, to be paid the rate of \$9.00 per hour and

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

01.19.2011
110051

ADOPTED

TOWN OF RIVERHEAD

Resolution # 51

APPOINTS A PART-TIME RECREATION AIDE- VOLLEYBALL OFFICIAL TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

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

NOW THEREFORE BE IT RESOLVED, that effective January 19, 2011, this Town Board hereby appoints Cassie Knight to the position of Part-Time Recreation Aide- Volleyball Official1, Level 1, to be paid the rate of \$9.00 per game and

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 52

**RATIFIES AND SETS SALARIES OF VARIOUS RECREATION/YOUTH BUREAU
EMPLOYEES FOR THE YEAR 2011**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the salaries of the following recreation employees of the Town of Riverhead for the year 2011 be and are hereby set as follows:

Name	Title	2011 Level	2011 Rate
Eugene Barrow	Call-In Rec Leader I	1	\$ 10.50
Christian Estrada	Call-In Rec Aide I	2	\$ 8.25
Emin Yilmaz	Call-In Rec Aide I	2	\$ 8.25

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

BALL FIELDS/MULTI-USE (Non-Profit Organizations)

- Daily Field Rental \$55.00 per day/ Field
8am-8pm
- Lights \$50.00 per hour
- Field Rental (Season) \$250 per field per season ***
- Field Rental w/lights \$650 per field per season ***
*** (Max 18 dates)

TOWN BUILDINGS (Residents/Taxpayers Only)

- Weekday during regular business hours (one session) \$5 Application Fee
- Weekday during regular business hours (multiple sessions) \$25 Application Fee
- Meetings (Excluding Riverhead Civic Groups, Fire Departments
And other Riverhead groups recognized by the Town Board) \$20 per meeting (3
hours max) \$25 per hour
after 3 hours.
- Fees for after hours* and Weekend Use \$50.00 per hour (5-hour blocks)
- \$55 Per hour after 5-hours (1/2 hour set-up and 1/2 hour breakdown included)
\$5.00 Application Fee
\$100.00 Deposit

* After hours consist from 4p.m. through 11p.m Monday through Friday and from 8a.m. to 11p.m. Saturday and Sunday** Deposit will be refunded if the building guidelines are followed and there is no damage to the building.

EAST CREEK DOCK

- Resident/ Taxpayer \$60.00 per foot
- Electricity \$250.00 per line
- Initial Processing Fee \$100.00
- Renewal Thereafter fee \$50.00

RIVERFRONT DOCKING

- Daily (Overnight) \$25.00 fee
- Weekly \$150.00 fee

HOCKEY RINK

- Rink use \$5.00 Application fee
- Rental: \$15.00/per hour

**During non-business hours. Subject to availability and coverage.

SKATEPARK

- Group/Party Rental 8:30- 12:00 p.m. \$55.0 per hour (min 2 hrs)
(Subject to availability and coverage) (20 Participant max)

SESSION FEE

Free: Residents
 \$7.00 Non-Residents
 \$5.00 Card Replacement Fee

ANNUAL FEES

Free: Residents
 \$100.00: Non-Residents

VEHICLE USAGE

Bus rental fee \$30.00 per hour
 (Riverhead sponsored groups only)

BEACH STICKERS

4X4 Permits	\$60.00**Resident Parking Inclusive		
Boat Ramps Permit	\$15.00		
Daily Permit	\$35.00	Non-Resident Permit	\$200.00
Resident Permit	\$15.00	Senior Resident	\$5.00
Resident Bus Fee	\$ 85.00		

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
 Wooten Yes No Dunleavy ABSENT
 Walter Yes No
 The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #54

SETS SALARIES OF VARIOUS RECREATION EMPLOYEES FOR THE YEAR 2011

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the salaries of the following recreation employees of the Town of Riverhead for the year 2011 be and are hereby set as follows:

Name	Title	2011 Level	2011 Rate
Guards			
Beatrice Caccioppo	Call-In Guard	1	\$ 10.60
Kenneth Drumm	Call-In Guard	4	\$ 12.35
Jessica Rachubka	Call-In Guard	2	\$ 11.65
Meyer Segal	Call-In Guard	13	\$ 16.15
Park Attendants			
Helga Guthy	P/T Gate Attendant	6	\$ 12.10
Amy Bullock	Call-In Park Attendant III	1	\$ 15.00
Emily Commins	Call-In Park Attendant II	1	\$ 9.75
Kenneth Drumm	Call-In Park Attendant II	8	\$ 12.80
Daniel Dunn	Call-In Park Attendant II	3	\$ 11.10
Carol Janecek	Call-In Park Attendant II	2	\$ 10.75
Jonathan LaGue	Call-In Park Attendant II	2	\$ 10.75
John Nowack	Call-In Park Attendant II	3	\$ 11.10
Jessica Rachubka	Call-In Park Attendant II	2	\$ 10.75
Jason Sims	Call-In Park Attendant II	1	\$ 9.75
Kyle Stephenson	Call-In Park Attendant II	7	\$ 12.45
Skatepark/Youth Sports/Special Needs			
Andrew Aleksandrowicz	Call-In Rec Leader I	2	\$ 11.55
John Nowack	Call- In Rec Leader II	14	\$ 18.82
Richard D'Alsace	Call-In Rec Leader II	2	\$ 13.20
Daniel Dunn	Call-In Rec Leader II	3	\$ 13.60
Amy Bullock	Call-In Asst Rec Leader	8	\$ 12.43
Kenneth Drumm	Call-In Asst Rec Leader	6	\$ 11.75
Keith Greene	Call-In Asst Rec Leader	8	\$ 12.43
Justin Grohoski	Call-In Asst Rec Leader	5	\$ 11.45
David Guity	Call-In Asst Rec Leader	3	\$ 10.75

Jonathan LaGue	Call-In Asst Rec Leader	1	\$ 9.50
Brian Letourneau	Call-In Asst Rec Leader	1	\$ 9.50
Jason Rottkamp	Call-In Asst Rec Leader	1	\$ 9.50
Jasmin Aceituno	Call-In Rec Aide II	2	\$ 10.00
Jalyn Brown	Call-In Rec Aide I	1	\$ 7.50
Robert Chituk	Call-In Rec Aide I	1	\$ 7.50
Amanda Commins	Call-In Rec Aide I	3	\$ 8.50
Emily Commins	Call-In Rec Aide I	4	\$ 9.00
Colleen Dougherty	Call-In Rec Aide I	1	\$ 7.50
Ashley Drozd	Call-In Rec Aide I	1	\$ 7.50
Kevan Fox	Call-In Rec Aide I	1	\$ 7.50
Amanda Graziano	Call-In Rec Aide I	1	\$ 7.50
Carol Janecek	Call-In Rec Aide I	4	\$ 8.75
Devrion Kucuk	Call-In Rec Aide I	1	\$ 7.50
Johnathan LaGue	Call-In Rec Aide I	4	\$ 8.75
Jacob Maccagli	Call-In Rec Aide I	1	\$ 7.50
Michelle Magliulo	Call-In Rec Aide I	3	\$ 8.50
Ellie Markewitz	Call-In Rec Aide I	2	\$ 8.25
Michael Napoli	Call-In Rec Aide II	1	\$ 9.08
Davion Porter	Call-In Rec Aide I	1	\$ 7.50
James Powers	Call-In Rec Aide I	2	\$ 8.25
Jessica Rachubka	Call-In Rec Aide II	1	\$ 9.08
Macey Reichel	Call-In Rec Aide I	2	\$ 8.25
Tonilyn Ruisi	Call-In Rec Aide I	1	\$ 7.50
Meyer Segal	Call-In Rec Aide I	1	\$ 7.50
Gabriella Serpico	Call-In Rec Aide I	1	\$ 7.50
Jason Sims	Call-In Rec Aide I	1	\$ 7.50
Kyle Stephenson	Call-In Rec Aide I	4	\$ 8.75
Ronny Strange	Call-In Rec Aide I	1	\$ 7.50
Jocelyn Zaneski	Call-In Rec Aide I	1	\$ 7.50
Jaclyn Zilnicki	Call-In Rec Aide I	4	\$ 8.75
Adult Sports/ Bus Drivers/Recreation Specialists			
Beatrice Caccioppo	Call-In Rec Bus Driver	4	\$ 13.40
Douglas Dewling	Call-In Rec Bus Driver	2	\$ 12.60
Noel Ehlers	Call-In Rec Bus Driver	3	\$ 13.00
Robert A. Fox	Call-In Rec Bus Driver	8	\$ 15.04
Stephan Jeski	Call-In Rec Bus Driver	2	\$ 12.60
Amy Bullock	Call-In Rec Specialist (Youth Sports)		\$ 22.00
Elizabeth Casey	Call-In Rec Specialist (Drama)		\$ 22.00
Judith Devito	Call-In Rec Specialist (Dance)		\$ 20.00
Dennis Doherty	Call-In Rec Specialist (Youth Sports)		\$ 24.04
Daniel Dunn	Call-In Rec Specialist (Youth Sports)		\$ 20.00
Melvin Eckstein	Call-In Rec Specialist (Dance)		\$ 39.40
Karen Fellows	Call-In Rec Specialist (Arts and Crafts)		\$ 23.34
Robert A. Fox	Call-In Rec Specialist (Softball/Baseball)		\$ 22.66
Jeanette Friscia	Call-In Rec Specialist (Dog Obedience)		\$ 42.62
Joy Graf	Call-In Rec Specialist (Cooking)		\$ 24.76

Victor Guadagnino	Call-In Rec Specialist (Youth Sports)		\$ 20.00
Debra Hennenlotter	Call-In Rec Spec.(Lifeguard Training)		\$ 24.40
Lisa Lindsay	Call-In Rec Specialist (Arts and Crafts)		\$ 22.00
Robert Lum	Call-In Rec Specialist (Youth Sports)		\$ 20.00
Rosemary Martilotta	Call-In Rec Specialist (Yoga)		\$ 49.17
Leslie Miller	Call-In Rec Specialist (Spanish)		\$ 22.00
John Nicolellis	Call-In Rec Specialist (Canoe/Kayak)		\$ 22.00
Cherie Paveglio	Call-In Rec Specialist (Fitness)		\$ 31.37
Kristin Realander	Call-In Rec Specialist (Sailing)		\$ 20.00
Margaret Sautkulis	Call-In Rec Spec. (Lifeguard Training)		\$ 20.00
Steven Sanders	Call-In Rec Specialist (Youth Sports)		\$ 22.00
David Spinella	Call-In Rec Specialist (Youth Sports)		\$ 24.04
Cheryl Walsh Edwards	Call-In Rec Specialist (Youth Sports)		\$ 24.04
Rebecca Winkel	Call-In Rec Specialist (Youth Sports)		\$ 22.00
Chaperones			
Beatrice Caccioppo	Call-In Chaperone	2	\$ 9.35
Cathleen Fox	Call-In Chaperone	1	\$ 8.50
Cynthia Hynds	Call-in Chaperone	3	\$ 9.65
Lisa Lindsay	Call-In Chaperone	1	\$ 8.50
Kathleen Pantaleo	Call-In Chaperone	1	\$ 8.50
Corrine Segal	Call-In Chaperone	5	\$ 10.25
Mary Walsh	Call-In Chaperone	2	\$ 9.35
Teen Center/Intergenerational			
Jasmin Aceituno	Call-In Rec Leader I	5	\$ 12.65
Jennifer Petrosino-Dunleavy	Call-In Rec Leader II	1	\$ 12.65
Beatrice Caccioppo	Call-In Rec Aide II	3	\$ 10.30
Joseph Doll	Call-In Rec Aide II	2	\$ 10.00
Kenneth Drumm	Call-In Rec Aide II	5	\$ 10.95
Alexa Nieves	Call-In Rec Aide II	2	\$ 10.00
Kathleen Pantaleo	Call-In Rec Aide II	2	\$ 10.00
Mary Walsh	Call-in Rec Aide II	3	\$ 10.30

THE VOTE

Giglio Yes No Gabrielsen ABSENT

Wooten Yes No Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

01.19.2011
110055

ADOPTED

TOWN OF RIVERHEAD

Resolution # 55

SETS SALARIES FOR 2011 PART-TIME/CALL-IN PERSONNEL FOR THE RIVERHEAD RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead Recreation Department needs to set salaries for the 2011 Part-time/Call-in Recreation personnel,

NOW THEREFORE BE IT RESOLVED, that effective January 19, 2011, this Town Board sets salaries for the 2011 part-time/call-in personnel for the Recreation Department.

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

THE VOTE

Giglio Yes No

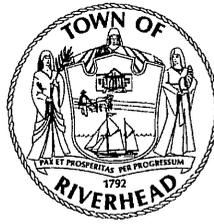
Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted



**Recreation Department
200 Howell Avenue
Riverhead, NY 11901
(631) 727-5744**

**2011 Salaries
Part-Time/Call-In Recreation Positions**

	Rec Aide I	Rec AideII	Asst. Rec Leader	Rec Leader I	Rec Leader II		
Level 1	\$ 7.50	\$9.0834	\$ 9.50	\$10.50	\$12.00		
Level2	\$ 8.25	\$10.00	\$10.45	\$11.55	\$13.20		
Level3	\$ 8.50	\$10.30	\$10.75	\$11.90	\$13.60		
Level4	\$ 8.75	\$10.60	\$11.10	\$12.25	\$14.00		
Level 5	\$ 9.00	\$10.95	\$11.45	\$12.65	\$14.45		
Level 6	\$ 9.30	\$11.25	\$11.75	\$13.00	\$14.85		
Level 7	\$ 9.55	\$11.60	\$12.10	\$13.40	\$15.30		
	PT Gate Attendant	Park Attendant I	Park Attendant II	Park Attendant III	Guard	Chaperone	Rec Bus Driver
Level 1	\$9.75	\$7.50	\$9.75	\$10.25	\$10.60	\$8.50	\$11.45
Level 2	\$10.75	\$8.25	\$10.75	\$11.30	\$11.65	\$9.35	\$12.60
Level 3	\$11.10	\$8.50	\$11.10	\$11.60	\$12.00	\$9.65	\$13.00
Level 4	\$11.40	\$8.75	\$11.50	\$12.00	\$12.35	\$9.95	\$13.40
Level 5	\$11.75	\$9.00	\$11.75	\$12.30	\$12.75	\$10.25	\$13.75
Level 6	\$12.10	\$9.30	\$12.10	\$12.70	\$13.10	\$10.55	\$14.15
Level 7	\$12.45	\$9.55	\$12.45	\$13.10	\$13.50	\$10.85	\$14.60

Recreation Specialist: Starting Salary \$20.00 with a 10% Raise after Level One and a 3% Raise thereafter. **

NOTE: The above salaries are listed on a per hour basis. New Hires can begin at a maximum level 3 (based on experience)

**Salary increase will be determined by reaching a minimum level of hours worked (by category) combined with a positive evaluation. Can jump (2) levels (maximum) with an outstanding evaluation.

TOWN OF RIVERHEAD

Resolution # 56

**ADOPTS A COMMUNITY GARDEN LOCATED AT WEST MAIN STREET,
RIVERHEAD DESCRIBED AS SCTM #0600-128-3-72.1 AND AUTHORIZES THE
SUPERVISOR TO EXECUTE LICENSE AGREEMENT WITH RIVER AND ROOTS**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town is the owner of a tract of land located at West Main Street, just south of Griffing Avenue, Riverhead, New York described at SCTM# 0600-128-3-72.1 and approximately 0.33 acre site (hereinafter referred to as "subject property"); and

WHEREAS, the members of the community, now organized and known as River & Roots Community Garden, a not for profit corporation, seek to create a community garden in the downtown area and requested that the Town permit River & Roots Community Garden to use a portion of the subject property for a community garden and, in the event, members of the community are interested in creating or constructing a war memorial to honor our veterans at the entrance of this garden, the River & Roots Community Garden shall work cooperatively to integrate this monument in their design plan; and

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a Community Garden located at West Main Street, Riverhead, described as SCTM# 0600-128-3-72.1; and

WHEREAS, a public hearing was held on the 28th day of December, 2010 at 2:15 pm at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said notice, and all persons wishing to be heard were heard; and

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

RESOLVED, that the Supervisor is hereby authorized to execute a license agreement between the Town of Riverhead and River & Roots Community Garden in substantially the same form as annexed hereto; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead approved use of a portion of property described as SCTM# 0600-128-3-72.1 (approximately .33 acre site) as a community garden at its regular meeting held on January 4, 2011. A community garden will provide an opportunity for downtown residents to grow their own fruits, vegetables and flowers and provide a sense of community that are not otherwise available to downtown residents. A community garden will add beautification to downtown, creation of a sense of community, and, a way to provide a safe recreational and educational green space in the downtown area. Be it enacted by the Town Board of the Town of Riverhead.

LICENSE AGREEMENT

THIS AGREEMENT made and entered into this ___ day of _____, 2011, by and between the Town of Riverhead, a municipal corporation duly existing under the laws of the State of New York, (hereinafter referred to as the "Town" or "Licensor"), with its principal place of business located at 200 Howell Avenue, Riverhead, NY and the River & Roots Community Garden, a non-profit corporation, (hereinafter referred to as "Licensee"), having an address at PO Box 2129, Riverhead, NY.

W I T N E S S E T H :

WHEREAS, the Town is the owner of a tract of land located at West Main Street, Riverhead, NY, described at SCTM# 0600-128-6-72.1, approximately .33 acre site (hereinafter referred to as "subject property"); and

WHEREAS, River & Roots Community Garden requested that the Town allow a portion of the subject property to be used as a community garden; and

WHEREAS, the Town recognizes that many individuals and families residing in the downtown area would like to grow some of their own fruits, vegetables, herbs, and flowers and others who simply seek to participate in a garden project as a relaxing way to exercise and enjoy being out-of-doors; and

WHEREAS, the Town researched the benefits of a community garden including but not limited to, beautification of neighborhoods, creation of a sense of community, and, a way to provide a safe recreational and educational green space in the downtown area which assists in keeping and improving our air quality; and

WHEREAS, by Resolution # _____ adopted on December 7, 2010, the Town Board authorized the Town Clerk to publish and post a public hearing to consider a community garden located on the subject property; and

WHEREAS, on December 28, 2010 a public hearing was held at town hall and all persons wishing to be heard were heard; and

NOW THEREFORE, IT IS HEREBY agreed by and between the parties:

1. The Town grants a license to River & Roots Community Garden to utilize an area of approximately ___ feet by ___ feet (0. ___ acres) as shown on Attachment A (hereinafter referred to as "garden area") as and for a community garden and permits Licensee to use the enclosed shed located on the subject property and in close proximity to the garden area for storage of tools and materials used in association with the community garden.

2. Other than allowing the use of a portion of the subject property set forth in paragraph one, the Town's only other involvement with or responsibility for the community garden shall be as follows:

- a. The Engineering Department will stake off the designated area aka garden area to be used for the community garden.
- b. The Town will advertise the existence of the community garden through its standard outlets for providing public information (not involving additional cost to the Town).
- c. The Town will mow or otherwise maintain that portion of the .33 acre property not subject to the this license agreement.

3. The River & Roots Community Garden agrees that on or before the execution of this license agreement, the River & Roots Community Garden shall secure comprehensive general liability insurance with combined single limit coverage for bodily injury, property damage and personal injury liability in the sum of one million dollars (\$1,000,000.00) providing protection against liability arising out of or in connection with use, occupancy, improvement and maintenance of the subject property, including garden area and shed, and protection against liability arising out of or in connection with River & Root Community Garden sponsored events or activities, including acts of members (gardeners), guests and invitees of River & Roots Community Garden or any such other individuals relating to the subject property.
4. The River & Roots Community Garden shall name the Town of Riverhead as an additional insured on the certificate of insurance referenced in paragraph 3 above and in the event of termination or cancellation of said insurance, River & Roots Community Garden agrees to provide the Town with no less than thirty days (30 days) notice of the termination or cancellation.
5. The River & Roots Community Garden shall prepare a plan for the installation and maintenance for water services to the community garden site and coordinate with the Town of Riverhead Water District and Department of Engineering for the installation, maintenance and usage of any connection to the existing water service. The water account will be established in the name of and the bill sent to, the River & Roots Community Garden PO Box 2129, Riverhead, NY.
6. The River & Roots Community Garden shall purchase materials and construct a temporary ____' x ____' fence around that portion of the subject property to be used as the community garden.
7. The River & Roots Community Garden shall maintain the grounds within the allocated space (garden area) using Town standards to be determined by a representative of the Engineering and/or Building & Grounds Department.
8. The River & Roots Community Garden shall clean up and remove all trash, vegetative and organic materials that has blown on or placed on any portion of the subject property that is not within the community garden area and any adjacent and neighboring properties.
9. The River & Roots Community Garden shall store all materials and tools safely in the locked shed.
10. The River & Roots Community Garden shall comply with all NYS DEC regulations and any such local or Town regulations regarding use and storage of pesticides.
11. In addition to the provisions set forth above, River & Roots Community Garden shall be responsible for:
 - a. Purchase all necessary supplies and equipment needed for the garden.
 - b. Prepare the community garden.
 - c. Supervise volunteers and participants and the use of the garden space.
 - d. Advertise the community garden.
 - e. Develop and monitor volunteer schedules and tasks.
 - f. Recruit families and individuals to use the garden.
 - g. Purchase materials and a lock for the enclosed storage shed. *A set of keys must be provided

to Department of Engineering.

12. River & Roots Community Garden agrees to indemnify, defend and hold the Town, its officers, employees and agents harmless from any and all liabilities, claims, expenses, losses and/or damages which the Town may or might incur with respect to the use of the subject property by River & Roots Community Garden and its employees, members, guests and invitees. In addition to, and not in derogation of the above stated indemnification, River & Roots Community Garden and all of its members (such term to include gardeners), guests and invitees agrees to waive and release the Town from any claim for personal injury to a members, guests and invitees arising from or related to use of the subject property.

13. River & Roots Community Garden and all members or participants in the River & Roots Community Garden agrees to assume all liability and to indemnify and/or compensate the Town for any injury or damage to person or property including subject property or employees occasioned by or arising in connection with the use of the premises by the River & Roots Community Garden and its employees, members, guests and invitees. The River & Roots Community Garden and its employees, members, guests and invitees further agrees to defend, indemnify and hold harmless the Town against all actions, claims, damages or demands which may be brought or made either against the Town or its interest in the premises by reason of anything done by River & Roots Community Garden and its employees, members, guests and invitees in the exercise or purported exercise of the rights and privileges herein granted. The Town may terminate this license agreement with River & Roots Community Garden and its employees, members, guests and invitees upon violation of any of the terms of this Agreement or such other regulations/rules adopted in connection with the use of the subject property or in the event the subject property is required for a municipal purpose. The Town agrees to provide River & Roots with notice of said termination, by mail, at the following address: PO Box 2129, Riverhead, NY. Such termination shall be without any cost or liability whatsoever to the Town.

THE TOWN OF RIVERHEAD ASSUMES NO LAIBILITY FOR ACCIDENTS OR INJURY TO PARTICIPANTS OR OTHERS EITHER ON OR ADJACENT TO THE SUBJECT PROPERTY. NEITHER DOES THE TOWN ASSUME RESPONSIBILITY FOR ACTS OF VANDALISM OR LOSS OF CROPS DUE TO THEFT.

IN WITNESS WHEREOF, the parties here to have executed this Agreement the day and year first above written.

River & Roots Community Garden

Town of Riverhead

By: _____ By: _____

(Print Name)

(Print Name)

(Signature)

(Signature)

(Permanent Address)

(Permanent Address)

(Telephone)

(Telephone)

TOWN OF RIVERHEAD

Resolution # 57

ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE
(\$108-188. Uses. – Riverfront Corridor (RFC) Zoning Use District)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" (Riverfront Corridor (RFC) Zoning Use District) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 21st day of December, 2010 at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 108 "Zoning" (Riverfront Corridor (RFC) Zoning Use District) of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Planning Department and the Building Department; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
Wooten Yes No Dunleavy ABSENT
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" (Riverfront Corridor (RFC) Zoning Use District) of the Riverhead Town Code at its regular meeting held on January 19, 2011.

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

Chapter 108
ZONING
ARTICLE XXXVII
Riverfront Corridor (RFC) Zoning Use District

§ 108-188. Uses.

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

A. Permitted uses.

- (1) Dwelling, one-family.
- (2) River-related retail uses.
- (3) Nonmotorized open space recreation uses.

B. Special permit uses.

- (1) Bed-and-breakfast establishments.
- (2) Country inns.

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

- ~~Overstrike represents deletion(s)~~

Dated: Riverhead, New York
January 19, 2011

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

DIANE M. WILHELM, Town Clerk

01.19.2011
110058

NOT ADOPTED

TOWN OF RIVERHEAD

Resolution # 58

AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL 1000, AFSCME, AFL-CIO, RIVERHEAD UNIT OF SUFFOLK LOCAL #852

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on December 27, 2010 the Town experienced a significant snow storm which created hazardous travel conditions; and

WHEREAS, on December 27, 2010, due to the hazardous road conditions, the Town Supervisor closed all the Town offices; and

WHEREAS, any CSEA member who was scheduled to work on December 27, 2010, but who did not report to work, shall be granted an excused absence; and

WHEREAS, the parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the aforementioned stipulation and authorizes the Town Supervisor to execute same; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Town Attorney, Financial Administrator and the Personnel Director; and be it further

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

THE VOTE

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

On a motion of Councilwoman Giglio, seconded by Councilman Wooten Resolution #58 was requested to be tabled.

The Vote

Yes-2 Giglio, yes; Wooten, yes

No-1 Walter, no

The motion to table failed. Therefore, Resolution #58 was moved to a vote (see THE VOTE above). The motion to adopt failed and therefore, Resolution #58 was **NOT ADOPTED**

STIPULATION OF AGREEMENT, made and entered into this _____ day of January 2011, by and between the Town of Riverhead (“the Town”) and the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 (“the CSEA”).

WHEREAS, due to a blizzard, the Town closed Town Hall on December 27, 2010; and

WHEREAS, Article III(10) of the 2008-2010 collective bargaining agreement between the Town and the CSEA provides that the Town may grant a full or partial excused absence for reasons it deems acceptable and to give any employee who is required to work the same number of hours as compensatory time for future use as set forth in the agreement; and

WHEREAS, the Town has deemed it acceptable to grant an excused absence to CSEA unit members who were scheduled to work on December 27, 2010, but who did not come to work as a result of the blizzard; and

WHEREAS, a dispute has arisen regarding whether the CSEA unit members who did work on December 27, 2010 are entitled to overtime for the hours which they worked on that date; and

WHEREAS, the parties wish to resolve this matter in an amicable way, without the uncertainties, costs and risks of continued litigation; and

WHEREAS, the parties have reached an agreement with regard to this dispute and wish to codify their understandings in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree and stipulate as follows:

1. Any CSEA unit member who was scheduled to work on December 27, 2010, but who did not report to work, shall be granted an excused absence.

2. Any CSEA unit member who was not scheduled to work on December 27, 2010 due to an approved sick, vacation, personal or other day off from work day shall not be granted an excused absence.

3. Any CSEA unit member who reported to work on December 27, 2010 shall receive overtime (time and one-half) for any hours worked for the Town.

4. This Agreement represents the total agreement between the Town and the CSEA with regard to the granting of an excused absence for December 27, 2010. There are no other agreements, oral or otherwise.

5. Nothing contained in this Agreement shall be deemed as precedent setting with regard to any other matter. This Agreement is entered into solely due to the unique circumstances of the instant situation. It may not be cited in any other matter, such as, but not limited to, any grievance, grievance hearing, arbitration, PERB conference/hearing, court matter or any other similar proceeding, except to enforce the provisions of this Agreement.

6. The provisions of this Agreement are subject to ratification and approval by the Town Board.

FOR THE TOWN:

FOR THE CSEA:

TOWN OF RIVERHEAD

Resolution # 59

**AUTHORIZES THE SUPERVISOR TO EXECUTE A MUSICAL WORKS
LICENSE AGREEMENT WITH SESAC LLC**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

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

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

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

WHEREAS, SESAC LLC represents the holders of copyrights for many of such musical works; and

WHEREAS, SESAC LLC will provide a license granting permission to the Town of Riverhead to play all of the works of copyright holders SESAC LLC represents for a fee of \$591.00 for calendar year 2011.

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to SESAC LLC, 55 Music Square East, Nashville, TN, 37203; the Accounting Department; Parks and Recreation; Senior Citizen's Services 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 electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

SESAC PERFORMANCE LICENSE for MUNICIPALITIES

Agreement made in New York by and between SESAC LLC ("SESAC"), a Delaware limited liability company, with offices at 55 Music Square East, Nashville, TN 37203 and

Town of Riverhead _____ ("LICENSEE")
(Legal Name of Entity)

(Billing Address) 200 Howell Avenue

(City, State, ZIP) Riverhead, NY 11901

Telephone: 631-727-3200 Fax: 631-727-6152 E-mail: mccormick@riverheadli.com

SESAC and LICENSEE hereby mutually agree as follows:

1. GRANT OF RIGHTS: Effective as of **January 1, 2011** (the "Effective Date") SESAC grants to LICENSEE the non-exclusive right and license to publicly perform live or recorded non-dramatic renditions of the musical compositions, the performance rights to which SESAC controls and/or is empowered to license (the "Compositions") solely on and in connection with the following:

Name	Town of Riverhead	
Location	Riverhead, NY	(the "Municipality")

As used herein, "Municipality" shall include those locations owned, operated, and/or leased by LICENSEE which are used as governmental offices or for related purposes; those locations at which events are held under LICENSEE's sole control and attended by LICENSEE's employees, their families, social acquaintances, citizens, and other members of the public; and those areas owned, operated, and/or leased by LICENSEE which are under LICENSEE's sole control.

2. LIMITATIONS OF RIGHTS: The Rights granted pursuant to Paragraph 1 above shall specifically exclude:

A. the right to perform, broadcast, televise or otherwise transmit the Compositions to any location (unless and to the extent otherwise expressly permitted in Schedule "A");

B. the right to grant the Rights to any third party;

C. "Grand Rights" in and to the Compositions ("Grand Rights" include, but are not limited to, the right to perform in whole or in part, dramatico-musical and dramatic works in a dramatic setting);

D. performances of the Compositions (i) which are part of a background music service originating from any location including the Municipality, for which SESAC performance license fees are otherwise paid, regardless of the means by which such performances are transmitted on or to the Municipality, and/or (ii) by coin-operated phonorecord players ("jukeboxes"), as defined in 17 U.S.C. § 116.

E. This license shall specifically exclude concerts. "Concerts" are those performances by an entertainer, group, or performer for which an admission or other fee is charged and which are not solely promoted by LICENSEE.

F. This license shall specifically exclude "Sporting events." "Sporting events" are professional, semi-professional, major or minor league athletic competitions.

G. This license shall specifically exclude Colleges and/or Universities.

3. TERM OF LICENSE:

A. The term of the Agreement shall be for an initial period that commences upon the Effective Date and continues for a period of one (1) year (the "Initial Period"). ~~Thereafter, the Agreement shall automatically continue in full force and effect for successive additional periods of one (1) year ("Renewal Period(s)");~~ SESAC and /or LICENSEE shall have the right to terminate this Agreement as of the last day of the Initial Period or as of the last day of any Renewal Period(s) upon giving written notice to the other party by certified mail, return receipt requested, at least thirty (30) days prior to the commencement of any Renewal Period(s). The Initial Period and Renewal Period(s) are sometimes collectively referred to herein as the "Term."

B. Notwithstanding anything to the contrary contained herein, SESAC shall have the right to terminate this Agreement upon thirty (30) days written notice by reason of any law, rule, decree, or other enactment having the force of law, by any authority, whether federal, state, local, territorial or otherwise, which shall result in substantial interference in SESAC's operation or any substantial increase in the cost of conducting its business.

4. LICENSE FEE:

A. As consideration for the Rights granted herein, LICENSEE shall pay to SESAC the annual "License Fee" then in effect in accordance with the "Fee Schedule" set forth in Schedule "A" attached hereto.

B. In the event that SESAC is determined by the taxing authority or courts of any state, territory, or possession in which LICENSEE conducts its operation to be liable for the payment of a gross receipts, sales, use, business use or other tax which is based on the amount of SESAC's receipts from LICENSEE, then LICENSEE shall reimburse SESAC, within thirty (30) days of notification therefor, for LICENSEE's pro rata share of any such tax derived from receipts received from LICENSEE, unless by constitution or statute, LICENSEE is exempt from any such tax whether applied directly or indirectly to LICENSEE.

~~G. SESAC shall have the right to impose a late payment charge of one and one-half percent (1.5%) per month for any License Fee payment that is more than thirty (30) days past due. In the event that SESAC incurs any costs or fees in connection with the collection of any amounts past due to SESAC hereunder, including without limitation reasonable attorney's fees, then LICENSEE shall be responsible for paying such amounts to SESAC unless by constitution or statute, LICENSEE is exempt from any such charge whether applied directly or indirectly to LICENSEE.~~

D. Effective January 1 of each calendar year the License Fee Schedule may be increased by an amount (rounded to the nearest dollar) equivalent to the percent increase in the Consumer Price Index – All Urban Consumer (CPI-U) as published by the Bureau of Labor Statistics, U.S. Department of Labor, between the most recent October and the preceding October or five percent (5%), whichever amount is greater.

5. MISCELLANEOUS:

A. In the event LICENSEE fails to pay the License Fee when due or is otherwise in default of any other provision of this Agreement, then SESAC shall have the right to terminate this Agreement in addition to pursuing any and all other rights and/or remedies available if LICENSEE has not cured such breach within thirty (30) days following SESAC's written notice of such default.

B. SESAC shall have the right to withdraw from the scope of this License, upon written notice, the right to perform any musical composition licensed hereunder as to which any action has been threatened, instituted, or a claim made that SESAC does not have the right to license the performance rights in such composition.

C. This Agreement shall be binding upon and inure to the benefit of SESAC's and LICENSEE's legal representatives, successors, and assigns, but no assignment shall relieve SESAC or LICENSEE of their obligation under this Agreement.

D. This Agreement supersedes and cancels all prior negotiations and understandings between SESAC and LICENSEE in connection with the Municipality. No modification of this Agreement shall be valid or binding unless in writing and executed by SESAC and LICENSEE. If any part of this Agreement shall be determined to be invalid or unenforceable by a court of competent jurisdiction or by any other legally constituted body having the jurisdiction to make such determination, the remainder of this Agreement shall remain in full force and effect. No waiver of any breach of this Agreement shall be deemed a waiver of any preceding, continuing or succeeding breach of the same, or any other provision of this Agreement.

IN WITNESS THEREOF, the parties have caused this Agreement to be duly signed as of _____
Please insert today's date

LICENSEE Town of Riverhead

SESAC LLC

BY: _____
(please sign here)

BY: _____

Sean M. Walter

(Type or print name)

TITLE: Supervisor

TITLE: _____

Please mail signed license to:

SESAC
55 Music Square East
Nashville, TN 37203

TOWN OF RIVERHEAD

Resolution # 60

AUTHORIZES ANTENNAS FOR RIVERHEAD AMBULANCE DISTRICT AT THE EPCAL SITE IN ACCORDANCE WITH EAST END WIRELESS LEASE AGREEMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Ambulance District is in need of a antennas to be located in the Manorville area near the EPCAL site; and

WHEREAS, the Riverhead Ambulance District needs the antennas in order to have sufficient power to transmit emergency calls from the areas surrounding EPCAL; and

WHEREAS, pursuant to paragraph two of the lease agreement between the Town of Riverhead and East End Wireless, East End Wireless agreed to construct, locate and affix up to four municipal or quasi-municipal whip antennae at the top of the flagpole design communications tower at no cost to the Town subject to request and approval of the Town Board of the Town of Riverhead; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby approve the Town of Riverhead Ambulance District to utilize two whip antennas (one antenna to receive, the second to transmit) on the flagpole communications tower located at Grumman Memorial Park/EPCAL's site and requests that lessee, East End Wireless, construct, locate and affix said antennae pursuant to paragraph two of the lease agreement.

BE IT FURTHER RESOLVED, that to the extent East End Wireless requires written authorization and/or execution of documents to proceed and complete construction, location and installation of the antennae, the Supervisor is authorized to execute same.

RESOLVED, the Town Clerk is hereby authorized to forward a copy of this resolution to East End Wireless, Town of Riverhead Ambulance District attention Kevin Lewin, and Bruce Talmage.

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 61

APPROVES THE RENAMING OF THE SOUTHERN PORTION OF HORTON AVENUE, A TOWN OF RIVERHEAD ROAD, TO "HORTON AVENUE SOUTH"

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the renaming of the southern portion of Horton Avenue, a Town of Riverhead road, to "Horton Avenue South"; and

WHEREAS, a public hearing was held on the 7th day of December, 2010 at 2:05 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby approves the renaming of the southern portion of Horton Avenue, a Town of Riverhead road, to "Horton Avenue South" as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Highway Department, Engineering Department and the Building Department; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared TABLED

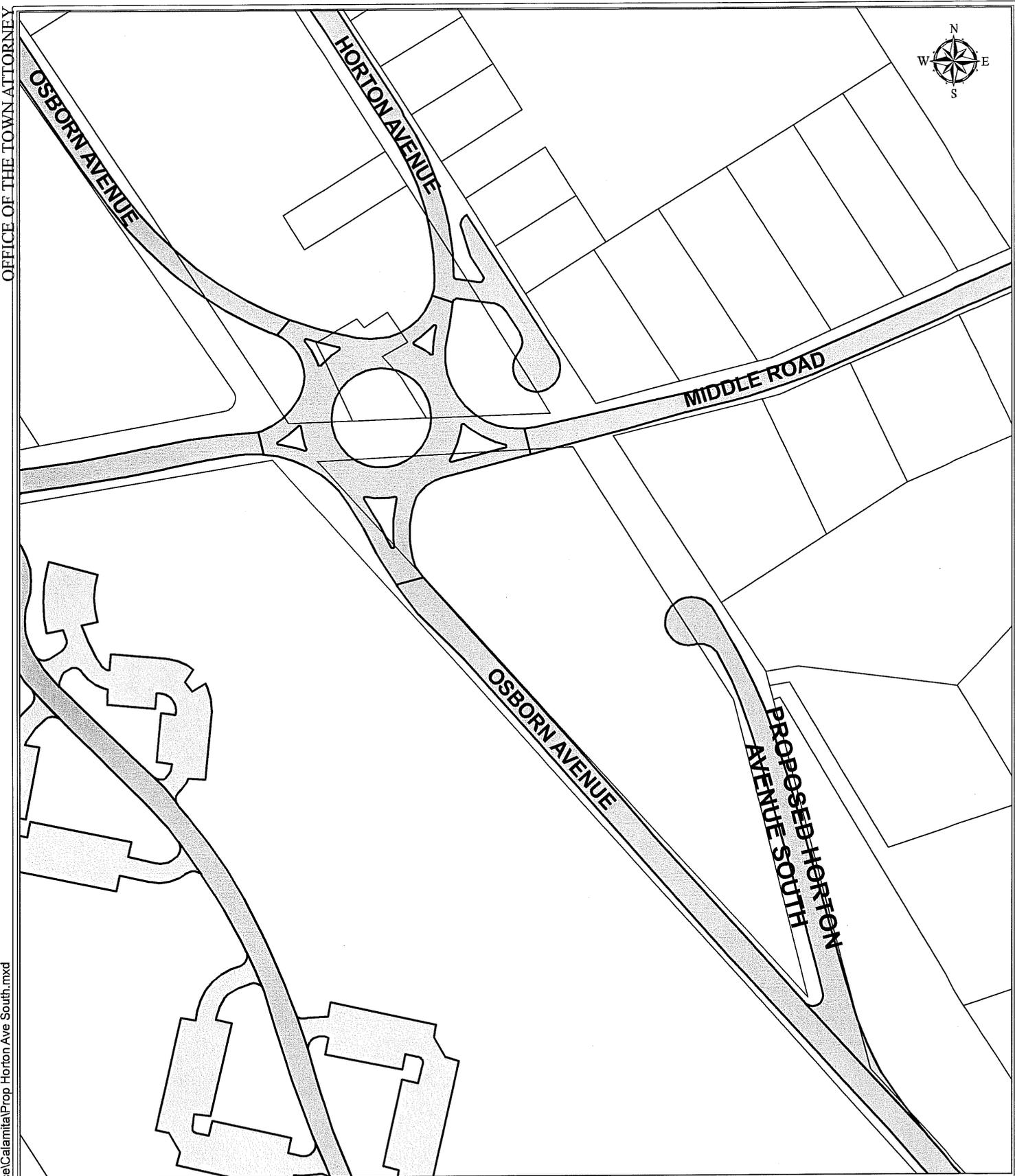
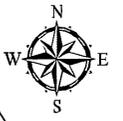
**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead approved and adopted the renaming of the southerly portion of Horton Avenue, a Riverhead Town road, to "Horton Avenue South" (map attached) at its regular meeting held on January 19, 2011.

Dated: Riverhead, New York
January 19, 2011

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

DIANE M. WILHELM, Town Clerk



OFFICE OF THE TOWN ATTORNEY

N:\admin\develop\Attorney\Office\Calamita\Prop Horton Ave South.mxd

Property Lines Courtesy:
Suffolk County Real Property Tax Service
COPYRIGHT (c) 2010 COUNTY OF SUFFOLK, N.Y.

Cartographer: Robert Hubbs
Town of Riverhead
Geographic Information Systems Supervisor

DATE: 10/22/2010

map of
RENAME OF
HORTON AVENUE



TOWN OF RIVERHEAD

200 Howell Ave.
Riverhead, New York 11901

01.19.2011
110062

ADOPTED

TOWN OF RIVERHEAD

Resolution # 62

AUTHORIZES THE WAIVER OF 30 DAY NOTIFICATION REQUIRED BY THE NEW YORK STATE LIQUOR AUTHORITY

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Riverhead Project, LLC, d/b/a The Riverhead Project, 300 East Main Street, Riverhead New York intends to file for a New York State Liquor License; and

WHEREAS, pursuant to Alcohol Beverage Control Law §64(2A), an applicant must give the municipality thirty (30) days notice of the pending liquor license application unless the municipality consents to waive this thirty (30) day requirement; now therefore be it

RESOLVED, that the Town Board of the Town of Riverhead, with respect to the application submitted by The Riverhead Project, 300 East Main Street, Riverhead, New York for a license to sell alcoholic beverages at retail for on premises consumption, does express a favorable opinion and hereby waives the thirty (30) day notice period allowing an earlier submission of the New York State Liquor License Application; and further be it

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Riverhead Project, LLC, 300 East Main Street, Riverhead, New York and that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

01.19.2011
110063

ADOPTED

TOWN OF RIVERHEAD

Resolution # 63

AUTHORIZES THE LAW OFFICE OF RICHARD EHLERS TO ACT AS SPECIAL COUNSEL AND AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, in addition to the duties and responsibilities to act as counsel for the Town Board and all Town Officers, including but not limited to, representation and defense in civil proceedings and enforcement of the Town Code for the Town of Riverhead, the Office of the Town Attorney is responsible for representation of various boards and committees of and integral to the Town of Riverhead; and

WHEREAS, the Office of the Town Attorney, has requested that the Town Board, authorize the Town Attorney to retain the services of The Law Office of Richard Ehlers to act as special counsel as an independent contractor for the purpose of advising the Planning Board in matters/applications/proceedings presented to and appearing before the Planning Board for the months of January and February of 2011 to assist in the transition of workload among staff in the Town Attorney's Office and authorize the Town Attorney to retain the services of The Law Office of Richard Ehlers to act as special counsel as an independent contractor in litigation matters, matters requiring a significant historic knowledge of past and prior proceedings, and advisory opinions; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints Law Office of Richard Ehlers to act as legal counsel as an independent contractor for the purpose of advising the Planning Board in matters/applications/proceedings presented to and appearing before the Planning Board for the months of January and February of 2011 to assist in the transition of workload among staff in the Town Attorney's Office and authorize the Town Attorney to retain the services of The Law Office of Richard Ehlers to act as special counsel as an independent contractor in litigation matters, matters requiring a significant historic knowledge of past and prior proceedings, and advisory opinions; and be it further

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Law Office of Richard Ehlers; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen ABSENT
Wooten Yes No Dunleavy ABSENT
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 64

RE-APPOINTS MEMBER TO THE ACCESSORY APARTMENT REVIEW BOARD

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Board of the Town of Riverhead, by Resolution No. 312 adopted on April 15, 2008, established the Accessory Apartment Review Board; and

WHEREAS, Charles Funda was appointed to serve on the Accessory Apartment Review Board for a two year term; and

WHEREAS, the term for Charles Funda has expired; and

WHEREAS, Riverhead Town Code 108-37(A) directs that successors shall be appointed for a three year term from and after the expiration of the original term of office; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby re-appoints Charles Funda to serve on the Accessory Apartment Review Board for a term of three years at an annual salary of \$2,400.00; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Charles Funda, the Accounting Office 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 electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 65

**AUTHORIZES THE RELEASE OF SECURITY OF
GENDOT HOMES, INC. A/K/A OSBORNE ACRES SUBDIVISION
(Water Key Money and Park and Recreation Fees)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by Resolution #134, adopted on February 6, 2007, the Riverhead Town Board accepted Suffolk County National Bank Irrevocable Letter of Credit #070118C in the amount of \$25,000.00 representing the payment of water key money for ten residential lots located within the aforementioned subdivision; and

WHEREAS, by Resolution #135, adopted on February 6, 2007, the Riverhead Town Board accepted Suffolk County National Bank Irrevocable Letter of Credit #070118A in the amount of \$50,000.00 representing the payment of park and recreation fees for ten residential lots located within the aforementioned subdivision; and

WHEREAS, Gendot Homes Inc. subsequently has paid the water key money (\$7,500) and the park and recreation fees (\$15,000) for three out of ten residential lots within the subdivision; and

WHEREAS, Gendot Homes Inc. has submitted Suffolk County National Bank Check No. 1083146 in the amount of \$17,500.00 representing water key money and Suffolk County National Bank Check No. 1083147 in the amount of \$35,000.00 representing park and recreation fees for the seven remaining lots within the subdivision.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned Suffolk County National Bank Letters of Credit (#070118C and #070118A); and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 66

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
BROADVIEW VENTURES INC. A/K/A JR IRRIGATION**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Broadview Ventures, Inc. posted cash security (Capital One Bank Cashier's Check #8000683245) in the amount of Three Thousand Dollars (\$3,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #83 dated September 3, 2009, for improvements to be completed at 9 Tyte Drive, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-111-1-4, pursuant to Section 108-133(l) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site requirements and Certificate of Occupancy No. 23921 has been issued.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the above mentioned security in the sum of Three Thousand Dollars (\$3,000.00); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Broadview Ventures, Inc., 65 Indian Avenue, Riverhead, NY, 11901; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #67

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #11-02 January 13, 2011 (TBM 1/19/11)				
FUND NAME			01/13/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,186,711.04	1,186,711.04
POLICE ATHLETIC LEAGUE	4		75.00	75.00
RECREATION PROGRAM FUND	6		2,572.29	2,572.29
CHILD CARE CENTER BUILDING FUN	9		49.72	49.72
ECONOMIC DEVELOPMENT ZONE FUND	30		3,375.70	3,375.70
HIGHWAY FUND	111		157,635.78	157,635.78
WATER DISTRICT	112		120,622.84	120,622.84
RIVERHEAD SEWER DISTRICT	114		49,155.35	49,155.35
REFUSE & GARBAGE COLLECTION DI	115		13,528.65	13,528.65
STREET LIGHTING DISTRICT	116		15,030.86	15,030.86
PUBLIC PARKING DISTRICT	117		3,248.00	3,248.00
BUSINESS IMPROVEMENT DISTRICT	118		99.9	99.9
AMBULANCE DISTRICT	120		2,199.95	2,199.95

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

01.19.2011

ADOPTED

110068

Resolution #68

SEQRA RESOLUTION

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at Town Hall, in Riverhead, Suffolk County, New York, in said Town, on the 19th day of January, 2011, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Sean Walter, and upon roll being called, the following were

PRESENT:

Sean Walter, Supervisor

James Wooten, Councilman

Jodi Giglio, Councilwoman

ABSENT:

John Dunleavy, Councilman

George Gabrielsen, Councilman

The following resolution was offered by Councilwoman Giglio, who moved its adoption, seconded by Councilman Wooten, to-wit:

Councilman Wooten moved to take off the floor, seconded by Councilwoman Giglio.

RESOLUTION DATED JANUARY 19, 2011.

A RESOLUTION OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY,
NEW YORK AS TO SEQRA DETERMINATION.

BE IT RESOLVED by the Town Board of the Town of Riverhead, Suffolk County, as follows:

Section 1. It is hereby determined that the Town Board adopting this resolution declares itself to be the lead agency under the State Environmental Quality Review Act (“SEQRA”) and the regulations promulgated thereunder for purposes of determining the environmental impact of the project described in Section 3 hereof.

Section 2. Based upon the Short Environmental Assessment Form attached hereto and made a part hereof, it is hereby determined that the project described in Section 3 hereof is an Unlisted Action which, it is hereby determined will not have a significant impact upon the environment.

Section 3. The project which is the subject of this resolution is described as follows:

Construction of a wind turbine energy generation facility at the River Avenue wastewater treatment facility at a maximum estimated cost of \$1,850,000.

Section 4. This resolution shall take effect immediately.

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

* * * * *

01.19.2011

On a motion of Councilman Wooten, seconded by Councilwoman Giglio resolution #68 was
TAKEN OFF THE FLOOR

THE VOTE:

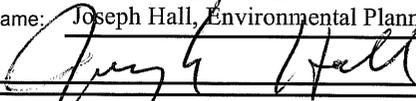
Yes-3 Giglio, yes; Wooten, yes; Walter, yes

NO-0

Appendix C

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

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

1. APPLICANT/SPONSOR Riverhead Sewer District c/o Riverhead Town Board	2. PROJECT NAME Riverhead Sewer District Wind Turbine
3. PROJECT LOCATION: Municipality <u>Riverhead Township</u> County <u>Suffolk</u>	
4. PRECISE LOCATION (Street address and road intersections, prominent landmarks, etc., or provide map) Riverhead Advanced Wastewater Treatment Facility, 2 River Avenue, SCTM: 0600-131-3-35.1&31.1 (see attached EAF addendum and map)	
5. PROPOSED ACTION IS: <input checked="" type="checkbox"/> New <input type="checkbox"/> Expansion <input type="checkbox"/> Modification/alteration	
6. DESCRIBE PROJECT BRIEFLY: See addendum	
7. AMOUNT OF LAND AFFECTED: Initially <u>less than one acre</u> acres Ultimately <u>same</u> acres	
8. WILL PROPOSED ACTION COMPLY WITH EXISTING ZONING OR OTHER EXISTING LAND USE RESTRICTIONS? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If No, describe briefly	
9. WHAT IS PRESENT LAND USE IN VICINITY OF PROJECT? <input checked="" type="checkbox"/> Residential <input type="checkbox"/> Industrial <input checked="" type="checkbox"/> Commercial <input type="checkbox"/> Agriculture <input checked="" type="checkbox"/> Park/Forest/Open Space <input type="checkbox"/> Other Describe: See addendum	
10. DOES ACTION INVOLVE A PERMIT APPROVAL, OR FUNDING, NOW OR ULTIMATELY FROM ANY OTHER GOVERNMENTAL AGENCY (FEDERAL, STATE OR LOCAL)? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No If Yes, list agency(s) name and permit/approvals: <p style="text-align: center;">(possibly) No outside funding source known at this time. Structure requires FAA analysis.</p>	
11. DOES ANY ASPECT OF THE ACTION HAVE A CURRENTLY VALID PERMIT OR APPROVAL? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If Yes, list agency(s) name and permit/approvals:	
12. AS A RESULT OF PROPOSED ACTION WILL EXISTING PERMIT/APPROVAL REQUIRE MODIFICATION? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
I CERTIFY THAT THE INFORMATION PROVIDED ABOVE IS TRUE TO THE BEST OF MY KNOWLEDGE	
Applicant/sponsor name: <u>Joseph Hall, Environmental Planner</u>	Date: <u>1/18/11</u>
Signature: <u></u>	

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

PART II - IMPACT ASSESSMENT (To be completed by Lead Agency)

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

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

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

C1. Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? Explain briefly:
 See EAF addendum for C1-C7.

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

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

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

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

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

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

D. WILL THE PROJECT HAVE AN IMPACT ON THE ENVIRONMENTAL CHARACTERISTICS THAT CAUSED THE ESTABLISHMENT OF A CRITICAL ENVIRONMENTAL AREA (CEA)?
 Yes No If Yes, explain briefly:
 See addendum.

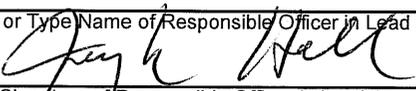
E. IS THERE, OR IS THERE LIKELY TO BE, CONTROVERSY RELATED TO POTENTIAL ADVERSE ENVIRONMENTAL IMPACTS?
 Yes No If Yes, explain briefly:

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

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

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

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

Riverhead Sewer District c/o Riverhead Town Board	1/18/11
Name of Lead Agency	Date
Joseph Hall	Environmental Planner
Print or Type Name of Responsible Officer in Lead Agency	Title of Responsible Officer
	
Signature of Responsible Officer in Lead Agency	Signature of Preparer (If different from responsible officer)

Reset

Addendum to Short EAF (Sewer District Wind Turbine)

Included by reference is the Riverhead Sewer District-Wind Turbine Feasibility Report
by Neutral Power, dated April 2010

Part I-Project Information:

1. Applicant/sponsor is the Riverhead Town Board acting as the governing authority of the Riverhead Sewer District (RSD).
- 3.&4. The Riverhead Advanced Wastewater Treatment Facility (RAWTF) is located on approximately 15 acres of land lying on River Avenue, about 1,200 feet north of Riverside Drive and approximately 1,600 feet west of CR 105, Riverhead Township, Suffolk County. The precise proposed location of the turbine is about 300ft. southwest of the scavenger waste portion of the facility on the west side of the site and adjacent to other property held by the Town as open space (see aerial photo attached).
6. The RSD proposes to purchase and erect an electric generating wind turbine at the RAWTF through a bid and buy process. An Aeronautica Wind, Norwin model 54-750 turbine is the machine envisioned by the above feasibility report which has a hub height of 180 feet, an overall height of 270 feet and a 1.8 million dollar cost. It's rated power is 750kW.

The turbine's generated power will contribute significantly to the demands of the existing treatment facility and towards the increased energy use expected from an upcoming 18 million dollar upgrade being done to meet more stringent nitrogen discharge limits to the Peconic Estuary. These limits result from a Total Maximum Daily Load (TMDL) program developed to achieve nutrient management goals of the Peconic Estuary Program Conservation and Comprehensive Management Plan and water quality improvement of impaired waters under section 303(d) of the Clean Water Act.
7. The land affected by the project is limited to the turbine site and to infrastructure necessary to connect it to the facility's electric system. Less than an acre is likely to be disturbed.
8. The turbine's considered to be accessory to the RAWTF which is a municipal improvement and therefore allowed in any use district under Section 108-54 of the zoning ordinance. The 35 foot height limit doesn't apply to masts or other similar construction whose purpose depends on a certain dimension of height.
9. Adjacent land to the west and south across Riverside Drive is undeveloped open space held by the Town of Riverhead and Suffolk County. Indian Island County golf course is adjacent and across CR 105 to the east and Indian Island County Park lies beyond.
10. This analysis presumes a worst case of the entire cost being bonded by the municipality. Grants and other sources of public funding assistance are being pursued which could well reduce the local burden.

Part II-Impact Assessment:

C1. These adverse effects of the project are largely limited to the immediate and short term consequences of construction at the turbine site and for connection to the RAWTF. Construction's expected to take about six weeks. The activity is commensurate to the very modest size outlined above and will have associated traffic, emissions, noise and solid waste production. There will be long term (operational) noise.

The feasibility report considered the issue of turbine generated noise on the surrounding area and found it insignificant. There's a sufficient distance and interposition

of woodland vegetation between the machine and nearby residential and recreational receptors to attenuate the noise of wind on the rotor blades and of internal generating mechanicals resulting in the limits set by the Town's noise ordinance being respected. A conservative noise modeling which didn't include the reduction made by vegetation found 48dbA at the nearest residential property and only a very small area of the Town held open space adjacent to the west would to experience noise above the 50dbA nighttime limit (at 55dbA). Allowing for vegetation attenuation of about 3dbA, it would be easy to meet the limit at that property line if necessary by slight adjustment of the machine's location and configuration. Additionally, the turbine's wind driven noise would be masked by the ambient noise the same wind generates in the wooded coverage (rustling leaves, etc.).

C2. The project lies at the very periphery of an archeo sensitive site shown on the GIS map of the State Office of Parks Recreation and Historic Preservation and a structure with an overall height of 270 feet will clearly result in a visual and aesthetic impact. By its nature, the turbine presents a departure from area character as does the RAWTF itself.

The Town was given a letter from OPRHP (from Ruth L. Pierpont, director, dated 3/23/09) respecting the plant wide upgrade which found no impact related to that intent. That conclusion seems appropriate to this far lesser level of activity.

The feasibility report examined the turbine's visual and aesthetic impact including the phenomenon of shadow flicker (the shadow of moving rotator blades as observed through an aperture such as a door or window). The report found the structure would theoretically be visible from nearly every point of a 4km wide Zone of Visual Influence considering its height and area topography. The actual viewshed would be significantly reduced to an observer at ground level by mature wooded vegetation or existing development; especially in the nearby area. While the upper portions of the machine might well be seen from a distance or elevated positions, it'd likely be entirely obscured to Riverside Drive residents. The 160 foot monopole erected to support the anemometers used for the feasibility study elicited little or no notice from the public.

Sheer visibility (eye sock) could be reduced by a smaller machine but that threatens its useful application to the intended purpose. A neutral color which blends with the sky would decrease visibility and visibility is also a lesser issue due to the cross section of the object. The machine, while tall, is a narrow mast of 20 foot diameter tapering to 6 foot at the 180 foot hub and the three narrow rotor blades (of approx. 89 foot length) are only intermittently positioned such that one extends upward to the 270 foot overall height. Its aesthetic impact is more a matter of taste and some find these turbines to be interesting and elegant features. A more detailed analysis of the viewshed could be part of the project implementation phase which wouldn't depend on an Environmental Impact Statement and wouldn't likely alter the above discourse.

This machine's frequency of shadow flicker isn't high enough to pose a health risk (to photo sensitive epileptics for example) but could be a nuisance. Flicker becomes insignificant over distance and is also affected by the position of the sun and of the observer, cloud cover and rotor motion. Of 67 receptors considered susceptible, only 14 were likely to see the phenomenon and only 5 of the 14 with more than minimal impact; those being homes on River Avenue and the nearest green of the golf course. Screening and pausing the turbine's operation are potential mitigative solutions if needed.

C3. Minimal (if any) clearing of existing vegetation will be called for. No known critical habitats or endangered, threatened species are known on site. The potential does exist for bird and bat strikes on the turbine with resultant mortality but available information on the subject suggests these incidents to be statistically insignificant with an individual machine operating with today's slower turning blades. Three freshwater wetlands regulated by the State DEC and the Town of Riverhead are in the general area. Town planning staff have assessed the turbine's location to be outside both the State's 100 foot and the Town's 150 foot jurisdictional interest and marked the latter distance in the field from the nearest wetland to the path of the turbine's connection with the plant's electric system. Project staff were advised and where sufficient room was available to avoid involvement with wetlands.

C4.&C5. As mentioned, the municipal facility in question is free from use compliance with the prevailing Residence A-40 zoning and from height limitations. The turbine doesn't intensify the treatment facility's use or directly induce the contemplated facility upgrade which is a direction of the Peconic Estuary Program Comprehensive Conservation and Management Plan and thereby represents compliance with it and relevant provisions of the Clean Water Act.

C6. The bid and buy process for the turbine's purchase and installation will necessarily add to the Town's bond debt. The feasibility report forecasts the machine will pay for itself in 10-11 years and will have a 20-25 year useful life. An average sewer district tax payer will see an increase of only \$21.00 in the bond's first year and steady reductions thereafter with a tax reduction after eight years. Excess generation will be sold back to the Long Island Power Authority.

Investigation of the turbine's possible interference with existing registered FCC Radio Frequency transmission facilities did not reveal any overt concerns and further analysis can be done as part of implementation outside the ambit of SEQR. A necessary analysis by the FAA is underway and likewise has no dependence on an EIS.

C7. The turbine is energy productive to the purpose of reducing the Town's cost of purchasing power from the public utility; both for the existing plant and the upgraded version to come. The plant currently operates at a steady load of 260kw and an average load of 665kw is projected after upgrade. The feasibility report credits the machine to meet 41% of current energy demands and 23% of future. The onsite production is a green/renewable source which negates an equivalent energy production by fossil fuels and will save 18,000 tons of CO₂ over a 25 year life.

D. As the site falls within the Peconic Estuary Program study area and the County designated Peconic Bay Critical Environmental Area, certain of the identified impacts of Part II (above) will affect the habitat and species values which led to the estuary's being named of national significance and placed in the National Estuary Program and the same environmental characteristics which prompted the County Legislature CEA designation.

A reasonable analysis of these impacts would find the project's adverse results to be of modest size and scope and offset by its benefits. Less fossil fuel use will be necessary to power the RAWTF with reduced green house emissions and the turbine will facilitate the Town's ability to upgrade sanitary treatment in accord with the TMDL and in so doing, satisfy the goals of the PEP Comprehensive Plan and the Clean Water Act.

Part III-Determination of Significance:

The immediate construction impacts are modest and of short duration. The most notable long term results of the turbine (noise and visibility) are not demonstrably significant when compared to the criteria of Part 617.7(c) and have a potential for further mitigation without the conduct of an Environmental Impact Statement. The balancing of environmental and social issues also argues for a negative declaration. The project promotes green energy, reduces Town taxes in the long term and promotes an overarching and permanent benefit to the Peconic Estuary and its resources. It supports the nutrient management and water quality restoration goals of the Peconic Estuary Program Comprehensive Conservation and Management Plan and related federal legislation.

The project's feasibility study has considered engineering and site constraints as they relate to this particular construction and the rather unique issues of transport of the structure to the site, potential for interference with established telecommunications and a required analysis by the FAA.

Significance:

The action as defined in Part 617.2(b) and 617.3(g) was considered by examination of the EAF and other supporting documentation. The action is Unlisted without a presumption of significance and analysis is supportive of that conclusion. A negative declaration of significance is appropriate and notice can be generated upon adoption of this recommendation. It shall not require filing.

TOWN OF RIVERHEAD - Geographic Information System v1.0

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Tasks

- SELECT
- Search by Address
- Search SCTM#
- Search by Last Name
- Print
- Search Place

Results

Layers

- Layers
 - Hover Tips
 - Storm Water Infrastructure
 - Sewer District Infrastructure
 - Water District Infrastructure
 - FEMA Flood Hazard (adopt)
 - Environmental
 - Agricultural District
 - Coastal Emergency
 - Contours (5ft)
 - Contours (1ft)
 - Golden Nematode



TOWN OF RIVERHEAD - Geographic Information System v1.0

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Tasks ▲ ▶▶

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- Search by Address
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 - Overlay/Boundaries
 - Peconic Estuary Program
 - Baseman



01.19.2011

ADOPTED

110069

Resolution #69

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York on January 19, 2011, at 7 o'clock P.M., Prevailing Time.

PRESENT:

SEAN WALTER
Supervisor

JAMES WOOTEN
Councilman

JODI GIGLIO
Councilwoman

JOHN DUNLEAVY ABSENT
Councilman

GEORGE GABRIELSEN ABSENT
Councilman

<p style="text-align: center;">In the Matter of The Increase and Improvement of the Facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York</p>	<p style="text-align: center;">ORDER CALLING PUBLIC HEARING</p>
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WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has caused to be prepared a map, plan and report, including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York (the "Sewer District"), being the construction of a wind turbine energy generation facility at the River Avenue

wastewater treatment facility site, including, original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,850,000; and

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

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

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

Section 1. A public hearing will be held in the Town Hall, in Riverhead , New York, in said Town, on February 15, 2011, at 7:05 o'clock P.M., Prevailing Time, on the question of the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

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

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

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

Section 4. This Order shall take effect immediately.

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy ABSENT

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

01.19.2011

On a motion of Councilman Wooten, seconded by Councilwoman Giglio resolution #69 was TAKEN OFF THE FLOOR

THE VOTE:

Yes-3 Giglio, yes; Wooten, yes; Walter, yes

NO-0

* * * * *

NOTICE OF PUBLIC HEARING ON PROPOSED WIND TURBINE PROJECT OF THE
RIVERHEAD SEWER DISTRICT

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, will meet at the Town Hall, 200 Howell Avenue in Riverhead, New York, on February 15, 2011, at 7:05 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a certain map, plan and report, including an estimate of cost, in relation to the proposed increase and improvement of the facilities of the Riverhead Sewer District, in said Town, being construction of a wind turbine energy generation facility at the River Avenue wastewater treatment facility site, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$1,850,000.

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

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

Dated: Riverhead, New York,

January 27, 2011.

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

Diane M. Wilhelm
Town Clerk