

**JANUARY 7, 2014**

**CDA RESOLUTION LIST:**

**CDA**

**Res. #1 Reappoints Members & Officers of Riverhead Community Development Agency**

**CDA**

**Res. #2 Ratifies Omnibus Resolution Relating to Requirements of the Public Authorities Accountability Act of 2005 as Amended**

**CDA**

**Res. #3 Authorization to Publish Advertisement for a Request for Proposals for New Generation, Energy Storage and Demand Response Resources**

**TOWN BOARD RESOLUTION LIST:**

**Res. #1 Sets Salaries of Police Officers for the Year 2014**

**Res. #2 Sets Salaries of Highway Department for the Year 2014**

**Res. #3 Sets Salaries of Elected Officials for the Year 2014**

**Res. #4 Sets Salaries of Water District Employees for the Year 2014**

**Res. #5 Sets Salaries of Refuse and Garbage District for the Year 2014**

**Res. #6 Sets Salaries of Street Lighting District for the Year 2014**

**Res. #7 Sets Salaries of General Town Employees for the Year 2014**

**Res. #8 Sets Salaries of Various Boards for the Year 2014**

**Res. #9 Sets Salaries of Sewer/Scavenger Waste District for the Year 2014**

**Res. #10 Designates Banks as Official Depositories for Town Funds**

**Res. #11 Kristi Rose Court Capital Project Budget Adjustment**

**Res. #12 Appoints Bond Counsel**

**Res. #13 Authorizes Joint NEA "Our Town Grant" Application by Town of Riverhead, East End Arts & Long Island Aquarium to NEA**

**Res. #14 CDBG 2013 Program Budget Adoption**

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 1**

**REAPPOINTS MEMBERS & OFFICERS OF RIVERHEAD COMMUNITY  
DEVELOPMENT AGENCY**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, pursuant to Article 15-A and 15-B of the General Municipal Law, and pursuant to the Town of Riverhead Municipal Home Rule Request, Assembly Bill #6115 and Senate Bill #3418, and pursuant to Law signed by the governor on July 13, 1982, Title 116 of the General Municipal Law was enacted thereby establishing the "Town of Riverhead Community Development Agency;" and

**WHEREAS**, Resolution #1 (1982) – Community Development Agency of the Riverhead Community Development Agency adopted, ratified and approved By-Laws stipulating the structure and organization of the Community Development Agency; and

**WHEREAS**, the By-Laws of the Riverhead Community Development Agency stipulate that the Agency shall consist of five (5) members, including the Supervisor, who shall be its Chairman, and the four Town Board Members, or their respective successors to office; and

**WHEREAS**, the By-Laws of the Riverhead Community Development Agency further stipulate that the officers of the Agency shall be a Chairman (Supervisor), a Vice-Chairman who shall perform the duties of the Chairman in the absence or incapacity of the Chairman, and a Secretary-Treasurer who shall also be the Director; and

**WHEREAS**, to ensure proper functioning of the Agency, in order to undertake certain Urban Renewal activities, annual clarification of those members and officers currently serving the Riverhead Community Development Agency is appropriate; and

**WHEREAS**, since 1982 the CDA has operated as the economic development agency of the Town of Riverhead and as such undertook the development of the aquarium, downtown revitalization and public improvements including the Vail Leavitt restoration, pursuant to the East Main Street Urban Renewal Plan; Railroad Station restoration and urban renewal activities on Railroad Avenue, including the solicitation of the county court room expansion for Riverhead, pursuant to the Railroad Avenue Urban Renewal Plan; affordable housing and neighborhood revitalization pursuant to the Millbrook Gables Urban Renewal Plan and the acquisition and redevelopment of the Naval Weapons Industrial Reserve Plant (Calverton Enterprise Park) based on

Congressional recognition of the CDA as the town's "economic development agency" in Public Law 103-c337 and pursuant to the Calverton Urban Renewal Plan; and

**WHEREAS**, the CDA pursued and secured among other funding \$4.8 million in funds from the New York State Department of Transportation under the American Reinvestment and Recovery Act for rehabilitation of the Calverton Rail Spur and \$1.8 million in funds from the U.S. Department of Commerce Economic Development Administration for the extension of public water to the Calverton site to increase its economic development potential, as well as additional funding to support other site improvements.

**NOW THEREFORE BE IT RESOLVED**, that the current members of the Riverhead Community Development Agency are: Sean Walter, John Dunleavy, James Wooten, George Gabrielson and Jodi Giglio.

**AND BE IT FURTHER RESOLVED**, that the Riverhead Community Development Agency hereby appoints the following officers of the Agency: Sean Walter as Chairman, James Wooten as Vice-Chairman and Chris Kempner as Director, Secretary-Treasurer.

**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

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY  
PROCUREMENT POLICY**

**PURPOSE:**

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public money. In addition, this Procurement Policy seeks to ensure that the same sound business judgment used for the purchase of personal property (i.e. supplies and equipment) is used for the evaluation of personal property and/or assets with respect to its usefulness to the Town of Riverhead Community Development Agency (CDA) now or in the foreseeable future and cost effective and efficient procedures for disposition of the personal property and/or assets deemed no longer of public use to the CDA.

**Guideline 1:** Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every CDA officer, board, department head or other personnel with the requisite purchasing authority on behalf of the CDA (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**Guideline 2:** All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

**Guideline 3:**

(1) All estimated purchases of less than \$20,000 but greater than \$3,000 shall require a written request for a proposal ("RFP") and written/fax quotes from at least three comparative vendors; less than \$3,000 but greater than \$1,000 require an oral request for proposal for the goods, equipment or supplies and oral/fax quotes from at least two vendors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(2) All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least three comparable contractors; less than \$10,000 but greater than \$1,000 require a written request for proposal and fax/proposals from at least two contractors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(3) All written RFP shall describe the desired goods, quantity and details regarding delivery, including mode of delivery and time parameters for delivery. The purchaser

shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

(4) All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. All responses to the RFP shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

**Guideline 4:** All purchasers shall make a good-faith effort to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**Guideline 5:** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 6:** A request for proposal and/or quotation shall not be required under the following circumstances:

- (1) Contract for professional services subject to resolution of the CDA Board.
- (2) Purchase of goods, equipment or supplies or contract for services through the County of Suffolk or through any county within the State of New York subject to County Law 408(a).
- (3) Public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Town. Unless exigent circumstances exist such that time is of the essence, Purchaser shall seek to obtain approval of the CDA Board prior to purchase or contract.
- (4) Sole-source situations (purchaser must obtain written verification from vendor).
- (5) Surplus and second-hand supplies, material or equipment from federal government, State of New York, or other political subdivisions, districts, or public benefit corporation.
- (6) Purchase of goods, equipment and supplies under State contracts through the Office of General Services and subject to rules promulgated by the Office of General Services.

**Guideline 7:** The purchase of goods or services must be accompanied by a duly signed and completed purchase order or contract except a purchase order shall not be required prior to purchase/procurement under those circumstances identified in Guideline 6 and purchases or public works project less than \$1000.00. The above guideline is not intended to eliminate the requirement for a purchase order. Note, all Department Heads shall be responsible to verify the existence of a bid or contract award for the same or similar goods or services and shall be limited to purchase from such vendor/contractor.

**Guideline 8:** Personal property and/or asset(s) to be declared surplus shall complete a "Plant Asset/Office Equipment Disposal Form" including a description of the item, serial/tag #, location, condition, estimated surplus value, and reason for disposal. The Plant Asset/Office Equipment Disposal Form must be signed by the supervisor/manager of the department and filed with the Office of the Financial Administrator. CDA/Town Departments may transfer assets and equipment provided that a Plant Asset/Office Equipment Disposal Form records the transfer and same is filed with the Financial Administrator. Finally, the Office of the Financial Administrator, with the assistance of Department Heads, shall evaluate estimated surplus value of all assets and equipment disposed on a bi-annual basis and make recommendation to the CDA Board regarding disposal or sale, subject to all applicable laws and procedures regarding disposition of surplus asset/equipment, including but not limited to bid procedures set forth in General Municipal Law § 103, and receipt of an "As-Is" Statement and/or Liability Waiver. Note, all CDA logos or other markings identifying the property as CDA property shall be removed prior to sale. This policy shall not in any way limit or prohibit the CDA Board from donating an item of personal property and/or asset as permitted under the law.

For Purposes of Guideline 8: Surplus shall be defined as any CDA personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the CDA and Estimated Surplus Value shall be defined as the estimated amount of money an interested party will be willing to pay the CDA for the property. This can be determined through an estimate, an appraisal, Kelly blue book value or other sources available to the responsible Department or Office of the Financial Administrator.

**Guideline 9:** This policy shall be reviewed annually by the CDA Board.

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 2**

**RATIFIES OMNIBUS RESOLUTION RELATING TO REQUIREMENTS OF THE  
PUBLIC AUTHORITIES ACCOUNTABILITY ACT OF 2005 AS AMENDED**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**WHEREAS**, the PAAA requires each Board of Directors (the "**Board**") of a local authority to have a Governance Committee and an Audit Committee and to adopt various policies, guidelines and procedures and to take various actions;

**NOW, THEREFORE, BE IT RESOLVED** that the CDA board hereby ratifies the Governance Committee, as described in the Charter of the Governance Committee adopted by CDA Resolution #2 on January 4, 2012, the responsibility of the members of which shall be primarily, to keep the Board informed of current best governance practices, to review corporate governance trends, to update the CDA's corporate governance principles and to advise appointing persons on the skills and experiences required of potential Board members; and

**FURTHER RESOLVED**, that there is hereby ratified an Audit Committee, as described in the Charter of the Audit Committee CDA Resolution #2 on January 4, 2012, the responsibility of the members of which shall be primarily to become familiar with corporate financial and accounting practices to the extent practicable, to recommend to the Board the hiring of an independent certified public accounting firm ("**Independent Auditor**"), to establish the compensation to be paid to the Independent Auditor and to provide direct oversight of the performance of the independent annual audit performed by the Independent Auditor; and

**FURTHER RESOLVED**, that Sean Walter and John Dunleavy are appointed to the Governance Committee and shall serve at the pleasure of the Board; and

**FURTHER RESOLVED**, that Sean Walter, Deputy Supervisor Jill Lewis and George Gabrielsen are appointed to the Audit Committee and shall serve at the pleasure of the Board; and

**FURTHER RESOLVED**, that the Town Attorney is hereby appointed as the CDA's Contracting Officer for real property dispositions; and

**FURTHER RESOLVED**, that the Financial Administrator is hereby appointed as the CDA's Chief Financial Officer as well as Contracting Officer for personal property dispositions; and

**FURTHER RESOLVED**, that the Board ratifies the following policies, procedures and guidelines previously adopted by the Board as attached to CDA Resolution #2 adopted on January 4, 2012 as follows:

- The comprehensive investment policies, procedures and guidelines;
- Policies regarding the payment of salary, compensation and reimbursements to, and rules for the time and attendance of, the President and senior management;
- CDA whistleblowing policies and procedures;
- Policies and procedures related to the acquisition and disposition of real property;
- Policies and procedures related to the disposition of personal property;
- The defense and indemnification policy for Directors;
- The code of ethics for Directors and non-salaried officers;
- CDA travel policies and procedures; and

**FURTHER RESOLVED**, that the Board ratifies the following policies, procedures and guidelines attached to this CDA Resolution #2 adopted on January 4, 2014 as follows:

- Policies and procedures related to the procurement of goods and services; and

**FURTHER RESOLVED**, that the CDA's salaried officers and employees shall be subject to the restrictions and standards set forth in Section 74 of the Public Officers Law, which restrictions shall serve as the code of ethics for the CDA's salaried officers and employees; and

**FURTHER RESOLVED**, that the CDA shall not, directly or indirectly, including through any subsidiary, extend or maintain credit, arrange for the extension of credit, or renew an extension of credit, in the form of a personal loan to or for any officer, Board member or employee (or equivalent thereof) of the CDA.

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the New York State Office of State Controller, and an electronic copy to the CDA.

**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  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
Community Development Agency**

**Resolution # 3**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR A REQUEST FOR  
PROPOSALS FOR NEW GENERATION, ENERGY STORAGE AND  
DEMAND RESPONSE RESOURCES**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, as described more fully below, the Town of Riverhead, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, duly organized and existing pursuant to the laws of the State of New York, and the Town of Riverhead Community Development Agency, a New York Public Benefit Corporation are dedicated to promoting, sponsoring and overseeing economic development within the Town; and

**WHEREAS**, in 1998, after the Grumman Corporation chose not to renew its lease for the former Calverton Naval Weapons Industrial Reserve Plant (commonly known and referred to as "EPCAL" the Navy, pursuant to Public Law 103-c337, conveyed the entire twenty-nine hundred (2,900) acre site to the Town of Riverhead Community Development Agency (CDA) for no consideration, conditioned upon the Town's reuse of the property for economic development; and

**WHEREAS**, on or about October 18, 2013 and as amended on November 25, 2013, as part of Long Island Power Authority (LIPA) 2010-2020 Electric Resource Plan, LIPA released a Request for Proposals ("2013 GS & DR RFP") seeking to replace old and inefficient peaking generation with new capacity be it in the form of (a) peaking generation (b) energy storage and/or (c) demand response; procure additional resources to meet projected load growth and defer need to construct transmission system upgrades; and, finally to install up to 150 megawatts of energy storage resources; and

**WHEREAS**, pursuant to LIPA's 2013 GS & DR RFP, LIPA seeks to purchase capacity, energy and ancillary services pursuant to a long-term power purchase agreement; and

**WHEREAS**, while the Town and Community Development Agency do not have the technical expertise or financial resources to construct and maintain the facilities described in LIPA's 2013 GS & DR RFP, the Town and Community Development Agency, with the assistance of the Town of Riverhead Engineering, Planning & Building Departments, have identified land located within EPCAL, that meet LIPA's desired characteristics, both geographically and technically, described in LIPA's 2013 GS & DR

RFP (Map identifying land located within EPCAL is annexed hereto and labeled Exhibit "A"); and

**WHEREAS**, the Town and Community Development Agency seek to solicit proposals from companies interested in the lease or purchase of property identified in attached map for the purpose of participating in LIPA's 2013 GS & DR RFP; and

**WHEREAS**, it is understood that any determination, by resolution or otherwise, be it to authorize a company to compete for LIPA's 2013 GS & DR or enter into an agreement for lease or sale of property identified on the annexed map shall require said company to be deemed "qualified and eligible sponsor" pursuant to Section 507 (2) (d) of the General Municipal Law and in accordance with the established rules and procedures of the CDA.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the issuance of the attached Request for Proposals for the lease or sale of property identified on Exhibit "A" for the purpose of construction, operation, and maintenance of New Generation, Energy Storage and Demand Response Resources as more fully described in LIPA's 2013 GS & DR RFP; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to publish and post the following public notice in the January 16, 2014 issue of the News-Review; and be it further

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

There was a motion to consider CDA resolution #3 by Councilman Dunleavy, seconded by Councilman Gabrielsen. Motion carried by unanimous vote.

Immediately thereafter there was a motion to put to vote.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared **ADOPTED**

## NOTICE TO BIDDERS

**TAKE NOTICE**, that sealed proposals will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **February 25, 2014 at 11:00 o'clock am**, prevailing time, for:

### REQUEST FOR PROPOSALS

The Town of Riverhead and Community Development Agency (hereinafter collectively referred to as "Town") is seeking proposals for **NEW GENERATION, ENERGY STORAGE AND DEMAND RESPONSE RESOURCES**.

Specifications and guidelines for submission of proposals are available on the Town website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov), click on bids, or at the Office of the Town Clerk and may be picked up between the hours of 8:30 am and 4:30 pm, Monday through Friday, beginning **January 16, 2014**.

Due to the scope of work for this Lease/Contract, the Town is scheduling a **Mandatory Pre-Bid Meeting and Inspection for January 28, 2014 at 9:30 am** at the Riverhead Town Hall, Town Board Meeting Room, 200 Howell Avenue, Riverhead, New York. Site visit to follow. Proposals will be considered only from bidders who, for themselves or for intended and stated subcontractors, can show recent experience in the performance of similar work of equal difficulty and magnitude. The failure to attend the Mandatory Pre-Bid Meeting & Inspection will result in disqualification of the bidder

Each proposal must be submitted in a sealed envelope clearly marked "**NEW GENERATION, ENERGY STORAGE AND DEMAND RESPONSE RESOURCES**". Proposals must be received by the Office of the Town Clerk by no later than **11:00 am on February 25, 2014**.

This RFP is not an offer or a binding commitment to contract on the part of the Town. The Town retains the right to postpone or cancel the RFP or to reject all proposals, if the Town determines, in its sole discretion, that the best interests of the Town will be served thereby.

**BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
Diane M. Wilhelm, TOWN CLERK**