

FEBRUARY 19, 2014

CDA RESOLUTION LIST:

CDA

Res. #5 Authorizes the Chairman of the Town of Riverhead Community Development Agency to Enter into an Option Agreement for the Use of the Inactive Runway and Taxiway Areas

TOWN BOARD RESOLUTION LIST:

Res. #102 2014 Commercial Efficiency Program Pulaski Street Building Budget Adoption

Res. #103 2014 Commercial Efficiency Program Town Hall Budget Adoption

Res. #104 Police Athletic League Budget Adjustment

Res. #105 Authorizes Publication of a Help Wanted Advertisement RE: Attendance at Suffolk County Police Academy

Res. #106 Amends Resolution #680 from 2013

Res. #107 Classifies Action on Special Permit of 626 West Main Realty, LLC (West Main Street Atlantis Mart) and Calls Public Hearing

Res. #108 Ratifies the Appointment of Call-In Recreation Staff to the Recreation Department

Res. #109 Riverhead Scavenger Waste District Rate Adjustment for Tipping Fees at Scavenger Waste Plant

Res. #110 Riverhead Sewer Treatment Plant Upgrade Capital Project Budget Adjustment

Res. #111 Authorizes the Supervisor to Execute an Agreement with the Riverhead Business Improvement District Management Association, Inc. Regarding 2014 Calendar Year Events and Services

Res. #112 Amends Resolution 75 and Ratifies License Agreement with Pictometry International Corp. for One Year Term

- Res. #113** Appoints the Law Firm Smith, Finkelstein, Lundberg, Isler and Yakoboski as Special Counsel in the Matter of Harriman Estates at Aquebogue LLC and Harriman Estates Development Corp. v. Town of Riverhead, Et. Al. and Authorizes the Supervisor to execute a Retainer Agreement Regarding Same Supreme Court Index No. 10-44846
- Res. #114** Approves Extension of Performance Security of Riverhead Reeves Associates, LLC A/K/A NF Golf Resorts (Road and Drainage Improvements)
- Res. #115** Resolution Authorizing the Purchase of Property Located at 406-414 Roanoke Avenue, Riverhead, for Parking Purposes Subject to Permissive Referendum
- Res. #116** Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of Premises Located at 58 River Road, Manorville, New York
- Res. #117** Authorizes the Release of Site Plan Security of Steplin Construction Corp. (Delalio Sod Farm Nextel Cell Site)
- Res. #118** Authorizes the Release of Site Plan Security of Paraco Gas Corporation
- Res. #119** Authorizes the Release of Site Plan Security of Suffolk County National Bank
- Res. #120** Authorizes the Release of Site Plan Security of Traditional Links LLC (Golf Training Building)
- Res. #121** Authorizes the Release of Site Plan Security of Traditional Links LLC (Irrigation Pump House & Installation of Fuel Tanks)
- Res. #122** Authorizes the Release of Site Plan Security of New York SMA Limited Partnership D/B/A Verizon Wireless (Cherry Creek Golf Course)
- Res. #123** Authorizes the Release of Site Plan Security of First Pioneer Farm Credit (a/k/a Southern New England Federal)
- Res. #124** Authorizes Town Clerk to Publish and Post Notice to Bidders for Dry Hydrated Lime (Calcium Hydroxide)
- Res. #125** Approves W.H.M. Plumbing & Heating Contractors, Inc. as Drainlayer for Riverhead Sewer District

- Res. #126** Authorizes the Showcase of Type III Ambulance at the Long Island Fire, Rescue & EMS Mega Show Scheduled for February 22nd and 23rd at the Nassau Coliseum
- Res. #127** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (Addition of Article X Snow Events)
- Res. #128** Rescinds Award and Authorizes Re-Publish of Advertisement for Ford Replacement Parts
- Res. #129** Petitions the Riverhead Business Improvement District Management Association, Inc. (BIDMA) to Employ Raymond Pickersgill as Executive Director of BIDMA for Calendar Year 2014 and Provide Monetary Compensation
- Res. #130** Authorization to Publish Advertisement for 2” X 4” Led Troffer Recessed Light Fixtures
- Res. #131** Pays Bills

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 5

**AUTHORIZES THE CHAIRMAN OF THE TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY TO ENTER INTO AN OPTION AGREEMENT FOR THE
USE OF THE INACTIVE RUNWAY AND TAXIWAY AREAS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten,

WHEREAS, by Resolution number 17, adopted on November 15, 2012, the Town of Riverhead Community Development Agency ("CDA") authorized the execution of a six month license agreement with two (2) three month extensions between the CDA and Insurance Auto Auctions Corp. ("IAA") for storage of Storm Sandy automobiles upon the 7,000 runway and taxiways comprising approximately 52 acres of land; and

WHEREAS, IAA has expressed a desire to enter into an option allowing for use of the inactive runway and taxiways in an event that constitutes a catastrophe and has offered to pay an annual option fee of twenty-five (\$25,000) thousand dollars under the terms and conditions set forth in the agreement attached hereto.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead Community Development Agency hereby approves the execution of an option agreement with Insurance Auto Auctions Corp (IAA) and authorizes the Chairman to sign an option agreement in substantially the form attached; 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 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

OPTION AGREEMENT

This OPTION AGREEMENT (the "Option Agreement") is made and entered into this ____ day of _____, 2014, by and between Town of Riverhead Community Development Agency (the "Optionor") and Insurance Auto Auctions Corp., a Delaware corporation, its successors and assigns (the "Optionee").

RECITALS:

A. Optionor is the owner of that certain parcel of land commonly known as the runways and taxiways of Calverton Executive Airpark located in Riverhead, New York and legally depicted on Exhibit A attached hereto and made a part hereof (the "Optionor Property").

B. Optionee has previously licensed the Optionor Property in connection with its efforts during the aftermath of Superstorm Sandy for the purposes of storing certain of Optionee's vehicle inventory.

C. Optionee has requested Optionor provide Optionee with an ongoing right to license the Optionor Property for the storage of certain vehicle inventory (the "Use") upon the occurrence of an event which constitutes a "Catastrophe" as determined by any of the following parties (a) Optionee, (b) Optionee's customers or (c) any municipal official having jurisdiction over Optionor's Property.

D. Optionor is willing to provide Optionee with the Option on the terms and conditions set forth herein.

NOW THEREFORE, in consideration of the mutual covenants and agreements contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, Optionor and Optionee agree as follows:

1. Option Payment. In consideration of the grant to Optionee of the Option, Optionee has paid to Optionor the sum of Twenty-Five Thousand Dollars (\$25,000.00) per year for each year that this Option remains in effect (the "Option Payment"). The Option Payment shall be non-refundable but shall be credited against license payments paid in any year that Optionee utilizes the Optionor Property for the Use. In the event that a portion of the Optionor Property is leased or sold, or being utilized by either National Grid Electric Service LLC or KeySpan Gas East Corporation or both under separate agreements, the Option Payment shall adjust proportionally based upon the portion of the Optionor's Property which remains subject to the terms hereof.

2. Optionee's Exercise of Option. Upon the designation of an event as a Catastrophe, Optionee shall have thirty (30) days to notify Optionor of Optionee's intention to utilize all or a portion (which shall not be less than 10 acres) of the Optionor's Property by written notice (the "Exercise Notice"). The parties acknowledge and agree that the terms of Optionee's occupancy of the Optionor's Property shall be on the same terms and conditions as that certain Temporary Use License Agreement dated on or about November 16, 2012, by and between Optionor and

With a copy to: Insurance Auto Auctions, Inc.
Attn: Richard P. Hoopis – Real Estate Counsel
Two Westbrook Corporate Center, Suite 500
Westchester, Illinois 60154

or to such other address or to the attention of such other person as hereafter shall be designated in writing by the applicable party sent in accordance herewith. Any such notice or communication shall be deemed to have been received either at the time of personal delivery or, in the case of delivery service or certified or registered mail, as of the date of delivery by the United States Mail or overnight delivery service in the manner provided herein, or in the case of facsimile transmission, at the time transmitted. Any notice required by this Option Agreement or in any way related to the transaction contracted for herein, shall be void and of no effect unless given in accordance with the provisions of this Section 7. Either party hereto may change the address for notice specified above by giving the other party ten (10) days advance written notice of such change of address.

6. General Provisions.

a. The captions of the Sections of this Option Agreement are for convenience only and not to be part of this Option Agreement and do not in any way limit or amplify the terms and provisions of this Option Agreement.

b. All matters affecting the validity and construction of this Option Agreement and any lease pursuant hereto shall be determined by the laws of the State of New York.

c. The parties hereto agree that all of the provisions hereof shall bind and inure to the benefit of the parties hereto and their respective heirs, successors, executors, administrators and assigns.

d. In connection with this Option Agreement and the transactions contemplated hereby, each party to this Option Agreement will execute and deliver any additional documents and instruments and perform any additional acts that may be necessary or appropriate to effectuate and perform its obligations under this Option Agreement and the transactions contemplated hereby.

e. This Option Agreement may be executed in any number of counterparts and each of such counterparts shall, for all purposes, be deemed to be an original; and all such counterparts shall together constitute but one and the same agreement.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto have executed this Option Agreement on the day and year first above written.

OPTIONOR:

Town of Riverhead Community Development Agency

By: _____

Name: _____

Title: _____

OPTIONEE:

Insurance Auto Auctions, Inc.

By: _____

Name: _____

Title: _____

EXHIBIT A

Legal Description of Optionor Property

TOWN OF RIVERHEAD

Resolution # 102

2014 COMMERCIAL EFFICIENCY PROGRAM
PULASKI STREET BUILDING

BUDGET ADOPTION

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, PSEG of Long Island pre-approved a Commercial Efficiency Program in the amount of \$7,705.00 for the cost of LED recessed lights in the Pulaski Street Building.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following transfer of funds from the General Fund and project adoption:

		<u>FROM</u>	<u>TO</u>
001.016200.541100	Buildings – Repair & Maintenance	335	
406.016240.471000.40212	Rebate – PSEG Long Island	7,705	
406.016240.523000.40212	Building Improvement		8,040

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting and Engineering Departments.

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

Resolution # 103

2014 COMMERCIAL EFFICIENCY PROGRAM
TOWN HALL

BUDGET ADOPTION

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, PSEG of Long Island pre-approved a Commercial Efficiency Program in the amount of \$36,095.00 for the cost of LED recessed lights for the Riverhead Town Hall located at 200 Howell Avenue.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following transfer of funds from the General Fund and project adoption:

		<u>FROM</u>	<u>TO</u>
001.016200.541100	Buildings – Repair & Maintenance	5,905	
406.016240.471000.40213	Rebate – PSEG Long Island	36,095	
406.016240.523000.40213	Building Improvement		42,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting and Engineering Departments.

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

Resolution # 104

POLICE ATHLETIC LEAGUE

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a transfer of funds is requested by the Juvenile Aid Bureau for Lacrosse referee and uniform expenses.

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

		<u>FROM</u>	<u>TO</u>
004.076250.542400	Softball Uniforms	4,000	
004.076255.542400	Baseball Uniforms	1,500	
004.076255.543612	Baseball Umpire Expense	1,850	
004.076250.543607	Softball Umpire Expense	2,650	
004.073104.542400	Lacrosse Uniform Expense		7,350
004.073104.543611	Lacrosse Referee Expense		2,650

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department and the Police Departments.

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

Resolution # 105

AUTHORIZES PUBLICATION OF A HELP WANTED ADVERTISEMENT
RE: ATTENDANCE AT SUFFOLK COUNTY POLICE ACADEMY

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below advertisement as a help wanted advertisement in the February 27, 2014, issue of The News Review.

TOWN OF RIVERHEAD
POSITIONS AVAILABLE

PLEASE TAKE NOTICE, the Town of Riverhead is seeking candidates for the purpose of serving as Part-time Police Officers with the Riverhead Police Department. Candidates must be a U.S. citizen and have reached 20 years of age at the time of application, be a high school graduate, possess a Municipal Police Training Certificate **OR** attend and complete the Suffolk County Police Academy training course **TENTATIVELY** scheduled to commence in the Fall of 2014 and possess a valid N.Y.S. driver's license. Additionally, candidates must successfully pass a psychological evaluation, medical evaluation, physical fitness agility evaluation and polygraph exam. Submit applications to the Office of the Chief of Police, Riverhead Police Department, 210 Howell Avenue, Riverhead, New York, 11901, no later than March 28, 2014. For further information, call the Riverhead Police Department at (631) 727-4500, ext. 315.

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

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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 106

AMENDS RESOLUTION # 680 FROM 2013

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #680 was ratified on October 1, 2013 approving a six month non-paid leave of absence for Police Officer Kim Holt commencing on October 21, 2013 ; and

WHEREAS, the stated end date was March 21, 2014 which is erroneous, granting PO Holt a five month unpaid leave of absence instead of the originally intended six months of unpaid leave.

NOW, THEREFORE, BE IT RESOLVED, that the terms of PO Holt's unpaid leave of absence as stated in Resolution # 680 be amended and approved for the period of October 21, 2013 through April 21, 2014.

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

Resolution # 107

**CLASSIFIES ACTION ON SPECIAL PERMIT OF 626 WEST MAIN REALTY, LLC
(WEST MAIN STREET ATLANTIS MART) AND CALLS PUBLIC HEARING**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from 626 West Main Realty, LLC pursuant to Section 108-51A. of the Riverhead Town Code to demolish and reconstruct an existing gas station and convenience store on a 0.48ac. parcel zoned Industrial C (IC); such property being located at 626 West Main Street and more particularly described as SCTM 0600-124-3-21.1, and

WHEREAS, an Environmental Assessment Form and supporting documentation were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c)(7) as construction or expansion of a nonresidential facility by less than 4,000sq.ft. gross floor area and not involving a change of zone or use variance, and

WHEREAS, pursuant to 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency SEQR responsibilities end with this designation with no significance determination being necessary, and

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

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board declares the special permit petition of 626 West Main Realty, LLC (West Main Street Atlantis Mart) to be a Type II action for the purposes of SEQR compliance, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant's council Keith Patrick Brown, Esq., Brown and Altman, LLP, 510 Broadhollow Road, Suite 110, Melville, NY 11747 and is directed to publish and post the following notice of public hearing in the February 27, 2014 issue of the Riverhead News Review, and

BE IT FURTHER RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the 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

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on March 4, 2014 at 2:05 PM to consider the special use permit of 626 West Main Realty, LLC (West Main Street Atlantis Mart) to demolish and reconstruct an existing gas station and convenience store on a 0.48ac. parcel zoned Industrial C (IC); such property being located at 626 West Main Street Riverhead, New York and more particularly described as SCTM 0600-124-3-21.1.

Dated: Riverhead, New York
February 19, 2014

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

TOWN OF RIVERHEAD

Resolution # 108

RATIFIES THE APPOINTMENT OF CALL-IN RECREATION STAFF TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Call-In employees are needed by the Riverhead Town Recreation Department for Town Recreation Programs

NOW THEREFORE BE IT RESOLVED, that effective February 18, 2014 through and including December 31, 2014, this Town Board hereby appoints the attached list of Call-in Recreation staff to 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**RECREATION DEPARTMENT APPOINTMENTS
2/19/14 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Harden	Jordan	Call-In Rec. Aide II	VII	2/18/14	12/31/14	\$11.60
Horton	Rosaleigh	Call-In Rec. Leader II	III	2/18/14	12/31/14	\$13.60
Stephenson	Kyle	Call-in Rec. Asst. Rec. Leader II	II	2/18/14	12/31/14	\$12.70
Strange	Dajuon	Call-In Rec. Aide II	V	2/18/14	12/31/14	\$10.95
Young	Krystal	Call-In Rec. Aide II	IX	2/18/14	12/31/14	\$12.30

TOWN OF RIVERHEAD

Resolution # 109

RIVERHEAD SCAVENGER WASTE DISTRICT
RATE ADJUSTMENT FOR TIPPING FEES AT SCAVENGER WASTE PLANT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, THE OPERATING COSTS AND EXPENSES OF THE Scavenger Waste facility are increasing warranting a need to increase the tipping fees charged:

NOW THEREFORE BE IT RESOLVED, that the tipping fees to be charged by the Scavenger Waste District shall be increased to \$0.109 per gallon (\$109.00/1,000 gallons) effective March 15, 2014; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Financial Administrator; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 110

RIVERHEAD SEWER TREATMENT PLANT UPGRADE

CAPITAL PROJECT

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS the Sewer District Superintendent has requested a transfer from the Riverhead Sewer District reserve account in order for the project's design to continue.

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

	<u>FROM</u>	<u>TO</u>
114.000000.499999 Riverhead Sewer District Fund Balance	1,443,000	
414.081300.543504.20031 Professional Services Engineering		1,443,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Sewer District and the Accounting 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 111

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., REGARDING 2014 CALENDAR YEAR EVENTS AND SERVICES

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), wishes to continue to administer the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991, during the 2014 calendar year.

WHEREAS, BIDMA has recommended a series of events and services more fully delineated in the attached agreement.

NOW THEREFORE BE IT RESOLVED that the town supervisor is authorized to execute the attached agreement with the Riverhead Business Improvement District Management Association, Inc., regarding 2014 calendar year events and services; and

BE IT FURTHER RESOLVED THAT the Town of Riverhead Accounting Department is authorized to modify the budget for Fund 118-Business Improvement District to conform to Schedule A of the 2014 calendar year agreement; and

BE IT FURTHER RESOLVED THAT a copy of this resolution shall be forwarded to Raymond Pickersgill, President, Riverhead Business Improvement District Management Association, Inc., 49 East Main Street, Riverhead, New York 11901, the Accounting Department 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

Agreement

made between the

TOWN OF RIVERHEAD
(Business Improvement District)

-and-

RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION, INC.

This Agreement made the 19th day of February, 2014, between the Town of Riverhead Business Improvement District ("BID"), with principal offices located at 200 Howell Avenue, Riverhead, New York, 11901, and the Riverhead Business Improvement District Management Association, Inc. ("BIDMA"), a not-for-profit corporation organized under the laws of the State of New York, having its principal offices at 49 East Main Street, Riverhead, New York, 11901.

NOW, THEREFORE, the parties mutually agree that:

1. The BIDMA shall proffer projects, capital improvements, events and services in regard to the BID which are attached hereto as **Schedule A**. The events delineated in the attached Schedule A shall be deemed co-sponsored by both the BID and BIDMA such that the BID shall provide comprehensive liability insurance for same. However, the BID reserves the unilateral right to require BIDMA to procure additional liability insurance, even in regard to co-sponsored events. BIDMA further agrees to timely apply for and obtain approval for all applicable Riverhead Town Code Chapter 90 permits. BID, as a co-sponsor of such events, shall waive Chapter 90 permit fees regarding BIDMA's Chapter 90 applications pursuant to RTC section 90-6. BID shall provide all proper and reasonable funding regarding administrative services/expenses incurred by the BIDMA necessary to carry out the District Plan as adopted by the Town of Riverhead pursuant to Local Law #222 of 1991. Administrative services as specified herein are defined as payment of employee salaries and the associated payroll expenses, rent, purchase of incidental office supplies, telephone expenses, photocopier expenses, insurance and advertising expenses and any other expenses related to the actual administration of the BID. The BIDMA shall provide a detailed, comprehensive and exhaustive accounting of all actual and anticipated administrative services/expenses it has or anticipates it shall incur during the term of this Agreement prior to execution of this Agreement. The BID shall pay all legitimate, proper and necessary administrative expenses in a timely manner. The BIDMA agrees to provide all documentation, written, recorded

or otherwise in support of its determination of administrative services/expenses to the Chief Financial Administrator on a monthly basis and to any member of the Town Attorney's Office, if requested, within three business days, or if not available, within a reasonable time.

2. The BIDMA shall proffer and recommend to the BID-Town Board designated projects, including capital improvements, events and services designed for the purpose of promoting and enhancing the business improvement district in the interests of economic stimulus and/or betterment of the district as a whole.
3. The BIDMA shall submit a written list of projects, including suggested capital improvements, events and services, including actual or estimated costs with supporting documentation and projected dates of commencement/completion it recommends for approval to the BID on or before September 1 for those projects, events and services anticipated to occur on or after January 1st of the following calendar year. In addition, the BIDMA shall submit its budgetary request regarding its recommended list of projects, including capital improvements, events and services, as well as its projected administrative expenses to the Town of Riverhead's Chief Financial Officer on or before September 1. The recommendations of the BIDMA are not binding upon the Bid-Town Board which may approve or disapprove any or all of the recommendations. For those projects, events or services that the BIDMA wishes to recommend and becomes aware of after October 1, the BIDMA shall forthwith notify the BID of its recommendation in the same format addressed above. The BIDMA shall and must provide a valid and properly authorized written BIDMA resolution by its board approving the recommended projects, capital improvements, events, services, costs and budget allocations before the BID shall consider same for approval.
4. Notification Procedure of recommended projects, events or services.

The BIDMA shall notify the BID of all recommended projects, events or services by submitting in writing to each town board member a list of recommended projects, events, or services so recommended. The BID shall consider and address each of the recommended projects, events or services in work session and notify BIDMA of its decision in a timely manner. The BIDMA shall make available to the BID one or more persons who are familiar with the recommended projects, events or services whom shall be present at the scheduled work session. Said representative shall be made available for any subsequent meetings of the BID on an as-needed basis. The BID shall consider each recommended project, event or service and the anticipated cost of same. For those projects, events or services so approved by the BID, the BID shall provide the necessary funding to the BIDMA in a timely manner. The BID reserves the right to request additional information and/or

documentation at any time and may withhold partial or full payment in the absence of same.

5. Location of meetings.

All BIDMA meetings shall take place at the Riverhead Town Hall board meeting room at dates and times to be determined by the parties to this agreement. All monthly meeting dates shall be provided in writing to each town board member and the town attorney's office no later than 30 days before any scheduled meeting, including all special meetings. In the event that the BIDMA schedules all of its monthly meetings before the subject calendar year, a schedule of same shall be provided to each town board member and the town attorney's office within 10 days of publication.

6. Minutes/Agenda of meetings.

The BIDMA secretary or designee shall keep an accurate record of all business that comes before the BIDMA, including but not limited to: subject matter, identification of all parties at the meetings (including directors, officers and members and nature of participation) and resolutions, including resolution number and identification of voting interests. An accurate record of all business that comes before the BIDMA shall be provided to the BID-Town Board, Town Attorney's Office and the Chief Financial Officer within seven (7) days of the subject meeting.

7. Attendees at meetings.

The BID and BIDMA hereby acknowledge and agree that every meeting shall be open to the general public, except that an executive session of such association may be called and business transacted thereat in accordance with the New York State Public Officers Law section 105.

8. Assignment

This Agreement may not be assigned by the BIDMA without the express written consent of the Town of Riverhead Business Improvement District.

9. Term of the Agreement.

The term of this Agreement shall be deemed to have commenced on January 1, 2014, and expire on December 31, 2014, and shall not be renewed except upon the written consent of all parties.

10. Records.

The BIDMA further agrees to provide any and all documents, records, notes, or other information regarding all recommended projects, events or services regarding the business improvement district immediately upon request by the BID-Town Board, Town's Financial Administrator and/or Chief Fiscal Officer and any employee of the Town Attorney's Office, or anyone so designated by the above parties to receive same within three (3) days of such request.

11. Insurance

The BIDMA shall procure insurance in amounts and at policy limits as may be determined by the BID notwithstanding any other insurance requirements or obligations pursuant to New York State Law. The BID also reserves the right to require that third-party vendors and/or entities engaged in facilitation or participation in designated events or projects procure insurance in amounts and at policy limits as may be determined by the BID.

12. Director/Officer Elections

The BIDMA shall notify the BID of all candidates for director and officer positions in writing no later than ten (10) days before the respective election regarding the respective classification and position; for example, commercial property owner or commercial tenant and/or officer position and the subject term. The BIDMA shall notify the BID in writing of all election results within three (3) days of the election, including classification, title and term of office.

13. Independent Contractor

Notwithstanding anything contained herein to the contrary, it is specifically understood and agreed that, in the performance of the terms, covenants and conditions of the Agreement, neither the BIDMA nor any of its officers, directors, employees, agents or independent contractors shall be deemed to be acting as agents, servants, or employees of the Town by virtue of this Agreement or by virtue of any approval, permit, license, grant, right or other authorization given by the Town of any of its officers, agents or employees pursuant to this Agreement, but shall be deemed to be independent contractors performing services for the BID or the BIDMA, as the case may be, without power or authority to bind the Town and shall be deemed solely responsible for all acts taken or omitted by them in the performance of or otherwise pursuant to this Agreement.

14. Indemnification

(a) Except as otherwise expressly stated herein, the BIDMA hereby assumes liability for, and hereby agrees to indemnify, protect, defend, save and hold harmless, the BID-Town from and against any and all liabilities, obligations,

losses, damages, penalties, claims, actions, suits, costs, expenses and disbursements, including, without limitations, reasonable legal and investigative fees and expenses, of whatsoever kind and nature (hereinafter called "Liabilities") which may be incurred or imposed at any time (whether during the Agreement Term or thereafter) on the BID-Town (whether or not also indemnified against by any other person) and in any way relating to or arising out of, or alleged (by a person other than the BID-Town) to in any way relate to or arise out of any act, omission or error in judgment of any performance of the Agreement, actively, passively or otherwise by the BIDMA, its members, directors and/or officers. Such liabilities shall include, without limitations, the following: claims or penalties arising from any violation of any federal, state or local laws, rules or regulations or insurance requirements, as well as any claim resulting from latent, patent, and other defects, whether or not discoverable by the BID-Town, any claim the insurance as to which is inadequate, any claim for patent, trademark or copyright infringement, any tort claim or claim for damages, any claim or liability in respect to any adverse environmental impact or effects. The BIDMA shall assume full responsibility for the defense against or settlement of any such liability, and the BID-Town shall cooperate with the BIDMA by providing, at the expense of the BIDMA, such witnesses, documents and other assistance as the BIDMA may reasonably request; provided, however, that: (i) the BID-Town shall be consulted as to the legal counsel to be employed in respect hereof and may veto, for good cause shown, the employment of any legal counsel unacceptable to it and (ii) if the BID-Town shall give to the BIDMA notice that, in good faith judgment, an important general interest of the BID-Town is involved in such liability or potential liability, the BID-Town shall have the right to consult with the BIDMA in the defense against or settlement of such liability.

(b) The BIDMA shall require each of its contractors and subcontractors to agree to indemnify the Town and assume liability for injuries on the same basis as the BIDMA under subsection (a) above.

(c) The obligations of the BIDMA under this section shall survive the expiration or earlier termination of this Agreement and are expressly made for the benefit of, and shall be enforceable by the Town Board without necessity of declaring this Agreement in default.

15. Notice

Each written notice, demand, request or other communication in connection with this Agreement shall be either served in person, with delivery or service acknowledged in writing, by the party receiving the same, or deposited in the United States mail by certified mail, return receipt requested, postage prepaid and addressed to:

the Town Attorney's Office at the address hereinafter set forth:

(a) the Town and/or Supervisor at:

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

Town Attorney's Office
Riverhead Town Hall
200 Howell Avenue
Riverhead, New York 11901

and to the BIDMA at: 49 East Main Street
Riverhead, New York 11901

or such other addresses as may be specified by written notice sent in accordance herewith. Every notice, demand, request, or other communication hereunder shall be deemed to have been given at the time of mailing as aforesaid.

16. Amendments

Changes may be made to this Agreement by written amendment approved by the BID and the BIDMA. All such changes, modifications and amendments shall become part of the original Agreement.

17. Alcohol-Related Events

BIDMA acknowledges, understands and agrees, to the following conditions regarding any event delineated in the attached Schedule A, or amendments thereto, whereby alcohol shall be sold, served or consumed:

- a. BIDMA shall require each alcohol vendor participating in the event, defined as any party or entity selling, or serving or providing alcohol for consumption, to provide sufficient insurance liability coverage, based upon the number of participants or attendees in the event, which shall be subject to approval by the Town Board and its Insurance Administrator, in its discretion.
- b. The BID, specifically, The Town of Riverhead, and BIDMA, shall be named in all certificates of liability insurance coverage, as additional insureds, regarding alcohol coverage, with proper endorsement.
- c. The certificate of insurance must be provided to the Town Attorney's Office no later than fourteen (14) days before the scheduled event. The Town Board reserves the right to require additional insurance coverage it so deems in its best interests.

- d. BIDMA shall provide to the Town copies of all applicable State Liquor Authority licenses, certificates and other appropriate documents no later than fourteen (14) days before the applicable event, from each of the participating alcohol vendors.
- e. BIDMA acknowledges, understands and agrees to obtain RTC Chapter 90 permits in a timely manner.
- f. BIDMA acknowledges, understands and agrees that failure to provide the requisite documents in applicable time frames may result in revocation of the subject Chapter 90 permit for the event.

18. Entire Agreement

This Agreement contains all the terms and conditions agreed upon by the parties hereto and no other agreement, oral or otherwise, regarding the subject matter of this Agreement shall be deemed to exist or to bind any of the parties hereto.

IN WITNESS HEREOF, this Agreement has been duly executed by the respective parties on the date last written herein.

RIVERHEAD BUSINESS IMPROVEMENT
DISTRICT MANAGEMENT ASSOCIATION, INC.

By: Raymond Pickersgill, President

Date

TOWN OF RIVERHEAD
BUSINESS IMPROVEMENT DISTRICT

By: Sean M. Walter, Town Supervisor

Date

		2014 B.I.D.M.A. Budgeted	1st Payment	2nd Payment	3rd Payment	Final 2014 Budget
		Amount	2/21/2014	4/1/2014	8/1/2014	
Administration	Accountant	\$ 2,500.00	\$ 1,250.00	\$ 625.00	\$ 625.00	
	Advertising					
	Cablevision					
	Capital Improvements	10,000.00	2,500.00	7,500.00		
	Computer					
	East End Arts Council	2,000.00		2,000.00		
	Farmers Market	5,000.00	5,000.00			
	Insurance	2,500.00	2,500.00			
	Office Supplies	500.00	300.00	100.00	100.00	
	Payroll					
	Payroll Processing					
	Payroll Taxes					
	Rent					
	Workers Comp					
	118.064100.543925	\$ 22,500.00	\$ 11,550.00	\$ 10,225.00	\$ 725.00	\$ 22,500.00
Advertising	118.064100.544160	\$ 42,000.00	\$ 21,000.00	\$ 11,000.00	\$ 10,000.00	\$ 42,000.00
Events:						
June	Cardboard Boat Race	\$ 3,000.00	\$ 1,500.00	\$ 1,500.00		
June	Antique Show	2,000.00	2,000.00			
July	4th of July Celebration	15,000.00		15,000.00		
May - Sept	Cruise Nights	10,000.00		6,250.00	3,750.00	
Dec	Holiday Bonfire	2,000.00			2,000.00	
	118.064100.544160	\$ 32,000.00	\$ 3,500.00	\$ 22,750.00	\$ 5,750.00	\$ 32,000.00
Total 2014 Budget		96,500.00	36,050.00	43,975.00	16,475.00	96,500.00

TOWN OF RIVERHEAD

Resolution # 112

AMENDS RESOLUTION # 75-2014 AND RATIFIES LICENSE AGREEMENT WITH PICTOMETRY INTERNATIONAL CORP. FOR ONE YEAR TERM

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by resolution number 75, adopted on February 5, 2014, the Town Board ratified the execution of a license agreement between Town of Riverhead and Pictometry International Corp. for an one year term, which license agreement permitted for up to 100 users at a discounted annual license fee of \$2,250.00; and

WHEREAS, prior to the aforementioned license agreement being fully executed and delivered, the parties were able to re-negotiate the terms, reducing the number of users to 50 users at an annual fee of \$1,500.00; and

WHEREAS, the renegotiated terms with reduction of permitted users being 50 at a reduced cost of \$1,500.00 is found to be more appropriate for the needs of the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead, be and hereby amends resolution number 75, and ratifies the execution of the re-negotiated license agreement by the Supervisor which one year license agreement now allows for up to 50 users at an annual fixed amount of \$1,500.00; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 113

APPOINTS THE LAW FIRM SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI AS SPECIAL COUNSEL IN THE MATTER OF HARRIMAN ESTATES AT AQUEBOGUE LLC AND HARRIMAN ESTATES DEVELOPMENT CORP. V. TOWN OF RIVERHEAD, ET AL., AND AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT REGARDING SAME
Supreme Court Index No. 10-44846

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead been named as a defendant in an action commenced in New York State Supreme Court regarding the refund of subdivision fees; and

WHEREAS, the Town Board has determined that it would be appropriate to appoint special counsel to handle this matter.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby retains the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to provide legal defense and to act as legal counsel in connection with the above mentioned litigation; and be it further

RESOLVED, that the Town Board hereby authorizes Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to initiate a counter claim on behalf of the Town of Riverhead and to seek injunctive relief should it be deemed necessary, and be it further

RESOLVED, that the Supervisor is hereby authorized to execute a retainer agreement and the Town Clerk is hereby directed to forward a copy of this resolution and executed agreement to Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, PO Box 389, 456 Griffing Avenue, Riverhead, NY; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 114

APPROVES EXTENSION OF PERFORMANCE SECURITY OF RIVERHEAD REEVES ASSOCIATES, LLC A/K/A NF GOLF RESORTS (ROAD AND DRAINAGE IMPROVEMENTS)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Riverhead Town Board, by Resolution #37 adopted on January 6, 2004, did accept a performance bond in the amount of \$2,530,000.00 representing road and drainage improvements to be completed in the subdivision entitled, "NF Golf Resorts", located on the north side of Reeves Avenue, west of Doctors Path, Riverhead, New York; and

WHEREAS, at the request of NF Golf Resorts, the Town Board, by Resolution #234 adopted on March 15, 2005, did reduce the aforementioned performance bond from \$2,530,000.00 to the amount of \$2,033,000.00; and

WHEREAS, at the request of NF Golf Resorts, the Town Board, by Resolution #712 adopted on August 1, 2006, did reduce the aforementioned performance bond from \$2,033,000.00 to the amount of \$1,400,000.00; and

WHEREAS, at the request of NF Golf Resorts, the Town Board, by Resolution #112 adopted on February 6, 2008, did reduce the aforementioned performance bond from \$1,400,000.00 to the amount of \$843,333.33; and

WHEREAS, by letter dated February 10, 2014, Peter S. Danowski, Jr., Esq., attorney for NF Golf Resorts, has requested that an additional extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, Riverhead Planning Board Resolution #2014-0007, dated February 6, 2014, recommends the approval of the extension of the performance bond, having the date of said two-year extension to expire on June 4, 2015; and

WHEREAS, Water Key Money in the amount of \$60,000.00, Park and Recreation Fees in the amount of \$180,000.00 and Engineer Fees in the amount of \$127,800.00 have been paid.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subject

subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall extend the performance bond representing the road and drainage improvements to be completed within the subdivision to June 4, 2015; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, New York, 11901 and International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, New Jersey, 07102; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

02.19.14
140115

TOWN OF RIVERHEAD

Resolution # 115

RESOLUTION AUTHORIZING THE PURCHASE OF PROPERTY LOCATED AT 406-414 ROANOKE AVENUE, RIVERHEAD, FOR PARKING PURPOSES SUBJECT TO PERMISSIVE REFERENDUM

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, in order to accommodate the growth and improvement of the Downtown Business District and expanded Suffolk County Courthouse Complex, the Town of Riverhead, desires to increase parking in the vicinity of the downtown and courthouse area; and

WHEREAS the parcel located at 406-414 Roanoke Avenue, Riverhead, New York, described on the Suffolk County Tax Map as District 0600, Section 128.00, Block 05.00, Lot 010.000, is located within close proximity to the downtown area and courthouse complex; and

WHEREAS, the Town Board of the Town of Riverhead adopted Resolution No. 25 on January 7, 2014 authorizing the Town to order an appraisal of the subject property; and

WHEREAS, the Town of Riverhead received an appraisal dated January 17, 2014 from Aragona Associates LLC indicating a value of \$215,000.00; and

WHEREAS, the owner has expressed the willingness to sell the subject property to the Town of Riverhead for less than the appraised value in exchange for a bargain sale transaction; and

WHEREAS, it is in the best interests for the Town Board of the Town of Riverhead to ensure that this parcel be purchased.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead, does hereby designate that certain parcel of improved real property situated at 406-414 Roanoke Avenue, Riverhead, New York described on the Suffolk County Tax Map as District 0600, Section 128.00, Block 05.00, Lot 010.00 as an site for future purchase for parking purposes; and be it further

RESOLVED that the Town Board, by its Supervisor is authorized to enter into a contract for the purchase of said premises for a price of \$175,000.00; and be it further

RESOLVED that said contract will provide for the conditions of said purchase;

and be it further

RESOLVED that the Town Board, by the Supervisor, is further authorized to execute deed and other closing documents necessary for purchase of the subject property and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

RESOLVED, that this resolution is subject to permissive referendum as provided in Article 7 of the New York State Town Law and that the Town Clerk is directed to publish notice hereof.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

Please take notice that the Town Board of the Town of Riverhead, on behalf of the Riverhead Parking District, adopted a resolution on February 19, 2014 authorizing purchase of property located at 406-414 Roanoke Avenue, Riverhead, New York by the Riverhead Parking District described on the Suffolk County Tax Map as District 0600, Section 128.00, Block 05.00, Lot 010.00 for parking purposes. This resolution is subject to permissive referendum.

Dated: Riverhead, New York
February 19, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 116

**AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS
AND MORTGAGEE OF PREMISES LOCATED AT
58 RIVER ROAD, MANORVILLE, NEW YORK**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Board has determined that the property situated at 58 River Road, Manorville, New York, further described as Suffolk County Tax Map # 0600-146-2-12, is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code.

NOW, THEREFORE, BE IT RESOLVED, that Robert F. Kozakiewicz, Town Attorney for the Town of Riverhead, is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the structure situated at 58 River Road, Manorville, New York, in the Supreme Court of the State of New York, to enjoin the illegal use, occupancy and/or maintenance of said property and the structure situated upon said premises; and be it further

RESOLVED, that it is left to the discretion of Robert F. Kozakiewicz, Town Attorney for the Town of Riverhead, whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and mortgagee of the structure situated at 58 River Road, Manorville, New York, in the supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 117

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
STEPLIN CONSTRUCTION CORP.
(Delalio Sod Farm Nextel Cell Site)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Steplin Construction Corp. posted cash security in the sum of Four Thousand Two Hundred Fifty Dollars (\$4,250.00) representing 5% site plan security for the installation of cell antennas and related equipment cabinet upon real property located at 422 Edwards Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-117-2-8.2, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificate of Occupancy #15766 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$4,250.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Steplin Construction Corp., 87-58 125th Street, Richmond Hill, NY 11418; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 118

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
PARACO GAS CORPORATION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Paraco Gas Corporation posted cash security in the sum of One Thousand Six Hundred Dollars (\$1,600.00) representing 5% site plan security for the installation of four (4) 30,000 gallon tanks upon real property located at 44 Kroemer Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-119-1-31.2, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificate of Occupancy #25208 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$1,600.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Paraco Gas Corporation, 2975 Westchester Avenue, Purchase, NY, 10577; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 119

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
SUFFOLK COUNTY NATIONAL BANK**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Suffolk County National Bank posted cash security in the sum of Five Thousand Five Hundred Dollars (\$5,500.00) representing 5% site plan security for the installation of an ATM machine upon real property located at 1201 Ostrander Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-82-3-7, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificate of Occupancy #19271 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$5,500.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Suffolk County National Bank, P.O. Box 9000, 4 West 2nd Street, 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 120

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
TRADITIONAL LINKS LLC
(Golf Training Building)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, in accordance with Riverhead Town Board Resolution #320, dated April 20, 2004, Traditional Links LLC posted cash security in the total sum of Eight Thousand Three Hundred Eighty-Three Dollars (\$8,383.00) representing 5% site plan security for the construction of a golf training building upon real property located at 2818-2851 Sound Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-41-1-10.6, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificate of Occupancy #19659 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$8,383.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Traditional Links LLC, 3000 Sound 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 121

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
TRADITIONAL LINKS LLC
(Irrigation Pump House & Installation of Fuel Tanks)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Traditional Links LLC posted cash security in the sum of Two Thousand Nine Hundred Forty Dollars (\$2,940.00) representing 5% site plan security for the installation of two (2) 600 gallon underground fuel tanks and Three Thousand Two Hundred Sixteen Dollars (\$3,216.00) for the construction of a pump house for irrigation equipment upon real property located at 2818-2850 Sound Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-41-1-10.6, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificates of Occupancy #20003 and #19906, respectively, and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the total sum of \$6,156.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Traditional Links LLC, 3000 Sound 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 122

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
NEW YORK SMA LIMITED PARTNERSHIP D/B/A VERIZON WIRELESS
(Cherry Creek Golf Course)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, pursuant to Riverhead Town Board Resolution #818, dated September 7, 2004, the Law Firm of Mulley, Meade, Nielsen and Re´, as attorneys for New York SMA Limited d/b/a Verizon Wireless, posted cash security in the sum of Four Thousand Two Hundred Fifty Dollars (\$4,250.00) representing 5% site plan security for the installation of cell antennas and related equipment cabinet upon real property located at Cherry Creek Golf Course, 900 Reeves Avenue, Riverhead, New York, further described as Suffolk County Tax Map #0600-18-2-1.3, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department’s satisfaction resulting in the issuance of Certificate of Occupancy #23433 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$4,250.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Re´, Nielsen, Huber & Coughlin, LLP, (f/k/a Mulley, Meade, Nielsen and Re´), 36 N. New York Avenue, Huntington, NY 11742; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 123

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
FIRST PIONEER FARM CREDIT (a/k/a Southern New England Federal)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, First Pioneer Farm Credit posted cash security in the sum of Thirty Five Dollars (\$35.00) representing 100% site plan security for the addition to a building upon real property located at 1281 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-122-2-4, pursuant to Section 108-133 (l) of the Riverhead Town Code; and

WHEREAS, it has been determined that construction has been completed to the Building Department's satisfaction resulting in the issuance of Certificate of Occupancy #25455 and that the Planning Department is satisfied with the completed site improvements.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned site plan security in the sum of \$35.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to First Pioneer Farm Credit, 1281 Route 58, 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 124

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR DRY HYDRATED LIME (CALCIUM HYDROXIDE)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for Dry Hydrated Lime (calcium hydroxide) in the February 27, 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.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **DRY HYDRATED LIME (CALCIUM HYDROXIDE)** for use by the Town of Riverhead will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m.** on **March 13, 2014**.

Bid Specifications and/or Plans may be examined and/or obtained at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. or by visiting the Town of Riverhead website at www.townofriverheadny.gov. Click on "**Bid Requests**" and follow the instructions to register.

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR DRY HYDRATED LIME (CALCIUM HYDROXIDE) – BID #2014-16-RWD**. 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.

NOTE: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 125

APPROVES W.H.M. PLUMBING & HEATING CONTRACTORS, INC.
AS DRAINLAYER FOR RIVERHEAD SEWER DISTRICT

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

WHEREAS, pursuant to Section 88-3 of the Riverhead Town Code, W.H.M. Plumbing & Heating Contractors, Inc. has submitted a request to become an authorized drainlayer with the Town of Riverhead Sewer District, and

WHEREAS, prior to the necessary approval as a drainlayer, W.H.M. Plumbing & Heating Contractors, Inc. partially installed a grease trap and associated piping the location of which is the Costco Site at Route 58 (SCTM 600-101-1-3). This must be removed and reinstalled with proper inspection by District personnel.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby approves W.H.M. Plumbing & Heating Contractors, Inc. as an authorized drainlayer with the Town of Riverhead Sewer District subject to the submission of a letter of credit in a form acceptable to the Town Attorney, and be it further

RESOLVED, that W.H.M. Plumbing & Heating Contractors, Inc. acknowledge the terms and conditions of this approval by countersigning this resolution as stated below, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to W.H.M. Plumbing & Heating Contractors, Inc., 6H Enterprise Drive, East Setauket, NY 11733, Attn: William H. Mauff, President.

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.

Acknowledge and accept the terms and conditions stated within:

By _____
William H. Mauff, President
W.H.M. Plumbing & Heating Contractors, Inc.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 126

**AUTHORIZES THE SHOWCASE OF TYPE III AMBULANCE AT THE LONG ISLAND
FIRE, RESCUE & EMS MEGA SHOW SCHEDULED FOR
FEBRUARY 22ND AND 23RD AT THE NASSAU COLISEUM**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, by Resolution #841 adopted on November 7, 2012, the Town Clerk was authorized to publish and post a notice to bidders for proposal for Type III Ambulance (2012 or 2013 Model) for the Town of Riverhead; and

WHEREAS, Resolution #191 adopted on March 5, 2013 awarded the bid for Type III Ambulance for the Town of Riverhead to Specialty Vehicles in the amount of \$159,970.00; and

WHEREAS, last week Specialty Vehicles delivered the Type III Ambulance to the Riverhead Volunteer Ambulance Corps, Inc. and requested permission to showcase the Type III Ambulance at the Long Island Fire, Rescue & EMS Mega Show scheduled for February 22nd and 23rd at the Nassau Coliseum; and

WHEREAS, Specialty Vehicles has agreed to provide and maintain insurance, general and comprehensive liability insurance with minimum coverage limits of \$500,000.00/\$1,000,000.00 together with property damage for the full value of the ambulance during the time Specialty Vehicle is in possession of the vehicle, Friday, February 21, 2014, though Monday, February 24, 2014, and Specialty Vehicles shall only operate the vehicle for purposes of pickup and delivery to and from the Ambulance Barn to the Expo; and

WHEREAS, in addition to the above and as an expression of appreciation for permitting Specialty Vehicles to showcase the new Type III ambulance, Specialty Vehicle shall install free of charge a keyless locking theft prevention system; and

WHEREAS, the Ambulance Corps, with the assistance of the Town of Riverhead Police Department, have maintained all radio equipment on the ambulance to be replaced by the new Type III Ambulance such that the Ambulance Corps shall maintain a full fleet of emergency vehicles during the Long Island Fire, Rescue & EMS Mega Show.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves Specialty Vehicles request to showcase the Type III Ambulance at the Long Island Fire, Rescue & EMS Mega Show scheduled for February 22nd and 23rd at the Nassau

Coliseum subject to delivery of proof of the minimum insurance requirements set forth above, limitation of use for purpose of pickup and delivery to and from the Ambulance Barn to the Expo and installation free of charge a keyless locking theft prevention system; and be it further

RESOLVED, Specialty Vehicle shall contact Jean Miloski at 727-3200 ext. 235 to arrange for delivery of the required certificates of insurance on or before close of business on January 20, 2014; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 127

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED
“VEHICLES AND TRAFFIC” OF THE RIVERHEAD TOWN CODE
(ADDITION OF ARTICLE X SNOW EVENTS)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 101 entitled “Vehicles and Traffic” of the Riverhead Town Code once in the February 27, 2014 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 4th day of March, 2014 at 2:10 pm o'clock p.m. to consider a local law amending Chapter 101 entitled "Vehicles and Traffic" of the Riverhead Town Code as follows:

**CHAPTER 101
VEHICLES AND TRAFFIC
ARTICLE X. Snow Events**

§101-43. Purpose.

The Town Board of the Town of Riverhead does hereby find that there exists a threat to public safety any time that snow, freezing rain, sleet, or ice is permitted to accumulate on Town highways and roadways. The parking or abandonment of vehicles along the highways and roadways during snow and other winter weather related events prohibits and/or restricts the Town's ability to remediate the hazardous conditions on the highways and impedes the ability of fire, police, and ambulance vehicles and personnel to provide necessary services to Town residents. For the above reasons, the Town Board of the Town of Riverhead finds it necessary to enact legislation prohibiting parking and standing of vehicles on Town highways and roadways in anticipation of and during major snow or winter weather events and such other restrictions related to highway safety during snow and other related winter weather events. A snow or winter storm emergency declaration shall be made by the Supervisor or his designee. Such declaration shall be made at the discretion of the Supervisor when weather conditions are forecasted or exist such that the accumulation of snow, freezing rain, sleet, or ice on any roadway will render vehicle travel potentially hazardous and necessitate snow removal operation or such other remediation efforts to address a winter storm by the Town.

§101-44. Declaration of Snow or Winter Storm Emergency.

The Town Supervisor or his designee shall declare a snow emergency or winter storm emergency in a signed written notice to the Town Clerk or Deputy Town Clerk within 24 hours of said declaration. Said notice shall become effective immediately after signing and shall indicate date and exact time of the declaration. The Chief of Police and Superintendent of Highways shall be notified immediately following a snow or winter storm emergency declaration.

The Supervisor or his designee shall notify at least one local radio station immediately following a snow or winter storm emergency declaration and the Supervisor or his designee may cause same to be posted on the Town's official website.

The snow or winter storm emergency declaration shall be in effect until such time as a snow or winter storm emergency termination has been received by the Town Clerk or Deputy Town Clerk in accordance with §108-46 of this Article.

§101-45. Parking prohibited during snow emergency.

No parking is permitted on either side of any roadway during a snow or winter storm emergency declaration between the hours of 8:00 p.m. and 6:00 a.m. pursuant to §101-44 of this Article.

§101-46. Snow emergency termination.

A.

The termination of a snow or winter storm emergency shall be declared by the Supervisor or his designee. Such termination shall be made at the discretion of the Supervisor when snow removal operations or such other required remediation efforts have been completed to the satisfaction of the Supervisor.

B.

The Supervisor or his designee shall declare a snow or winter storm emergency termination in a signed written notice to the Town Clerk or Deputy Town Clerk. Said notice shall become effective immediately upon receipt and shall include the date and exact time of the snow emergency termination. The Chief of Police and Superintendent of Highways shall be notified immediately following a snow or winter storm emergency termination.

C.

The Supervisor or his designee shall notify at least one local radio station immediately following a snow or winter storm emergency termination.

D.

The snow or winter storm emergency termination shall nullify any provisions or conditions resulting from a snow or winter storm emergency declaration as provided for in this article.

§108-47. Depositing of snow prohibited.

It is prohibited to shovel, plow or otherwise deposit snow onto any roadway in the Town of Riverhead.

§101-48. Penalties for offenses.

A. Any vehicle parked on any highway within the Town of Riverhead during a snow or winter storm emergency between the hours of 8:00 p.m. and 6:00 a.m. as set forth in §101-44 and §101-45 shall be deemed to affect the ability of the Town to remediate hazardous roadway conditions or create a hazardous condition and/or impede or potentially impede the ability of fire, police, highway and ambulance vehicles and personnel to provide necessary services to Town residents on that portion of the public highway which said vehicle is parked such that said vehicle may be removed by the

Riverhead Town Police or other personnel so authorized by the Town Board as set forth in 101-22 and all procedures set forth in 101-22, including payment of all fees related to storage and removal, shall apply to vehicles removed from the highway pursuant to this provision.

B. Any person, association, firm or corporation, owner or occupant which violates §101-47 shall be guilty of a violation punishable by a fine of not less than \$250. Each day the violation continues shall constitute a separate additional violation.

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

Dated: Riverhead, New York
February 19, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 128

**RESCINDS AWARD AND AUTHORIZES RE-PUBLISH OF ADVERTISEMENT
FOR FORD REPLACEMENT PARTS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Board, by Resolution #754 adopted on November 6, 2013, authorized the Town Clerk to publish and post a notice for sealed bids for Ford Replacement Parts for the Town of Riverhead and;

WHEREAS, one (1) bid was received and opened on November 22, 2013 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders; and

WHEREAS, the Town Board, by Resolution # 818 adopted on December 3, 2013, rejected the sole bid and authorized the Town Clerk to re-publish and re-post a notice for sealed bids for Ford Replacement Parts for the Town of Riverhead; and

WHEREAS, 3 bids were received and opened at 11:05 am on December 20, 2013 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders; and

WHEREAS, after all bids were reviewed by staff at the Municipal Garage and recommendation made to the Purchasing Director regarding award of bid, and in turn to the Town Board, the Town Board, by Resolution #861 adopted on December 31, 2013, did award the bid for Ford Replacement Parts to Riverhead Motors, Inc. for the following delivered price: "30% below the current Ford list price, or 9% above the current dealer cost, whichever is lower"; and

WHEREAS, at the request of the Town Board, the Purchasing Director re-examined the bid specifications and responses; and

WHEREAS, the Purchasing Director reported that the bid specifications required bid response to provide the following information "Discount from List Price: _____%" and the bid response submitted by Riverhead Motors, Inc. provided an alternate method to determine price, to wit: "Discount from List Price: 30% or 9% above the then current dealer cost whichever is lower"; a second bid response in the format required offered a greater discount to wit: "Discount from List Price 32%"; and finally other bidders made inquiry regarding alternate methods of bid response "over rack price" were informed that bid responses must be in the form set forth in the bid specifications and consequently did not provide "over rack price"; and

WHEREAS, based upon above and after consultation with the Office of the Town Attorney, the Purchasing Director recommends that the award of the bid be rescinded and the Town Board authorize the Town Clerk to once again re-publish and re-post a notice for sealed bids for Ford replacement parts for the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Board rescinds the award for Ford Replacement Parts, awarded by the adoption of Resolution # 861 on December 31, 2013 effective March 18th, 2014; and be it further

RESOLVED, that the Town Board hereby authorizes the Town Clerk to re-publish and re-post the following bid for Ford Replacement Parts; 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 Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

NOTICE TO BIDDERS

Sealed bids for **FORD AUTOMOTIVE REPLACEMENT PARTS** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York until **11:00 am on March 11, 2014** at which time they will be publicly opened and read aloud.

Bid packets, including specifications, may be examined and/or obtained on **February 27, 2014** on the Town's website at www.townofriverheadny.gov 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.

All bids must be submitted on the bid form provided in a sealed envelope clearly marked "**FORD AUTOMOTIVE REPLACEMENT PARTS**". 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.

BY ORDER OF THE TOWN BOARD

OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 129

**PETITIONS THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
MANAGEMENT ASSOCIATION, INC., (BIDMA) TO EMPLOY RAYMOND
PICKERSGILL AS EXECUTIVE DIRECTOR OF BIDMA FOR CALENDAR YEAR 2014
AND PROVIDE MONETARY COMPENSATION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead, with the assistance of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), wishes to continue to administer the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991, during the 2014 calendar year; and

WHEREAS, the District Plan as adopted by the Town of Riverhead pursuant to Local Law No. 222 of 1991 was enacted as a tool to provide for those promotional activities and improvements that will enhance all businesses in the Riverhead Business Improvement District; and

WHEREAS, Raymond Pickersgill is recognized as personally providing an inordinate amount of time and effort in facilitating promotional activities that are enhancing business interests in the Riverhead Business Improvement District; and

WHEREAS, the BIDMA bylaws, Article III, Section 10, entitled *Executive Director*, permit the BIDMA Board of Directors to employ an executive director to conduct the day-to-day activities of the Corporation; and

WHEREAS, the BIDMA bylaws, Article III, Section 10, further permits the BIDMA Board of Directors to provide reasonable compensation to an executive director for services rendered; and

WHEREAS, the Town Board respectfully opines that Raymond Pickersgill should be retained by BIDMA as executive director solely for the 2014 calendar year and as such, reasonably compensated up to a monetary amount not to exceed \$6,000.00 as determined by the BIDMA Board of Directors, to be paid on a quarterly basis.

NOW THEREFORE BE IT RESOLVED that the Town Board hereby respectfully petitions BIDMA to employ Raymond Pickersgill, as executive director, pursuant to the BIDMA bylaws, Article III, Section 10, solely for calendar year 2014, and be compensated in a monetary amount not to exceed \$6,000.00, and to be paid on a quarterly basis.

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

Resolution # 130

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR 2" X 4" LED TROFFER
RECESSED LIGHT FIXTURES
FOR THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for 2" X 4" LED TROFFER RECESSED LIGHT FIXTURES for the Town of Riverhead and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the FEBRUARY 27, 2014 issue of the News Review.

NOW , THEREFORE BE IT, RESOLVED, that all Town 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

NOTICE TO BIDDERS

Sealed bids for the purchase of 2" X 4" LED TROFFER RECESSED LIGHT FIXTURES for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on MARCH 14, 2014 at which time they will be publicly opened and read aloud.

Bid packets including specifications may be examined and/or obtained on FEBRUARY 27, 2014 on the Town's website at www.townofriverheadny.gov click on bid requests or pick up 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 2" X 4" LED TROFFER RECESSED LIGHT FIXTURES. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 131

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-5 February 6, 2014 (TBM 2/19/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	1,188,268.94	1,188,268.94
RECREATION PROGRAM FUND	6	4,841.16	4,841.16
HIGHWAY FUND	111	95,751.38	95,751.38
WATER DISTRICT	112	99,975.78	99,975.78
RIVERHEAD SEWER DISTRICT	114	28,324.67	28,324.67
REFUSE & GARBAGE COLLECTION DIST	115	6,379.63	6,379.63
STREET LIGHTING DISTRICT	116	74,984.18	74,984.18
AMBULANCE DISTRICT	120	5,186.09	5,186.09
EAST CREEK DOCKING FACILITY FUND	122	1,302.10	1,302.10
CALVERTON SEWER DISTRICT	124	836.40	836.40
RIVERHEAD SCAVENGER WASTE DIST	128	14,947.20	14,947.20
WORKERS' COMPENSATION FUND	173	84,930.15	84,930.15
RISK RETENTION FUND	175	12,063.18	12,063.18
CDBG CONSORTIUM ACCOUNT	181	78.44	78.44
TOWN HALL CAPITAL PROJECTS	406	15,000.00	15,000.00
RIVERHEAD SEWER CAPITAL PROJECT	414	7,966.52	7,966.52
SCAVENGER WASTE CAPITAL PROJECT	428	2,730.00	2,730.00
TRUST & AGENCY	735	1,463,513.13	1,463,513.13
TOTAL ALL FUNDS		3,107,078.95	3,107,078.95

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 131

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-6 February 13, 2014 (TBM 2/19/14)			
Fund Name	Fund #	Ckrun Total	Grand Totals
GENERAL FUND	1	484,822.58	484,822.58
RECREATION PROGRAM FUND	6	3,433.89	3,433.89
HIGHWAY FUND	111	45,640.76	45,640.76
WATER DISTRICT	112	58,347.40	58,347.40
RIVERHEAD SEWER DISTRICT	114	72,535.12	72,535.12
REFUSE & GARBAGE COLLECTION	115	2,965.35	2,965.35
STREET LIGHTING DISTRICT	116	67,642.98	67,642.98
AMBULANCE DISTRICT	120	1,238.02	1,238.02
CALVERTON SEWER DISTRICT	124	9,055.88	9,055.88
RIVERHEAD SCAVENGER WASTE	128	26,806.62	26,806.62
RISK RETENTION FUND	175	11,339.48	11,339.48
CDBG CONSORTIUM ACCOUNT	181	310.76	310.76
TOWN HALL CAPITAL PROJECTS	406	1,650.00	1,650.00
TRUST & AGENCY	735	226,732.68	226,732.68
CALVERTON PARK - C.D.A.	914	2,504.36	2,504.36
TOTAL ALL FUNDS		1,015,025.88	0.00 1,015,025.88

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted