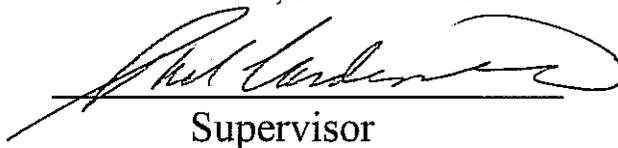


WAIVER OF NOTICE AND CONSENT  
OF SPECIAL MEETING

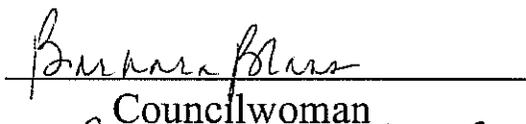
We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 4:00 p.m. on the 19th day of March, 2009 and do consent to the holding of such meeting for the purpose of:

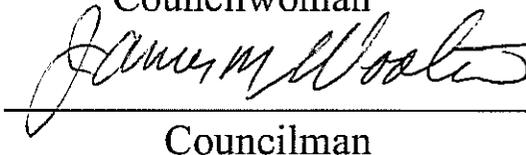
Dated: March 19, 2009  
Media Notified by  
Supervisor

TOWN BOARD MEMBERS  
of Riverhead, New York

  
Supervisor

\_\_\_\_\_  
Councilman

  
Councilwoman

  
Councilman

\_\_\_\_\_  
Councilman

**TOWN OF RIVERHEAD  
SPECIAL TOWN BOARD MEETING  
MARCH 19, 2009**

CDA RESOLUTIONS:

CDA

Res. #8 Authorizes Chairman to Execute Lease Between Riverhead Community Development Agency and Calverton Sewer District

REGULAR TOWN BOARD RESOLUTIONS:

Res. #268 Authorizes Supervisor to Execute Lease Riverhead Community Development Agency and Calverton Sewer District

Res. #269 In the Matter of the Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York (Wastewater Treatment Plant)

Res. #270 In the Matter of the Increase and Improvement of Facilities of the Calverton Sewer District in the Town of Riverhead, Suffolk County, New York

Res. #271 In the Matter of the Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York (DeFriest Pump Station)

Res. #272 Authorizing CWSRF Application and Agreement for Project Financing Advanced Wastewater Treatment Facility Upgrade for Compliance with the Peconic Estuary TMDL Riverhead Sewer District

Res. #273 Authorizing CWSFR Application and Agreement for Project Financing Calverton Advanced Wastewater Treatment Facility Upgrade Calverton Sewer District

Res. #274 Resolution Authorizing CWSRF Application and Agreement for Project Financing Reconstruction of the DeFriest Pump Station Riverhead Sewer District

Res. #275 Authorizing CWSRF Application and Agreement for Project Financing Howell Avenue Pump Station Reconstruction Riverhead Sewer District

Res. #276 Authorizes Town Clerk to Publish and Post a Public Notice for Public Information and Comment Hearing Regarding Riverside Drive, Riverhead, New York

March 19, 2009

TOWN OF RIVERHEAD  
RESOLUTION # 268

Adopted

AUTHORIZES SUPERVISOR TO EXECUTE LEASE  
RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND  
CALVERTON SEWER DISTRICT

Councilperson COUNCILMAN DUNLEAVY offered the following resolution which was  
seconded by Councilperson ~~COUNCILMAN WOOTEN~~

WHEREAS, the Calverton Sewer District has held proceedings to increase and  
improve the facilities of the District to provide for tertiary treatment; and

WHEREAS, the facilities as improved will discharge onto property described  
herein as Exhibit A; and

WHEREAS, it is necessary for the District to lease the premises described as  
Exhibit A from the Riverhead Community Development Agency.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and  
hereby is authorized to execute the attached Lease and execute any and all other  
recording documents on behalf of the Calverton Sewer District; and

BE IT FURTHER RESOLVED, that the Town Supervisor be and hereby is  
authorized to execute a certain "Certification as to Title to Project Site" as attached to the  
New York Environmental Facilities Corporation application for grant funding, and

BE IT FURTHER RESOLVED, that copy of this resolution be forwarded to the  
Accounting Office, H2M, Michael Reichel, Chris Kempner, Frank Isler, Riverhead  
Planning Board and Town Attorney.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE CALVERTON  
SEWER DISTRICT

THE VOTE  
~~Buckley~~ yes no Wooten  yes no  
Dunleavy yes no Blass  yes no  
Cardinale  yes no  
THE RESOLUTION  WAS WAS WAS NOT  
THEREFORE DULY ADOPTED

## LEASE AGREEMENT

Lease agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2009 between the Riverhead Community Development Agency with offices at 200 Howell Avenue, Riverhead, New York (Lessor) and Calverton Sewer District with offices at 200 Howell Avenue, Riverhead, New York (Lessee).

Whereas, a properly functioning sewage treatment and collection system is necessary for the orderly revitalization of the former Naval production plant at Calverton, and

Whereas, the Calverton Sewer District is proposed to be upgraded to meet improved treatment standards which would include the construction of a groundwater exchange field on the premises leased herein, and

Whereas, the Calverton Sewer District is making application to the Environmental Facilities Corporation for a construction grant, which application requires the District to certify that it has a legal and valid estate in the site of the project including necessary easements and rights of way.

Now, therefore, in consideration of the mentioned premises and \$10.00 ten dollars good and valuable consideration, the receipt of which is hereby acknowledged, that Lessor hereby leases and demises the premises described herein as Exhibit A to Lessee along with a Right of Way for vehicular access and utility easement as more particularly set forth.

This lease shall commence immediately. The useful life of the improvements contemplated herein is forty (40) years pursuant to section 10.4 of the Local Finance Law of the State of New York. Therefore, the term of this lease shall be fifty (50) years to allow for construction of the improvements contemplated.

Lessor may modify this lease to accommodate the actual use of the property as facilities are constructed and in the event facilities are not constructed in five (5) years, this lease shall terminate.

Rent shall be \$1.00 one dollar per year. Lessee shall pay as due all property taxes, special assessments, fees and charges of any nature resulting from Lessee's use and occupancy of the premises.

This lease may be recorded with the Suffolk County Clerk by lessee.

Lessor is the owner of property adjacent to the premises hereby leased which can provide necessary access and utility easements to NYS Route 25, Swan Pond Road (Grumman Boulevard) and Jan Way as shown on the subdivision map of Calverton Camelot II. A portion of this adjacent property is subject to a certain contract of sale dated October 2, 2007 by and between the Riverhead CDA, Lessor herein, and REPCAL LLC. The access and utility easement granted by this lease shall be developed in accordance with the access and utility easement provisions contained in Article 26 of that agreement.

LESSOR:  
RIVERHEAD COMMUNITY DEVELOPMENT  
AGENCY

---

PHILIP J. CARDINALE, CHAIRMAN

LESSEE:  
CALVERTON SEWER DISTRICT

---

PHILIP J. CARDINALE, TOWN SUPERVISOR



## EXHIBIT A

Beginning at the point and or place of Beginning, said point being the following courses and distances from the intersection of the easterly line of Wading River Manorville Road and the Southerly line of State Route 25 (aka Middle Country Road); Along the southerly line of State Route 25 (aka Middle Country Road) North  $53^{\circ}57'26''$  East, a distance of 153.37 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 407.82 feet along the curve concave to the northwest, having a radius of 5769.65 feet and a central angle of  $4^{\circ}03'00''$ ; thence North  $49^{\circ}54'26''$  East tangent to said curve, a distance of 880.00 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 254.39 feet along the curve concave to the southeast, having a radius of 1392.69 feet and a central angle of  $10^{\circ}27'57''$ ; thence North  $60^{\circ}22'23''$  East tangent to said curve, a distance of 2370.70 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 304.56 feet along the curve concave to the southeast, having a radius of 5689.65 feet and a central angle of  $3^{\circ}04'01''$ ; thence North  $63^{\circ}26'24''$  East tangent to said curve, a distance of 345.60 feet to the beginning of a curve tangent to said line; thence northeasterly and easterly a distance of 276.39 feet along the curve concave to the southeast, having a radius of 2252.01 feet and a central angle of  $7^{\circ}01'55''$ ; thence North  $70^{\circ}28'19''$  East tangent to said curve, a distance of 874.40 feet to the beginning of a curve tangent to said line; thence easterly and northeasterly a distance of 758.55 feet along the curve concave to the northwest, having a radius of 5769.65 feet and a central angle of  $7^{\circ}31'58''$ ; thence North  $62^{\circ}56'21''$  East tangent to said curve, a distance of 537.40 feet to the beginning of a curve tangent to said line; thence northeasterly and easterly a distance of 273.06 feet along the curve concave to the southeast, having a radius of 1870.08 feet and a central angle of  $8^{\circ}21'58''$ ; thence North  $71^{\circ}18'19''$  East tangent to said curve, a distance of 484.30 feet to the beginning of a curve tangent to said line; thence easterly a distance of 334.34 feet along the curve concave to the south, having a radius of 5689.65 feet and a central angle of  $3^{\circ}22'01''$ ; thence North  $74^{\circ}40'19''$  East tangent to said curve, a distance of 2552.80 feet to the beginning of a curve tangent to said line; thence easterly a distance of 622.32 feet along the curve concave to the south, having a radius of 5689.65 feet and a central angle of  $6^{\circ}16'01''$ ; thence North  $80^{\circ}56'20''$  East tangent to said curve, a distance of 1395.90 feet to the beginning of a curve tangent to said line; thence easterly a distance of 525.22 feet along the curve concave to the north, having a radius of 11499.19 feet and a central angle of  $2^{\circ}37'01''$ ; thence North  $78^{\circ}19'19''$  East tangent to said curve, a distance of 0.00 feet; thence North  $80^{\circ}10'09''$  East, a distance of 535.75 feet; thence North  $88^{\circ}00'13''$  East, a distance of 1592.18 feet; thence North  $88^{\circ}34'37''$  East, a distance of 1511.20 feet to the land of Eastern Property Management; thence along the land of Eastern Property Management and then along the land of Calverton Industries LLC the following three courses and distances (1) South  $05^{\circ}43'17''$  East, a distance of 2164.07 feet; thence (2) North  $86^{\circ}48'00''$  East, a distance of 321.08 feet; thence (3) South  $06^{\circ}34'40''$  East, a distance of 503.88 to a monument and the Point and or Place of Beginning. Running thence from said Point and or Place of Beginning along the land of Calverton Industries LLC, Main Road Associates, and Andrew Korus et al, North  $83^{\circ}46'40''$  East, a distance of 1628.84 feet; to a monument and the land of Green Meadows LLC, thence along the land of Green Meadows LLC South  $06^{\circ}14'40''$  East, a distance of 359.83' to the land of the Riverhead Community Development Agency; Thence along the land of the Riverhead Community Development Agency the following Two (2) courses and distances, (1) South  $71^{\circ}01'00''$  West, a distance of 1826.75' thence (2) North  $06^{\circ}14'40''$  West, a distance of 780.00' to the southerly line of "Navy Retained Parcel D" and

thence along the southerly line of "Navy Retained Parcel D" North 90°00'00" East, a distance of 153.85' to the Point and or Place of Beginning. Containing 23.0003 Acres.

Together with a Right of Way for ingress and egress and a utility easement for water, sewer, electric, telephone and all other underground utilities and appurtenances over other adjacent lands of Lessor to provide adequate legal access to NYS Route 25, Swan Pond Road (Grumman Boulevard) and Jan Way for the benefit of the property hereby leased. This general Right of Way shall be amended to a specific location during the subdivision review of the REPCAL LLC application as reviewed and approved by the Riverhead Planning Board or such other subdivision review of the adjacent lands of the Lessor.

# Adopted

RESOLUTION # 269

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York in said Town, on March 19, 2009, at 4:00 o'clock P.M.,  
Prevailing Time.

Councilperson WOOTEN offered the following resolution which was seconded by  
Councilperson BLASS

PRESENT:

Philip Cardinale  
Supervisor

COUNCILWOMAN BLASS  
Councilman

COUNCILMAN WOOTEN  
Councilman

Councilman

Councilman

<p>In the Matter of The Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
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WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and construction of improvements to the Wastewater Treatment Plant, including but not limited to the addition of membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, and including

original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$17,800,000, and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2009, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Riverhead Sewer District in said Town at a maximum estimated cost of \$17,800,000, and to hear all persons interested in the subject thereof concerning the same at the Riley Avenue Elementary School, in Calverton, New York, in said Town, on March 17, 2009 at 7:05 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and construction of improvements to the Wastewater Treatment Plant, including but not limited to the addition of membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, and including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental

improvements and expenses in connection therewith, at a maximum estimated cost of \$17,800,000.

Section 2. This Order shall take effect immediately.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

\* \* \* \* \*

43219-2-29

**BOND RESOLUTION**

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 19th day of March, 2009, at 4:00 o'clock P.M., Prevailing Time. The meeting was called to order by Supervisor Philip Cardinale, and upon roll being called, the following were

**PRESENT:**

Supervisor Philip Cardinale  
Councilwoman Barbara Blass  
Councilman Jim Wooten

**ABSENT:**

Councilman John Dunleavy

The following resolution was offered by Councilman COUNCILMAN WOOTEN<sup>Blass</sup> who moved its adoption, seconded by Councilman COUNCILWOMAN Blass<sup>WOOTEN</sup> to-wit:

THE VOTE  
Buckley yes no Wooten  yes no  
Dunleavy yes no Blass  yes no  
Cardinale  yes no  
THE RESOLUTION  WAS no WAS NOT  
THEREFORE DULY ADOPTED

BOND RESOLUTION DATED MARCH 19, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$17,800,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE RIVERHEAD SEWER DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

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

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$17,800,000; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and construction of improvements to the Wastewater Treatment Plant, including but not limited to the addition of membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, and including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated

cost of \$17,800,000 there are hereby authorized to be issued \$17,800,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$17,800,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Riverhead Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of

the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**CERTIFICATION**

STATE OF NEW YORK                    )  
  ) ss.:  
COUNTY OF SUFFOLK                 )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 17th day of March, 2009.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of March, 2009.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 19, 2009, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,  
March \_\_\_\_\_, 2009.

\_\_\_\_\_  
Diane M. Wilhelm  
Town Clerk

### BOND RESOLUTION DATED MARCH 19, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$17,800,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE RIVERHEAD SEWER DISTRICT , IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

<b>Specific object or purpose:</b>	Wastewater Treatment Plant improvements.
<b>Period of probable usefulness:</b>	Forty years
<b>Maximum estimated cost:</b>	\$17,800,000
<b>Amount of obligations to be issued:</b>	\$17,800,000 bonds
<b>SEQRA Status:</b>	Unlisted Action – SEQRA materials available in office of the Town Clerk for inspection during regular office hours.

# Adopted

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York in said Town, on March 19, 2009, at 4:00 o'clock P.M.,  
Prevailing Time.

Councilperson BLASS offered the following resolution which was seconded by

Councilperson DUNLEAVY

PRESENT:

Philip Cardinale

Supervisor

COUNCILWOMAN BLASS

Councilman

Councilman

COUNCILMAN WOOTEN

Councilman

Councilman

<p>In the Matter of The Increase and Improvement of Facilities of the Calverton Sewer District in the Town of Riverhead, Suffolk County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
---	------------------------------

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and conversion of the existing secondary treatment process to tertiary treatment at the Calverton Sewer Treatment Plant, including, but not limited to membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, force main, leaching beds and site improvements, and including original furnishings,

equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000, and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2009, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Riverhead Sewer District in said Town at a maximum estimated cost of \$6,500,000, and to hear all persons interested in the subject thereof concerning the same at the Riley Avenue Elementary School, in Riverhead, New York, in said Town, on March 17, 2009 at 7:15 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Calverton Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and conversion of the existing secondary treatment process to tertiary treatment at the Calverton Sewer Treatment Plant, including, but not limited to membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, force main, leaching beds and site improvements, and including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000.

Section 2. This Order shall take effect immediately.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

\* \* \* \* \*

**BOND RESOLUTION**

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 19th day of March, 2009, at 4:00 o'clock P.M., Prevailing Time. The meeting was called to order by Supervisor Philip Cardinale, and upon roll being called, the following were

**PRESENT:**

Supervisor Philip Cardinale  
Councilwoman Barbara Blass  
Councilman Jim Wooten

**ABSENT:**

Councilman John Dunleavy

The following resolution was offered by Councilman Wooten ~~COUNCILWOMAN BLASS~~ who moved its adoption, seconded by Councilman COUNCILMAN DUNLEAVY ~~Blass~~ to-wit:

THE VOTE  
~~Buckley~~ yes no Wooten  yes no  
Dunleavy yes no Blass  yes no  
Cardinale  yes no  
THE RESOLUTION  WAS WAS WAS NOT  
THEREFORE DULY ADOPTED

BOND RESOLUTION DATED MARCH 19 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE CALVERTON SEWER DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

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

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Calverton Sewer District, in the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$6,500,000; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Calverton Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and conversion of the existing secondary treatment process to tertiary treatment at the Calverton Sewer Treatment Plant, including, but not limited to membrane biological reactor process, tanking, yard piping, generator, blowers, and influent grit screening, force main, leaching beds and site improvements, and including original furnishings, equipment, machinery, apparatus, appurtenances, and

incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000, there are hereby authorized to be issued \$6,600,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said object or purpose is by the issuance of the \$6,500,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Calverton Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and

shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental

Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**CERTIFICATION**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF SUFFOLK         )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 17th day of March, 2009.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of March, 2009.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 19, 2009, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,  
March \_\_\_\_\_, 2009.

\_\_\_\_\_  
Diane M. Wilhelm  
Town Clerk

### BOND RESOLUTION DATED MARCH 19, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF CALVERTON SEWER DISTRICT , IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

<b>Specific object or purpose:</b>	Improvement of Calverton Sewer Treatment Plant
<b>Period of probable usefulness:</b>	Forty years
<b>Maximum estimated cost:</b>	\$6,500,000
<b>Amount of obligations to be issued:</b>	\$6,500,000 bonds
<b>SEQRA Status:</b>	Unlisted Action – SEQRA materials available in office of the Town Clerk for inspection during regular office hours.

# Adopted

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York in said Town, on March 19, 2009, at \_\_\_\_\_ o'clock P.M., Prevaling Time.

Councilperson DUNLEAVY offered the following resolution which was seconded by Councilperson WOOTEN  
PRESENT:

Philip Cardinale  
Supervisor

~~COUNCILWOMAN BLASS~~  
Councilman

~~\_\_\_\_\_~~  
Councilman

COUNCILMAN WOOTEN  
Councilman

\_\_\_\_\_  
Councilman

<p>In the Matter of The Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York</p>	<p>PUBLIC INTEREST ORDER</p>
---	------------------------------

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Defriest Pump Station, including, but not limited to wet wells, variable speed drive motors, pumps, generator, yard piping, building reconstruction, land acquisition and site improvement and, including original

furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000, and

WHEREAS, at a meeting of said Town Board duly called and held on March 3, 2009, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Riverhead Sewer District in said Town at a maximum estimated cost of \$6,500,000, and to hear all persons interested in the subject thereof concerning the same at the Riley Avenue Elementary School, in Calverton, New York, in said Town, on March 17, 2009 at 7:10 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Defriest Pump Station, including, but not limited to wet wells, variable speed drive motors, pumps, generator, yard piping, building reconstruction, land acquisition and site improvement and, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of \$6,500,000.

Section 2. This Order shall take effect immediately.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

\* \* \* \* \*

**BOND RESOLUTION**

At a special meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 19th day of March, 2009, at 4:00 o'clock P.M., Prevailing Time. The meeting was called to order by Supervisor Philip Cardinale, and upon roll being called, the following were

**PRESENT:**

Supervisor Philip Cardinale  
Councilwoman Barbara Blass  
Councilman Jim Wooten

**ABSENT:**

Councilman John Dunleavy

The following resolution was offered by Councilman ~~COUNCILMAN DUNLEAVY~~<sup>Blass</sup> who moved its adoption, seconded by Councilman COUNCILMAN WOOTEN to-wit:

THE VOTE  
Buckley \_\_\_ yes \_\_\_ no Wooten  yes \_\_\_ no  
Dunleavy \_\_\_ yes \_\_\_ no Blass  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

BOND RESOLUTION DATED MARCH 19, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE RIVERHEAD SEWER DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

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

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$6,500,000; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Defriest Pump Station, including, but not limited to wet wells, variable speed drive motors, pumps, generator, yard piping, building reconstruction, land acquisition and site improvement and, including original furnishings, equipment, machinery, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, at a maximum estimated cost of

\$6,500,000, there are hereby authorized to be issued \$6,500,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said specific object or purpose is by the issuance of the \$6,500,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Riverhead Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of

the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond, and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

**CERTIFICATION**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF SUFFOLK         )

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York (the "Issuer"), DO HEREBY CERTIFY:

1. That a meeting of the Issuer was duly called, held and conducted on the 17th day of March, 2009.
2. That such meeting was a **special regular** (circle one) meeting.
3. That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
4. That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
5. That all members of the Board of the Issuer had due notice of said meeting.
6. That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
7. That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this \_\_\_\_\_ day of March, 2009.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on March 19, 2009, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,  
March \_\_\_\_, 2009.

Diane M. Wilhelm  
Town Clerk

BOND RESOLUTION DATED MARCH 19, 2009.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$6,500,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE RIVERHEAD SEWER DISTRICT , IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

<b>Specific object or purpose:</b>	Reconstruction of DeFriest Pump Station.
<b>Period of probable usefulness:</b>	Forty years
<b>Maximum estimated cost:</b>	\$6,500,000
<b>Amount of obligations to be issued:</b>	\$6,500,000 bonds
<b>SEQRA Status:</b>	Unlisted Action - SEQRA materials available in office of the Town Clerk for inspection during regular office hours.

3/19/09

RESOLUTION AUTHORIZING CWSRF APPLICATION AND AGREEMENT FOR PROJECT FINANCING ADVANCED WASTEWATER TREATMENT FACILITY UPGRADE FOR COMPLIANCE WITH THE PECONIC ESTUARY TMDL RIVERHEAD SEWER DISTRICT

Resolution # 272 Adopted

Councilman COUNCILMAN WOOTEN offered the following resolution, which was seconded by

Councilman COUNCILWOMAN BLASS

WHEREAS, Town of Riverhead Sewer District

(Legal Name of Applicant)

herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as:

Advanced Wastewater Treatment Facility Upgrade for Compliance with the Peconic Estuary TMDL

(Description of Project)

and identified as CWSRF Project Number(s) C Pending, C

herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY

Riverhead Town Board as follows; (Governing Body of Applicant)

- 1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in

said application.

- 2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

Philip J. Cardinale (print name) Town Supervisor (print title)

- 3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
- 4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
- 5. This Resolution shall take effect immediately.

**CERTIFICATE OF RECORDING OFFICER**

The attached Resolution is a true and correct copy of Resolution No. 272 authorizing the execution and filing of an application and the execution and delivery of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the Riverhead Town Board (Name of Governing Body of the Applicant)

Duly held on the 19th day of March, 2009 ; and further that such Resolution has been fully recorded in the Official Minutes in my office. In witness whereof, I (Title of Record Book)

have hereunto set my hand at this 19th day of March, 2009 (month) (year)

Affix Seal here.

*Diane M. Wilhelm*  
(Signature of Recording Officer)

Diane M. Wilhelm, Town Clerk, Town of Riverhead  
(Title of Recording Officer)

THE VOTE  
 Buckley yes no Wooten yes no  
 Dunleavy yes no Blass yes no  
 Cardinale yes no  
 THE RESOLUTION WAS WAS NOT  
 THEREFORE DULY ADOPTED

3/19/09

**RESOLUTION AUTHORIZING CWSRF APPLICATION AND AGREEMENT  
FOR PROJECT FINANCING  
CALVERTON ADVANCED WASTEWATER TREATMENT FACILITY UPGRADE  
CALVERTON SEWER DISTRICT**

Resolution # 273  
Adopted \_\_\_\_\_

Councilman COUNCILWOMAN BLASS offered the following resolution, which was seconded by  
Councilman COUNCILMAN DUNLEAVY WOOTEN

**WHEREAS,** Calverton Sewer District

(Legal Name of Applicant)

herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as:

Calverton Advanced Wastewater Treatment Facility Upgrade

(Description of Project)

and identified as CWSRF Project Number(s) C 1-5123-06-00, C  
herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS,** the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS,** the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

**WHEREAS,** the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS,** the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS,** the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

**NOW, THEREFORE, BE IT RESOLVED BY**

Riverhead Town Board as follows;  
(Governing Body of Applicant)

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

Philip J. Cardinale

(print name)

Town Supervisor

(print title)

- 3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
- 4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
- 5. This Resolution shall take effect immediately.

**CERTIFICATE OF RECORDING OFFICER**

The attached Resolution is a true and correct copy of Resolution No. 273 authorizing the execution and filing of an application and the execution and delivery of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the Riverhead Town Board

(Name of Governing Body of the Applicant)

Duly held on the 19th day of March, 2009 ; and further that such Resolution has

(month) (year)

been fully recorded in the Official Minutes in my office. In witness whereof, I

(Title of Record Book)

have hereunto set my hand at this 19th day of March, 2009

(month) (year)

Affix Seal here.

(Signature of Recording Officer)

Diane M. Wilhelm, Town Clerk, Town of Riverhead

(Title of Recording Officer)

THE VOTE

~~Buckley~~ yes ~~no~~ Wooten yes ~~no~~  
Dunleavy yes ~~no~~ Blass yes ~~no~~  
Cardinale yes ~~no~~

THE RESOLUTION WAS ~~WAS NOT~~ THEREFORE DULY ADOPTED

3/19/09

RESOLUTION AUTHORIZING CWSRF APPLICATION AND AGREEMENT FOR PROJECT FINANCING RECONSTRUCTION OF THE DEFRIEST PUMP STATION RIVERHEAD SEWER DISTRICT

Resolution # 274 Adopted

Councilman COUNCILMAN DUNLEAVY WOOTEN offered the following resolution, which was seconded by

Councilman COUNCILMAN WOOTEN Blass

WHEREAS, Town of Riverhead Sewer District

(Legal Name of Applicant)

herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as:

Reconstruction of the DeFriest Pump Station

(Description of Project)

and identified as CWSRF Project Number(s) C Pending, C

herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

WHEREAS, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

WHEREAS, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

WHEREAS, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

WHEREAS, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

WHEREAS, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

NOW, THEREFORE, BE IT RESOLVED BY

Riverhead Town Board as follows; (Governing Body of Applicant)

- 1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

Philip J. Cardinale

(print name)

Town Supervisor

(print title)

- 3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
- 4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
- 5. This Resolution shall take effect immediately.

**CERTIFICATE OF RECORDING OFFICER**

The attached Resolution is a true and correct copy of Resolution No. 274 authorizing the execution and filing of an application and the execution and delivery of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the Riverhead Town Board  
(Name of Governing Body of the Applicant)

Duly held on the 19th day of March, 2009; and further that such Resolution has  
(month) (year)  
been fully recorded in the Official Minutes in my office. In witness whereof, I  
(Title of Record Book)

have hereunto set my hand at this 19th day of March, 2009.  
(month) (year)

Affix Seal here.

(Signature of Recording Officer)

Diane M. Wilhelm, Town Clerk, Town of Riverhead

(Title of Recording Officer)

THE VOTE

Buckley yes ~~no~~ Wooten  yes ~~no~~

Dunleavy yes ~~no~~ Blass  yes ~~no~~

Cardinale  yes ~~no~~

THE RESOLUTION  WAS ~~WAS NOT~~  
THEREFORE DULY ADOPTED

Adopted

3/19/09

**RESOLUTION AUTHORIZING CWSRF APPLICATION AND AGREEMENT FOR PROJECT FINANCING HOWELL AVENUE PUMP STATION RECONSTRUCTION RIVERHEAD SEWER DISTRICT**

Resolution # 275  
Adopted \_\_\_\_\_

Councilman COUNCILMAN ~~WOOTEN~~ <sup>Blass</sup> offered the following resolution, which was seconded by Councilman COUNCILWOMAN ~~Blass~~ <sup>WOOTEN</sup>

**WHEREAS, Town of Riverhead Sewer District**

(Legal Name of Applicant)

herein called the "Applicant", after thorough consideration of the various aspects of the problems and study of available data, has hereby determined that the project generally described as:

Howell Avenue Pump Station Reconstruction

(Description of Project)

and identified as CWSRF Project Number(s) C Pending, C herein called the "Project", is desirable and in the public interest, and to that end it is necessary that action preliminary to the construction of said Project be taken immediately; and

**WHEREAS**, the United States, pursuant to the Federal Water Quality Act of 1987 (as such may be amended from time to time, the "Water Quality Act"), requires each State to establish a water pollution control revolving fund to be administered by an instrumentality of the state before the state may receive capitalization grants under the Water Quality Act; and

**WHEREAS**, the State of New York has, pursuant to the State Water Pollution Control Revolving Fund Act, Chapter 565 of the Laws of New York 1989, as amended (the "CWSRF Act") established in the custody of the New York State Environmental Facilities Corporation (the "Corporation") a water pollution control revolving fund (the "Fund") to be used for purposes of the Water Quality Act; and

**WHEREAS**, the Corporation has been created, reconstituted and continued pursuant to the New York State Environmental Facilities Corporation Act, as amended, being Chapter 744 of the Laws of 1970, as amended, and constituting Title 12 of Article 5 of the Public Authorities Law and Chapter 43-A of the Consolidated Laws of the State of New York, and constitutes a public benefit corporation under the laws of the State of New York, being a body corporate and politic with full and lawful power and authority to provide financial assistance from the Fund; and

**WHEREAS**, the Corporation has the responsibility to administer the Fund and to provide financial assistance from the Fund to municipalities for eligible projects, as provided in the CWSRF Act; and

**WHEREAS**, the CWSRF Act authorizes the establishment of a program for financial assistance for planning, design and construction of eligible projects;

**NOW, THEREFORE, BE IT RESOLVED BY**

Riverhead Town Board as follows;  
(Governing Body of Applicant)

1. The filing of an application for CWSRF assistance in the form required by the Corporation in conformity with the CWSRF Act is hereby authorized, including all understandings and assurances contained in said application.

2. The following person is directed and authorized as the official representative of the Applicant to execute and deliver an application for CWSRF assistance, to execute and deliver the Project financing agreement and any other documents necessary to receive financial assistance from the Fund for the Project, to act in connection with the Project and to provide such additional information as may be required and to make such agreements on behalf of the Applicant as may be required:

Philip J. Cardinale

(print name)

Town Supervisor

(print title)

- 3. The official designated above is authorized to make application for financial assistance under the CWSRF Program for either short-term or long-term financing or both.
- 4. One (1) certified copy of this Resolution shall be prepared and sent to the **New York State Environmental Facilities Corporation, 625 Broadway, Albany, New York 12207-2997.**
- 5. This Resolution shall take effect immediately.

**CERTIFICATE OF RECORDING OFFICER**

The attached Resolution is a true and correct copy of Resolution No. 275 authorizing the execution and filing of an application and the execution and delivery of a Project financing agreement and other documents necessary for CWSRF assistance, as regularly adopted at a legally convened meeting of the Riverhead Town Board  
(Name of Governing Body of the Applicant)

Duly held on the 19th day of March, 2009 ; and further that such Resolution has  
(month) (year)  
been fully recorded in the Official Minutes in my office. In witness whereof, I  
(Title of Record Book)

have hereunto set my hand at this 19th day of March, 2009  
(month) (year)

Affix Seal here.

(Signature of Recording Officer)

Diane M. Wilhelm, Town Clerk, Town of Riverhead

(Title of Recording Officer)

THE VOTE

Buckley    yes    no    Wooten    yes    no  
Dunleavy    yes    no    Blass    yes    no  
Cardinale    yes    no

THE RESOLUTION    WAS    WAS NOT  
THEREFORE DULY ADOPTED

# Adopted

March 19, 2009

TOWN OF RIVERHEAD

Resolution # 276

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR PUBLIC INFORMATION AND COMMENT HEARING REGARDING RIVERSIDE DRIVE, RIVERHEAD, NEW YORK**

~~COUNCILWOMAN BLASS~~ <sup>Woot</sup> offered the following resolution, was seconded by

~~COUNCILMAN DUNLEAVY~~ <sup>Blass</sup>

**WHEREAS**, residents of Riverside Drive, as well as the Traffic and Safety Committee which was organized to promote safety on the streets of Riverhead by recommending solutions to traffic issues, have expressed concerns over traffic conditions along Riverside Drive; and

**WHEREAS**, among such concerns is the back-up of traffic due to the use of Riverside Drive as a cut through from Route 105 into downtown Riverhead, as well as speed concerns especially in the area of the curve of roadway traveling west to Corwell Avenue; and

**WHEREAS**, a possible solution to the above concerns could be the closure of approximately 100 feet of Riverside Drive from Route 105, as well as the painting of stripes along said curve and a possible reconfiguration of said curve; and

**WHEREAS**, the Town of Riverhead would like to provide a forum for the public to voice questions, comments or concerns; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Clerk be and is hereby authorized to publish the attached public notice once in the March 26, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to also cause a copy of the Public Notice for a Public Information and Comment Hearing regarding Riverside Drive, Riverhead New York, to be posted on the sign board of the Town; and be it further

**RESOLVED**, that all Town Departments may obtain a copy of this Resolution from e-cabinet.

WOOTEN  YES  NO DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public information and comment hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York 11901, on the 31<sup>st</sup> day of March, 2009 at 6:00 o'clock p.m. to consider traffic and safety concerns on Riverside Drive, Riverhead, New York.

Dated: Riverhead, New York  
March 19, 2009

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

**DIANE M. WILHELM, Town Clerk**

March 17, 2009

# Tabled

TOWN OF RIVERHEAD

Resolution # 220

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 105 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "WATER"**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by COUNCILMAN WOOTEN :

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the March 26, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 105 entitled "Water", of the Riverhead Town Code, and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Planning Department, the Building Department, the Water District and the Office of the Town Attorney.

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

# Adopted

on 3/19/09 at a Special Town Board Meeting.  
Councilwoman Barbara Blass offered the resolution to be UNTABLED and offered at the same time on the same vote for ADOPTION.  
Councilman Jim Wooten seconded.

THE VOTE: Wooten, yes; Blass, yes; Cardinale, yes.  
The resolution was ADOPTED unanimously.

**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 7<sup>th</sup> day of April, 2009 at 2:10 p.m. o'clock p.m. to consider a local law amending Chapter 105 entitled "Water", of the Riverhead Town Code as follows:

CHAPTER 105  
WATER

SEE CHART ATTACHED

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

Dated: Riverhead, New York  
March 17, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TONW OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TABLE NO. 11

(Revised March 2009)

RIVERHEAD WATER DISTRICT  
EVALUATION OF KEY MONEY FEES

PROPOSED DEVELOPMENT CATEGORIES FOR KEY MONEY ASSESSMENTS

PROPERTY LANDUSE/DEVELOPMENT CATEGORY	TO BE ASSESSED KEY MONEY FEE	ASSESSMENT METHOD
<b>A. Outside of District Boundaries</b>		
1. Single Lot - Residential Existing or Proposed	Yes	\$7,120/unit
2. All Residential Developments	Yes	\$7,120/unit
3. All Commerical and Retail	Yes	\$10.70/gallon water use est. <sup>(1)</sup>
<b>B. Inside District Boundaries</b>		
1. Existing Single Lot Residential (private well to public water)	No	---
2. Existing Vacant Single Lot Residential	No	---
3. Vacant to Minor Subdivision - Residential	No	---
4. Vacant to Major Subdivision Residential	Yes	\$6,052/unit
5. Vacant to Commercial	Yes	\$9.10/gallon water use est. <sup>(1)</sup>
6. Existing Commerical - Change In Use (no change increase in water service size usage)	No	---
7. Existing Commerical - Change or Expansion in Use (requiring change increase in water service size usage)	Yes	\$9.10/gallon
		water use est. minus credit for existing water use est.(1) for previous use

**NOTES:**

<sup>(1)</sup> - Water Use estimate to be based on SCDHS standards for on-site septic system design plus an irrigation factor based on square footage of landscaping times a 1" per week irrigation rate as per Cornell Cooperative Extension recommendations.

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

March 17, 2009

# Tabled

## TOWN OF RIVERHEAD

Resolution # 205

### APPOINTS A DEPUTY TOWN CLERK

COUNCILWOMAN BLASS offered the following  
resolution, which was seconded by COUNCILMAN DUNLEAVY

**WHEREAS**, the Town Clerk has requested that this Board appoint a Deputy Town Clerk in order to more effectively serve the public.

**NOW, THEREFORE, BE IT RESOLVED**, that effective today, March 17, 2009 Juliann O'Neill is hereby appointed to the position of Deputy Town Clerk; and

**BE IT FURTHER, RESOLVED**, that the Supervisor be and is hereby authorized to amend the Deputy Town Clerk's salary to include \$2,500.00 stipend.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Juliann O'Neill, the Office of the Town Clerk, the Accounting Office, and the Personnel Officer.

### THE VOTE

Wooten **Yes** No

Dunleavy **Yes** No

Blass **Yes** No

Cardinale **Yes** No

THE RESOLUTION  WAS  WAS NOT

**THEREFORE DULY ADOPTED**

\*See attached amended ADOPTED resolution

March 17, 2009

**TOWN OF RIVERHEAD**

**Resolution #** 205

**APPOINTS A DEPUTY TOWN CLERK**

Councilman Jim Wooten offered the following  
resolution, which was seconded by Councilwoman Barbara Blass

**WHEREAS**, the Town Clerk, an elective position pursuant to Town Law §20, has requested that this Board appoint a Deputy Town Clerk, to assist the Town Clerk to more effectively serve the public.

**NOW, THEREFORE, BE IT RESOLVED**, that effective today, March 19, 2009 Juliann O'Neill is hereby appointed to the position of Deputy Town Clerk; and

**BE IT FURTHER, RESOLVED**, that the Supervisor be and is hereby authorized to amend Ms. O'Neill's salary, upon filing the requisite oath of office to accept the position of Deputy Town Clerk, to include \$2,500.00 stipend.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution of Juliann O'Neill, the Office of the Town Clerk, the Accounting Office, and the Personnel Officer.

**THE VOTE**

Wooten Yes No      Dunleavy ~~Yes~~ ~~No~~ absent  
Blass Yes No      Cardinale Yes No

THE RESOLUTION ✓ WAS        WAS NOT

**THEREFORE DULY ADOPTED**

**Adopted**

on 3.19.09 Special Town Board Meeting with amendments  
Councilman Jim Wooten offered the resolution to be UNTABLED  
and offered, with amendements, at the same time on the same  
vote for ADOPTION.  
Councilwoman Barbara Blass seconded.  
THE VOTE: Wooten, yes; Blass, yes; Cardinale, yes.  
The amended resolution was ADOPTED unanimously

Adopted

March 19, 2009

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**RESOLUTION # 8**

**AUTHORIZES CHAIRMAN TO EXECUTE LEASE BETWEEN  
RIVERHEAD COMMUNITY DEVELOPMENT AGENCY AND  
CALVERTON SEWER DISTRICT**

Councilperson ~~COUNCILWOMAN BLASS~~ offered the following resolution which was  
seconded by Councilperson ~~COUNCILMAN DUNLEAVY~~ **WOOTEN**

WHEREAS, the economic development and revitalization of the Enterprise Park  
at Calverton (EPCAL) requires improvement to the Calverton Sewer District; and

WHEREAS, it is in the interest of the Riverhead Community Development  
Agency to foster and encourage economic revitalization at EPCAL; and

WHEREAS, it is necessary for the Riverhead Community Development Agency  
to lease the property as described in Exhibit A to the Calverton Sewer District.

NOW, THEREFORE, BE IT RESOLVED, that the Community Development  
Chairman be and hereby is authorized to execute the attached lease and execute any and  
all other recording documents; and

BE IT FURTHER RESOLVED, that copy of this resolution be forwarded to the  
Accounting Office, H2M, Michael Reichel, Chris Kempner, Frank Isler, Riverhead  
Planning Board, and Town Attorney.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE CALVERTON  
SEWER DISTRICT

THE VOTE

Buckley	<input type="checkbox"/> yes	<input type="checkbox"/> no	Wooten	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Dunleavy	<input type="checkbox"/> yes	<input type="checkbox"/> no	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## LEASE AGREEMENT

Lease agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2009 between the Riverhead Community Development Agency with offices at 200 Howell Avenue, Riverhead, New York (Lessor) and Calverton Sewer District with offices at 200 Howell Avenue, Riverhead, New York (Lessee).

Whereas, a properly functioning sewage treatment and collection system is necessary for the orderly revitalization of the former Naval production plant at Calverton, and

Whereas, the Calverton Sewer District is proposed to be upgraded to meet improved treatment standards which would include the construction of a groundwater exchange field on the premises leased herein, and

Whereas, the Calverton Sewer District is making application to the Environmental Facilities Corporation for a construction grant, which application requires the District to certify that it has a legal and valid estate in the site of the project including necessary easements and rights of way.

Now, therefore, in consideration of the mentioned premises and \$10.00 ten dollars good and valuable consideration, the receipt of which is hereby acknowledged, that Lessor hereby leases and demises the premises described herein as Exhibit A to Lessee along with a Right of Way for vehicular access and utility easement as more particularly set forth.

This lease shall commence immediately. The useful life of the improvements contemplated herein is forty (40) years pursuant to section 10.4 of the Local Finance Law of the State of New York. Therefore, the term of this lease shall be fifty (50) years to allow for construction of the improvements contemplated.

Lessor may modify this lease to accommodate the actual use of the property as facilities are constructed and in the event facilities are not constructed in five (5) years, this lease shall terminate.

Rent shall be \$1.00 one dollar per year. Lessee shall pay as due all property taxes, special assessments, fees and charges of any nature resulting from Lessee's use and occupancy of the premises.

This lease may be recorded with the Suffolk County Clerk by lessee.

Lessor is the owner of property adjacent to the premises hereby leased which can provide necessary access and utility easements to NYS Route 25, Swan Pond Road (Grumman Boulevard) and Jan Way as shown on the subdivision map of Calverton Camelot II. A portion of this adjacent property is subject to a certain contract of sale dated October 2, 2007 by and between the Riverhead CDA, Lessor herein, and REPCAL LLC. The access and utility easement granted by this lease shall be developed in accordance with the access and utility easement provisions contained in Article 26 of that agreement.

LESSOR:  
RIVERHEAD COMMUNITY DEVELOPMENT  
AGENCY

---

PHILIP J. CARDINALE, CHAIRMAN

LESSEE:  
CALVERTON SEWER DISTRICT

---

PHILIP J. CARDINALE, TOWN SUPERVISOR



## EXHIBIT A

Beginning at the point and or place of Beginning, said point being the following courses and distances from the intersection of the easterly line of Wading River Manorville Road and the Southerly line of State Route 25 (aka Middle Country Road); Along the southerly line of State Route 25 (aka Middle Country Road) North  $53^{\circ}57'26''$  East, a distance of 153.37 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 407.82 feet along the curve concave to the northwest, having a radius of 5769.65 feet and a central angle of  $4^{\circ}03'00''$ ; thence North  $49^{\circ}54'26''$  East tangent to said curve, a distance of 880.00 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 254.39 feet along the curve concave to the southeast, having a radius of 1392.69 feet and a central angle of  $10^{\circ}27'57''$ ; thence North  $60^{\circ}22'23''$  East tangent to said curve, a distance of 2370.70 feet to the beginning of a curve tangent to said line; thence northeasterly a distance of 304.56 feet along the curve concave to the southeast, having a radius of 5689.65 feet and a central angle of  $3^{\circ}04'01''$ ; thence North  $63^{\circ}26'24''$  East tangent to said curve, a distance of 345.60 feet to the beginning of a curve tangent to said line; thence northeasterly and easterly a distance of 276.39 feet along the curve concave to the southeast, having a radius of 2252.01 feet and a central angle of  $7^{\circ}01'55''$ ; thence North  $70^{\circ}28'19''$  East tangent to said curve, a distance of 874.40 feet to the beginning of a curve tangent to said line; thence easterly and northeasterly a distance of 758.55 feet along the curve concave to the northwest, having a radius of 5769.65 feet and a central angle of  $7^{\circ}31'58''$ ; thence North  $62^{\circ}56'21''$  East tangent to said curve, a distance of 537.40 feet to the beginning of a curve tangent to said line; thence northeasterly and easterly a distance of 273.06 feet along the curve concave to the southeast, having a radius of 1870.08 feet and a central angle of  $8^{\circ}21'58''$ ; thence North  $71^{\circ}18'19''$  East tangent to said curve, a distance of 484.30 feet to the beginning of a curve tangent to said line; thence easterly a distance of 334.34 feet along the curve concave to the south, having a radius of 5689.65 feet and a central angle of  $3^{\circ}22'01''$ ; thence North  $74^{\circ}40'19''$  East tangent to said curve, a distance of 2552.80 feet to the beginning of a curve tangent to said line; thence easterly a distance of 622.32 feet along the curve concave to the south, having a radius of 5689.65 feet and a central angle of  $6^{\circ}16'01''$ ; thence North  $80^{\circ}56'20''$  East tangent to said curve, a distance of 1395.90 feet to the beginning of a curve tangent to said line; thence easterly a distance of 525.22 feet along the curve concave to the north, having a radius of 11499.19 feet and a central angle of  $2^{\circ}37'01''$ ; thence North  $78^{\circ}19'19''$  East tangent to said curve, a distance of 0.00 feet; thence North  $80^{\circ}10'09''$  East, a distance of 535.75 feet; thence North  $88^{\circ}00'13''$  East, a distance of 1592.18 feet; thence North  $88^{\circ}34'37''$  East, a distance of 1511.20 feet to the land of Eastern Property Management; thence along the land of Eastern Property Management and then along the land of Calverton Industries LLC the following three courses and distances (1) South  $05^{\circ}43'17''$  East, a distance of 2164.07 feet; thence (2) North  $86^{\circ}48'00''$  East, a distance of 321.08 feet; thence (3) South  $06^{\circ}34'40''$  East, a distance of 503.88 to a monument and the Point and or Place of Beginning. Running thence from said Point and or Place of Beginning along the land of Calverton Industries LLC, Main Road Associates, and Andrew Korus et al, North  $83^{\circ}46'40''$  East, a distance of 1628.84 feet; to a monument and the land of Green Meadows LLC, thence along the land of Green Meadows LLC South  $06^{\circ}14'40''$  East, a distance of 359.83' to the land of the Riverhead Community Development Agency; Thence along the land of the Riverhead Community Development Agency the following Two (2) courses and distances, (1) South  $71^{\circ}01'00''$  West, a distance of 1826.75' thence (2) North  $06^{\circ}14'40''$  West, a distance of 780.00' to the southerly line of "Navy Retained Parcel D" and

thence along the southerly line of "Navy Retained Parcel D" North 90°00'00" East, a distance of 153.85' to the Point and or Place of Beginning. Containing 23.0003 Acres.

Together with a Right of Way for ingress and egress and a utility easement for water, sewer, electric, telephone and all other underground utilities and appurtenances over other adjacent lands of Lessor to provide adequate legal access to NYS Route 25, Swan Pond Road (Grumman Boulevard) and Jan Way for the benefit of the property hereby leased. This general Right of Way shall be amended to a specific location during the subdivision review of the REPCAL LLC application as reviewed and approved by the Riverhead Planning Board or such other subdivision review of the adjacent lands of the Lessor.

SPECIAL TOWN BOARD MEETING

MARCH 19, 2009

The Special Town Board Meeting was called by Supervisor Cardinale at 5:08 P.M.

Present: Supervisor Cardinale  
Councilwoman Blass  
Councilman Wooten

Also Present: Town Clerk, Diane M. Wilhelm

Supervisor Cardinale: We are ready to begin our Special Town Board Meeting of March 19<sup>th</sup> to pick up a few Tabled Motions from the 17<sup>th</sup> and to and to pass 1,2,3,4,5,6,7,8, 9 resolutions that are related to the hearings we had on the 17<sup>th</sup> and they are time sensitive. So, without further adieu could you call the Town Board resolutions first and then we'll come back and adjourn the Town Board meeting and close it and open the CDA.

Resolution #268

Jim Wooten: Authorizes the Supervisor to Execute a Lease Riverhead Community Development Agency and the Calverton Sewer District. So moved.

Barbara Blass: And seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #269

Barbara Blass: (inaudible discussion) In the matter of the Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York. So moved.

Jim Wooten: Seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #270

Jim Wooten: Resolution In the matter of the Increase and Improvement of Facilities of the Calverton Sewer District in the Town of Riverhead, Suffolk County. So moved.

Barbara Blass: And seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #271

Barbara Blass: Public Interest Order In the matter of the Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York. So moved.

Jim Wooten: Seconded

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #272

Jim Wooten: Authorizing CWSRF Application and Agreement for Project Financing Advanced Wastewater Treatment Facility Upgrade for Compliance with the Peconic Estuary TMDL Riverhead Sewer District. So moved.

(inaudible discussion)

Barbara Blass: And seconded

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #273

Barbara Blass: The resolution Authorizes CWSFR Application and Agreement for Project Financing for the Calverton Advanced Wastewater Treatment Facility Upgrade Calverton Sewer District. So moved.

Jim Wooten: Seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #274

Jim Wooten: Authorizing CWSRF Application and Agreement for Project Financing Reconstruction for the DeFriest Pump Station Riverhead Sewer District. So moved.

Barbara Blass: And seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #275

Barbara Blass: Resolution Authorizing CWSRF Application and Agreement for Project Financing for the Howell Avenue Pump Station Reconstruction Riverhead Sewer District. So moved.

Jim Wooten: Seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Resolution #276

Jim Wooten: Authorizes the Town Clerk to Publish and Post a Public Notice for Public Information and Comment Hearing Regarding Riverside Drive, Riverhead, New York. So moved.

Barbara Blass: And seconded.

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

TABLED Res. #220

Barbara Blass: Can we take it off the table and move it in the same breath?

Supervisor Cardinale: yes.

Barbara Blass: I'd like to untable and move resolution #220 which authorizes the Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 105 of the Code of the Town of Riverhead Entitled "Water".

Jim Wooten: And I'll second.

Supervisor Cardinale: Moved and seconded to untable and to vote. Could we have a vote please?

Diane Wilhelm: yes

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution is adopted.

TABLED Res. #205

Jim Wooten: Same thing, Could I also remove the, untable and make the motion to appoint a Deputy Town Clerk Town of Riverhead. So moved.

Barbara Blass: And seconded.

Supervisor Cardinale: Moved and seconded to untable and vote.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution is adopted.

Diane Wilhelm: and that's all for the regular.

Supervisor Cardinale: That is it for the resolutions to be considered (inaudible discussion) Open a CDA meeting for one resolution, which is now being held at 5:11 (P.M.) Would you call the CDA resolution please?

(CDA) Resolution #8

Barbara Blass: Authorizes the Chairman to execute a lease between the Riverhead Community Development Agency and the Calverton Sewer District. So moved.

Jim Wooten: Seconded

Supervisor Cardinale: Moved and seconded, the vote please.

The Vote: Wooten, yes; Blass, yes; Cardinale, yes; Resolution adopted.

Supervisor Cardinale: So that concludes the CDA meeting and we are through here for the day. Thank you for being here for 8 hours and I will be you tomorrow.

Meeting Adjourned: 5:12 P.M.