

## RESOLUTIONS

### SPECIAL TOWN BOARD MEETING JANUARY 26, 2006

- Res. #78 Water District Short Term Capacity Improvements Capital Project Budget Adoption
- Res. #79 Carrera Water Ext. Budget Adoption
- Res. #80 General Fund Budget Adjustment
- Res. #81 Authorizing Additional Payment Pursuant to Section 303 of the New York State Eminent Domain Procedure Law in Connection with the Condemnation of 210 Court Street , SCTM #0600-128-03-010
- Res. #82 Setting Terms and Conditions of Employment for Harold Steuerwald, Deputy Town Attorney
- Res. #83 Reappoint Town Historian (Georgette Case)
- Res. #84 Salary Increase of Town board Coordinator (Susan Herd)
- Res. #85 Ratify Appointment of P/T Account Clerk Typist (Catherine Brown)
- Res. #86 Appoint Freedom of Information Law (FOIL) Officer (Tina Loschiavo)
- Res. #87 Approves Stipulation of Agreement
- Res. #88 Determines a Veterinary Office to be Defined as a Professional Office
- Res. #89 Reduces Suffolk County National Bank Certificate of Deposit of Hartill Contracting Inc. ("Kelbridge Meadows")
- Res. #90 Approves Vigilant General contractors as Drainlayer for Riverhead Sewer District
- Res. #91 Classifies Action and Refers Special Permit Petition of Alla Ballreich (Panasyuk) to the Planning Board
- Res. #92 Authorizes the Creation and Appointment of Member to an Anti-Litter Advisory Committee
- Res. #93 Authorizes Sewer District Employee to Attend Course (Michael Reichel-April 3-7, 2006)
- Res. #94 Authorizes Sewer District Employee to Attend Course (Michael Reichel-April 24-27, 2006)
- Res. #95 Approves Site Plan of South Bay sports (Vertical Line Apparel, Inc.)

# Adopted

TOWN OF RIVERHEAD

WATER DISTRICT SHORT TERM CAPACITY IMPROVEMENTS CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 78

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

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

		<u>FROM</u>	<u>TO</u>
406.099010.482220.30073	Transfer from Repair & Maintenance	1,147,000	
406.083200.523000.30073	Construction		950,000
406.083200.543501.30073	Engineering		140,000
406.083200.543315.30073	Legal		10,000
406.083200.547900.30073	Contingency		47,000

THE VOTE

Bartunek  Yes  No      Dunleavy  Yes  No *absent*  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

Adopted

TOWN OF RIVERHEAD

CARRERA WATER EXT.

BUDGET ADOPTION

RESOLUTION # 79

COUNCILMAN BARTUNEK offered the following resolution,  
which was seconded by COUNCILMAN DENSIESKI

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.60087	Developer Fees	3,500	
406.083200.543501.60087	Engineering Expenses		3,500

THE VOTE

Bartunek  Yes  No

Dunleavy  Yes  No *absent*

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

JANUARY 26, 2006

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 80

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

	<u>FROM</u>	<u>TO</u>
001.071100.542512 Parks, Signage Exp	750	
001.071800.542512 Beaches, Signage Exp		750
001.076200.545000 Adult Rec, Rental Exp	1300	
001.071400.524000 Playground & Rec Center, Equipment		1300
001.076200.545000 Adult Rec, Rental Exp	1000	
001.071100.524000 Parks, Equipment		1000
001.076200.545000 Adult Rec, Rental Exp	1000	
001.070200.524000 Rec Admin, Equip		1000
001.071400.542112 Rec Centers, Program Supplies	650	
001.071400.523000 Rec Centers, Cap Impr		650
001.011100.542100 Town Justice, Misc. Supplies	500	
001.011100.524000 Town Justice, Equipment		500

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

Adopted

01/26/06

TOWN OF RIVERHEAD

Resolution # 811

AUTHORIZING ADDITIONAL PAYMENT PURSUANT TO SECTION 303 OF THE  
NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION  
WITH THE CONDEMNATION OF 210 COURT STREET,  
SCTM 0600-128-03-010

COUNCILWOMAN BLASS offered the following resolution, was seconded  
by COUNCILMAN BARTUNEK :

WHEREAS, the Town has acquired title through eminent domain to the following parcel:

210 Court Street, Riverhead, New York  
(Clubhouse of Suffolk)  
0600-128-03-010; and

WHEREAS, advance payment has been made to the former owner of the parcel; and

WHEREAS, the appraisal of this property has been updated to establish the value as of the date title vested in the Town; and

NOW BE IT RESOLVED, that the Town Board hereby authorizes that the following additional payment be made to the former owner, together with interest from December 12, 2002:

210 Court Street, Riverhead, New York                      \$ 155,000  
(Clubhouse of Suffolk)  
0600-128-03-010

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; the Town Attorney; John H. Hansen, and Andrea Lohneiss.

THIS RESOLUTION WAS PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD TOWN BOARD.

THE VOTE  
Dunleavy <sup>absent</sup>  yes  no Bartunek  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no  
THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## TOWN OF RIVERHEAD

Resolution # 82

### SETTING TERMS AND CONDITIONS OF EMPLOYMENT FOR HAROLD STEUERWALD, DEPUTY TOWN ATTORNEY

COUNCILMAN BARTUNEK offered the following resolution,  
which was seconded by COUNCILMAN DENSIESKI.

BE IT RESOLVED, THAT the terms and conditions of employment of Harold Steuerwald, Deputy Town Attorney ("the Employee") shall, effective February 20, 2006, be as follows:

#### TERM

1. These terms and conditions of employment shall continue in full force and effect until subsequently altered by Town Board resolution.
2. The employee is employed at the will of the Town Board and for no specific term or duration, except as otherwise provided by law.

#### HOURS OF WORK

1. The employee's minimum basic work week shall be 35 hours. There shall be no maximum number of hours of work per week. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2004-2007 CSEA collective bargaining agreement,
3. (a) Five (5) days of personal leave will be granted.  
  
(b) Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.  
  
(c) Personal leave must be approved by the Town Supervisor. The employee must request such leave at least forty eight (48) hours in advance unless the personal leave is deemed to be an emergency of which the employee had no prior knowledge, in which case the employee must notify the Town Supervisor or designee of such absence. Failure to notify the Town Supervisor or designee of the absence will result in loss of pay for the day's absence.
4. Funeral Leave. The employee shall be entitled to four (4) consecutive working days

leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

5. Jury Service. The employee will be paid the employee's regular salary while performing jury service upon documentary proof being filed with the Town Supervisor. The employee shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by the employee.

6. Court Appearance. The employee's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. The employee shall not lose any salary therefrom.

7. Parentage Leave. The employee shall receive a parentage leave as defined in the 2004-2007 CSEA contract, Article III, Section 5.

### VACATIONS

1. The employee shall be entitled to 15 working days' of vacation (January 1 to December 31) per annum.

2. The employee, upon request, shall be paid the employee's vacation pay prior to the vacation, providing the employee shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, the employee shall be compensated, in cash, for any accumulated vacation.

4. The employee may carry over any unused vacation days from one (1) year into the following year, but in no event shall the employee carry over more than sixty (60) vacation days from one year to the next.

5. The employee, at the employee's option, shall be entitled to make an election to work the current year's allotted vacation time. The employee must provide written notification to the Supervisor of the exercising of this option not fewer than thirty (30) days prior to the date of which payment is requested. The Supervisor is to acknowledge receipt of this notification to the payroll personnel prior to payment. Payment is to be processed during the next overtime run. Payment will be the same method as outlined in the 2002-2004 Superior Officers' Contract, Article IX, Section C, except that the buyback shall be in blocks of three days per month.

### SICK LEAVE

1. Sick leave is absence necessitated by the employee's illness or other physical

disability. Sick leave will be accumulated at the rate of 10.5 hours per month, up to a total accumulated sick leave of 2100 hours. After 2100 hours, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, the employee shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination the employee before the employee's return to work.

2. The employee, or legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be paid in a lump sum the value of the employee's accumulated and unused sick leave to the extent of one hundred (100%) percent of the first 1960 hours thereof.

3. The employee may elect to reduce the sick time accrued under paragraph "1" one by filing a written election with the Supervisor one (1) month prior to payment. Buy-out shall be in lots of 35 hours. No buy-out shall be permitted unless, at the time of election, the employee has accumulated at least 70 hours. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work year. If the employee "buys-out" sick leave, the employee shall be permitted to reaccumulate sick days to a maximum of 2100 hours.

4. If the employee falls ill while on vacation then, upon presentation of a medical certificate certifying that the employee was confined to bed for more than five (5) working days during the vacation, may charge this illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

### HEALTH INSURANCE

~~1. The Town shall reimburse the employee for the cost of health insurance premiums paid by her to the County of Suffolk to maintain coverage obtained through prior employment with the County, but only to the amount that it would cost the Town for family coverage for hospitalization under the Town Health Insurance Program.~~

2. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. The Town will offer a Universal Life Insurance policy, a disability insurance policy or participation in the New York State deferred compensation program. The employee may, at the employee's option, choose the life insurance, the disability insurance or the deferred

compensation program, or any combination thereof. The cost of these policies to the Town may not exceed \$2,500.00. Any additional cost may be supplemented by the employee via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

5. The employee, at the employee's option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650.00 if the employee changes from family to no coverage; \$900 if the employee changes from family to individual coverage; \$750 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if the employee changes from family to no coverage; \$150 if the employee changes from family to individual coverage; \$80 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. The employee must sign an application form each year and said application shall include an acknowledgment that the employee is covered under another plan.

### GENERAL PROVISIONS

1. The Town agrees to provide legal counsel to defend the employee in any action arising out of an assault on the employee on Town business, and the Town hereby agrees to defend, indemnify, and hold the employee harmless for any and all acts performed for the Town, its agents and employees, provided the employee was acting within the scope of employment. In the event that the employee is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then the employee shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided the employee is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If the employee is injured or assaulted in the course of employment, the employee shall receive full salary until such time as the employee's application for reinstatement to full duty status, or, in the event of permanent disability, the employee's application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If the employee is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from his sick leave for such injury. If the employee receives a compensation check for lost time due to a compensable injury, the employee shall endorse the employee's check over to the Town. The above shall apply if the employee was acting within the scope of employment.

3. A leave of absence, without pay, may be granted to the employee in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If the employee is absent without leave or without due notification to the Supervisor, the employee shall suffer loss of pay for the days of such absence.

5. The employee will be paid every two (2) weeks on Thursday of the latter week.

6. Upon the employee's request to examine the employee's official employment personnel file, the employee may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by the employee, but the employee shall have an opportunity to read said material and make a written reply, which shall be inserted in the personnel folder.

7. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for the employee.

8. The Town will provide a college and/or post-graduate incentive program for courses approved by the Town Board. The Town will reimburse the employee the tuition cost on a grade related basis. A grade of "A" will receive seventy five (75%) percent of the tuition cost. A grade of "B" will receive fifty (50%) percent of the tuition cost. A grade of "C" will receive twenty five (25%) percent of the tuition cost. Payment will only be made upon submission of voucher and proof of grade.

WAGES

The employee shall receive the following annual salary:  
February 20, 2006 \$75,000. (Prorated)

THE VOTE  
Dunleavy <sup>absent</sup>  yes  no Bartunek  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no  
THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

January 26, 2006

Adopted

TOWN OF RIVERHEAD  
REAPPOINT TOWN HISTORIAN

RESOLUTION # 83

COUNCILMAN DENSIESKI offered the following Resolution which  
was seconded by COUNCILMAN BARTUNEK.

BE IT RESOLVED, that Georgette Case be, and is hereby, re-appointed to the position of Town Historian for the year 2006 at an annual salary of \$4,500 to be paid biweekly; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a certified copy of this resolution to Georgette Case and the Office of Accounting.

THE VOTE

*absent*  
Dunleavy  Yes  No      Bartunek  Yes  No  
Blass  Yes  No      Densieski  Yes  No  
Cardinale  Yes  No

JANUARY 26, 2006

Adopted

TOWN OF RIVERHEAD

SALARY INCREASE OF TOWN BOARD COORDINATOR

RESOLUTION # 84

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Board wishes to increase the salary of an exempt employee.

NOW, THEREFORE BE IT RESOLVED, that Susan Herd is hereby granted a salary increase to \$ 36,425.00 effective January 1, 2006.

THE VOTE

Dunleavy <sup>absent</sup>  Yes  No      Bartunek  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

January 26, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 85

RATIFY APPOINTMENT  
OF P/T ACCOUNT CLERK TYPIST

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

**WHEREAS**, a vacancy exists for a part time Account Clerk Typist in Code Enforcement; and

**WHEREAS**, the vacancy was posted (posting #24) and all eligible candidates were interviewed; and

**WHEREAS**, the Personnel Committee has recommended a candidate for consideration by the town board.

**NOW, THEREFORE, BE IT RESOLVED**, that Catherine Brown is hereby appointed to the part time position of Account Clerk Typist at an hourly rate of \$15.00 effective January 24, 2006.

THE VOTE

*absent*  
Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

January 26, 2006

Adopted

TOWN OF RIVERHEAD

APPOINT FREEDOM OF INFORMATION LAW (FOIL) OFFICER

RESOLUTION # 86

COUNCILMAN DENSIESKI offered the following Resolution which was seconded by COUNCILMAN BARTUNEK.

WHEREAS, pursuant to Public Officer's Law 87, the Town is required to establish an individual responsible to review applications pursuant to the New York State Freedom of Information Law; and

WHEREAS, the Town Board has determined that the appropriate office to review FOIL requests is the Town Attorney's Office.

NOW, THEREFORE, BE IT RESOLVED, that Tina Loschiavo, the Deputy Town Attorney be, and is hereby, appointed FOIL officer for the Town of Riverhead pursuant to the Freedom of Information Law of the State of New York, and

BE IT FURTHER RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a certified copy of this resolution to the Office of the Supervisor, Office of the Town Attorney, Town Clerk, Police Department, Building Department, Planning, Community Development, Assessor's Office, Highway Department, Sewer District, Water District, Tax Receiver, Nutrition, Recreation, and Justice Court.

THE VOTE

*absent*  
Dunleavy  Yes  No      Bartunek  Yes  No  
Blass  Yes  No      Densieski  Yes  No  
Cardinale  Yes  No

JANUARY 26, 2006

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF AGREEMENT

RESOLUTION # 87

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution,  
which was seconded by COUNCILWOMAN BLASS\_\_\_\_\_.

WHEREAS, a stipulation of agreement dated January 17, 2006 has been conditionally agreed to by the SOA and the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies the 1/17/2006 stipulation of agreement; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the President of the SOA.

THE VOTE

*absent*

Dunleavy  Yes  No      Bartunek  Yes  No

Blass  Yes  No      Densieski  Yes  No

Cardinale  Yes  No

January 26, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 88

DETERMINES A VETERINARY OFFICE TO BE DEFINED AS A PROFESSIONAL OFFICE

COUNCILWOMAN BLASS offered the following resolution which  
COUNCILMAN DENSIESKI

was seconded by \_\_\_\_\_

WHEREAS, the Town of Riverhead Building Department is in receipt of a use permit application from George A. DuBato, DVM, on behalf of Wading River Veterinary Hospital, PC, to locate an office upon premises described as 6278 Route 25A, Wading River, New York and known as Suffolk County Tax Map Number 0600-74-2-17.1, and

WHEREAS, by resolution adopted on January 17, 2006 the Riverhead Town Board adopted a definition of "professional office", and

WHEREAS, such definition provides the authority to the Town Board to expand the list of specifically included professional office uses to provide for office use similar in nature to those professional office uses listed, and

WHEREAS, the Planning Department has determined that a veterinary office is similar in nature to the professional offices listed in the definition of professional office as defined in Section 108-3 of the Riverhead Zoning Ordinance, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby determines that the veterinary office use proposed by George A. DuBato shall have impacts similar to those included as a professional office under Section 108-3, and

BE IT FURTHER

RESOLVED, that the use permit be issued to the Wading River Veterinary Office and be conditioned that the overnight boarding of animals be an accessory use to the veterinary office and not a principal use, and

BE IT FURTHER

RESOLVED, that a copy of this resolution be forwarded to the Building Department.

Rh/planning

THE VOTE  
Dunleavy  yes  no Bartunek  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no

THE RESOLUTION WAS WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 89

**REDUCES SUFFOLK COUNTY NATIONAL BANK CERTIFICATE OF DEPOSIT OF HARTILL CONTRACTING INC. ("KELBRIDGE MEADOWS")**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by COUNCILMAN BARTUNEK :

**WHEREAS**, by Resolution #288 dated April 5, 2005, the Riverhead Town Board did accept S.C.N.B. Certificate of Deposit #000290071261 in the amount of \$450,000.00 representing road and drainage improvements in the subdivision entitled, "Kelbridge Meadows"; and

**WHEREAS**, pursuant to memorandum dated August 2, 2005, from Vincent A. Gaudiello, P.E. of the Office of John J. Raynor, P.E. & L.S., P.C. and Riverhead Planning Board Resolution #71 dated September 6, 2005, it has been determined that a substantial portion of the road and drainage improvements have been completed and it has been further recommended that the security posted be reduced from \$450,000.00 to \$280,000.00.

**WHEREAS**, pursuant to memorandum dated December 20, 2005, from Vincent A. Gaudiello, P.E. of the Office of John J. Raynor, P.E. & L.S., P.C. and Riverhead Planning Board Resolution #10 dated January 9, 2006, it has been determined that a substantial portion of the road and drainage improvements have been completed and it has been further recommended that the security posted be reduced from \$280,000.00 to \$150,000.00.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the reduction of the aforementioned certificate of deposit of Hartill Contracting Inc. to the amount of \$150,000.00; and be it further

**RESOLVED**, that the Town Clerk is authorized to release S.C.N.B. Certificate of Deposit #290070756 in the amount of \$280,000.00 upon receipt of a certificate of deposit in the amount of \$150,000.00; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert F. Kozakiewicz, Esq., 431 Griffing Avenue, P.O. Box 341, Riverhead, New York, 11901; Mr. John Hartill, Hartill Contracting Inc., P.O. Box 5, Wading River, New York, 11792; Suffolk County National Bank, 2065 Wading River Manor Road, Wading River, New York, 11792, Attn: John A. Maki, Asst. V.P.; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

W:\Laura Calamita\bonds\Kelbridgereduce2.res.doc

THE VOTE  
Dunleavy <sup>about</sup> yes \_\_\_ no \_\_\_ Bartunek  yes \_\_\_ no \_\_\_  
Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

1/26/06

Adopted

TOWN OF RIVERHEAD

Resolution # 90

**APPROVES VIGILANT GENERAL CONTRACTORS AS DRAINLAYER FOR RIVERHEAD SEWER DISTRICT**

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

**WHEREAS**, pursuant to Section 88-3 of the Riverhead Town Code, Vigilant General Contractors has submitted a request to become an authorized drainlayer with the Town of Riverhead Sewer District; and

**WHEREAS**, a letter of credit has been posted and a Certificate of Insurance has been received naming the Town of Riverhead as an additional insured.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves, Vigilant General Contractors as an authorized drainlayer with the Town of Riverhead Sewer District; and further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Vigilant General Contractors, 18 Garfield Avenue, N. Bay Shore, New York, 11706; Michael Reichel, Sewer District Superintendent; Office of the Town Attorney and the Accounting Department.

*about* THE VOTE

Dunleavy  yes  no Bartunek  yes  no  
 Blass  yes  no Densieski  yes  no  
 Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED

January 26, 2006

Adopted

**TOWN OF RIVERHEAD**

Resolution # 91

**CLASSIFIES ACTION AND REFERS SPECIAL PERMIT  
PETITION OF ALLA BALLREICH (Panasyuk)  
TO THE PLANNING BOARD**

COUNCILWOMAN BLASS offered the following resolution which  
was seconded by COUNCILMAN DENSIESKI

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Alla Ballreich pursuant to Section 108-8B.(1) and Article XXVIA. of the Riverhead Town Code to convert an existing residentially accessory garage to a second residence on a 0.19ac. parcel zoned Residence A-40; such property more particularly described as SCTM 0600-126-2-50, and

**WHEREAS**, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c)(9) as construction of a single, two or three family dwelling on an approved lot, and

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

**WHEREAS**, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares the special permit petition of Alla Ballreich to be a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

THE VOTE

Dunleavy *absent*  yes  no Bartunek  yes  no  
 Blass  yes  no Densieski  yes  no  
 Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED

1/26/06

Adopted

TOWN OF RIVERHEAD

Resolution # 92

AUTHORIZES THE CREATION AND APPOINTMENT OF MEMBERS TO AN ANTI-LITTER ADVISORY COMMITTEE

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

WHEREAS, Chapter 98 of the Riverhead Town Code entitled, "Littering", infers to litter as a matter affecting the public interest and consequently should be subject to supervision and administrative control for the purpose of safeguarding the public health, safety and general welfare of the people of the Town of Riverhead; and

WHEREAS, it is the desire of the Town Board to create an Anti-Litter Advisory Committee to effectuate the management of certain efforts related to the careless deposit of litter within the Town of Riverhead; and

WHEREAS, certain Town residents have expressed a desire to fill the newly created positions on the Anti-Litter Advisory Committee.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby appoints the following Town residents to be members of the Anti-Litter Advisory Committee, each to serve a one (1) year term, as follows:

- Bernadette Ann Voras
Jim Meinecke
Christina Doubrava
Timothy N. Doubrava
Cathy Welsh
Bill Welsh
John Griffin
Joan Griffin;

and be it further

RESOLVED, that Councilman George Bartunek shall act as liaison for the Anti-Litter Advisory Committee; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Councilman George Bartunek; Bernadette Ann Voras, 10 Overbrook Street, Riverhead, New York, 11901; Jim Meinecke, 2677 Roanoke Avenue, Riverhead, New York, 11901; Christina & Timothy M...

Blass yes no Densieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Doubrava, P.O. Box 1125, East Quogue, New York, 11942; Cathy & Bill Welsh, P.O. Box 200, Jamesport, New York, 11947; John & Joan Griffin, 29 Southfield Road, Baiting Hollow, New York, 11933; Riverhead Code Enforcement and the Office of the Town Attorney.

THE VOTE  
Dunleavy <sup>absent</sup>  yes  no Bartunek  yes  no  
Blass  yes  no Dansieski  yes  no  
Cardinale  yes  no  
THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

1/26/06

Adopted

TOWN OF RIVERHEAD

Resolution # 93

**AUTHORIZES SEWER DISTRICT EMPLOYEE TO ATTEND COURSE**

COUNCILWOMAN BLASS offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK :

**WHEREAS**, SUNY Morrisville is sponsoring Wastewater Operator Certification Courses having a specific course entitled, "Basic Laboratory" to be held on April 3, 2006 through April 7, 2006; and

**WHEREAS**, it is the desire of Michael Reichel, Sewer District Superintendent, that Sewer District employee Robert Helupka attend such course.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes Sewer District employee Robert Helupka to attend the aforementioned course to be held at SUNY Morrisville on April 3, 2006 through April 7, 2006; and be it further

**RESOLVED**, that all related expenses incurred by the Sewer District Employee will be fully receipted upon his return, not to exceed a total cost of \$960.00, and thereafter reimbursed by the Accounting Department; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Michael Reichel, Sewer District Superintendent and the Office of Accounting.

THE VOTE

Dunleavy *absent*  yes  no Bartunek  yes  no

Blass  yes  no Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

1/26/06

TOWN OF RIVERHEAD

Adopted

Resolution # 94

**AUTHORIZES SEWER DISTRICT EMPLOYEE TO ATTEND COURSE**

COUNCILMAN BARTUNEK

\_\_\_\_\_ offered the following resolution, which was seconded by

\_\_\_\_\_ :  
COUNCILMAN DENSIESKI

**WHEREAS**, SUNY Morrisville is sponsoring Wastewater Operator Certification Courses having a specific course entitled, "Grade 4 Management" to be held on April 24, 2006 through April 27, 2006; and

**WHEREAS**, it is the desire of Michael Reichel, Sewer District Superintendent, that Sewer District employee Michael Lech attend such course.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes Sewer District employee Michael Lech to attend the aforementioned course to be held at SUNY Morrisville on April 24, 2006 through April 27, 2006; and be it further

**RESOLVED**, that all related expenses incurred by the Sewer District Employee will be fully receipted upon his return, not to exceed a total cost of \$960.00, and thereafter reimbursed by the Accounting Department; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Michael Reichel, Sewer District Superintendent and the Office of Accounting.

THE VOTE

Dunleavy absent  yes  no     Bartunek  yes  no

Blass  yes  no     Densieski  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

January 26th, 2006

TOWN OF RIVERHEAD

Adopted

Resolution # 95

**APPROVES SITE PLAN OF SOUTH BAY SPORTS (VERTICAL LINE  
APPAREL INC.)**

**COUNCILMAN BARTUNEK**

\_\_\_\_\_ offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_ :

**WHEREAS**, a site plan was submitted by Vertical Line Apparel, Inc. to allow the renovations to an existing industrial building and the installation of an accessory outdoor recreation area with related site improvements, located at 4062-652 Grumman Blvd, Calverton, New York 11933, known and designated as Suffolk County Tax Map Number 0600-135-1-7.5; and

**WHEREAS**, the Planning Department has reviewed the site plan dated January 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and elevations dated January 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and has recommended to the Town Board that such site plan be approved; and

**WHEREAS**, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, the commentary offered at the relevant public hearing as well as all other pertinent planning, zoning and environmental information; and

**WHEREAS**, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0504 of the Office of the Financial Administer of the Town of Riverhead; and

**WHEREAS**, this Town Board has reviewed the site plan and elevations aforementioned.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that in the matter of the site plan application of South Bay Sports the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted without a significant impact upon the environment pursuant to 6NYCRR and that an Environmental Impact Statement need not be prepared.

## BE IT FURTHER

**RESOLVED**, that the site plan and elevations submitted by Vertical Line Apparel, Inc. to allow the renovations to an existing industrial building and the installation of an accessory outdoor recreation area with related site improvements, located at 4062-652 Grumman Blvd, Calverton, New York, such site plan dated January 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and elevations dated January 17<sup>th</sup>, 2006 as prepared by Martin Sendlewski, R.A., are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall

be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Vertical Line Apparel, Inc. hereby authorizes and consents to the Town of Riverhead to enter premises at 4062-652 Grumman Blvd, Calverton, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That the use of the outdoor recreation shall be accessory to the principal industrial use for the exclusive enjoyment of the owner and his or her employees;
16. That all outdoor light stanchions shall not exceed 17 feet in height;
17. That no Building Permit shall issue prior to the inclusion on the approved site plan the lighting specification attached to the letter from Martin Sendlewski dated 19<sup>th</sup> January 2006; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Douglas Dey, Vertical Line Apparel, Inc., 4062-652 Grumman Blvd, Calverton, New York 11933, the Riverhead Planning Department, Riverhead Building Department, Town Attorney and the Town Engineer.

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_\_ day of \_\_\_\_\_, 2006, made by Vertical Line Apparel, Inc., 4062 – 652 Grumman Blvd, Calverton, New York 11933, Declarant:

### WITNESSETH:

**WHEREAS**, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

**WHEREAS**, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

**WHEREAS**, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, hereby authorizes and consents to the Town of Riverhead to enter premises at the 4062 – 652 Grumman Blvd, Calverton, New York to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground, if feasible;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;
15. That the use of the outdoor recreation shall be accessory to the principal industrial use for the exclusive enjoyment of the owner and his or her employees;
16. That all outdoor light stanchions shall not exceed 17 feet in height.

Declarant has hereunto set his/her hand and seal the day and year above first written.

\_\_\_\_\_  
VERTICAL LINE APPAREL INC.

State of New York, County of Suffolk) ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 2006, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

*about* THE VOTE  
 Dunleavy  yes  no Bartunek  yes  no  
 Blass  yes  no Densieski  yes  no  
 Cardinale  yes  no  
 THE RESOLUTION  WAS  WAS NOT  
 THEREFORE DULY ADOPTED