

Town Clerk

**TOWN BOARD MEETING
AGENDA
ROBERT F. KOZAKIEWICZ, Supervisor**

March 4th , 2003

**Edward Densieski, Councilman
James Lull, Councilman**

**Barbara Blass, Councilwoman
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk
Dawn Thomas, Town Attorney**

ELECTED OFFICIALS

**Laverne Tennenberg
Madelyn Sendlewski
Paul Leszczynski
Mark Kwasna
Maryann Wowak Heilbrunn
Richard Ehlers
Allen M. Smith**

**Chairwoman Board of Assessors
Board of Assessors
Board of Assessors
Highway Superintendent
Receiver of Taxes
Town Justice
Town Justice**

DEPARTMENT HEADS

**John J. Hansen
Leroy E. Barnes, Jr.
Andrea Lohneiss
Ken Testa
Richard Hanley
Chief David Hegermiller**

**Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

**Accounting Department
Building Department
Community Development
Engineering Department
Planning Department
Police Department
Recreation Department
Senior Services
Sanitation Department
Sewer District
Water Department**

Call to Order and Salute to the Flag

Approves Minutes of Town Board Meeting of February 19th, 2003

Dean Offered the minutes to be
approved, which was seconded by

Gill

Syes

CONGRATULATIONS TO:

CIVIC LEADER-Chief David Hegermiller

EMPLOYEE OF THE YEAR: Dawn Thomas

PROCLAMATION- Bill Talmage and his generosity with the Town of
Riverheads' Christmas Project

REPORTS

Receiver of Taxes: Total Collections: \$41,500,099.44
Utility Collections Report-Total: \$303,083.05

Town Clerk: Monthly report for February, 2003
Total Collected: \$13,224.11

Juvenile Aid Bureau: Monthly report for January, 2003

Sewer District: Discharge Monitoring Report for Jan. 2003

Manorville Fire Dist: Annual Report for 2002
Jamesport Fire Dist.

APPLICATIONS

**Site Plan: Gardener's Warehouse (Amended)
CVS w/drive-thru-(Preliminary)**

**Shows & Exhibition Permit: East End Arts & Humanities-
May 25 12-5 p.m. Street painting festival**

**Sunshine Acres-Dressage-horse show
Beginning in April, ending in November**

CORRESPONDENCE

**Cornelius Borgerding: Against the Change of Zone for
Crown Sanitation.**

**Anthony Tohill: Re: Change of Zone & Special Permit of
Reliance Leasing Inc.**

COMMITTEE REPORTS

Den - Used Batteries

PUBLIC HEARINGS

- 7:05 p.m.** **The Extension to the Water District known as Extension No. 78.**
- 7:10 p.m.** **The Purchase of Development Rights of Approximately 41 Acres of agricultural land owned by Jennie, Alexander and Cheryl Janlewicz.**
- 7:15 p.m.** **The Purchase of Development Rights of approximately 12 acres of agricultural lands on the parcel owned by John S. & Joyce Rienzo.**
- 7:20 p.m.** **The Special Permit Petition of Margaret Krygier to construct a modular single-family residence upon a parcel of land located at 222 Raynor Avenue.**

**PUBLIC COMMENT ON ANY RESOLUTIONS LISTED
BELOW:**

RIVERHEAD DEVELOPMENT CORPORATION:

#1 Election of Directors

REGULAR TOWN BOARD MEETING:

#227 Sets Registration Fees for the Riverhead Recreation Department

#228 Sets the Fees for Usage of Recreation or other Town Facilities

#229 Sets the Fees for the Skate Park for the Riverhead Recreation Department

#230 Authorizes Umpire/Referee Fee Schedule for Police Athletic League (P.A.L.) Programs for Year 2003

#231 Authorizes Registration Fee Schedule for Police Athletic League (P.A.L.) Programs for Year 2003

#232 Resolution Authorizing the Attendance of One Police Officer at F.B.I. Instructor School Entitled Basic Gas/Chemical Weapons Instructor School

#233 Authorizes Attendance of Police Officer at D.A.R.E. Officer's Officers Association Training Seminar

#234 Authorizes Attendance of Police Officer at National Summit in Washington, D.C.

#235 Promotion to Justice Court Clerk

#236 Promotion to Secretarial Assistant

#237 Appoints a P/T Recreation Aide (Teen Center) to the Recreation Department (D. Henderson)

- #238 Appoints a Recreation Specialist to the Recreation Department (K. Gabrielsen)
- #239 Appoints a Park Attendant I to the Recreation Department (J. Nowack)
- #240 Appoints Member to the Riverhead Farmland Preservation Committee
- #241 Accepts Resignation of Patricia McCarthy in the Senior Citizen Department
- #242 Conversion of Part Time Senior Citizen Aide Position
- #243 Conversion of Part Time Homemaker Position
- #244 Resolution Authorizing the Issuance of \$27,250,000 Serial Bonds of the Town of Riverhead, to Pay the Costs of a Phase II Project for the Reclamation of the Youngs Avenue Landfill, in and for said town.
- #245 Authorizes Town Clerk to Publish and Post a Notice for a Public Hearing to Consider a Proposed Local Law to Amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code
- #246 Authorizes Town Clerk to Publish and Post a Public Notice to Consider the Purchase of Development Rights of a Parcel Located in the Town of Riverhead (Richard Meyer and Donna Meyer)
- #247 Accepts 5% Security Bond of Arlen Contracting Corp. (John Wesley Village III)
- #248 Accepts Performance Bond of "east Main Street, Riverhead" (Long Island Partnership, Inc. a/k/a Millbrook Gables-Affordable Housing Project)
- #249 Amends Site Plan Approval Resolution of Island Water Park
- #250 Approves Temporary Sign Permit of Waldbaum's

- #251 Riverhead Town Human Services Center Capital Project Budget Adjustment
- #252 Stotzky Park Skateboard Complex Capital Project Budget Adjustment
- #253 Landfill Reclamation Capital Project Budget Adjustment
- #254 Recreation Program Fund Budget Adjustment
- #255 Support for Riverhead Central School District to Establish Education Campus on Acreage at Enterprise Park in Calverton
- #256 Order Establishing Lateral Water Main- Millbrook Gables Development Lateral Water Main-RWD
- #257 Amends Resolution #1067-2002- Order Establishing Lateral Sewer Main- Mill Pond Commons-RSD
- #258 Approves Application of East End Arts & Humanities Council, Inc.
- #259 Authorizes the Town Clerk to publish and post Public Notice to Consider the Purchase of Development Rights of a Parcel Located in the Town of Riverhead (Louis Caracciolo and Ottavia Caracciolo)
- #260 Accepts Offer of Development Rights (Mary Crowder)
- #261 Accepts Offer of Development Rights (Austin T. Funfgeld & Rita Funfgeld)
- #262 Authorizes Town Clerk to publish and post Public Notice of Public Hearing for an amendment to Chapter 108 of the Riverhead Town Code Entitled, "Pine Barrens Overlay District "

- #263 Town Board Special Revenue Fund Budget Adjustment
- #264 Community Development Agency Budget Adjustment
- #265 2002 Corwin Benjamin Houses Improvement Budget Adjustment
- #266 Authorizes Town Supervisor to Execute Change Order for Senior Citizen Human Resource Center-Electrical
- #267 Authorizes Town Clerk to Post and Publish a Notice to Bidders for Purchase of Mobile ADA Restroom Trailer
- #268 Authorizes Town Supervisor to Execute Change Order for Contract Extension of Completion Date for Fresh Pond School House Renovation Project
- #269 Authorizes Town Supervisor to Execute Change Order for Dam Road Canoe Access Project
- #270 Authorizes Town Supervisor to Execute Change Order for East End Arts Handicap Accessibility Project
- #271 Extends Full Time Status Through March 31, 2003
- #272 Authorizes Supervisor to Execute Stipulation in the Matter of Headriver, LLC vs. The Town Board of the Town of Riverhead
- #273 Pays Bills

Adopted

3/4/03

Riverhead Development Corporation Members

Resolution # 1

Election of Directors

Member COUNCILMAN LULL offered the following resolution,

which was seconded by Member COUNCILMAN DENSIESKI :

WHEREAS, the RDC was established for the purpose of marketing and managing the Calverton Enterprise Park on behalf of the Community Development Agency, designated owner of said property pursuant to Public Law 103-c337; and

WHEREAS, the Members of the Riverhead Town Board, as it shall be comprised from time to time, serve as the members of the Corporation; and

WHEREAS, pursuant to the Bylaws of the RDC the Directors shall be elected by the Members of the RDC; and

WHEREAS, the annual meeting of the RDC Members was convened on February 27, 2003 for the purpose of presentation of a report by the RDC Chairman and nomination of Directors; and

THEREFORE, BE IT RESOLVED, that the RDC Members hereby reelect Thomas Kohlmann, Mitchell Pally and Monique Gablenz to the Board of Directors of the RDC for a term to begin immediately and ending at the Annual Meeting of the Members in 2006.

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Agency Director Andrea Lohneiss.

The Vote:

Member Sanders	<u>yes</u>
Member Blass	<u>yes</u>
Member Densieski	<u>yes</u>
Member Lull	<u>yes</u>
Chairman Kozakiewicz	<u>yes</u>

03/04/03

Adopted

TOWN OF RIVERHEAD

COMMUNITY DEVELOPMENT AGENCY

Resolution # 7

AUTHORIZES THE CHAIRMAN TO EXECUTE A LICENSE AGREEMENT WITH FESTIVAL HOLDINGS, LLC

Councilman Densieski offered the following resolution, was seconded by

Councilman Lull :

WHEREAS, Festival Holdings, LLC has submitted an application for the purpose of conducting the Music Festival to be held on the Calverton Enterprise Park picnic grounds at Rte. 25, Calverton, New York, in August 2003; and

WHEREAS, the land upon which the Festival is to be held is owned by the Town of Riverhead Community Development Agency; and

WHEREAS, Festival Holdings, LLC, requires the additional approval of the Town Board for a Special Event pursuant to Chapter 90 of the Town Code of the Town; and

WHEREAS, Festival Holdings, LLC, requires a license from the CDA to utilize the aforementioned land.

NOW THEREFORE BE IT RESOLVED, that the CDA authorizes the Chairman to execute a license agreement with Festival Holdings, LLC substantially in the form attached hereto; and be it further

RESOLVED, that this approval is subject to the applicant obtaining approval pursuant to Chapter 90 of the Riverhead Town Code; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public; be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Festival Holdings, LLC; 1128 Dublin Street, Suite 200, New Orleans, Louisiana, 70118 ; Ken Testa, P.E. and Chief David Hegermiller, Riverhead Police Department; Office of the Town Attorney and Office of Accounting.

THE VOTE

Sanders	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Blass	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Densieski	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	Lull	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
			Kozakiewicz	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>

THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED

3/4/03

Adopted

TOWN OF RIVERHEAD

Resolution # 227

SETS REGISTRATION FEES FOR THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that the Town Board sets the Registration Policy and fees for the 2003 Spring / Summer Recreation Department Program Brochure.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

¹ Rec. Doris/Resolution Spring/ Summer Brochure

Adopted

3/4/03

TOWN OF RIVERHEAD

Resolution # 228

SETS THE FEES FOR USAGE OF RECREATION AND OTHER TOWN FACILITIES

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

RESOLVED, that the Town Board does authorize the Recreation Department to set the following fees for the 2003 calendar year.

PARK / BEACH RESERVATIONS

- | | | |
|----|--|-------------------------|
| 1. | Group Picnic/ Beach Party/ Field Use
(Resident/ Business) | \$5.00 Application fee |
| 2. | Group Picnic/ Beach Party/ Field Use
(Non Profit Group) | \$5.00 Application fee |
| 3. | Park/ Beach Attendant (After Hours) | \$10.00 per hour |
| 4. | Field Lights & Attendant (Residents Only) | \$25.00 per hour |
| 5. | Tournament Reservations | \$250.00 per day/ Field |

TOWN BUILDINGS

- | | | |
|----|---|--|
| 1. | Fees for After hours and Weekend Use
(Residents and nonprofit Groups Only) | \$5.00 Application fee
\$20.00 per hour |
|----|---|--|

VEHICLE USAGE

- | | | |
|----|---|------------------|
| 1. | Bus Rental Fee
(Riverhead Sponsored Groups Only) | \$30.00 per hour |
|----|---|------------------|

ROLLER RINK

- | | | |
|----|---|------------------------------|
| 1. | Group Party/ Rink Use
(Residents Only) | \$5.00 Application Fee |
| | 8:30- 10:30 a.m. Saturday & Sunday Only | \$25.00 per hour (min 2 hrs) |

BE IT FURTHER RESOLVED, that the town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Senior Department, Supervisor Office and the Office of Accounting.¹

¹ Rec.Doris/ Resolution Facility usage fees

THE VOTE

Sanders ✓ Yes ___ No ___ Blass ✓ Yes ___ No ___
Densieski ✓ Yes ___ No ___ Lull ✓ Yes ___ No ___
Kozakiewicz ✓ Yes ___ No ___

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

Adopted

3/4/03

TOWN OF RIVERHEAD

Resolution # 229

SETS FEES FOR THE SKATE PARK FOR THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN DENŚIESKI

offered the following resolution,

which was seconded by COUNCILMAN LULL

RESOLVED, that the Town Board does authorize the Recreation Department to set the following fees for the Skate Park for the 2003 calendar year

Session Fees
 \$5.00 Residents
 \$10.00 Non-residents

Annual Fees
 \$25.00 Residents
 \$\$75.00 Non-residents

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

¹ Rec. Doris/Resolution Set Fees Skate Park

March 4, 2003

Adopted

TOWN OF RIVERHEAD# 230**AUTHORIZES UMPIRE/REFEREE FEE SCHEDULE FOR
POLICE ATHLETIC LEAGUE (P.A.L.) PROGRAMS
FOR YEAR 2003**

COUNCILMAN LULL

_____ offered the following resolution

which was seconded by _____ COUNCILWOMAN BLASS

WHEREAS, The Town of Riverhead is responsible for setting a fee schedule for umpires and referees participating in the Riverhead Police Athletic League; and

WHEREAS, those fees are established below for the Year 2003

Basketball referees	One referee per game	\$45.00 per game
Baseball/Softball umpires	Two umpires per game	\$50.00/each umpire, each game
	One umpire per game	\$75.00/umpire
Football referees	Two referees per game	\$50.00/each referee, each game
	One referee per game	\$75.00/referee
Lacrosse referees (5 th /6 th grade)	Two referees per game	\$45.00/each referee per game
	One referee per game	\$67.50/referee per game
Lacrosse referees (3 rd /4 th grade)	Two referees per game	\$40.00/each referee per game
	One referee per game	\$60.00/referee per game
Soccer referees	One referee per game	\$30.00 for one referee per game

BE IT RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the JAB Office and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT _____
THEREUPON BEING ADOPTED

March 4, 2003

Adopted

TOWN OF RIVERHEAD

231

AUTHORIZES REGISTRATION FEE SCHEDULE FOR POLICE ATHLETIC LEAGUE (P.A.L.) PROGRAMS FOR YEAR 2003

COUNCILWOMAN BLASS

_____ offered the following resolution

which was seconded by _____ COUNCILMAN DENSIESKI

WHEREAS, the Town of Riverhead is responsible for setting a fee schedule for PAL Programs; and

WHEREAS, those fees are established below for the Year 2003

Boys 13-15 year old Baseball	\$50.00 (resident)	\$60.00 (non-resident)
Boys 16-17 year old Baseball	\$50.00 (resident)	\$60.00 (non-resident)
Girls 13-15 year old Softball	\$50.00 (resident)	\$60.00 (non-resident)
Spring Lacrosse Program	\$50.00 (resident)	\$60.00 (non-resident)
Summer Lacrosse Program	\$35.00 (resident)	\$45.00 (non-resident)
Winter Lacrosse Clinic	\$25.00 (resident)	\$35.00 (non-resident)
Town - Soccer Program	\$30.00 (resident)	\$40.00 (non-resident)
Travel Soccer Program	\$75.00 (resident)	\$85.00 (non-resident)
Football Program	\$75.00 (resident)	\$85.00 (non-resident)
Cheerleading Program	\$50.00 (resident)	\$60.00 (non-resident)

BE IT RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the JAB/PAL Office and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT _____
THEREUPON BEING ADOPTED

Adopted

Town of Riverhead

Resolution # 232

RESOLUTION AUTHORIZING THE ATTENDANCE OF ONE POLICE OFFICER
AT F.B.I. INSTRUCTOR SCHOOL ENTITLED
BASIC GAS / CHEMICAL WEAPONS INSTRUCTOR SCHOOL

COUNCILWOMAN BLASS offered the following resolution, was
seconded by COUNCILMAN LULL

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of an Officer at a Training Class;

AND WHEREAS, the Training Class will be held in Fort Dix, New Jersey, March 17, 2003 through March 21st, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of a Police Officer at the aforementioned training class; and

BE IT FURTHER RESOLVED that the Town Board authorizes reimbursement of travel, meal and supply expenses, not to exceed a total of \$ 250.00, upon submission of proper receipts; and

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

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED

Adopted

March 4, 2003

Town of Riverhead

Resolution # 233

AUTHORIZES ATTENDANCE OF POLICE OFFICER
AT D.A.R.E. OFFICER'S ASSOCIATION TRAINING SEMINAR

COUNCILMAN LULL

_____ offered the following resolution, was
seconded by _____ COUNCILWOMAN BLASS

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of a Police Officer at a Training Seminar;

AND WHEREAS, the Training Seminar will be held in Verona, New York, April 27, 2003 through April 30, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of a Police Officer at the aforementioned training seminar; and

BE IT FURTHER RESOLVED that the Town Board authorizes reimbursement of expenses, not to exceed \$640.00, upon submission of proper receipts; and

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

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densteski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED

Adopted

March _____, 2003

Town of Riverhead

Resolution # _____ 234

AUTHORIZES ATTENDANCE OF POLICE OFFICER
AT NATIONAL SUMMIT IN WASHINGTON, D.C.

_____ COUNCILWOMAN BLASS _____ offered the following resolution, was
seconded by _____ COUNCILMAN LULL _____.

WHEREAS, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of a Police Officer at a Training Seminar;

AND WHEREAS, the National Summit Training Seminar will be held in Washington, D.C., March 25th through March 27th, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the attendance of a Police Officer at the aforementioned training seminar; and

BE IT FURTHER RESOLVED that the Town Board authorizes reimbursement of expenses, not to exceed \$2,285.25, upon submission of proper receipts; and

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

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT _____
THEREUPON IT WAS ADOPTED

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 235

PROMOTION TO JUSTICE COURT CLERK

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

WHEREAS a vacancy of Justice Court Clerk exist in the Justice Court,
and

WHEREAS, the Suffolk County Department of Civil Service has certified a
List of Eligibles and all willing candidates were interviewed, and

WHEREAS, the Personnel Committee has recommended a promotional
transfer of a current employee to said position, and

NOW, THEREFORE, BE IT RESOLVED, that Roberta Morrissey is
hereby promoted to the position of Justice Court Clerk Group 11 Step 5A of the
Salary Administrative Schedule effective March 10, 2003, and

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

THE VOTE

Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kozakiewicz <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

March 4, 2003

TOWN OF RIVERHEAD

Adopted

Resolution # 236

PROMOTION TO SECRETARIAL ASSISTANT

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

WHEREAS the position of Secretarial Assistant was created in the Riverhead Sewer/Scavenger Waste Districts, and

WHEREAS, the Suffolk County Department of Civil Service has certified a List of Eligibles and all willing candidates were interviewed, and

WHEREAS, the Personnel Committee has recommended a promotion of a current employee to said position, and

NOW, THEREFORE, BE IT RESOLVED, that Teresa Maher is hereby promoted to the position of Secretarial Assistant Group 10 Step 13 of the Salary Administrative Schedule effective March 3, 2003 and

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

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

3/4/03

Adopted

TOWN OF RIVERHEAD

Resolution # 237

APPOINTS A P/T RECREATION AIDE (TEEN CENTER) TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

RESOLVED, that Deon Henderson is hereby appointed to serve as a P/T Recreation Aide for the Teen Center, effective, March 4, 2003 to and including December 31, 2003 to be paid at the rate of \$9.0834 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY ADOPTED

¹ Rec. Doris /Res. Deon Henderson TC

3/4/03

Adopted

TOWN OF RIVERHEAD

Resolution # 238

APPOINTS A RECREATION SPECIALIST TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by COUNCILWOMAN BLASS

RESOLVED, that Kristina Gabrielsen is hereby appointed to serve as a Recreation Specialist with the working title of a Hockey Coordinator, effective March 4, 2003, to and including December 31, 2003, to be paid at the rate of \$12.50 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON PUBLICLY ADOPTED

¹ Resolution Rec Specialist Kristina Gabrielsen

3/4/03

TOWN OF RIVERHEAD

Adopted

Resolution # 239

**APPOINTS A PARK ATTENDANT I
TO THE RIVERHEAD RECREATION DEPARTMENT**

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

RESOLVED, that John Nowack is hereby appointed to serve as a Park Attendant I, effective, March 4, 2003 to and including December 31, 2003 to be paid at the rate of \$8.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREFORE IT IS ADOPTED

¹ Rec. Doris /Res. John NowackPark Att I

03/04/03

TOWN OF RIVERHEAD

Adopted

Resolution # 240

Appoints Members to the Riverhead
Farmland Preservation Committee

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

WHEREAS, the Riverhead Town Board adopted Local Law 14-1997 designated to conserve agricultural land of the Town; and

WHEREAS, such local law provided for the creation of a farmland preservation committee, its composition and its authority; and

WHEREAS, such local law empowers the Town Board to appoint members of the Farmland Preservation Committee; and

WHEREAS, the Town Board desires to appoint a member of the Committee and to reappoint those members whose terms have expired;

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby appoints the following individuals to the Farmland Preservation Committee with their respective terms for the calendar years 2003 and 2004;

- Mr. Lyle Wells 1 year (Agriculture representative)
- Mr. Charles Sheer 2 years (Agriculture representative)
- Mr. Jake Rottkamp 1 year (Agriculture representative)
- Mr. Mark Zaweski 2 years (Agriculture representative)
- Mr. Richard O'Dea 1 year (Planning Board representative)
- Mr. Richard Redican 2 years (Community member)
- Mr. Richard Hanley Planning Director; and

THE VOTE

Sanders ___ Yes ___ No Blass ___ Yes ___ No
 Densieski ___ Yes ___ No Lull ___ Yes ___ No
 Kozakiewicz ___ Yes ___ No
 THE RESOLUTION WAS ___ WAS NOT ___
 THEREUPON DULY ADOPTED

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to members of the Riverhead Farmland Preservation Committee, the Riverhead Planning Department, the office of the Town Attorney and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

03/04/03

Adopted**TOWN OF RIVERHEAD****Resolution # 241****ACCEPTS RESIGNATION OF
PATRICIA McCARTHY IN THE SENIOR CITIZEN DEPARTMENT**

Councilwoman Sanders offered the following resolution, which was seconded by Councilman Lull.

WHEREAS, Patricia McCarthy has notified her Department Head, in writing of her resignation effective February 24, 2003.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the resignation of Patricia McCarthy.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Patricia McCarthy, the Supervisor's Office and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

March 4, 2003

433

TOWN OF RIVERHEAD

Adopted

Resolution # 242

CONVERSION OF PART TIME SENIOR CITIZEN AIDE POSITION

COUNCILWOMAN BLASS

offered the following

resolution, which was seconded by

COUNCILMAN DENSIESKI

WHEREAS the Assistant Senior Citizen Center Manager position is by TBR # 4 being funded by the Adult Day Center Program and should be funded by the Nutrition Program; and

WHEREAS, the Personnel Committee has recommended that the part time Senior Citizen Aide position be converted to a full time position; and

WHEREAS, the Personnel Committee has recommended a part time Senior Citizen Aide employee be appointed to the full time position.

NOW, THEREFORE, BE IT RESOLVED, that Lisa Fuhlbrugge is hereby appointed to the full time position of Senior Citizen Aide Group 2 Step P of the Salary Administrative Schedule effective 2/24/03 and the Senior Citizen Center Manager position will be funded by the Nutrition Program.

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

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

TOWN OF RIVERHEAD

Adopted

Resolution # 243

CONVERSION OF PART TIME HOMEMAKER POSITION

COUNCILMAN LULL offered the following resolution, which was seconded by COUNCILWOMAN SANDERS

WHEREAS Donna Sinko is a part time Homemaker in Seniors Helping Seniors Programs, and

WHEREAS, the Personnel Committee has recommended that the part time position be converted to a full time position and have also recommended that the incumbent be placed in this position in the EISEP Program.

NOW, THEREFORE, BE IT RESOLVED, that Donna Sinko is hereby appointed to the full time position of Homemaker Group C Step P of the Salary Administrative Schedule effective 2/24/03.

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

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Lull Yes No

Kozakiewicz Yes No

Adopted⁴⁴⁵

072113-03178P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on March 4, 2003, at 7:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Robert Kozakiewicz
Councilman James Lull
Councilman Edward Densieski
Councilwoman Barbara Blass
Councilwoman Rose Sanders

ALSO PRESENT: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

ABSENT:

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

BOND RESOLUTION DATED MARCH 4, 2003.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$27,250,000 SERIAL BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY COSTS OF A PHASE II PROJECT FOR THE RECLAMATION OF THE YOUNGS AVENUE LANDFILL, IN AND FOR SAID TOWN.

WHEREAS, on October 5, 1994, the Town of Riverhead entered into a court-ordered Stipulation of Settlement with the New York State Department of Environmental Conservation in a proceeding entitled Town of Riverhead v. The Department of Environmental Conservation of the State of New York, Suffolk County Index No. 19-19049, which Stipulation of Settlement requires, among other things, that the Town of Riverhead close and undertake the reclamation of its Youngs Avenue Landfill in accordance with a "compliance schedule" contained in such Stipulation of Settlement; and

WHEREAS, a Phase II Project for the reclamation of said Youngs Avenue Landfill has been proposed by the Town's consulting engineers, which Phase II Project for the reclamation of the Youngs Avenue Landfill is in accordance with said Stipulation of Settlement; and

WHEREAS, the Town Board has previously determined that the implementation of the aforesaid Phase II Project for the reclamation of the Youngs Avenue Landfill, as approved by the New York State Department of Environmental Conservation in accordance with the aforescribed Stipulation of Settlement, is a Type II Action under the State Environmental Quality Review Act and the Regulations promulgated thereunder and, therefore, is not subject to further review under the State Environmental Quality Review Act; and

WHEREAS, all other conditions precedent to the construction and financing of the aforesaid Phase II Project for the reclamation of the Youngs Avenue Landfill have been complied with or otherwise satisfied; and

WHEREAS, by bond resolution dated April 2, 2002, the Town Board of said Town authorized the issuance of \$13,000,000 serial bonds of said Town to pay costs of a Phase II Project for the reclamation of the Youngs Avenue Landfill; and

WHEREAS, it has now been determined that an additional \$27,250,000 obligations of said Town are required for such Phase II Project for the reclamation of the Youngs Avenue Landfill; and

WHEREAS, it is now desired to authorize the issuance of \$27,250,000 serial bonds to pay such costs of the aforesaid Phase II Project for the reclamation of the Youngs Avenue Landfill; 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 costs of a Phase II Project for the reclamation of the Youngs Avenue Landfill of the Town of Riverhead, Suffolk County, New York, as more fully described in the preambles hereof and including the excavation, processing and disposal of landfill materials from the Youngs Avenue Landfill, separation of such excavated materials into soil and waste components for reuse, recycling and/or disposal of such excavated materials, the acquisition of land or rights-in-land therefor and incidental improvements and expenses in connection therewith, there are hereby authorized to be issued \$27,250,000 serial bonds of the Town of Riverhead, Suffolk County, New York pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is now determined to be \$40,250,000, and that the plan for the financing thereof is as follows:

(a) by the issuance of the \$13,000,000 serial bonds of said Town authorized to be issued pursuant to bond resolution dated April 2, 2002; and

(b) by the issuance of the additional \$27,250,000 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 aforescribed specific object or purpose is twenty years, pursuant to subdivision 6-b of paragraph a of Section 11.00 of the Local Finance Law, calculated from January 15, 2003, the date of issuance of the first obligations of the Town issued therefor.

Section 4. 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 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged to the payment of the principal of and interest on such obligations 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 obligations becoming due and payable in such year. There shall annually be levied on all the taxable real property in said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable.

Section 6. Such bonds shall be in fully registered form and shall be signed in the name of the Town of Riverhead, Suffolk County, New York, by the manual or facsimile signature of the

Supervisor and a facsimile of its corporate seal shall be imprinted or impressed thereon and may be attested by the manual or facsimile signature of the Town Clerk.

Section 7. 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 he shall deem best for the interests of the Town including, but not limited to, the power to sell said serial bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, he 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 8. All other matters, except as provided herein relating to such bonds, including whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of its Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. It is hereby determined that it is to the financial advantage of the Town not to impose and collect from registered owners of such serial bonds any charges for mailing, shipping and insuring bonds transferred or exchanged by the fiscal agent, and, accordingly, pursuant to paragraph c of Section

70.00 of the Local Finance Law, no such charges shall be so collected by the fiscal agent. 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 52.00 of the Local Finance Law, as the Supervisor shall determine.

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 Supervisor is hereby further authorized, at his sole discretion, to execute a project financing and 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 serial 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 11. The intent of this resolution is to give the Supervisor sufficient authority to execute those applications, agreements, instruments or to do any similar acts necessary to effect the issuance of the aforesaid serial bonds and, or notes without resorting to further action of this Town Board.

Section 12. 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 13. 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 14. This resolution, which takes effect immediately in accordance with the Stipulation of Settlement described in the preambles hereof, shall be published in full in Traveler-Watchman, 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	_____

The resolution was thereupon declared duly adopted.

* * * *

Councilman Densieski
Voted "NO" in Protest

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

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

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

That I have compared the annexed extract of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on March 4, 2003, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspaper and/or other news media</u>	<u>Date given</u>
Traveler-Watchman	March 6, 2003

I FURTHER CERTIFY that PRIOR to the time of said meeting, I duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dates:

Designated Location(s)
of posted notice _____

Date of Posting

Town Clerk's Bulletin Board

March 5, 2003

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town on March 4, 2003.



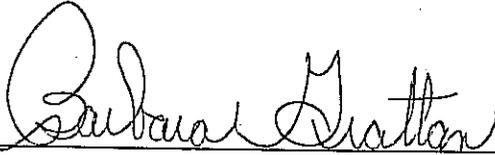
Town Clerk

(CORPORATE
SEAL)

LEGAL NOTICE

NOTICE IS HEREBY GIVEN that the resolution published herewith has been adopted by the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on March 4, 2003, 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 said Town 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.

Dated: Riverhead, New York,
March 4, 2003.



Town Clerk

Adopted

RESOLUTION # 245

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A NOTICE FOR A PUBLIC HEARING TO CONSIDER AN LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING"

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

WHEREAS, pursuant to Article XIII, Section 51 of Chapter 108 of the Riverhead Town Code entitled Nonconforming Buildings and Uses, a non-conforming use may be expanded by Special Permit of the Town Board,

WHEREAS, the intent of this section was to allow for the expansion of the non-conforming use only upon the premises where the nonconformity currently exists, and

WHEREAS, the current wording of this section is sufficiently vague so as to allow for the expansion of a pre-existing nonconforming use onto adjacent lands by Special Permit of the Town Board, and

WHEREAS, this Town Board is desirous of restricting the expansion of any non-conforming use onto adjacent lands, and

WHEREAS, in consideration of amending the provisions of Article X111, Section 51, amendments to the definitions of "Non-Conforming Building", and "Lot", as contained in Chapter 108-3, entitled "Definitions" of the Riverhead Town Code must also be considered,

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached notice, once in the March 13, 2003 issue of the Mattituck Traveler Watchman, and also to cause a copy of the proposed Code Amendments to be posted on the sign board of the Town in the Office of the Town Clerk.

THE VOTE
Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS NOT
THEREFORE ADOPTED

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 1st day of April, 2003, at 7:15 o'clock p.m., to consider a local law to amend Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

§108-3 Definitions

NONCONFORMING BUILDING – A building or structure lawfully existing on a lot at the effective date of this chapter or any amendment thereto affecting such building or structure, which does not conform to the dimensional regulations of this chapter for the district in which it is situated regardless of the use to which such a building or structure is put.

LOT -- A portion or parcel of land ~~considered as a~~ single and separate ownership unit, devoted to a certain use or occupied by a building or a group of buildings that are united by a common interest or use, and the customary accessories and open spaces belonging to the same. Adjoining "lots" which are recorded on an approved major or minor subdivision map filed with the Clerk of the County of Suffolk may be subdivided without approval of the Planning Board of the Town of Riverhead and shall not be deemed merged so long as the adjoining "lots" conform to the Zoning Districts Use Schedule in effect at the time the lots are to be conveyed. [Amended 12-21-1976; 1-29-1981]

§ 108-51. Nonconforming buildings and uses.

A. Any building, structure or use existing on the effective date of this chapter, or any amendment thereto, may be continued on the same lot held in single and separate ownership, although such building, structure or use does not thereafter conform to the regulations of the district in which it is located, and may thereafter be extended on the same lot by special permit of the Town Board. If the extent of the change is ten percent (10%) or less, the public hearing requirement may be waived by the Town Board. [Amended 6-17-1975; 7-3-1979]

B. A nonconforming use on the same lot held in single and separate ownership may be changed to another nonconforming use when approved as a special exception by the Zoning Board of Appeals as hereinafter provided in § 108-76 of this chapter, ~~and such use shall be classified as a nonconforming use in continuity~~. Nothing herein contained shall be construed to permit a residence in a use district where it is not a permitted use.

C. No nonconforming use may be reestablished where such nonconforming use has been discontinued for a period of one (1) year.

D. Nothing in this chapter shall prevent the complete restoration within one (1) year of a building destroyed by accidental cause such as fire, flood, explosion, riot, act of God or act of the public enemy, nor prevent the continuance of the use of such building or part thereof. Such restored building shall not exceed the dimensions of the building destroyed.

E. Any parcel of land which has been used for a camp or for which a plan for a camp has been filed with the Town Clerk of the Town of Riverhead at the effective date of this chapter but not any amendment thereto and which is held in a single ownership by an organization, such as the Boy Scouts, 4-H Club or other similar recognized civic or fraternal organization, all or a part of which has been used for the purposes of a camp, may continue to be used as a camp although such use does not conform to the regulations of the district in which it is located.

Dated: Riverhead, New York
March 4, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 246

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD (RICHARD MEYER AND DONNA MEYER)

COUNCILMAN LULL offered the following resolution, was seconded by COUNCILWOMAN SANDERS :

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and be it further

WHEREAS, Richard Meyer and Donna Meyer have expressed a desire to sell the development rights on approximately 4.6 acres of their agricultural lands located on the southerly side of Sound Avenue, Baiting Hollow, New York, at \$33,000 per acre, further described as Suffolk County Tax Map #0600-60-1- p/o 5.5 to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Richard Meyer and Donna Meyer, once in the Traveler Watchman on March 13, 2003, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Richard Meyer and Donna Meyer 1857 Sound Avenue, Baiting Hollow, New York 11933; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie T. Wesnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densleski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 1st day of April, 2003 at 7:05 o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights of approximately 4.6 acres of agricultural lands owned by Richard Meyer and Donna Meyer located on the southerly side of Sound Avenue, Baiting Hollow, New York, at \$33,000 per acre, further described as Suffolk County Tax Map #0600-60-1-p/o 5.5 pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
March 4, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

TOWN OF RIVERHEAD

Resolution # 247

ACCEPTS 5% SECURITY BOND OF ARLEN CONTRACTING CORP. (JOHN WESLEY VILLAGE III)

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

WHEREAS, Arlen Contracting Corp. has posted a security bond in the sum of Two Hundred Seventy One Thousand Three Hundred Seventy Six Dollars (\$271,376)(The American Institute of Architects Bond #3SE030760) representing the 5% site plan security bond for the work on John Wesley Village III, Aldersgate, off Middle Road, Riverhead, New York, Suffolk County Tax Map # 600-082.00-02-004.07 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security bond and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% performance bond in the sum of Two Hundred Seventy One Thousand Three Hundred Seventy Six Dollars (\$271,376) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Arlen Contracting Corp., 377 Oak Street, Garden City, New York 11530-6543, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Sanders	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	Blass	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz		<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No		

The Resolution Was Was Not
Thereupon Duly Declared Adopted

3/4/03

Adopted

TOWN OF RIVERHEAD

Resolution #248

**ACCEPTS PERFORMANCE BOND OF PULTE HOMES, CONTRACT VENDEE
FOR "EAST MAIN STREET, RIVERHEAD"
(LONG ISLAND HOUSING PARTNERSHIP, INC.
a/k/a MILLBROOK GABLES - AFFORDABLE HOUSING PROJECT)**

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

WHEREAS, by resolution adopted on March 25, 2002, the Riverhead Planning Board conditionally approved the preliminary plat of East Main Street, Riverhead, filed by the Long Island Housing Partnership, Inc., with one of the conditions of final approval being the submission and filing of a performance bond in the amount of \$230,000.00 covering improvements to be completed within said affordable housing project; and

WHEREAS, Pulte Homes, Contract Vendee for the Long Island Housing Partnership, Inc. has submitted to the Town of Riverhead, Continental Insurance Company Performance Bond # 929279322 in the amount of Two Hundred Thirty Thousand and 00/100 (\$230,000.00) Dollars, for improvements to be completed within said affordable housing project; and

WHEREAS, said performance bond is found to be acceptable covering the improvements to be completed in the affordable housing project entitled, "East Main Street, Riverhead".

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby accepts Continental Insurance Company Performance Bond # 929279322 in the amount of Two Hundred Thirty Thousand and 00/100 (\$230,000.00) Dollars for improvements to be completed in the affordable housing project entitled, "East Main Street, Riverhead"; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Long Island Housing Partnership, Inc., 180 Oser Avenue, Suite 800, Hauppauge, New York, 11788, Attn: Ann Marie Jones; the Planning Department; the Building Department and the Town Attorney's Office.

THE VOTE
Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No
THE RESOLUTION WAS WAS NOT
THEREFORE ADOPTED

3/4/2003

Adopted

Town of Riverhead
Resolution # 249

AMENDS SITE PLAN APPROVAL RESOLUTION
ISLAND WATER PARK

COUNCILMAN LULL offered the following

resolution, which was seconded by COUNCILMAN DENSIESKI.

WHEREAS, by resolution number 175 of 2002, the Riverhead Town Board did approve the site plan application of Island Water Park; and

WHEREAS, such resolution required the posting of a \$400,000.00 performance security; and

WHEREAS, it is the desire of the Town Board to reduce such performance security to five percent (5%) of the total project cost; and

WHEREAS, by resolution number 224 of 2003, it was the intent of the Town Board to reduce the applicable performance security to five (5%) of total cost; and

WHEREAS, by resolution 224 of 2203 was in error in that the performance security was to reduce to ten percent (10%) of project cost.

NOW,

THEREFORE BE IT RESOLVED, that resolution number 224 of 2003 be amended to strike the performance surety of \$80,000.00 and substitute \$40,500.00.

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to David Fehrmann c/o Island Water Park, the Riverhead Planning Department, the Riverhead Building Department and the Town Attorney.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREFORE IT IS ADOPTED

March 4, 2003

454
Adopted

TOWN OF RIVERHEAD
Resolution # 250

APPROVES TEMPORARY SIGN PERMIT OF WALDBAUM'S

COUNCILMAN LULL

offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, a temporary sign permit and sketch were submitted by Jerry Canavan for property located at 1550 Old Country Road, Riverhead, New York; and

WHEREAS, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

WHEREAS, the sketch has been approved the three (3) Town Board members;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for a pylon sign insert submitted by Jerry Canavan for Waldbaum's; and be it

RESOLVED, that said temporary sign permit shall expire on June 4, 2003 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Jerry Canavan, Service Select Inc., 16 Canal St. Suite 334, Bristol, Pennsylvania, 19007, the Planning Department and the Building Department.

COUNCILWOMAN SANDERS OFFERED THE RESOLUTION TO BE AMENDED, SECONDED BY COUNCILWOMAN BLASS.

ALL MEMBERS IN FAVOR OF AMENDING THE RESOLUTION.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS NOT
THEREFORE ADOPTED

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 251

RIVERHEAD TOWN HUMAN SERVICES CENTER

CAPITAL PROJECT

BUDGET ADJUSTMENT

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:

406.071400.543650.40091	ARCHITECTUAL SERVICES	FROM:	
406.071400.5524000.40091	EQUIPMENT		\$6,400.
			7,200.
			TO:
406.071400.522150.40091	CONSTRUCTION EXPENSE		\$13,600.

THE VOTE

Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kozakiewicz <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

MARCH 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 252

STOTZKY PARK SKATEBOARD COMPLEX

CAPITAL PROJECT

BUDGET ADJUSTMENT

COUNCILWOMAN BLASS offered the following resolution ,
which was seconded by COUNCILWOMAN SANDERS

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

406.071100.523011.70048	PARK IMPROVEMENT	FROM: \$21,342.
406.071100.523001.70048	SKATEBOARD PARK CONSTRUCTION	TO: \$942.
406.071100.543505.70048	ENGINEERING EXPENSE	20,400

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

MARCH 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 253

LANDFILL RECLAMATION

CAPITAL PROJECT

BUDGET ADJUSTMENT

COUNCILWOMAN SANDERS offered the following resolution ,
which was seconded by COUNCILMAN LULL

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

406.095731.494200.80002	SERIAL BOND PROCEEDS	FROM: \$27,250,000.
406.081600.523023.80002	RECLAMATION EXPENSE	TO: \$26,000,000.
406.081600.543500.80002	ENGINEERING EXPENSES	1,000,000.
406.081600.547900.80002	CONTINGENCY	250,000.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

MARCH 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 254

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

COUNCILMAN LULL 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:

006.072089.421049	ROLLER HOCKEY REGISTRATION FEES	FROM: \$19,500.
		TO:
006.076240.511500	ROLLER HOCKEY, PERS. SERVICE	\$5,000.
006.076240.524000	ROLLER HOCKEY, EQUIPMENT	1,000.
006.076240.542300	ROLLER HOCKEY , FIELD SUPPLIES	1,000.
006.076240.544300	ROLLER HOCKEY, PLAQUES & AWARDS	1,000.
006.076240.545000	ROLLER HOCKEY, LEAGUE INSURANCE	10,000.
006.076240.549001	ROLLER HOCKEY, ADMIN. FEE OF GEN. FUND	1,000.
006.076240.582500	ROLLER HOCKEY, SOCIAL SECURITY	500.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

March 04, 2003

Adopted**TOWN OF RIVERHEAD****Resolution # 255****Sense resolution****SUPPORT FOR RIVERHEAD CENTRAL SCHOOL DISTRICT
TO ESTABLISH EDUCATION CAMPUS ON ACREAGE
AT ENTERPRISE PARK IN CALVERTON**

Councilman Lull offered the following
 resolution, which was seconded by Councilwoman Blass

WHEREAS, The Town of Riverhead was granted 2,900 acres of land from the Department of Navy in order to re-develop the former Grumman aviation facility in Calverton, now known as Enterprise Park; and

WHEREAS, The Riverhead Central School District has petitioned the Town of Riverhead for acreage to construct a school campus, which would address the overcrowding of the Riverhead Central School District; and

WHEREAS, It is the opinion of the Town Board of the Town of Riverhead that its taxpayers are one in the same with the Riverhead Central School District, and that granting property to the Riverhead Central School District would be a benefit to Riverhead taxpayers and cause those taxpayers to save several million dollars in potential land acquisition costs.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the deeding of property, not to exceed fifty (50) acres, to the Riverhead Central School District for the purpose of constructing a school campus on an undetermined site at Enterprise Park or any other suitable site owned by the Town of Riverhead; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Central School District, State Senator Kenneth LaValle, Assemblywoman Patricia Acampora, the Town Attorney's Office, the Riverhead Community Development Agency, and the Calverton Empire Zone Board.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Councilman Densieski offered the resolution to be amended, which was seconded by Councilwoman Sanders:

The Vote: Sanders, no, Blass, no, Densieski, yes, Lull, no, and Kozakiewicz, no.

The resolution was not adopted as amended.

Councilman Lull offered the resolution for adoption, which was seconded by Councilwoman Blass.

The Vote: Sanders, yes, Blass, yes, Densieski, no, Lull, yes, and Kozakiewicz, yes.

The resolution was thereupon declared to be duly adopted.

3/4/03

461
Adopted

TOWN OF RIVERHEAD

ORDER ESTABLISHING LATERAL WATER MAIN
MILLBROOK GABLES DEVELOPMENT
LATERAL WATER MAIN
RIVERHEAD WATER DISTRICT
RESOLUTION # 256

Adopted 3/4/2003

COUNCILWOMAN SANDERS offered the following resolution which was seconded by COUNCILMAN LULL

WHEREAS, petition has been filed by the developer of Millbrook Gables, the Long Island Housing Partnership Housing Development Funding Co., Inc., for the installation of a lateral water main of the Riverhead Water District to serve the area known as Millbrook Gables, and

WHEREAS, said plan provides for the installation of approximately 750 linear feet of 8 inch water main at a total cost of \$36,000, with all costs associated with this lateral shall be borne by the petitioner, and

WHEREAS, the petitioner will be required to pay key money in the amount of \$2,500 for each proposed dwelling unit for a total cost of \$32,500, and

WHEREAS, a public hearing was held February 4, 2003, and all those wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District, approves lateral water main of Millbrook Gables subject to the following conditions:

1. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District in the amount of \$32,500 which is equal to \$2,500 key money for each dwelling unit within the proposed subdivision. Said \$2,500 to be paid upon the earlier of the happening of two events: (a) an application for a certificate of occupancy; (b) two years from the date hereof;

2. The applicant has posted a bond or secured a letter of credit issued by a commercial banking institution, doing business in the Town of Riverhead, in the form satisfactory to counsel to the Water District, in the amount of \$36,000;

3. A grant of a sub-surface easement to the Riverhead Water District covering all locations of the proposed water main installation, and be it further

RESOLVED, that the bid contemplated herein shall not be awarded unless approved by the petitioner or his successors in title, and be it further

RESOLVED, that the terms and conditions of this Order shall be accepted and agreed to by the petitioner owner whose consent shall be duly acknowledged and shall be binding on the heirs and assigns of the petitioner and shall run with the land and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to H2M Group, Frank Isler, Esq., Gary Pendzick, Andrea Lohneiss, Accounting Department, and the applicant.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS NOT
 ADOPTED

3/4/03

Tabled

Declared on 4/1/03
Not Adopted

AMENDS RESOLUTION #1067
ORDER ESTABLISHING LATERAL SEWER MAIN
MILL POND COMMONS
RIVERHEAD SEWER DISTRICT
RESOLUTION #257

Councilperson COUNCILWOMAN SANDERS offered the following resolution which was seconded by Councilperson COUNCILMAN DENSIESKI

WHEREAS, by resolution adopted October 15, 2002, this Board determined that the Mill Pond Commons sewer lateral be constructed at the developer's sole cost and expense, which includes the relocation of the Elton Street pump station to an up-land parcel currently owned by the developer, and

WHEREAS, by previous agreement, it has been required that the developer deed the parcel described as Exhibit A to the Riverhead Sewer District for the construction of the new pump station, and

WHEREAS, the Riverhead Planning Board has required a covenant restricting any development on the parcel to be dedicated other than the construction of the new sewer lift station, and

NOW, THEREFORE, BE IT

RESOLVED, that resolution #1067 be amended to require the petitioner to deed the parcel north of Elton Street as a condition thereof, and be it further

RESOLVED, that the requirement to pay key money has been satisfied by the conveyance of the property described in Exhibit A attached hereto, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Michael Reichel, Jack Hansen, Assessors Office, Planning Department, and Frank Isler, Esq.

APRIL 1, 2003 TOWN BOARD MEETING:

COUNCILWOMAN SANDERS OFFERED THE RESOLUTION TO BE BROUGHT OFF THE TABLE WHICH WAS SECONDED BY COUNCILWOMAN BLASS.

Sanders, Yes, Blass, Yes, Densieski, abstain, Lull, yes and Kozakiewicz, yes
The resolution was thereupon brought off the table.

COUNCILWOMAN SANDERS OFFERED THE RESOLUTION FOR ADOPTION, SECONDED BY COUNCILWOMAN BLASS.

THE VOTE: SANDERS, NO, BLASS, NO, DENSIESKI, ABSTAIN, LULL, NO KOZAKIEWICZ, NO

THE RESOLUTION WAS THEREUPON DECLARED NOT TO BE ADOPTED.

THE VOTE					
Sanders	Yes	No	Blass	Yes	No
Densieski	Yes	No	Lull	Yes	No
Kozakiewicz	Yes	No			

THE RESOLUTION WAS ~~ADOPTED~~ NOT ADOPTED

Tabled

Title No. SBAP 19742A

DESCRIPTION

SCHEDULE A

PARCEL 1:

ALL THAT CERTAIN PLOT, PIECE OR PARCEL OF LAND, WITH THE BUILDINGS AND IMPROVEMENTS THEREON ERECTED, SITUATE, LYING AND BEING AT RIVERHEAD, TOWN OF RIVERHEAD, COUNTY OF SUFFOLK AND STATE OF NEW YORK, BOUNDED AND DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE NORTHERLY SIDE OF ELTON STREET, SAID POINT BEING SITUATE, THE FOLLOWING THREE (3) COURSES AND DISTANCES AS MEASURED ALONG THE NORTHERLY SIDE OF ELTON STREET FROM THE NORTHERLY TERMINUS OF THE ARC OF A CURVE CONNECTING THE NORTHERLY SIDE OF ELTON STREET AND THE EASTERLY SIDE OF NORTH HOWELL AVENUE;

1. ON A CURVE TO THE LEFT HAVING A RADIUS OF 24.30 FEET AND A LENGTH OF 38.86 FEET;
2. NORTH 68 DEGREES 22 MINUTES 00 SECONDS EAST, 73.08 FEET;
3. NORTH 68 DEGREES 15 MINUTES 20 SECONDS EAST, 174.00 FEET;

RUNNING THENCE FROM SAID POINT OF BEGINNING NORTH 21 DEGREES 44 MINUTES 40 SECONDS WEST ALONG LAND NOW OR FORMERLY OF THEODORE S. PERRY 200.00 FEET TO A POINT;

RUNNING THENCE SOUTH 68 DEGREES 15 MINUTES 20 SECONDS WEST STILL ALONG LAND NOW OR FORMERLY OF THEODORE S. PERRY AND ALONG LAND NOW OR FORMERLY OF THEODORE PERRY, JR. AND MARGARET PERRY 156.00 FEET TO THE BOUNDARY OF "MAP OF RIVERHEAD GARDEN HOMES";

RUNNING THENCE ALONG THE BOUNDARY OF "MAP OF RIVERHEAD GARDEN HOMES" THE FOLLOWING THREE (3) COURSES AND DISTANCES:

1. NORTH 20 DEGREES 01 MINUTES 00 SECONDS WEST, 281.82 FEET;
2. NORTH 81 DEGREES 49 MINUTES 00 SECONDS WEST, 76.22 FEET;
3. NORTH 08 DEGREES 11 MINUTES 00 SECONDS WEST, 175.03 FEET TO THE SOUTHERLY SIDE OF SUFFOLK COUNTY DRAINAGE EASEMENT;

RUNNING THENCE ALONG THE SOUTHERLY SIDE OF SUFFOLK COUNTY DRAINAGE EASEMENT THE FOLLOWING FIVE (5) COURSES AND DISTANCES:

1. NORTH 87 DEGREES 42 MINUTES 40 SECONDS EAST, 23.58 FEET;
2. NORTH 89 DEGREES 15 MINUTES 50 SECONDS EAST, 25.67 FEET;

CONTINUED ON NEXT PAGE

3. SOUTH 87 DEGREES 37 MINUTES 30 SECONDS EAST, 125.40 FEET;
4. NORTH 83 DEGREES 13 MINUTES 30 SECONDS EAST, 125.40 FEET;
5. NORTH 87 DEGREES 42 MINUTES 20 SECONDS EAST, 380.00 FEET TO THE CENTERLINE OF SAW MILL BROOK;

RUNNING THENCE ALONG THE CENTERLINE OF SAW MILL BROOK THE FOLLOWING SIX (6) TIE LINE COURSES AND DISTANCES:

1. SOUTH 04 DEGREES 38 MINUTES 31 SECONDS EAST, 44.41 FEET;
2. SOUTH 33 DEGREES 47 MINUTES 16 SECONDS EAST, 174.34 FEET;
3. SOUTH 22 DEGREES 53 MINUTES 22 SECONDS EAST, 37.42 FEET;
4. SOUTH 45 DEGREES 20 MINUTES 41 SECONDS EAST, 35.99 FEET;
5. SOUTH 16 DEGREES 51 MINUTES 12 SECONDS EAST, 52.31 FEET;
6. SOUTH 47 DEGREES 47 MINUTES 52 SECONDS EAST, 119.14 FEET TO THE NORTHERLY SIDE OF ELTON STREET;

RUNNING THENCE SOUTH 68 DEGREES 15 MINUTES 20 SECONDS WEST ALONG THE NORTHERLY SIDE OF ELTON STREET 545.89 FEET TO THE LAND NOW OR FORMERLY OF THEODORE S. PERRY AND THE POINT OR PLACE OF BEGINNING.

DIST: 0600 SECTION: 109.00 BLOCK: 01.00 LOT: 011.002

TOWN OF RIVERHEAD

Adopted

Resolution # 258

APPROVES APPLICATION OF EAST END ARTS & HUMANITIES COUNCIL, INC.

COUNCILWOMAN SANDERS offered the following resolution, was seconded by COUNCILWOMAN BLASS :

WHEREAS, the East End Arts & Humanities Council Inc. ("EEAC") has submitted an application for the purpose of conducting their 7th Annual Community Mosaic Street Painting Festival with music and art exhibit to be held on EEAC grounds and parking lot, Riverhead, New York, on Sunday, May 25, 2003 having a rain date of Monday, May 26, 2003, between the hours of 12:00 noon and 5:00 p.m.; and

WHEREAS, the applicant has requested the application fee be waived; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application.

NOW THEREFORE BE IT RESOLVED, that the application of the East End Arts & Humanity Council, Inc. for the purpose of conducting their 7th Annual Community Mosaic Street Painting Festival with music and art exhibit to be held on EEAC grounds and parking lot, Riverhead, New York, on Sunday, May 25, 2003, having a rain date of Monday, May 26, 2003, between the hours of 12:00 noon and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead be and hereby waives the application fee; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment at least three days in advance; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the East End Arts & Humanities Council, Inc., 133 East Main Street, Riverhead, New York, 11901; Bruce Johnson, Fire Marshal; Ken Testa, P.E. and the Riverhead Police Department.

THE VOTE

Sanders	✓ Yes	No	Blass	✓ Yes	No
Densieski	✓ Yes	No	Lull	✓ Yes	No
Kozakiewicz	✓ Yes	No			

THE RESOLUTION WAS WAS NOT

THEREUPON ADOPTED

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 259

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD (LOUIS CARACCIOLO AND OTTAVIA CARACCIOLO)

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

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and be it further

WHEREAS, Louis Caracciolo and Ottavia Caracciolo have expressed a desire to sell the development rights on approximately 25.6 acres of their agricultural lands located on the easterly side of Manor Lane, Jamesport, New York, at \$32,500 per acre, further described as Suffolk County Tax Map Numbers 0600-9-1- p/o 6.6 and 0600-22-3-4 to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Louis Caracciolo and Ottavia Caracciolo, once in the Traveler Watchman on March 13, 2003, hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Louis Caracciolo and Ottavia Caracciolo, 169 Thomas Lane, Setauket, New York 11733; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie T. Wesnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 1st day of April, 2003 at 7:10 o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights of approximately 25.6 acres of agricultural lands owned by Louis Caracciolo and Ottavia Caracciolo located on the easterly side of Manor Lane, Jamesport, New York, at \$32,500 per acre, further described as Suffolk County Tax Map Numbers 0600-9-1- p/o 6.6 and 0600-22-3-4 pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
March 4, 2003

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 260

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS (MARY CROWDER)

COUNCILMAN LULL offered the following resolution, which was seconded
by COUNCILWOMAN SANDERS :

WHEREAS, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for sale of development rights from Mary Crowder, consisting of approximately 22.3 acres of real property located on the northerly side of State Route 25A, Calverton, New York, such real property more particularly described as Suffolk County Tax Map Number 0600-76-2-2.5 ; and

WHEREAS, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Stephen H. Schuster, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Mary Crowder, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject properties in an amount not to exceed Thirty-five thousand five hundred dollars per acre (\$35,000.00) ; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mary Crowder, 5388 Route 25A, Calverton, New York 11933; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie Westnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11968; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney;

Statorney	✓ Yes	No	Blass	✓ Yes	No
Densieski	✓ Yes	No	Lull	✓ Yes	No
Kozakiewicz	✓ Yes	No			

Z:\TnAttyShare\Sean IINPurchase of Dev and open Space\Crowder\Crowder accept.doc

THE RESOLUTION WAS WAS NOT
THEREUPON DULY ADOPTED

March 4, 2003

470
Adopted

TOWN OF RIVERHEAD

Resolution # 261

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS
(AUSTIN T. FUNFGELD AND RITA FUNFGELD)

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

WHEREAS, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for sale of development rights from Austin T. Funfgeld and Rita Funfgeld, consisting of approximately 14.5 acres of real property located on the southerly side of Middle Country Road, Calverton, New York, such real property more particularly described as Suffolk County Tax Map Number 0600-100-3-10.3 ; and

WHEREAS, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Austin T. Funfgeld and Rita Funfgeld, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject properties in an amount not to exceed Thirty thousand dollars per acre (\$30,000.00); and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Allen M. Smith, 737 Roanoke Avenue, Riverhead, New York 11901; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie Westnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11968; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney.

THE VOTE

Sanders Yes No Blass Yes No
Densieski Yes No Lull Yes No
Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

03/04/03

Adopted

TOWN OF RIVERHEAD

Resolution # 262

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING TO CONSIDER AN AMENDMENT TO CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED "PINE BARRENS OVERLAY DISTRICT"

COUNCILMAN LULL

offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI :

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider an amendment to Chapter 108 of the Town Code of the Town of Riverhead entitled "Pine Barrens Overlay District" once in the March 13, 2003, issue of Traveler-Watchman Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Town Attorney and the Planning Department.

THE VOTE

Sanders Yes No Blass Yes No

Densieski Yes No Lull Yes No

Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON BEING ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on April 1, 2003 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider an amendment to Chapter 108 of the Town Code of the Town of Riverhead entitled "Pine Barrens Overlay District"

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
March 4, 2003

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

BARBARA GRATTAN, Town Clerk

§ 108-175. Findings and purpose.

A. In 1993, New York State adopted § 57-0119 of the Environmental Conservation Law ("ECL") entitled "Central Pine Barrens Joint Planning and Policy Commission". This Commission consists of five voting members: a member appointed by the Governor, the County Executive of Suffolk County and the Supervisors of the Towns of Riverhead, Brookhaven and Southampton.

This Commission was formed to implement, manage and oversee land use within the Central Pine Barrens area on Long Island. ECL 57-0119(6)(a) gives the Commission the power to prepare, adopt and insure implementation of the Comprehensive Land Use Plan. ECL Article 57 recognizes the importance of the three local towns in regulating the implementation of the Plan within the Central Pine Barrens region.

The authority to establish a Comprehensive Land Use Plan is contained in ECL §57-01021. In conformance with ECL Article 57 and the Comprehensive Land Use Plan, the Town Board of the Town of Riverhead enacted §108-175 of the Town Code of the Town of Riverhead entitled "Pine Barrens Overlay District".

The intention of the original legislation adopted in 1995 and the resulting plan was that the local planning board and zoning powers and authority to regulate land uses by local municipalities within the Central Pine Barrens area would not be affected by said legislation and plan.

B. It is the purpose of this Article to provide consistency with the goals of the Central Pine Barrens Comprehensive Land Use Plan adopted by the Town Board on June 28, 1995, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law, as follows:

(1) To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources thereof.

(2) To protect the quality of surface water and groundwater.

(3) To discourage piecemeal and scattered development.

(4) To promote active and passive recreational and environmental educational uses that are consistent with the Land Use Plan.

(5) To accommodate development in a manner consistent with the long-term integrity of the pine barrens ecosystem and to ensure that the pattern of development is efficient and orderly.

(6) To protect the Pine Barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

C. The particular objectives for land use with respect to the Central Pine Barrens Core Preservation Area include:

(1) Preserving the Pine Barrens in their natural state thereby ensuring the continuation of the unique and significant ecologic, hydrogeologic and other resources representative of such environments.

(2) Promoting compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a pine barrens environment and minimizing the impact of such activities thereon.

(3) Prohibiting or redirecting new construction or development.

(4) Accommodating specific pine barrens management practices such as prescribed burning, necessary to maintain the special ecology of the preservation area.

(5) Protecting and preserving the quality of surface water and groundwater.

(6) Protecting the Pine Barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

D. The particular objectives for land use with respect to the Central Pine Barrens Compatible Growth Area include:

(1) Preserve and maintain the essential character of the existing pine barrens environment, including plant and animal species indigenous thereto and habitats thereof.

(2) Protect the quality of surface water and groundwater.

(3) Discourage piecemeal and scattered development.

(4) Encourage appropriate patterns or compatible residential, commercial, agricultural and industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impacts thereof.

(5) Accommodate a portion of the development redirected from the Core Preservation Area.

(6) Allow appropriate growth consistent with stated natural resource goals

(7) Protect the Pine Barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

E. Although each of the zoning codes of the respective three towns contains penalty provisions for violations of the Code, no specific provisions are included for violations of regulations within the Central Pine Barrens area. Article 57 of the ECL does not specifically provide for an enforcement or penalty provision. The Towns of Riverhead, Brookhaven and Southampton desire to discourage and prevent unauthorized and illegal land clearing activities, illegal dumping and other unauthorized uses within the core area and the compatible growth area of the Long Island Central Pine Barrens Region. Any amendment to Article 57 of the ECL should be consistent with existing code enforcement provision in each of the three towns.

This local law, in addition to the purposes outlined above, is necessary to raise the potential penalties under the authority of the respective town codes for unauthorized and illegal land clearing activities, as well as provide enforcement of other provisions of the respective town code regarding the Long Island Central Pine Barrens region.

§ 108-176. Applicability.

A. The provisions of this Article shall apply to those lands in the town located within the boundaries of the Central Pine Barrens Area as defined in § 57-0107, Subdivision 10, of the New York State Environmental Conservation Law, as the same may be amended from time to time.

B. While the fine amounts set forth herein are significant, they are not out of proportion to the nature of the violation. Violations occurring within the Central Pine Barrens area may threaten groundwater and the endangered and threatened plants and animals found within the Central Pine Barrens. Through the enactment of Article 57 of the ECL, the State legislature has seen fit to protect this environmentally sensitive area. This Local Law is adopted pursuant to the home rule authorization found within §10(4)(b) of the Municipal Home Rule Law and is intended to supersede § 268 of the Town Law.

§ 108-177. Definitions.

The terms and words used in this Article shall be ascribed the meanings and uses generally attributable to them in the other sections of this chapter unless otherwise specifically interpreted or defined. As used in this chapter, the following terms shall have the meanings as indicated: CENTRAL PINE BARRENS AREA -- The area of the town defined in § 57-0107, Subdivision 10, of the New York State Environmental Conservation Law, as the same may be amended from time to time.

COMPATIBLE GROWTH AREA -- The area of the town within the Pine Barrens Area, but outside the Core Preservation Area, as defined in § 57-0107, Subdivision 12, of the New York State Environmental Conservation Law, as the same may be amended from time to time.

CORE PRESERVATION AREA -- The area of the town within the Central Pine Barrens Area which contains the largest intact areas of undeveloped pine barrens as defined in § 57-0107, Subdivision 11, of the New York State Conservation Law, as same the may be amended from time to time.

DEVELOPMENT -- The performance of any building activity or mining operation, the making of any material changes in the use or intensity of use of any structure or land and the creation or termination of rights of access or riparian rights, as defined in § 57-0107, Subdivision 13, of the New York State Environmental Conservation Law, as the same may be amended from time to time.

DEVELOPMENT RIGHT -- The legal interest and rights permitted to a lot, parcel or area of land under this chapter respecting permissible use, area, density, bulk or height improvements executed thereon.

PINE BARRENS CREDIT -- A development right allocated for lands within the Central Pine Barrens Area.

PINE BARRENS CREDIT CERTIFICATE -- An instrument issued on the behalf of the Central Pine Barrens Joint Planning and Policy Commission which indicates the number of Pine Barrens credits associated with a particular parcel of land and which attests that development rights have been severed from such real property by the recording of a conservation easement and that such rights are available for sale or use.

PLAN -- The Central Pine Barrens Comprehensive Land Use Plan ratified by the Town Board on June 28, 1995, and adopted by the Central Pine Barrens Joint Planning and Policy Commission, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law.

RECEIVING DISTRICT -- One (1) or more designated districts to which development rights or Pine Barrens credits generated from one (1) or more sending areas may be transferred, and in which increased development is permitted to occur, as set forth in Article XXXVI of this chapter, by reason of such transfer.

SENDING AREA -- One (1) or more designated areas of land in the Core Preservation Area for which development rights or Pine Barrens credits are allocated for use in one (1) or more Receiving Districts.

TRANSFER OF DEVELOPMENT RIGHTS -- The process by which development rights or Pine Barrens credits are transferred from a lot or parcel located in any sending area to another lot or parcel located in one (1) or more Receiving Districts.

§ 108-178. Development within Core Preservation Area.

A. Development within the Core Preservation Area shall be prohibited unless a hardship exemption is issued by the Central Pine Barrens Joint Planning and Policy Commission pursuant to § 57-0121 of the New York

State Environmental Conservation Law. Land uses which do not constitute development may be permitted, provided that the use complies with all other applicable provisions of this chapter.

B. Notwithstanding the provisions of the aforementioned Subsection A, any legally existing, expanded or new activity involving agricultural or horticultural production may be permitted in the Core Preservation Area, provided that the agricultural or horticultural production does not involve the material alteration of native vegetation and that the land use complies with all other applicable provisions of this chapter. The erection of accessory agricultural or horticultural buildings or structures required for agricultural or horticultural production may be permitted, provided that said buildings or structures comply with all other applicable provisions of this chapter. Uses, buildings or structures that require the material alteration of native vegetation shall be prohibited as provided in Subsection A of this section.

C. A land use in the Core Preservation Area that lawfully exists at the effective date of this Article or any amendment thereto may be continued in its present form except that the aforementioned Subsections A and B shall apply to any change, alteration, expansion, restoration or modification to said land use constituting development as defined herein. § 108-179. Development within Compatible Growth Area.

A. Development within the Compatible Growth Area (CGA) shall comply with the following standards:

- (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.
- (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.
- (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
- (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
- (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a non-disturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act) and Chapter 107 of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of

Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.

(6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.

(7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.

(8) Clearance.

(a) The proposed disturbance to natural vegetation, combined with previously disturbed areas, shall conform to the following clearance standards:

Zoning Use District	(percentage)
Maximum Site Clearance	

Residence A Use District	53%
Agriculture A Use District	53%
Industrial A Use District	65%
Industrial C Use District	65%
[Added 9-16-1998]	
Business CR Use District	65%

(b) The applicable clearance percentage shall be calculated over the area of the entire parcel, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities and shall contain calculations for the

amount of disturbance of native vegetation and indicate the clearing limits thereof.

(c) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.

(9) Land subdivision maps and site plans shall be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the plan.

(10) Development projects shall place no more than fifteen percent (15%) of the entire site in fertilizer dependent vegetation. Development designs shall consider native planting suggestions made part of the plan.

(11) Development which will have a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened or of special concern, or upon the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.

(12) Development projects shall minimize disturbance of the natural grade and/or natural vegetation where slopes exceed ten percent (10%). Construction in areas with slopes exceeding ten percent (10%) may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, non-disturbance buffers shall be placed on those portions of the site where slopes exceed ten percent (10%). Development plans shall include a slope analysis depicting existing slopes in the ranges of zero percent (0%) to ten percent (10%), eleven percent (11%) to fifteen percent (15%) and fifteen percent (15%) or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be referred for construction in areas where slopes exceed fifteen percent (15%) and for roads and driveways traversing slopes of ten percent (10%).

(13) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands, and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation easement or similar instrument.

(14) Where applicable, the use of a planned residential development or use of cluster design pursuant to Article XIX of this chapter shall be

encouraged to preserve open space. Further, the use of planned industrial park development pursuant to the provisions of Article XX of this chapter shall be encouraged to preserve open spaces.

(15) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best management practices as set forth in the plan, as may be amended from time to time.

(16) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places and historic structures listed on the State or National Registers of Historic Places, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within five hundred (500) feet of the proposed development, and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.

(17) All commercial or industrial development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.

B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this Article or any amendment thereto may be continued in its present form except that the aforementioned standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

C. Those economic development activities to occur upon those lands within the two-thousand-nine-hundred-acre tract of the Calverton Naval Weapons Industrial Reserve Plant as contemplated by Public Law 103-c337 (Suffolk County Tax Map parcels 0600-135-1-2, 0600-135-1-6 and 0600-135-1-7), the plan and its attending generic environmental impact statement shall not constitute development as defined by § 57-0107, Subdivision 13(i) of the New York State Environmental Conservation Law and by this Article.

D. Penalties for Offenses

A. In addition to the penalties provided for in elsewhere in Chapter 108 of the Town Code of the Town of Riverhead, any person or entity who shall violate any of the provisions here shall restore the subject premises or property or shall undertake any necessary remedial action, including but not limited to the posting of a performance and maintenance bond, as required by the Town Board in order to bring the subject premises

into conformance with the requirements of this chapter and the Central Pine Barrens Comprehensive Land Use Plan or any permit, covenant or condition issued thereto.

B. Any person or entity who shall violate any of the provisions contained in this chapter or the Central Pine Barrens Comprehensive Land Use Plan or any permit covenant or condition issued pursuant thereto, shall be guilty of a violation of such which shall be punishable by a fine not to exceed \$25,000.00 or not more than one (1) year in jail, for violations occurring on premises or property located within the Core Preservation Area or \$10,000.00 or no more than one (1) year in jail, for violations occurring on premises or property located within the Compatible Growth Area, and an additional fine of \$1,0900.00 per day in both areas for each day that such violation continues. A violations of this section shall be classified as an unclassified misdemeanor.

C. Any fines or penalties collected pursuant Chapter 108 of the Town of Riverhead for violations of the provisions of the Town Code relating to the Pine Barrens Overlay District, when paid over to the Town, shall be maintained in a segregated account to be used exclusively for the continuation of the protection, preservation, enhancement and/or restoration of the natural resources and ecosystems of the Central Pine Barrens Region.

D. Where authorized by a duly adopted resolution of the Town Board, the Town Attorney shall bring and maintain a civil proceeding, in the name of the Town in the Supreme Court, pursuant to Town Law §268, to enjoin the person or persons conducted or permitting any violation of this article for further conducting or permitting said violation.

§ 108-180. Transfer of development rights; Pine Barrens credit program.

A. It is the purpose of the Pine Barrens credit program to provide for the preservation of land within the Core Preservation Area while maintaining the value of those lands by providing for the transfer of Pine Barrens credits. Development rights shall be transferable from the Core Preservation Area to approved receiving sites outside the Core Preservation Area pursuant to Chapter 95A of the Town Code and the transfer of development rights standards of Article 6 of the Suffolk County Sanitary Code. Additionally, a landowner must obtain a Pine Barrens credit certificate from the Pine Barrens Credit Clearinghouse (the "Clearinghouse") as set forth in the plan, which Pine Barrens credit may be sold or used in accordance with the procedures set forth in this chapter.

B. General regulations.

(1) Pine Barrens credits, or fractions thereof, shall be allocated for each parcel of land established as a separate tax lot as of the effective date of this chapter.

(2) Pine Barrens credits shall be allocated for each single-family dwelling permitted on a parcel of land based upon the development yield established by multiplying the gross lot area (acres) of the parcel by the following development yield factor, such factor predicated upon that zoning use district in existence upon the adoption of the plan in June 1995. A fractional allocation of a Pine Barrens credit shall be rounded to the nearest one-hundredth of a Pine Barrens credit.

Zoning Use District	Minimum Lot Area (square feet)	Development Yield Factor
Natural Resources Protection	160,000	0.20
Residence C	20,000	1.60

(3) One (1) nonresidential Pine Barrens credit shall be allocated for each acre or gross lot area of real property within the Open Space Conservation Zoning Use District and the Defense Institutional District. A fractional allocation of a Pine Barrens credit shall be rounded to the nearest one-hundredth of a Pine Barrens credit.

(4) Notwithstanding the aforementioned provisions, the Planning Board, upon the written request of the landowner, and subject to prior approval by the Commission, may elect to increase the allocation of Pine Barrens credits for a parcel of land if it can be demonstrated to the satisfaction of the Planning Board that the potential development yield of the property, pursuant to Article XX, § 108-95C, is greater than the yield set forth herein.

(5) No Pine Barrens credit shall be allocated for property owned or held by a public agency, municipal corporation or governmental subdivision, including property held by reason of tax default. [Amended 5-20-1997]

(6) No Pine Barrens credit shall be allocated for property for which the development rights have previously been used or acquired, nor for lands which are encumbered by easement, covenant or other deed restriction for the purpose of land protection, preservation or conservation.

(7) No Pine Barrens credits may be transferred into the Core Preservation Area. Pine Barrens credits originating in the Core Preservation Area may be transferred out of the Central Pine Barrens Area pursuant to the establishment of receiving areas. Pine Barrens credits shall not originate from lands within the Compatible Growth Area.

Adopted

TOWN OF RIVERHEAD

Resolution # 263

TOWN BOARD SPECIAL REVENUE FUND

BUDGET ADJUSTMENT

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:

024.000000.390599	APPROPRIATION FUND BALANCE	FROM: \$64,000.
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024.099010.595406.40102	TRANSFER FROM '02 CORWIN BENJAMIN	TO: \$14,000.
024.099010.595915.40102	TRANSFER TO C.D.A.	50,000.

THE VOTE

Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kozakiewicz <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

Adopted

TOWN OF RIVERHEAD

Resolution # 264

COMMUNITY DEVELOPMENT AGENCY

BUDGET ADJUSTMENT

COUNCILWOMAN BLASS offered the following resolution ,

which was seconded by COUNCILMAN LULL

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

915.069890.481024 TRANSFER FROM TB SPECIAL REV FUND **FROM:** \$50,000.

915.069890.541162 HISTORICAL RESTORATION CONSTRUCTION **TO:** \$50,000.

THE VOTE

Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kozakiewicz <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

March 4, 2003

Adopted

TOWN OF RIVERHEAD

Resolution # 265

2002 CORWIN BENJAMIN HOUSES IMPROVEMENT BUDGET ADJUSTMENT

COUNCILMAN LULL offered the following resolution,
which was seconded by COUNCILWOMAN SANDERSON

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

406.075200.481024.40102	TRANSFER FROM T.B. SPECIAL REV. FUND	FROM:	\$14,000.
406.075200.523011.40102	SIDEWALK IMPROVEMENT EXPENSE	TO:	14,000.

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

March 4, 2003

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 266

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR SENIOR CITIZEN HUMAN RESOURCE CENTER - ELECTRICAL

COUNCILWOMAN BLASS offered the following resolution which was seconded by COUNCILMAN LULL.

WHEREAS, on December 14, 2003, the Riverhead Town Board adopted Resolution No. 1248 entitled, "Awards Bid For Senior Citizen Human Resource Center"; and

WHEREAS, the bid for electrical construction was awarded to McDowell Electric Corporation in the amount of Two Hundred Eighty One Thousand One Hundred Seventy Nine & 00/100 (\$281,179.00); and

WHEREAS, the Town Engineer has recommended that additional work was required to install additional TV drops, hallway high hat lights and additional circuits for two additional soda machines and convection ovens in the amount of Two Thousand One Hundred Thirty Five & 00/100 (\$2,135.00).

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute a change order in the amount of \$2,135.00; and

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

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
THE RESOLUTION			<input checked="" type="checkbox"/> WAS NOT		
THEREBY			ADOPTED		

March 4, 2003

Tabled

TOWN OF RIVERHEAD

RESOLUTION # 267

AUTHORIZES TOWN CLERK TO POST AND PUBLISH A NOTICE TO BIDDERS
FOR
PURCHASE OF MOBILE ADA RESTROOM TRAILER

COUNCILMAN LULL offered the following resolution which
was seconded by COUNCILWOMAN SANDERS

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the March 12, 2003 issue of the official Town newspaper for the purchase of one Mobile ADA Restroom Trailer, and

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

COUNCILMAN LULL OFFERED THE RESOLUTION TO BE TABLED, WHICH WAS SECONDED BY COUNCILMAN DENSIESKI.

All members in favor of tabling the resolution,

THE VOTE

Sanders Yes No Blass Yes No
 Densieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

Tabled

**TOWN OF RIVERHEAD
NOTICE TO-BIDDERS**

Sealed proposals for the purchase of one Ameri*Can Engineering Mobile ADA Model No. 812 Restroom Trailer will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am April 4, 2003 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about March 14, 2003 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Mobile ADA Restroom Trailer".

The Town of Riverhead reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, New York

Dated: March 4, 2003

March 4, 2003

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 268

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR CONTRACT EXTENSION OF COMPLETION DATE FOR FRESH POND SCHOOL HOUSE RENOVATION PROJECT

COUNCILMAN LULL offered the following resolution which was

seconded by COUNCILWOMAN BLASS

WHEREAS, on September 6, 2002, the Riverhead Town Board adopted Resolution No. 1139 entitled, "Awards Bid for Renovations of Fresh Pond Schoolhouse"; and

WHEREAS, the bid was awarded to Careter-Melence, Inc. in the amount of Forty Seven Thousand & 00/100; and

WHEREAS, due to inclement weather the Town Engineer has recommended that the contract completion date be extended to May 31, 2003 with no additional compensation.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute a change order authorizing the contract extension completion date to May 31, 2002; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Carter-Melence, Inc., 104 New York Avenue, Sound Beach, New York 11789, Kenneth Testa, P.E., Andrea Lohneiss and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No
 Densleski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON ADOPTED

March 4, 2003

490
Adopted

TOWN OF RIVERHEAD
RESOLUTION # 269
AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR DAM
ROAD CANOE ACCESS PROJECT

COUNCILMAN DENSIESKI offered the following resolution which was
seconded by COUNCILWOMAN SANDERS.

WHEREAS, on June 19, 2001, the Riverhead Town Board adopted Resolution No. 683
entitled, "Awards Bid for Dam Road Canoe Access Project"; and

WHEREAS, the bid was awarded to South Shore Docks, Inc. in the amount of Sixty
Eight Thousand Eight Hundred Fifty Five & 00/100 (\$68,855.00); and

WHEREAS, the Town Engineer has recommended that additional work was required to
purchase additional lumber to strengthen walkway by adding structural stability and
increase safety and to allow for the use of color recycled lumber in the amount of Six
Thousand Sixteen & 20/100 (\$6,616.20).

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby
authorized to execute a change order in the amount of Six Thousand Sixteen & 20/100;
and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to
forward a certified copy of this resolution to South Shore Docks, Inc., P. O. Box 37, East
Quogue, New York 11942, Kenneth Testa, P.E. and the Office of Accounting.

THE VOTE
Sanders Yes ___ No ___ Blass Yes ___ No ___
Densleski Yes ___ No ___ Lull Yes ___ No ___
Kozakiewicz Yes ___ No ___
THE RESOLUTION WAS WAS NOT ___
THEREUPON FULLY ADOPTED

March 4, 2003

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 270

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR EAST END ARTS HANDICAP ACCESSIBILITY PROJECT

COUNCILWOMAN BLASS offered the following resolution which was
seconded by COUNCILMAN LULL.

WHEREAS, on July 22, 2002 the Riverhead Town Board adopted Resolution No. 805
entitled, "Awards Bid for Benjamin Corwin Site Improvement Project"; and

WHEREAS, the bid was awarded to LoDuca Associates, Inc. in the amount of One
Hundred Twenty Three Thousand Nine Hundred Dollars & 00/100 (\$123,900.00); and

WHEREAS, the Town Engineer has recommended that additional work was necessary
due to increase in actual scaled quantities in the amount of Sixteen Thousand Six
Hundred Five & 06/100 (\$16,605.06).

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby
authorized to execute a change order in the amount of \$16,605.06; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to
forward a certified copy of this resolution to LoDuca Associates, Inc., 171 Bridge Road,
Islandia, NY 11749, Kenneth Testa, P.E., Andrea Lohneiss and the Office of Accounting.

THE VOTE

Sanders Yes No Blass Yes No
 Denstieski Yes No Lull Yes No
 Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

March 4, 2003

TOWN OF RIVERHEAD

AdoptedResolution # 271**EXTENDS FULL TIME STATUS THROUGH MARCH 31, 2003**

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

WHEREAS, TBR #132 authorized temporality a part time employee in increase her hours due to a staff storage; and

WHEREAS, there is a need to extend this temporary solution by extending these full time hours through March 31, 2003; and

NOW, THEREFORE, BE IT, RESOLVED, that part time clerk typist Jill Sollazzo is hereby authorized to continue her full time hours temporality through March 31, 2003; and

BE IT FURTHER RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to Jill Sollazzo and the Office of Accounting.

THE VOTESanders Yes NoBlass Yes NoDensieski Yes NoLull Yes NoKozakiewicz Yes No

Tabled

03/04/03

TOWN OF RIVERHEAD

Resolution # 272**AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH
HEADRIVER, LLC**

COUNCILWOMAN SANDERS offered the following resolution, which
was seconded by COUNCILMAN LULL :

WHEREAS, Headriver LLC has duly filed applications with the Town of Riverhead for approval of a special permit for a lumberyard and for approval of a related site plan, and

WHEREAS, there is currently litigation between the Town of Riverhead and Headriver LLC concerning the Town's failure to approve such applications, and

WHEREAS, Headriver LLC and the Town Board of the Town of Riverhead have discussed concessions by Headriver LLC in return for a settlement of the outstanding litigation and a resolution of all pending applications with the Town of Riverhead, and a settlement agreement has been prepared incorporating the discussions of the parties, and

WHEREAS, the Town Board of the Town of Riverhead has reviewed and discussed the proposed settlement agreement and has determined that the terms and conditions of such agreement are just, reasonable and in the best interests of the Town,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board approves the terms of such settlement agreement and binds itself to carry out the terms thereof, including the issuance of a special permit and site plan approval as set forth in such agreement, and authorizes the Supervisor of the Town of Riverhead to execute such agreement on behalf of the Town Board of the Town of Riverhead, and be it further,

RESOLVED, that the Town Clerk is hereby directed to deliver a copy of this resolution to the Town Attorney, Office of Accounting, Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, P.O. Box 389, Riverhead, NY, 11901, Bracken, Margolin and Gouvis, LLP, 1 Suffolk Square, Suite 300, Islandia, NY 11749.

COUNCILWOMAN SANDERS OFFERED THE RESOLUTION TO BE TABLED, WHICH WAS SECONDED BY COUNCILWOMAN BLASS.

ALL MEMBERS IN FAVOR OF TABLING THE RESOLUTION.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozaklewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON ADOPTED

Tabled

RESOLUTION # 273 ABSTRACT #08-03 FEBRUARY 20, 2003 (TB 03/04/03)

Councilman Lull offered the following Resolution which was seconded by Councilman Demleski

FUND NAME		CD - 02/14/03	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ 6,500,000.00	\$ 646,183.10	\$ 7,146,183.10
POLICE ATHLETIC LEAGUE	004	\$ 10,000.00	\$	\$ 10,000.00
TEEN CENTER	005	\$ 14,000.00	\$	\$ 14,000.00
RECREATION PROGRAM	006	\$ 15,000.00	\$	\$ 15,000.00
SR NUTRITION SITE COUNCIL	007	\$	\$ 638.16	\$ 15,638.16
D.A.R.E. PROGRAM FUND	008	\$ 1,500.00	\$	\$ 1,500.00
CHILD CARE CENTER BUILDING FUND	009	\$ 40,000.00	\$	\$ 40,000.00
AG-FEST COMMITTEE FUND	021	\$ 2,000.00	\$	\$ 2,000.00
HUMAN SERVICES FUND	022	\$	\$	\$
TOWN BD SPECIAL PROGRAM FND	024	\$ 338,000.00	\$	\$ 338,000.00
YOUTH COURT SCHOLARSHIP FUND	025	\$	\$	\$
SRS DAYCARE BUILDING FUND	027	\$	\$ 2,604.54	\$ 2,604.54
COMMUNITY P.E.T.S. SHELTER	028	\$ 10,000.00	\$	\$ 10,000.00
ANIMAL SPAY & NEUTERING FUND	029	\$	\$	\$
EDZ FUND	030	\$ 12,000.00	\$ 2,518.75	\$ 14,518.75
HIGHWAY	111	\$ 1,100,000.00	\$ 62,885.86	\$ 1,162,885.86
WATER	112	\$ 2,200,000.00	\$ 39,943.70	\$ 2,239,943.70
REPAIR & MAINTENANCE	113	\$ 950,000.00	\$	\$ 950,000.00
RIVERHEAD SEWER DISTRICT	114	\$ 1,200,000.00	\$ 27,938.34	\$ 1,227,938.34
REFUSE & GARBAGE COLLECTION	115	\$ 950,000.00	\$ 4,599.85	\$ 954,599.85
STREET LIGHTING	116	\$ 460,000.00	\$ 7,832.10	\$ 467,832.10
PUBLIC PARKING	117	\$ 140,000.00	\$ 7,944.62	\$ 147,944.62
BUSINESS IMPROVEMENT DISTRICT	118	\$	\$	\$
TOR URBAN DEV CORP TRUST ACCT	119	\$	\$	\$
AMBULANCE DISTRICT	120	\$ 240,000.00	\$ 1,237.01	\$ 241,237.01
CALVERTON SEWER DISTRICT	124	\$ 135,000.00	\$ 8,886.50	\$ 143,886.50
RIVERHEAD SCAV WASTE DISTRICT	128	\$ 300,000.00	\$ 28,613.83	\$ 328,613.83
WORKER'S COMPENSATION FUND	173	\$ 1,150,000.00	\$ 82,874.03	\$ 1,232,874.03
RISK RETENTION FUND	175	\$ 735,000.00	\$ 476,032.97	\$ 1,211,032.97
UNEMPLOYMENT INSURANCE FUND	176	\$ 103,500.00	\$	\$ 103,500.00
MAIN STREET REHAB PROGRAM	177	\$	\$	\$
REVOLVING LOAN PROGRAM	178	\$	\$	\$
RESIDENTIAL REHAB	179	\$	\$	\$
DISCRETIONARY/SMALL CITIES	180	\$	\$	\$
CDBG CONSORTIUM ACCOUNT	181	\$	\$ 734.75	\$ 734.75
URBAN DEVEL CORP WORKING	182	\$	\$	\$
RESTORE	184	\$	\$	\$
PUBLIC PARKING DEBT	381	\$	\$	\$
SEWER DISTRICT DEBT	382	\$ 25,000.00	\$	\$ 25,000.00
WATER DEBT	383	\$	\$	\$
GENERAL FUND DEBT SERVICE	384	\$ 13,850,000.00	\$	\$ 13,850,000.00
SCAVENGER WASTE DEBT	385	\$ 10,000.00	\$	\$ 10,000.00
TOWN HALL CAPITAL PROJECTS	406	\$	\$ 793,440.75	\$ 793,440.75
EIGHT HUNDRED SERIES	408	\$	\$	\$
WATER IMPROVEMENT CAP PROJ	409	\$	\$	\$
NUTRITION CAPITAL IMP	441	\$	\$	\$
CHIPS	451	\$	\$	\$
YOUTH SERVICES	452	\$ 3,000.00	\$ 2,054.98	\$ 5,054.98
SENIORS HELPING SENIORS	453	\$	\$ 2,233.44	\$ 2,233.44
EISEP	454	\$	\$ 439.20	\$ 439.20
SCAVENGER WASTE CAP PROJ	470	\$	\$	\$
MUNICIPAL FUEL FUND	625	\$ 305,000.00	\$ 15,071.26	\$ 400,071.26
MUNICIPAL GARAGE	626	\$ 87,500.00	\$ 16,113.66	\$ 105,613.66
TRUST & AGENCY	735	\$	\$ ** 837,619.15	\$ 837,619.15
SPECIAL TRUST	736	\$ 650,000.00	\$	\$ 650,000.00
COMMUNITY PRESERVATION FUND	737	\$ 310,000.00	\$	\$ 310,000.00
CDA-CALVERTON	914	\$ 950,000.00	\$	\$ 950,000.00
COMMUNITY DEVELOPMENT AGENCY	915	\$ 50,000.00	\$ 23,946.27	\$ 73,946.27
JOINT SCAVENGER WASTE	918	\$ 190,000.00	\$	\$ 190,000.00
CENTRAL CLEARING ACCOUNT	999	\$	\$	\$
TOTALS		\$ 33,116,500.00	\$ 3,094,386.84	\$ 36,210,886.84
**SCHOOL & TOWN TAXES				

THE VOTE

Sanders Yes No Bless Yes No Lull Yes No Demleski Yes No Kozakiewicz Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON IT WAS ADOPTED

RESOLUTION # 293 ABSTRACT #09-03 FEBRUARY 26, 2003 (TB 03/04/03)

Councilman Sullivan offered the following Resolution which was seconded by Councilman Jermoluk

FUND NAME		CD NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$		
POLICE ATHLETIC LEAGUE	004	\$	695,060.63	695,060.63
TEEN CENTER	005	\$		
RECREATION PROGRAM	006	\$	231.72	231.72
SR NUTRITION SITE COUNCIL	007	\$	1,670.00	1,670.00
D.A.R.E. PROGRAM FUND	008	\$		
CHILD CARE CENTER BUILDING FUND	009	\$		
AG-FEST COMMITTEE FUND	021	\$		
HUMAN SERVICES FUND	022	\$		
TOWN BD SPECIAL PROGRAM FND	024	\$		
YOUTH COURT SCHOLARSHIP FUND	025	\$		
SRS DAYCARE BUILDING FUND	027	\$		
COMMUNITY P.E.T.S. SHELTER	028	\$		
ANIMAL SPAY & NEUTERING FUND	029	\$	1,022.03	1,022.03
EDZ FUND	030	\$		
HIGHWAY	111	\$	836.69	836.69
WATER	112	\$	21,824.79	21,824.79
REPAIR & MAINTENANCE	113	\$	213,504.35	213,504.35
RIVERHEAD SEWER DISTRICT	114	\$		
REFUSE & GARBAGE COLLECTION	115	\$	25,663.47	25,663.47
STREET LIGHTING	116	\$	189,590.93	189,590.93
PUBLIC PARKING	117	\$	4,507.59	4,507.59
BUSINESS IMPROVEMENT DISTRICT	118	\$	41,064.11	41,064.11
TOR URBAN DEV CORP TRUST ACCT	119	\$		
AMBULANCE DISTRICT	120	\$		
CALVERTON SEWER DISTRICT	124	\$	19,212.86	19,212.86
RIVERHEAD SCAV WASTE DISTRICT	128	\$	7,675.66	7,675.66
WORKER'S COMPENSATION FUND	173	\$	4,785.10	4,785.10
RISK RETENTION FUND	175	\$	86,672.96	86,672.96
UNEMPLOYMENT INSURANCE FUND	176	\$	452,287.03	452,287.03
MAIN STREET REHAB PROGRAM	177	\$		
REVOLVING LOAN PROGRAM	178	\$		
RESIDENTIAL REHAB	179	\$		
DISCRETIONARY/SMALL CITIES	180	\$		
COBG CONSORTIUM ACCOUNT	181	\$		
URBAN DEVEL CORP WORKING	182	\$	2,451.00	2,451.00
RESTORE	184	\$		
PUBLIC PARKING DEBT	381	\$		
SEWER DISTRICT DEBT	382	\$	33,154.69	33,154.69
WATER DEBT	383	\$	3,619.00	3,619.00
GENERAL FUND DEBT SERVICE	384	\$	575,838.14	575,838.14
SCAVENGER WASTE DEBT	385	\$	357,855.19	357,855.19
TOWN HALL CAPITAL PROJECTS	406	\$		
EIGHT HUNDRED SERIES	408	\$	334,253.97	334,253.97
WATER IMPROVEMENT CAP PROJ	409	\$		
NUTRITION CAPITAL IMPS	441	\$		
CHIPS	451	\$		
YOUTH SERVICES	452	\$		
SENIORS HELPING SENIORS	453	\$	813.14	813.14
EISEP	454	\$		
SCAVENGER WASTE CAP PROJ	470	\$	76.68	76.68
MUNICIPAL FUEL FUND	625	\$		
MUNICIPAL GARAGE	626	\$	3,171.66	3,171.66
TRUST & AGENCY	735	\$	8,253.13	8,253.13
SPECIAL TRUST	736	\$	34,056.54	34,056.54
COMMUNITY PRESERVATION FUND	737	\$	175,000.00	175,000.00
CDA-CALVERTON	914	\$	350,000.00	350,000.00
COMMUNITY DEVELOPMENT AGENCY	915	\$	21.77	21.77
JOINT SCAVENGER WASTE	918	\$	11,852.21	11,852.21
CENTRAL CLEARING ACCOUNT	999	\$		
TOTALS		\$		
SCHOOL & TOWN TAXES		\$	3,693,729.71	3,693,729.71

THE VOTE
 Sanders Yes No Blass Yes No
 Densieski Yes No Luj Yes No
 Kozakiewicz Yes No
 THE RESOLUTION WAS WAS NOT
 THEREUPON DULY ADOPTED

March 4, 2003

TOWN OF RIVERHEAD

Resolution # 274

APPOINTS CAPTAIN TO THE RIVERHEAD POLICE DEPARTMENT

COUNCILMAN LULL

_____ offered the following resolution, which was seconded by

~~COUNCILWOMAN BLASS~~

WHEREAS, Lt. Richard T. Smith, was promoted to the provisional title of Captain of the Riverhead Police Department, effective July 23, 2002; and,

WHEREAS, the Suffolk County Department of Civil Service has established a certified list of eligibles, #02-5009-235, dated February 26, 2003, for the position of Police Captain in the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that Richard T. Smith be and is hereby promoted to the permanent title of Captain of the Riverhead Police Department, effective March 4, 2003; and,

BE IT FURTHER RESOLVED, that the Town Supervisor be and is hereby authorized to negotiate a contract with Richard T. Smith, subject to review and approval by the Town Board; and,

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a copy of this resolution to Richard T. Smith, Police Chief David J. Hegermiller and the Office of Accounting.

THE VOTE
Sanders Yes ___ No ___ Blass Yes ___ No ___
Densieski Yes ___ No ___ Lull Yes ___ No ___
Kozakiewicz Yes ___ No ___
THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY ADOPTED

March 4, 2003

TOWN OF RIVERHEAD

Resolution # 275

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS (JENNIE JANLEWICZ, ALEXANDER JANLEWICZ AND CHERYL JANLEWICZ)

COUNCILMAN LULL offered the following resolution, which was seconded

by COUNCILMAN DENSIESKI :

WHEREAS, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for sale of development rights from Jennie Janlewicz, Alexander Janlewicz and Cheryl Janlewicz, consisting of approximately 41 acres of their agricultural lands located on the northerly side of State Route 25, Aquebogue, New York, at \$27,014.56 per acre along with an access easement of 25' in width across a parcel retained by the Janlewicz family for the sum of \$6000.00, the entire parcel further described as Suffolk County Tax Map #0600-67-3- p/o 1.5, to the Town of Riverhead; and

WHEREAS, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights and access easement by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Jennie Janlewicz, Alexander Janlewicz and Cheryl Janlewicz, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject properties in an amount not to exceed Twenty-seven thousand fourteen dollars and fifty six cents per acre (\$27,014.56) along with an access easement of 25' in width across a parcel retained by the Janlewicz family for the sum of \$6000.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael E. Walter, 407 East Main Street, Post Office Box 95, Port Jefferson, New York 11777; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie Westnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11968; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney.

THE VOTE

Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Kozakiewicz	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED