

**TOWN BOARD MEETING
AGENDA
PHILIP CARDINALE, Supervisor**

March 15, 2005

**Edward Densieski, Councilman
George Bartunek, 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
James Janecek
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

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

Call to Order and Salute to the Flag

Approves minutes of March 1st. . 2005

Dawkins Offered the minutes to be approved, which
was seconded by Demsueski. *Syes*

REPORTS

Receiver of Taxes: Total Collections to Date: \$51,093,614.55
Utility Collections Report-Total Collected: \$174,381.59

Sewer Dist.: Discharge Monitoring report from June & July 2004.

Police Dept.: Annual report for 2004
Monthly Report for Jan. & Feb. 2005

Open Bid Reports: Sporting Goods
Opened: 3/7/05
No Bids Were Received

Water Service Materials
Opened: 3/9/05
Four Bids were received

Dry Hydrated Lime
Opened: 3/9/05
Two Bids were received

Bid Reports Continued:

Corrosion Control Chemical
Opened: 3/9/05
Three Bids were received

APPLICATIONS

Site Plans: Zenith Building-New Five Story Mixed Bldg.
New Cingular Wireless PCS LLC-Antennas
To existing water tank

Fireworks Permit: Ruggieri-Vineyard Caterers-April 9,2005

CORRESPONDENCE

Ciarelli & Demsey: Re; Application of Edward & Astrid
Hulse & Ralph & Ruth Passintino for Change
of Zone

Greater Calverton
Civic Assoc.: Re: Business F Manufacturers
Outlet Center

Sandra Mott: Letter of Appreciation re: Jill Lewis
And Susan Herd

Hal Lindstrom: Re: World Trade Center Memorial
Damages

Kosuri Engineering &
Consulting, P.C. Re: Proposed Site Development
Property Located at the intersection of
Route 58 & L.I. Expressway

PUBLIC HEARINGS

7:00 p.m. The Grant Application to the U.S. Dept. of Justice Edward Byrne Memorial Justice Assistance Grant.

7:05 p.m. The Consideration of the Designation of Washington Young House as a Landmark.

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:

REGULAR TOWN BOARD MEETING:

- #218 **Accepts Resignation of a Detention Attendant (Stephanie Lima)**
 - #219 **Accepts Resignation of a Detention Attendant (Thomas Lima)**
 - #220 **Approves Chapter 90 Application of American Diabetes Association (Bicycle Ride)**
 - # 221 **Approves the Submission of a Grant Application to United States Department of Justice Edward Byrne Memorial Justice Assistance Grant**
 - #222 **Authorization to Junk Fixed Assets**
 - #223 **Authorizes the Supervisor to Execute a License Agreement with Twin Fork Oyster to allow the Installation of a Floating Upweller System (FLUPSY) in East Creek**
 - #224 **Authorizes the Supervisor to Execute a License Agreement with Aeros Cultured Oyster Company to Allow the Installation of a Floating Upweller System (FLUPSY) in East Creek**
 - #225 **Authorizes the Town Attorney to Order a Survey for Property owned by 724 Realty Corp. (718 East Main Street, Riverhead)**
 - #226 **Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Summer Interns in Town Offices.**
 - #227 **Authorizes Town Clerk to Publish and Post Public Notice to Consider Rescinding Local Law 12 of August 21,2001 to Amend Riverhead Tax Bills by Creating a Separate Line (Riverhead Charter School)**
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- #228** 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 (purported owner: Alfred Popp and Mary Jane Popp)
- #229** Authorizes the Execution of a Lease Agreement Between Kenneth Demchak and the Town of Riverhead
- #230** Awards BID for Abandoned/Junk Motorcycles/Mopeds
- #231** Awards BID for Abandoned/Junk Vehicles
- #232** Expresses Support of Riverhead Town Board for EADS – North America Airbus Project
- #233** Town of Riverhead Order Calling Public Hearing Repainting of Standpipe at Plant No. 8 Riverhead Water District
- #234** Reduces Performance Bond of NF Golf Resorts
- #235** Sets Filing Fees for Certificates of Abandonment for Roads and Lots
- #236** Aquebogue Golf Resort Phase II Water Ext Budget Adjustment
- #237** Shoreline Development Water Ext #82 Budget Adoption
- #238** Harold & Gene Goodale Farmland Development Rights Project Budget Adoption
- #239** Appoints Provisional Account Clerk Typist (Laura Tague)
- #240** Todd Wells Farmland Development Right Budget Adoption
- #241** Sets Registration Fees for the Riverhead Recreation Department
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- #242** 2005 Street Tree Planting Program Budget Adoption

- #243 **Adopts a Local Law Amending the Zoning Use District Schedule; Manufacturer's Outlet Center; Business F**
- #244 **Accepts Resignation of Maintenance Mechanic III**
- #245 **Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Maintenance Mechanic II**
- #246 **Authorizes Town Clerk to Publish and Post Public Notice for a Local Law to Consider an Amendment to Chapter 47 "Bays and Creeks" of the Riverhead Town Code**
- #247 **Authorizes Town Clerk to Publish and Post Notice of Public Hearing – Special Permit of James & Linda Slezak**
- #248 **Authorizes Town Clerk to Advertise for Bids Kelbridge Meadows**
- #249 **Authorizes the Supervisor to Execute a License Agreement with Peconic Baykeeper, Inc.**
- #250 **Approves Site Plan of Riverhead Plaza (Riverhead PGC,LLC)**
- #251 **Rescinds Resolution #153 of 2005 (Authorizes Town Clerk to Publish and Post a Public Notice to Create §52-10 (F), §108-77 (A)(3), §108-96 (D))(4), §108-97 (F)(6), §108-131 (B)(6) Entitled "Electronic Records Retention Fees")**
- #252 **Approves Chapter 90 Application of Calverton Links, LTD**
- #253 **Authorizes Attendance at Workshop**
- #254 **Appoints Provisional Account Clerk Typist (Joan Mottern)**
- #255 **Highway Fund Budget Adjustment**
- #256 **Street Light District Budget Adjustment**
- #257 **Approves Continued Support to the East End Transportation Council's "Seeds" Study**

- #258** Authorizes Town Clerk to Publish and Post a Help Wanted Ad for Water Treatment Plant Operator Trainee
- #259** Authorizes the Supervisor to Execute a License Agreement with Eastern Long Island Audubon Society, Inc.
- #260** Authorizes Execution of Contract with Seed Clam Administrator
- #261** General Fund Budget Adjustment
- #262** Approves Stipulation of Settlement
- #263** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapters 52 and 108 of the Riverhead Town Code to Create §52-10 (F), §108-77 (A)(3), §108-96 (D)(4), §108-97 (F)(6), §108-131 (B)(6) Entitled "Electronic Records Retention Fees"
- #264** Pays Bills
- #265** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code (108-96 (A) Procedure, 108-97 (A) Procedure, 108-131 Application procedure ; fees)
- #266** Adopts a Local Law to Amend Certain Sections of Chapter 108 Entitled, "Zoning" of the Riverhead Town Code

Adopted

March 15, 2005

TOWN OF RIVERHEAD

Resolution # 218

ACCEPTS RESIGNATION OF A DETENTION ATTENDANT

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

WHEREAS, Chief of Police David J. Hegermiller has received a letter of resignation submitted by Stephanie Lima, from the position of Detention Attendant, effective immediately.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the letter of resignation submitted by Stephanie Lima.

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

Adopted

March 15, 2005

TOWN OF RIVERHEAD

Resolution # 219

ACCEPTS RESIGNATION OF A DETENTION ATTENDANT

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

WHEREAS, Chief of Police David J. Hegermiller has received a letter of resignation submitted by Thomas Lima, from the position of Detention Attendant, effective immediately.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby accepts the letter of resignation submitted by Thomas Lima.

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

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Deñsieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION ~~WAS~~ ___ WAS NOT
THEREFORE DULY ADOPTED

3/15/05

TOWN OF RIVERHEAD

Adopted

Resolution # 220

**APPROVES CHAPTER 90 APPLICATION OF AMERICAN DIABETES
ASSOCIATION (BICYCLE RIDE)**

councilman Densieski offered the following resolution, was seconded by

Councilwoman Blass

WHEREAS, the American Diabetes Association has submitted a Chapter 90 Application for the purpose of conducting a Tour de Cure (bicycle ride) to be held on Sunday, June 12, 2005 in the Grangebel Park, Riverhead, New York, between the hours of 5:00 a.m. and 5:00 p.m. (set up on Saturday, June 11, 2005 between the hours of 12:00 noon and 5:00 p.m.); and

WHEREAS, the American Diabetes Association has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), and

WHEREAS, the applicant has requested the application fee be waived due to its not-for-profit status; 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 regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Chapter 90 Application of the American Diabetes Association for the purpose of conducting a Tour de Cure (bicycle ride) to be held on Sunday, June 12, 2005 in the Grangebel Park, Riverhead, New York, between the hours of 5:00 a.m. and 5:00 p.m. (set up on Saturday, June 11, 2005 between the hours of 12:00 noon and 5:00 p.m.) is hereby approved; and be it further

RESOLVED, the American Diabetes Association shall be responsible for the removal of all trash and rubbish from the site at the conclusion of this event; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the application fee for this event; 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 American Diabetes Association shall contact the Riverhead Fire Marshal at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the American Diabetes Association, Attn: Marci Marchfeld, 149 Madison Avenue, Suite 701, New York, New York, 10016, Bruce Johnson, Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	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
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

March 15, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 221

APPROVES THE SUBMISSION OF A GRANT APPLICATION
TO UNITED STATES DEPARTMENT OF JUSTICE
EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, grant funding in the amount of \$13,456 is available from the United States Department of Justice Edward Byrne Memorial Justice Assistance Grant; and

WHEREAS, the Town of Riverhead Police Department proposes to utilize the grant to increase its technological capabilities to fight crime, by securing body wire devices and surveillance cameras; and

WHEREAS, a Public Hearing was held on this day March 15, 2005 to provide citizens an opportunity to comment on the grant application and proposed use of these funds; and

WHEREAS, a public comment period will continue until March 24, 2005, during which time written comments directed to the Office of the Supervisor will be accepted; and

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Chief of Police David Hegermiller and Grants Coordinator Jennifer Mesiano to complete and submit a grant application supporting the purchase of surveillance cameras and authorizes the Town Supervisor to sign the grant application.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Chief of Police David Hegermiller, Grants Coordinator Jennifer Mesiano, and the Office of Accounting.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

AUTHORIZATION TO JUNK FIXED ASSETS

RESOLUTION # 222

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

WHEREAS, after careful consideration, the Accounting Department has made a recommendation that this equipment has no residual value and should be junked and taken off the inventory listing. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

NOW, THEREFORE BE IT RESOLVED that the Accounting Department is hereby authorized to discard the following items:

<u>Tag #</u>	<u>Description</u>	<u>Tag #</u>	<u>Description</u>
7938	BluePrinter	22770	Monitor
7981	Printer	23059	Monitor
8539	UPS	23063	Printer
20116	CPU	23151	CPU
20789	UPS	23154	Monitor
20979	Keyboard	23293	Monitor
20980	Monitor	23334	CPU
21454	CPU	23461	Keyboard
21505	Printer	23485	Keyboard
21509	Printer	23688	Monitor
21679	Mouse	23738	Monitor
21820	Monitor	23754	UPS
21869	Mouse	24163	CPU
21896	Monitor	24244	Keyboard
21903	Keyboard	24298	Mouse
21908	Monitor	24342	Printer
21926	CPU	24362	CPU
22033	CPU	24363	Monitor
22383	CPU	24364	Monitor
22411	Monitor	24374	Mouse
22589	CPU		

THE VOTE

Sanders Yes No

Blass Yes No

Bartunek Yes No

Densieski Yes No

Cardinale Yes No

3/15/05

Adopted

Town of Riverhead

Resolution # 223

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH TWIN FORK OYSTER TO ALLOW THE INSTALLATION OF A FLOATING UPWELLER SYSTEM (FLUPSY) IN EAST CREEK

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS

_____ :

WHEREAS, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

WHEREAS, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

WHEREAS, Twin Fork Oyster is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

WHEREAS, Twin Fork Oyster wishes to install a Floating Upweller System in East Creek for the purposes of cultivating shellfish; and

WHEREAS, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

WHEREAS, Twin Fork Oyster has agreed to provide monthly tours of its East Creek facility.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with Twin Fork Oyster; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Twin Fork Oyster, P.O. Box 139, Jamesport, New York, 11947; the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

LICENSE

License ("License"), made as of the day of March, 2005, by and between the Town of Riverhead, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York and Twin Fork Oyster, ("Licensee"), having an address at P.O. Box 139, Jamesport, New York, a not for profit corporation.

WITNESSETH

WHEREAS, Twin Fork Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seek hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize three (3) FLUPSY tanks at the aforementioned location.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of which is annexed hereto as Exhibit A.

2. Term of the License. The term of this License (the "term") shall commence on January 1, 2005 and shall end on December 31, 2005.

3. Condition of the License Properties. Licensee if familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license properties "as is".

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges to the Town.

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to John J. Hansen, Financial Administrator, at 200 Howell Avenue, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide educational tours of the facility.

6. Insurance. Shall be maintained as per the attached contract and in accordance with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as additional insured.

7. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed properties without the prior permission of the licensor.

8. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, license the license property, in whole or in part, or permit licensee's interest to be vested in any other party other than licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed property.

10. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue,

Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to P.O. Box 139, Jamesport, New York, 11947.

11. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

12. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
PHILIP J. CARDINALE, Supervisor

TWIN FORK OYSTER

By: _____

4/06/04

Adopted

Town of Riverhead

Resolution # 224

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH AEROS CULTURED OYSTER COMPANY TO ALLOW THE INSTALLATION OF A FLOATING UPWELLER SYSTEM (FLUPSY) IN EAST CREEK

COUNCILMAN BARTUNEK

offered the following resolution, was seconded by

COUNCILWOMAN BLASS

:

WHEREAS, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

WHEREAS, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

WHEREAS, Aeros Cultured Oyster Company (AEROS) is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

WHEREAS, Aeros wishes to install a Floating Upweller System in East Creek for the purposes of cultivating shellfish; and

WHEREAS, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

WHEREAS, Aeros has agreed to provide monthly tours of its East Creek facility.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with Aeros Cultured Oyster Company; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Aeros Cultured Oyster Company, P.O. Box 964, Southold, New York, 11974; the Office of the Town Attorney and the Office of Accounting.

W:\Laura Calamita\reso\AthFlupsy.res.doc

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

LICENSE

License ("License"), made as of the day of March, 2005, by and between the Town of Riverhead, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York and Twin Fork Oyster, ("Licensee"), having an address at P.O. Box 139, Jamesport, New York, a not for profit corporation.

WITNESSETH

WHEREAS, Aeros Cultured Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seek hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize three (3) FLUPSY tanks at the aforementioned location.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of which is annexed hereto as Exhibit A.

2. Term of the License. The term of this License (the "term") shall commence on January 1, 2005 and shall end on December 31, 2005.

3. Condition of the License Properties. Licensee if familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license properties "as is".

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges to the Town.

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to John J. Hansen, Financial Administrator, at 200 Howell Avenue, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide educational tours of the facility.

6. Insurance. Shall be maintained as per the attached contract and in accordance with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as additional insured.

7. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed properties without the prior permission of the licensor.

8. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, license the license property, in whole or in part, or permit licensee's interest to be vested in any other party other than licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed property.

10. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue,

Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to P.O. Box 139, Jamesport, New York, 11947.

11. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

12. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
PHILIP J. CARDINALE, Supervisor

TWIN FORK OYSTER

By: _____

3/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 225

AUTHORIZES THE TOWN ATTORNEY TO ORDER A SURVEY FOR PROPERTY OWNED BY 724 REALTY CORP. (718 East Main Street, Riverhead)

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, the Town of Riverhead is considering the in-kind exchange of a portion of property owned by 724 Realty Corp. (Andrew Maggio, Principal), located at 718 East Main Street, Riverhead, New York, further described as Suffolk County Tax Map #0600-129-4-33; and

WHEREAS, the Town of Riverhead and 724 Realty Corp. are considering entering into an agreement to exchange property for the purpose of obtaining additional parking for the recent relocation of the Riverhead Building Department; and

WHEREAS, the Town of Riverhead desires to obtain a real estate survey of said property; and

WHEREAS, Andrew Maggio of 724 Realty Corp. agrees to contribute \$1,000.00 toward the fee for said survey.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Attorney to order a survey for the aforementioned property; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Michael Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, New York, 11777; the Office of the Supervisor and the Office of the Town Attorney.

THE VOTE

Bartunek yes no Sanders yes no
 Blass yes no Densieski yes no
 Cardinale yes no

**THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED**

Adopted

March 15, 2005

TOWN OF RIVERHEAD

Resolution # 226

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR SUMMER INTERNS IN TOWN OFFICES**

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the March 24, 2005 and the March 31, 2005 issue of the Traveler Watchman.

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

THE VOTE

Bartunek Yes No Sanders Yes No
Blass Yes No Densieski Yes No
Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE that the Town of Riverhead has part time positions for Summer Interns. Applicants must be a student of an accredited college. Applications should be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY by April 15, 2005. EOE.

BY ORDER OF:
THE RIVERHEAD TOWN BOARD
BARBARA GRATTAN, TOWN CLERK

03/15/05

TOWN OF RIVERHEAD

Resolution #227

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER RESCINDING LOCAL LAW 12 OF AUGUST 21, 2001 TO AMEND RIVERHEAD TAX BILLS BY CREATING A SEPARATE LINE (RIVERHEAD CHARTER SCHOOL)

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

_____ COUNCILWOMAN BLASS

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider rescinding Local Law # 12 of August 21, 2001 to amend Riverhead tax bills by creating a separate line (Riverhead Charter School) once in the March 24, 2005 issue of the Traveler Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed rescission to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Supervisor, the Board of Assessors, the Receiver of Taxes and the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY 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 5th day of April, 2005 at 7:20 o'clock p.m. to consider Local Law # 12 of August 21, 2001 to amend Riverhead tax bills by creating a separate line (Riverhead Charter School).

Dated: Riverhead, New York
March 15, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

March 15, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 228

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 (purported owner: Alfred Popp and Mary Jane Popp)

COUNCILWOMAN BLASS 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

WHEREAS, Alfred Popp and Mary Jane Popp has expressed a desire to sell the development rights on approximately 10 acres of their agricultural lands located on the easterly side of Tuthills Lane, Aquebogue, New York, at \$45,000.00 per acre, further described as Suffolk County Tax Map #0600-46-3- p/o 2, 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 Alfred Popp and Mary Jane Popp, once in the March 24, 2005, issue of the Traveler Watchman the official newspaper designated for these purposes, 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 Martin Katzman, 1103 Stewart Avenue – Suite 200, Garden City 11530; Alfred and Mary Jane Popp, PO Box 264, Aquebogue, New York 11931; 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
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 19th day of April, 2005 at 7:05 PM 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 on 10 +/- acres of agricultural lands owned by Alfred Popp and Mary Jane Popp located on the easterly side of Tuthills Lane, Aquebogue, New York, at \$45,000.00 per acre, further described as Suffolk County Tax Map #0600-46-3- p/o 2, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
March 15, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

3/16/05

Adopted

TOWN OF RIVERHEAD

Resolution # 229

AUTHORIZES THE EXECUTION OF A LEASE AGREEMENT BETWEEN KENNETH DEMCHAK AND THE TOWN OF RIVERHEAD
COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, there is a need for additional parking at Riverhead Town Hall;

WHEREAS, the Town of Riverhead has previously entered into a lease agreement with Kenneth Demchak for the use of a parking area known and designated as Suffolk County Tax Map #0600-127-5-15.1; and

WHEREAS, the Town Board of the Town of Riverhead has agreed to enter into a lease agreement with Kenneth Demchak for the use of the aforementioned parking area, to commence March 1, 2004 with an expiration date of February 28, 2004 at an annual sum of \$7,500.00.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute the attached Lease Agreement for the use of the parking area known and designated as Suffolk County Tax Map #0600-127-5-15.1, to commence March 1, 2004 with an expiration date of February 28, 2004 at an annual sum of \$7,500.00; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Kenneth Demchak, No # Cove Street, Aquebogue, New York, 11931; Kenneth Testa, P.E., Town Engineer; the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Denieski yes ___ no
Cardinale ___ yes ___ no

**THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

LEASE AGREEMENT

THIS LEASE, made the _____ day of March, 2005, by and between KENNETH DEMCHAK, residing at 49 Cove Street, Aquebogue, New York, 11931, hereinafter referred to as "LANDLORD" and TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, 11901, hereinafter referred to as "TENANT".

WITNESSETH:

1. That the Landlord hereby leases to the Tenant, and the Tenant hereby leases from the Landlord, a parking area as shown on a survey attached hereto, said leased premises known and designated as SCTM #0600-127-5- p/o 25.1, to be used and solely occupied by the Tenant for municipal parking, construction or maintenance of temporary offices and water drainage, except that Landlord may use the leased parking area for loading and unloading of Landlord's merchandise; however, Landlord shall not block or interfere with Tenant's use of the leased parking area. Tenant shall also have the right of ingress and egress over the lands of the Landlord from the leased parking area, as depicted on the attached survey, to East Main Street, Riverhead, New York.
2. This lease shall commence on March 1, 2005 and expire on February 28, 2006. The Lease shall be at the rate of Seven Thousand Five Hundred and 00/100 Dollars (\$7,500.00) per year payable in one installment at the commencement of the Lease. Notwithstanding the above, neither party shall have the right to terminate the tenancy herein at any time prior to February 28, 2006.
3. It is mutually covenanted and agreed that:
 - (a) The Tenant shall provide routine maintenance of the parking area including such things as snow removal, sanding and rubbish removal;
 - (b) The Tenant shall not be responsible for structural repair of the parking area or related structures in the parking area;
 - (b) The Tenant may improve and use the parking area as Tenant deems reasonably necessary without further consent of the Landlord.
4. It is hereby especially understood and agreed that the Tenant may stripe and restrict or designate certain parking stalls at its own discretion.
5. Landlord, his employees or customers, shall not block or interfere with Tenant's use of the leased parking area.
6. Landlord hereby consents to the designation and enforcement of the Code of the Town of Riverhead parking regulations by the Town of Riverhead.

March 15, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 230

AWARDS BID FOR ABANDONED/JUNK MOTORCYCLES/MOPEDS

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

WHEREAS, two (2) bids for abandoned/junk motorcycles/mopeds were received, opened and read aloud by the Town Clerk on the 6th day of December, 2004 at 11:05 a.m. in the Town Clerk's Office at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW, THEREFORE BE IT RESOLVED, that the bid for abandoned/junk motorcycles/mopeds is awarded to Outpost Automotive, for the purchase price of \$12.25 per motorcycle/moped from January 1, 2005 to and including January 1, 2007; and.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Outpost Automotive, Chief of Police David J. Hegermiller and the Accounting Department.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

March 15, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 231

AWARDS BID FOR ABANDONED/JUNK VEHICLES

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

WHEREAS, three (3) bids for abandoned/junk vehicles were received, opened and read aloud by the Town Clerk on the 6th day of December, 2004 at 11:00 a.m. in the Town Clerk's Office at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW, THEREFORE BE IT RESOLVED, that the bid for abandoned/junk vehicles is awarded to Like Kind & Quality Auto Parts, for the purchase price of \$62.00 per vehicle from January 1, 2005 to and including January 1, 2007; and.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Like Kind & Quality Auto Parts, Chief of Police David J. Hegermiller and the Accounting Department.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

3/15/05

Town of Riverhead

Adopted

Resolution 232

Expresses Support of Riverhead Town Board for EADS – North America Airbus Project

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

WHEREAS, EADS – North America issued a request for expressions of interest to all State Governors with the intent of identifying a potential site in the United States for the final assembly and testing of a proposed new aerial refueling tanker known as the KC-330 as well as for the establishment of a Long-Range Aircraft Engineering Center (LRAEC); and

WHEREAS, the Town of Riverhead was invited by NYS to submit a proposal in response to the request for expressions of interest; and

WHEREAS, the Town Board of the Town of Riverhead believes that the proposed engineering, assembly and testing facility is ideally suited for the industrial park portion of the Calverton Enterprise Park site, due to its consistency with the Planned Industrial Park Zoning Ordinance (Adopted September 1999 and Revised January 2005), its proximity to many deep water ports, the infrastructure existing at the site including municipal water and sewer systems, electric service, a rail spur previously utilized for the transport of aircraft components, its extensive surrounding buffer area, and particularly the 10,000' x 200' runway constructed to military specifications for the testing of military aircraft; and

WHEREAS, the proposed project is consistent with the uses, goals and objectives set forth in the Reuse Plan (1996) and supported by the Generic Environmental Impact Study (1998), specifically the creation of skilled jobs consistent with the jobs previously existing at this site, stabilization of taxes resulting from the primary use as well as the secondary impact of the investment in the site, and protection of the environment.

THEREFORE, BE IT RESOLVED, that the Town Board strongly supports the proposed EADS – North America engineering, final assembly and testing project for the Calverton Enterprise Park due to its consistency in use and potential fulfillment of the job and tax revenue goals of the Town as stated in the Comprehensive Reuse Strategy prepared by Hamilton, Rabinovitz and Alschuler, Inc. (1996); and

BE IT FURTHER RESOLVED, that the Town Board shall make every possible effort to induce the establishment of this business at the Calverton site.

THE VOTE
Bartunsk yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Richard Eads, Vice President, Strategic Business Division, Empire State Development Corporation, 30 South Pearl Street, Albany, NY 12245, Governor George Pataki, ESDC Regional Director Henry Mund, Suite 311, 150 Motor Parkway, Hauppauge, NY 11788, Assemblywoman Patricia Acampora, State Senator Ken LaValle, Bobby Goodale, RDC Chairman, and Congressman Tim Bishop.

3/15/05

Adopted

**TOWN OF RIVERHEAD
ORDER CALLING PUBLIC HEARING
REPAINTING OF STANDPIPE AT PLANT NO. 8
RIVERHEAD WATER DISTRICT**

Adopted _____

Resolution # 233

COUNCILMAN BARTUNEK

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

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Water District, by H2M, consulting engineers to the Riverhead Water District, by letter dated November 1, 2004, that after annual inspection of the five Riverhead Water District water storage tanks, the standpipe at Plant No. 8 in Baiting Hollow is in need of repainting, and

WHEREAS, the maximum amount proposed to be expended for said repainting is \$547,000, with said funds for the repainting to be allocated and charged as the cost of increasing and improving the facilities of the District and shall be borne by the entire District to be paid from existing funds, and

WHEREAS, it is necessary that a public hearing be held on the question of the increase and improvement of the facilities of the entirety of said District as described above, in accordance with the provisions of Section 202-b of the Town Law,

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, as follows:

1. A public hearing will be held at the Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on the 5th day of April, 2005, at 7:05 p.m., on the question of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published in the March 24, 2005, edition of The Traveller

Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to be posted on the sign board of the town, such publication and posting to be made not less than ten nor more than twenty days before the date designated for the public hearing.

3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality review Act, the implementation of which, as proposed, will not result in any significant environmental effects.

4. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Riverhead Water District pursuant to Section 202-b of the Town Law. The object of such hearing will be the increase and improvement of the Riverhead Water District regarding the repainting of standpipe at Plant No. 8. All persons wishing to be heard should be present at Riverhead Town Hall, 200 Howell Avenue, on Tuesday, April 5, 2005, at 7:05 p.m. The estimated cost of the repainting of the Standpipe at Plant No. 8 is \$547,000 to be paid from existing district funds.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, NY
March 15, 2005

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

Section 5. This order shall take effect immediately.

And be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Superintendent Pendzick, H2M, Accounting Department, and Frank Isler, Esq.,

THIS RESOLUTION PREPARED BY FRANK A. ISLER, ESQ.,
FOR THE RIVERHEAD WATER DISTRICT

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 234

REDUCES PERFORMANCE BOND OF NF GOLF RESORTS

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

:

WHEREAS, pursuant to Resolution #37 dated January 6, 2004, the Riverhead Town Board accepted a performance bond from NF Golf Resorts in the amount of \$2,530,000.00 (International Fidelity Insurance Co. #0371110) representing road and drainage improvements in the subdivision entitled, "NF Golf Resorts"; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #21 dated March 4, 2005, John J. Raynor, P.E., Town Engineer has determined that a substantial portion of the road and drainage improvements have been completed and has further recommended that the performance bond be reduced to the amount of \$2,033,000.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the reduction of the performance bond of NF Golf Resorts to the amount of \$2,033,000.00; and be it further

RESOLVED, that upon receipt of a performance bond in the reduced amount of \$2,033,000.00, the Town Clerk will be authorized to release the previously submitted performance bond in the amount of \$2,530,000.00; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mr. Herman Safar, The Highlands, 4681 Sound Avenue, Riverhead, New York, 11901; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no

Blass yes ___ no Densieski yes ___ no

Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

March 15, 2005

Tabled

TOWN OF RIVERHEAD

Resolution # 235

SETS FILING FEES FOR CERTIFICATES OF ABANDONMENT FOR ROADS AND LOTS

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, certain residents of the Town of Riverhead desire to file applications with the Board of Assessors seeking to abandon specific roads and lots pursuant to New York State Real Property Law Section 335; and

WHEREAS, the Office of the Town Attorney in conjunction with the Board of Assessors have promulgated the attached procedures for applying for Certificates of Abandonment pursuant to New York State Real Property Law Section 335; and

WHEREAS, said procedures require the review and input of the Highway Department, the Planning Department, the Board of Assessors, the Engineering Department and the Office of the Town Attorney; and

WHEREAS, the benefits of a Certificate of Abandonment are specific to the property owner applying for the abandonment and therefore, the costs of processing said Certificates should be borne by the applicant.

NOW THEREFORE BE IT RESOLVED, the Town Board shall adopt the attached "Instructions for Filing Certificate of Abandonment" along with the related attached documentation as the official policy for filing for certificates of abandonment in the Town of Riverhead pursuant to New York State Real Property Law Section 335 subject only to minor technical changes necessary to keep the official policy in compliance with New York State Law; and

BE IT FURTHER RESOLVED, that the Town Board sets the filing fee for Certificates of Abandonment at five hundred dollars (\$500.00) to cover the review and processing costs of the Certificates of Abandonment ; and

BE IT FURTHER RESOLVED, so that the intent of this Honorable Board be widely known, the Town Clerk is hereby directed to forward a certified copy of this resolution to the Office of the Supervisor; the Office of the Town Attorney; Office of the Town Engineer; Board of Assessors; Highway Department; the Planning Department. and the Accounting Department.

Councilman Densieski offered the resolution to be tabled, seconded by Councilman Bartunek. All members in favor of tabling the resolution.

THE VOTE					
Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	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 type="checkbox"/> no
		Cardinale	<input type="checkbox"/> yes <input type="checkbox"/> no		

THE RESOLUTION WAS NOT THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD

Instructions for filing Certificate of Abandonment

The following documents are required to be submitted:

- 1.) A filing fee of \$500.00 (payable to "Town of Riverhead") MUST be submitted with any abandonment package. Same should be mailed or hand delivered to: Town of Riverhead, Assessor's Office, 200 Howell Avenue, Riverhead, New York 11901 Attn: Abandonments. All questions should be directed to the Office of the Town Attorney (631)727-3200.
- 2.) Six (6) copies of **Certificate of Abandonment** must be submitted (three must have original signatures) each to be fully acknowledged by the Petitioner(s), (Petitioners to include all adjoining owners having an interest in the property). Each signature must be notarized. Certificates must follow Real Property Law Section 335, Section 3, and include a hold harmless and indemnity clause. All Certificates must be fully completed and may be submitted throughout the year.
- 3.) Three (3) copies of **Abstract of Title** (one must be an original) from a Title Company doing business in Suffolk County (Abstract Company title reports shall only be accepted with an authorization letter from the underwriting Title Company indicating that the Abstract Company is an authorized agent) clearly indicating the following: all property on filed map owned by the Petitioner(s); an up-to-date tax search certifying that all real property taxes for the last twenty (20) years, up to and including the end of the current year, have been paid in full; that there are no unpaid tax liens against the property to be abandoned; and a judgment, lien and bankruptcy search run on all Petitioners. The report must also state that the property may be abandoned by the applicants and must be certified to the Town of Riverhead and Suffolk County, and that the company's liability shall be a minimum of TWENTY-FIVE THOUSAND (\$25,000) DOLLARS.
- 4.) Six (6) original copies of a survey of plan (**Abandonment Map**) prepared by a licensed surveyor and certified by him/her to the Town of Riverhead, at a scale of not less than 1" equals 100', defining the property to be abandoned and showing all out parcel owners (names and addresses) within a radius of 500' from the property to be abandoned, or to an open municipal highway, whichever is less, must be submitted. Property to be abandoned must be shown by a heavy outline with a metes and bounds description (and tie distance to nearest open street) and be shaded. Also, all lots and lot lines to be abandoned must be shown on the map, as must the total area of the parcel being abandoned.
- 5.) Three (3) **certified copies** of the **filed map** from the County Clerk, or at least the section of the filed map wherein the property to be abandoned lies. If any partial abandonments have been previously made on said filed map, said abandonments must be shown clearly indicating all lots and roads previously abandoned, together with recording data.
- 6.) If the abandoned parcel is to be replaced with a **new proposed map** to be filed, submit four (4) copies of the proposed map clearly showing the position of all out parcels on the new map.

REQUIRED INFORMATION FOR ABANDONMENT CERTIFICATE

CERTIFICATE MUST STATE:

1. Name and address of owners.
2. This affidavit is for the abandonment of lots (name lots) and/or roads (name roads) pursuant to Real Property Law of State of New York, section 335(3).
3. Subdivision location: Hamlet, Township, County, State and full name of subdivision, file#, section, recording date as filed and certified in Suffolk County Clerk's Office.
4. More than 20 years has elapsed since map was filed.
5. Above named (as stated in Para. #1) are the owners of lots to be abandoned or own the land which abuts the portions of roads to be abandoned.
6. The tract of land to be abandoned and canceled is situated in the Hamlet of...Township of...County of... and State of... and is described in Schedule "A" (on a separate page).
7. If roads are involved, list roads/streets to be abandoned on above map (Para. #3) and state that adjacent owners wish to have them abandoned.
8. Consent to abandonment of streets, lots or portions thereof (which have neither been opened, nor public highways, not used by the public, nor necessary for use of owners, occupants or any person having an interest in the subdivision) has been duly executed and acknowledged by owners who may have use of said property about to be abandoned and is attached to said document which will be recorded at the Suffolk County Clerk's Office.
9. Upon approval of the Board of Assessors of the Town of Riverhead and after recording of this document, the above owners will still own the property, which underlies lots named, as a single tract of land for each owner and the streets will be divided at their center point to become part of the adjacent owner's property.
10. Undersigned agrees to indemnify and hold the Town of Riverhead harmless against any and all claims made by reason of this abandonment.
11. Endorsed herein is the approval of the Board of Assessors of the Town of Riverhead, Suffolk County, New York. [Town will supply this document]
12. If roads or part of a road are included, also endorsed herein is the approval of the Superintendent of Highways of the Town of Riverhead, Suffolk County, New York. [Town will supply this document]
13. Submitted herewith is an abstract of title from "... Title Company for the above named property and owners, covering a period of at least 20 years past stating there are no unpaid tax liens or liens other than noted against said property described in Schedule "A" or land abutting said roads about to be abandoned.

TAX CERTIFICATION

_____ Title Insurance Company hereby certifies that it has caused a tax search to be made of the record of the Suffolk County Treasurer's Office and the Receiver of Taxes for the Town of Riverhead and find no unpaid taxes or unredeemed tax sales covering the years _____ and that taxes have been paid in full and for twenty years prior, inclusive, against the premises set forth on the description page.

_____ Title Insurance Company

By: _____
Title Officer

Title Number:

Dated:

Redated:

Dear: _____

Date: _____

In order to expedite the abandonment, _____ for: _____ it will be necessary to correct the following as noted below:

CORRECTIONS NEEDED FOR ITEMS MARKED "X":

ABANDONMENT MAP:

- _____ Certified to Town of Riverhead
- _____ Labeled "Abandonment Map"
- _____ Metes and bounds description
- _____ Tie distance to nearest open street corner
- _____ Roads labeled (name and stated whether open or closed)
- _____ Owner indicated
- _____ Filed map lot lines and numbers shown, at least where properties abut road
- _____ Filed map name, number and recording date written on abandonment map
- _____ Other: _____

CERTIFICATE:

- _____ Indicate map title, file# and date as certified by Suffolk County Clerk (As on abandonment map)
- _____ Correct description, as in Title
- _____ Signatures acknowledged and notarized
- _____ Hold Harmless and indemnify clause
- _____ Basic form incorrect
- _____ Easement or Quitclaim deed needed
- _____ All involved owners signed in
- _____ Mortgage Agreement
- _____ Other: _____

TITLE REPORT:

- _____ Indicate map title, number and recording date (As on Abandonment map)
- _____ Correct description _____
- _____ Use only filed map name and lot # when referring to ownership (sec., blk., lot only as reference)
- _____ Liability of \$25,000
- _____ Certified to Town of Riverhead and County of Suffolk
- _____ Dated and original signature
- _____ Taxes stated paid in full and for last 20 years
- _____ Chain of title
- _____ Licensed Title Company or agent for Title Company
- _____ Lien Search
- _____ Other: _____

APPROVALS STILL NEEDED FROM THE FOLLOWING: ___ PLANNING DEPT. ___ LEGAL DEPT. ___ HIGHWAY DEPT.

Please respond with corrections to: Town of Riverhead, Office of the Town Attorney, 200 Howell Avenue, Riverhead, NY 11901, (631) 727-3200

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

AQUEBOGUE GOLF RESORT PHASE II WATER EXT

BUDGET ADJUSTMENT

RESOLUTION # 236

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

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

	<u>FROM</u>	<u>TO</u>
406.083200.547900.60179 Contingency	\$2,500	
406.083200.543501.60179 Engineering Expenses		\$2,500

THE VOTE

Bartunek Yes No Sanders Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

SHORELINE DEVELOPMENT WATER EXT #82

BUDGET ADOPTION

RESOLUTION # 237

COUNCILMAN BARTUNEK

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

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

		<u>FROM</u>	<u>TO</u>
406.092705.421050.60084	Developer Fees	\$5,000	
406.083200.543501.60084	Engineering Expense		\$ 5,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

Harold & Gene Goodale Farmland Development Rights Project

BUDGET ADOPTION

RESOLUTION # 238

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 adoption:

	<u>FROM</u>	<u>TO</u>
406.019400.494200.42041 Serial Bond Proceeds	645,000.00	
406.019400.521000.42041 Development Rights Expense		630,000.00
406.019400.543000.42041 Professional Services		15,000.00

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

APPOINTS PROVISIONAL ACCOUNT CLERK TYPIST

RESOLUTION # 239

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

WHEREAS, a vacancy exists due to the retirement of Alice Rolfes; and

WHEREAS, the position of Account Clerk Typist was duly posted (Posting #2) and the request for a Suffolk County Civil Service List was made; and

WHEREAS, there was no response of eligible candidates found on the Civil Service list and all candidates resulting from the posting were interviewed; and

WHEREAS, the Suffolk County Department of Civil Service has authorized a provisional appointment.

NOW, THEREFORE, BE IT RESOLVED, that Laura Tague is hereby appointed to the provisional appointment of Account Clerk Typist at Group 9 Step P of the Salary Administration Schedule effective April 4, 2005.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

205-671

Todd Wells Farmland Development Right
Budget Adoption

BUDGET ADOPTION

RESOLUTION # 240

COUNCILMAN BARTUNEK

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 adoption:

	<u>FROM</u>	<u>TO</u>
406.019400.494200.42044 Serial Bond Proceeds	2,025,000.00	
406.019400.521000.42044 Development Right Purchase		2,005,000.00
406.019400.543000.42044 Professional services		20,000.00

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

28

3/15/05

TOWN OF RIVERHEAD

Adopted

Resolution # 241

SETS REGISTRATION FEES FOR THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

RESOLVED, that the Town Board sets the Registration Policy and fees for the 2005 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

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinate yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris/Resolution Spring/Sum Brochure

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

2005 STREET TREE PLANTING PROGRAM

BUDGET ADOPTION

RESOLUTION # 242

COUNCILMAN BARTUNEK 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 adoption:

	<u>FROM</u>	<u>TO</u>
406.085600.471201.40123 Riverhead Townscape Contribution	\$ 5,000.00	
406.085600.471303.40123 Keyspan Energy Grant	\$ 2,500.00	
406.085600.471302.40123 Riverhead Estates Inc. Grant	\$ 5,000.00	
406.099010.481000.40123 Transfer from General Fund	\$ 5,000.00	
406.085600.523009.40123 Trees		\$ 17,500.00

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

3/15/05

TOWN OF RIVERHEAD

Resolution # 243

**ADOPTS A LOCAL LAW AMENDING THE ZONING USE DISTRICT SCHEDULE;
MANUFACTURER'S OUTLET CENTER; BUSINESS F**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to consider the amendment of the Zoning Use District Schedule; Manufacturer's Outlet Center; Business F ; and

WHEREAS, a public hearing was held on the 1st day of February, 2005 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending the Zoning Use District Schedule; Manufacturer's Outlet Center; Business F is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the Traveler Watchman, the official newspaper for the Town of Riverhead and to post same on the signboard at Town Hall; 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 Planning Board; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	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
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Zoning Use District Schedule; Manufacturer's Outlet Center; Business F at its regular meeting held on March 15, 2005 as follows:

**Chapter 108
ARTICLE XA
Business F District
(Manufacturers Outlet Center Overlay Zone)**

~~§ 108-44.8. General lot, yard and height requirements.~~

- ~~A. The minimum lot area shall be 25 acres.~~
- ~~B. The minimum lot width shall be 500 feet.~~
- ~~C. The maximum building area shall be 15%.~~
- ~~D. The minimum front yard shall be 100 feet.~~
- ~~E. The minimum side yard shall be 50 feet.~~
- ~~F. The maximum height shall be 35 feet.~~

108 Amendment –
Town of Riverhead
Commercial Districts Schedule of Dimensional Regulations
Amended 10-5-2004, 10-12-2004, 11-3-2004, 11-16-2004 by L.L. Nos. – 2004

Zoning Use District	Building lot coverage (footprint)			Floor area ratio (FAR)			Side yards, interior lots			Side yards, corner lots					
	Min. lot width at front street (feet)	Maximum without sewer (%)	Maximum with sewer (%)	Maximum Transfer of Develop. Rights (%)	Maximum impervious surface (%)	Maximum height of buildings (feet)	Maximum without sewer	Maximum with sewer	Transfer of Develop. Rights	Minimum front yard depth (feet)	Min. depth for each side (feet)	Min. combined depth for 2 sides (feet)	Min. Min. depth facing side street (feet)	Min. combined depth for 2 sides (feet)	Minimum rear yard depth (feet)
Downtown Center 1: Main Street (DC-1)	5,000	80	NA	100	100	60 (N1)(N2)	NA	4.00	5.00	0	0	0	0	NA	0
Downtown Center 2: Waterfront (DC-2)	5,000	NA	NA	NA	50	35	NA	1.25	NA	15	15	30	15	NA	100
Downtown Center 3: Office (DC-3)	5,000	NA	NA	NA	80	35	NA	1.50	NA	15 (N3)	10	20	10	NA	25
Downtown Center 4: Office / Residential Transition (DC-4)	5,000	NA	NA	NA	60	35	NA	1.00	NA	15 (N3)	10	20	10	NA	25
Downtown Center 5: Residential (DC-5)	5,000	NA	NA	NA	60	35	NA	0.70	NA	15 (N3)	10	20	10	NA	25
Hamlet Center (HC)	5,000	35	NA	NA	60	35	0.50	0.50	NA	25	15	30	25	50	25
Village Center (VC)	5,000	80	NA	NA	100	35	1.00	1.00	NA	10	0	0	10	20	25
Business Center (BC)	20,000	15	20	30	75	35 (N6)	0.15	0.20	0.60	50 (N4)	15	30	25	40	25
Shopping Center (SC)	40,000	200	15	20	75	35	0.15	0.20	0.30	50 (N4)	25	50	25	50	50
Destination Retail Center (DRC)	40,000	200	10	15	30	75	0.10	0.20	0.60	50 (N5)	25	50	25	50	50
Commercial/Residential Campus (CRC) (N7) (N8)	40,000	200	20	25	NA	60	0.20	0.50	NA	30	15	30	25	40	50
Rural Corridor (RLC)	40,000	200	10	10	NA	25	0.10 (N9)	0.10	NA	50	25	50	50	100	50
Business CR	40,000	200	15	15	NA	75	0.20	0.20	NA	30	25	50	30	60	25
Tourism/Resort Campus (TRC)	80,000	200	8	NA	NA	25	0.15 (N10)	0.15	NA	100	30	60	100	NA	100
Industrial A (IA)	80,000	300	40	40	NA	70	0.40	0.40	NA	100	50	100	50	100	75
Manufacturers Outlet Center	120,000	200	10	20	30	75	0.10 (N6)	0.10	0.60	50 (N5)	25	50	25	50	50

NOTES:

- N1: Maximum height for inwarehouse uses shall be thirty-five (35) feet.
- N2: Not to exceed five (5) stories.
- N3: Front porches may extend up to five (5) feet into the front yard, provided that they are at least five (5) feet back from the front property line.
- N4: Thirty-five (35) feet of the front yard in the DC and SC Zoning Use District shall remain unoccupied as landscaped area with the exception of free-standing signs and access driveways.
- N5: Fifty (50) feet of the front yard in the DRC Zoning Use District shall remain unoccupied as landscaped area with the exception of free-standing signs and access driveways.
- N6: Preservation credits may be used to increase the height to fifty (50) feet.
- N7: The minimum floor area of a warehouse shall be 5000 square feet.
- N8: Two-family residences shall require a lot of 40,000 square feet and shall employ the use of one (1) Preservation Credit for the second dwelling unit.
- N9: The Floor Area Ratio (FAR) for retail stores or shops shall be calculated utilizing the frontage along the major arterial highway to a depth of no more than 500 linear feet.
- N10: Not to exceed two (2) stories.

Adopted

MARCH 15, 2005

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF MAINTENANCE MECHANIC III

RESOLUTION # 244

COUNCILMAN BARTUNEK

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

WHEREAS, Donald Fink has notified the Water Superintendent of his resignation from the position of Maintenance Mechanic III in the Water Department, effective March 17, 2005.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Donald Fink.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to Donald Fink, the Water Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

March 15, 2005

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Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR A MAINTENANCE MECHANIC II

RESOLUTION # 245

COUNCILWOMAN SANDERS

offered the following

resolution, which was seconded by COUNCILMAN BARTUNEK

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the March 24, 2005 issue of The Traveler Watchman

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Maintenance Mechanic II with a minimum trade experience of 2 years and possession of a clean valid Commercial Driver's License. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on Friday, April 1, 2005. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

3/15/05

TOWN OF RIVERHEAD

Adopted

Resolution # 246

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 47 "BAYS AND CREEKS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN BARTUNEK

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the March 24, 2005 issue of the Traveler-Watchman, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 47 entitled, "Bays and Creeks" to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Chief Hegermiller, Riverhead Police Department and the Building Department.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Dentsieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY 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 5th day of April, 2005 at 7:05 o'clock p.m. to consider a local law amending Chapter 47 "Bays and Creeks" of the Riverhead Town Code as follows:

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 15, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

March 15, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 247

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF JAMES & LINDA SLEZAK

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

WHEREAS, the Town Board of the town of Riverhead is in receipt of a special permit petition from Linda and James Slezak for renewal of a special permit granted in 1999 to operate a bed and breakfast facility from an existing dwelling located on Herricks Lane, Jamesport, New York; such property more particularly described as Suffolk County Tax Map Number 0600-9-2-5.1, and

WHEREAS, the Riverhead Town Board by resolution #613 of 2004 declared themselves Lead Agency, and

WHEREAS, the Town Board referred the petition to the Riverhead Planning Board for its report and recommendation, such Planning Board recommending the granting of the petition, and

WHEREAS, the Town Board desires to hold a public hearing on the matter at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

THE VOTE
Bartunek [checked] yes ___ no Sanders [checked] yes ___ no
Blass [checked] yes ___ no Denisieski [checked] yes ___ no
Cardinale [checked] yes ___ no
THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 5th day of April, 2005 at 7:30 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the petition of James and Linda Slezak to renew a special permit to continue the operation of a bed and breakfast facility upon real property located on Herricks Lane, Jamesport, Riverhead, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-9-2-5.1.

DATED: March 15, 2005
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Consolanti yes no
Cardinale yes no
**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

3/15/05

Adopted

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS KELBRIDGE MEADOWS

Adopted _____

Resolution # 248

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

RESOLVED, that the town Clerk be and is hereby authorized to publish and post the attached Notice of Bidders in the March 24, 2005, edition of the Traveller Watchman Newspaper, with regard to receiving bids for the installation of water mains and appurtenances for Kelbridge Meadows, and be it further

RESOLVED, that the town Clerk shall forward certified copies of this resolution to Gary Pendzick, H2M, Frank Isler, Esq., and the developer for Kelbridge Meadows.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes	_____ no	Sanders <input checked="" type="checkbox"/> yes	_____ no
Blass <input checked="" type="checkbox"/> yes	_____ no	Deńsleski <input checked="" type="checkbox"/> yes	_____ no
Cardinale <input checked="" type="checkbox"/> yes	_____ no		

THE RESOLUTION WAS _____ WAS NOT
THEREFORE DULY ADOPTED

The Town Board of Riverhead will receive bids for the following contract:

Installation of Water Mains and Appurtenances

Kelbridge Meadows – Town No.03-0076

for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 AM**, prevailing time, on **Monday, April 4, 2005**, at which time and place all bids will be publicly opened and read.

Contract documents, including drawings and technical specifications, are on file at the following offices:

Town Clerk, Town of Riverhead
Town Hall, 200 Howell Avenue
Riverhead, New York 11901

Holzmacher, McLendon & Murrell, P.C.
575 Broad Hollow Road
Melville, New York 11747

Copies of the contract documents may be obtained at the above locations *on or after March 24, 2005* upon deposit of Fifty Dollars (\$50.00) in cash, certified check, bank money order or postal money order, made payable to the TOWN OF RIVERHEAD for each set furnished.

Deposits for Plans and Specifications will be refunded to Bidders who return same in good condition within ten (10) days. Other deposits will either be partially or not refunded if the Plans and Specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: March 24, 2005

3/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 249

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH PECONIC BAYKEEPER, INC.

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, the Town recognizes the importance of promoting respectful and responsible use of our riverfront and estuarine resources; and

WHEREAS, the Town has determined that the presence of the Peconic Baykeeper at the Town dock is a positive addition to the riverfront in downtown Riverhead; and

WHEREAS, Peconic Baykeeper, Inc. seeks permission to keep its boat at the Town's riverfront dock located adjacent to the Town's parking area and behind the East End Arts Council.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with Peconic Baykeeper, Inc; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Peconic Baykeeper, Inc., 206 Lincoln Street, Riverhead, New York, 11901; James Divan, riverhead Town Bay Constable; Building and Grounds Department; the Office of Accounting and the Office of the Town Attorney.

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	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
Cardinale <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

LICENSE

License ("License"), made as of the _____ of _____ 2005, by and between the Town of Riverhead, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York and Peconic Baykeeper, Inc., ("Licensee"), having an address at 206 Lincoln Street, Post Office Box 1308, Riverhead, New York 11901

WITNESSETH

WHEREAS, Peconic Baykeeper wishes to utilize the Town of Riverhead's dock located on the Peconic River behind the East End Arts Council property and adjacent to the Town's parking area ("The Licensed Premises") to keep its boat; and

WHEREAS, the Town of Riverhead wishes to grant the Licensee the right to conduct the aforementioned activity;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed Premises.

2. Term of the License. The term of this License (the "term") shall commence on April 1, 2005 and shall end on December 31, 2005.

3. Condition of the License Premises. Licensee is familiar with the licensed premises, has examined same, and, except as explicitly

hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without any representations or warranties.

4. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$1,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead as "Additional Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents, representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense

which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

5. License Fee. In consideration of the type of use to which the Licensee intends to conduct at the premises, the Town of Riverhead hereby waives any licensee fee.

6. Use of License Premises. Licensee agrees to utilize the licensed premises only as dock space to keep its boat.

7. Repair, Maintenance and Inventory of License Premises.

a) Licensee agrees to maintain the licensed area free of trash, debris and to return the premises back to its original condition following completion of the license term.

b) The Licensee shall not be permitted to alter the licensed premises without the prior permission of the Licensor.

8. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the license premises, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other

ownership interests in Licensee, direct or indirectly, shall be deemed to be an assignment of this License.

9. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed premises.

10. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to 206 Lincoln Street, P.O. Box 1308, Riverhead, New York 11901.

11. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

12. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
Philip J. Cardinale, Supervisor

PECONIC BAYKEEPER, INC.

By: _____
Kevin McAllister

March 15th, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 250

APPROVES SITE PLAN OF RIVERHEAD PLAZA
(Riverhead PGC, LLC)

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS :

WHEREAS, a site plan and elevations were submitted by Philips International Holding Corp., as agent for Riverhead PGC LLC, for façade renovations to an existing shopping center (easterly extension of Wal Mart), upon real property located at Old Country Road (Country Route 58), Riverhead, New York, 11901 known and designated as Suffolk County Tax Map Number 0600-104-2-16, 18 & 19; and

WHEREAS, the Planning Department has reviewed the elevations dated November 2nd, 2004 as prepared by Taylor Associates Architects, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2004-1210 of the Office of the Supervisor of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of Riverhead Plaza; the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be Type II pursuant to 6NYCRR Part 617.

BE IT FURTHER

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

RESOLVED, that the site plan and elevations submitted by Philips International Holding Corp., as agent for Riverhead PGC LLC, for façade renovations to an existing shopping center (easterly extension Wal-Mart), upon real property located at Old Country Road (County Route 58), Riverhead, New York, elevations dated November 2nd, 2004, as prepared by Taylor Associates Architects be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

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

Town of Riverhead to enter premises at the Old Country Road (58), Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all new utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mr. William Kugelman, Philips International Holding Corp, agent for Riverhead PGC LLC, 295 Madison Avenue, New York, New York 10017, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Dept.

DECLARATION AND COVENANTS

THIS DECLARATION, made the _____ day of _____, 2004, made by Riverhead PGC, residing at, 295 PGC, 295 Madison Avenue, 2nd Floor, New York, New York 10017, Declarant:

WITNESSETH:

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

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

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

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, hereby authorizes and consents to the Town of Riverhead to enter premises at Old Country Road (CR58), Riverhead, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all new utilities shall be constructed underground, if feasible;
11. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing and/or building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures.

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

RIVERHEAD PGC LLC

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

On the ___ day of _____ in the year 2005, before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

Notary Public

3/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 251

RESCINDS RESOLUTION #153 OF 2005

(AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO
CREATE § 52-10(f), 108-77 (A) (3), 108-96 (D)(4) 108-97 (F)(6) 108-131(B)(6) ENTITLED,
"ELECTRONIC RECORDS RETENTION FEES")

COUNCILMAN DENSIESKI

offered the following resolution, was seconded by

COUNCILWOMAN BLASS

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds Resolution #153 of 2005; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Police Department, the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	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
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

3/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 252

APPROVES CHAPTER 90 APPLICATION OF CALVERTON LINKS, LTD.

COUNCILWOMAN SANDERS

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, Calverton Links, Ltd. has submitted a Chapter 90 Application for the purpose of conducting various affairs (i.e. golf outings, birthday parties, christening parties, weddings) under a tent to be held on their grounds at 149 Edwards Avenue, Calverton, New York on weekends between April 30, 2005 and June 25, 2005 between the hours of 8:00 a.m. and 1:00 a.m.; and

WHEREAS, Calverton Links, Ltd. has completed and filed and Short Form Environmental Assessment Form in accordance with 6 NYCRR 617, and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b), 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; and

WHEREAS, the applicable Chapter 90 fee has been paid.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2), and be it further

RESOLVED that the Chapter 90 Application of Calverton Links, Ltd. for the purpose of conducting various affairs (i.e. golf outings, birthday parties, christening parties, weddings) under a tent to be held on their grounds at 149 Edwards Avenue, Calverton, New York on weekends between April 30, 2005 and June 25, 2005 between the hours of 8:00 a.m. and 1:00 a.m., is hereby approved; and be it further

RESOLVED, that the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 and the Tents & Membrane Structures; 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 so that an outdoor place of assembly permit can be issued. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 209 for the purpose of scheduling the required inspection appointment; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Calverton Links, Ltd., 149 Edwards Avenue, Calverton, New York, 11933; Bruce Johnson, Fire Marshal; Chief Hegermiller, Riverhead Police Department; the Riverhead Fire Department and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densleeld	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

3/15/05

Town of Riverhead

Adopted

Resolution 253

Authorizes Attendance at Workshop

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

WHEREAS, the Community Development Director requires access to and the ability to extrapolate unique types of census data for a variety of economic development and grant-writing purposes as well as on behalf of other town departments for planning or financial purposes; and

WHEREAS, Joe Maiorana is particularly versed in the use of computer software for this purpose and has been invaluable in procuring data needed for such purposes; and

WHEREAS, it is the recommendation of the Community Development Director that Joe Maiorana shall attend a three-day workshop in NYC on April 6-8.

THEREFORE, BE IT RESOLVED, that the Town Board authorizes Joe Maiorana to attend the Demographic Analysis: Using the 2000 US Census—Focus on NY and Using Census Data in GIS Mapping at a cost not to exceed \$1,200.

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Joe Maiorana, Andrea Lohneiss and the Accounting Office.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Dansieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Description	Expense
Course: Demographic Analysis: Usng the 2000 U.S. Census-- Focus on New York (1 day)	\$245
Course: Using Census Data in GIS Mapping (2 days)	\$441
Hotel (2 nights)	\$250
Train	\$30
Meals (3 days)	\$180
	\$1,146
Total	

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

APPOINTS PROVISIONAL ACCOUNT CLERK TYPIST

RESOLUTION # 254

COUNCILMAN BARTUNEK

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

WHEREAS, a Senior Account Clerk Typist in the Accounting Department has notified the department head that she intends to retire from the Town on April 15, 2005; and

WHEREAS, willing acceptors have been interviewed for the position (posting # 2) and

WHEREAS, the Personnel Committee and the department head have recommended an applicant to fill this newly vacated position.

NOW, THEREFORE, BE IT RESOLVED, that Joan Mottern is hereby appointed provisionally to the position of Account Clerk Typist effective April 4, 2005 Group 9 Step P of the Salary Administration Schedule.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

HIGHWAY FUND

BUDGET ADJUSTMENT

RESOLUTION # 255

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by _____ COUNCILWOMAN BLASS _____

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

	<u>FROM</u>	<u>TO</u>
111.051300.524000 Equipment	\$25,000	
111.051420.540000 Snow Contractual Expense		\$25,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

STREET LIGHT DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 256

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
116.051820.541415 Traffic Light Maintenance	\$ 550.00	
116.051820.524000 Equipment		\$ 550.00

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES CONTINUED SUPPORT TO THE EAST END TRANSPORTATION COUNCIL'S "SEEDS" STUDY

RESOLUTION # 257

COUNCILMAN BARTUNEK

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

WHEREAS, the five East End Towns and the Villages of Greenport, Sag Harbor, Dering Harbor, East Hampton, Southampton, North Haven and Westhampton Beach have agreed to continue their efforts with the Long Island Transportation Plan 2000 to manage overall traffic congestion problems; and

WHEREAS, the five East End Towns and these East End Villages have established the East End Transportation Council (EETC) in order to address the traffic issues of the East End; and

WHEREAS, each of the five East End Towns has pledged to contribute \$8,500 for 2005 to cover an Executive Assistant, clerical assistance and supplies for the EETC's Sustainable East End Development Strategy (SEEDS) study; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead will continue its support by providing \$8,500/yr. from the fiscal year 2005 to the EETC through Southampton Town;

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

03/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 258

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR WATER TREATMENT PLANT OPERATOR TRAINEE

COUNCILWOMAN BLASS

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

RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the March 17, 2005 issue of The Traveler Watchman.

THE VOTE

Bartunek <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	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
Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking qualified individuals to serve in the position of Water Treatment Plant Operator Trainee. Applicants must have a valid NYS Driver's License. Applications are to be submitted to the Accounting Department, 200 Howell Avenue, Riverhead, NY, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on April 1, 2005. EOE

**BY ORDER OF:
THE RIVERHEAD TOWN BOARD
BARBARA GRATTAN, TOWN CLERK**

3/15/05

Adopted

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY
Resolution # 259

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH
EASTERN LONG ISLAND AUDUBON SOCIETY, INC.**

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, the Eastern Long Island Audubon Society, Inc. wishes to maintain bird boxes that were installed on the EPCAL property for the purposes of observing bird populations at the site and the Town wishes to allow the activity proposed by the Audubon Society,

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Chairman is hereby authorized to execute the attached license agreement, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Eastern Long Island Audubon Society, P.O. Box 206, East Quogue, New York, 11942; the Office of Accounting; the Community Development Agency and the Office of the Town Attorney.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION ~~WAS~~ WAS NOT
THEREFORE DULY ADOPTED

LICENSE

License ("License"), made as of the _____ of _____ 2005, by and between the Town of Riverhead Community Development Agency, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York and Eastern Long Island Audubon Society, Inc, ("Licensee"), having an address at Post Office Box 206, East Quogue, NY 11942, New York, a not-for-profit corporation.

WITNESSETH

WHEREAS, Eastern Long Island Audubon Society, Inc wishes to utilize Town of Riverhead property located at EPCAL for the purpose of monitoring bird boxes and the watching of birds located at the EPCAL; and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to conduct the aforementioned activity;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agrees as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed premises.

2. Term of the License. The term of this License (the "term") shall commence on April 1, 2005 and shall end on September 1, 2005.

3. Condition of the License Properties. Licensee is familiar with the licensed premises, has examined same. Notwithstanding the foregoing, licensee agrees to accept the licensed property "as is".

4. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead and the Town of Riverhead Community Development Agency as "additional insured" to the extent of their interest. Finally, licensee agrees to indemnify and hold CDA, the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents, representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of CDA or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold CDA and the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to licensee in connection with the use of the property. With respect to any suit or claim by CDA whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by CDA securing compliance with the provision of this indemnification agreement.

6. License Fee. In consideration of the type of work to be conducted at the premises by the licensee, the Town of Riverhead CDA hereby waives any licensee fee.

7. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of bird watching and monitoring.

8. Insurance. Shall be maintained as per the attached contract and in coordination with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as additional insured.

9. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris and to return the premises back to its original condition following completion of the license term.

b) The licensee shall not be permitted to alter the licensed properties without the prior permission of the licensor.

10. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, license the license property, in whole or in part, or permit licensee's interest to be vested in any other party other than licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

11. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed property.

12. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to Post Office Box 206, East Quogue, NY 11942.

13. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

14. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any

default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

Town of Riverhead

By: _____

Eastern Long Island Audubon Society, Inc.

By: _____

March 15, 2005

Adopted

TOWN OF RIVERHEAD

COUNCILWOMAN BLASS

RESOLUTION # 260

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was seconded by _____

AUTHORIZES EXECUTION OF CONTRACT WITH SEED CLAM ADMINISTRATOR

WHEREAS, the TOWN, in connection with its Municipal Operations, requires services consisting of the following: Seed Clam Administrator – Year 2005

AND

WHEREAS, David Lessard, Contractor, is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services: Year 2005

NOW, THEREFORE, BE IT RESOLVED that David Lessard is appointed Administrator of the Town of Riverhead Seed Clam Program – Year 2005.

And be it further

RESOLVED that the Supervisor be and is hereby authorized to execute the attached Agreement in connection with the administration services of the aforementioned individual and be it further

RESOLVED that the Town Clerk be and is hereby authorized to forward a certified copy of this Resolution to David Lessard and the Office of Accounting.

THE VOTE

Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Sanders <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Blass <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Dersieski <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Cardinale <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

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

AGREEMENT

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2005; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program
Date(s) and Hour(s) of Services Year 2005

IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

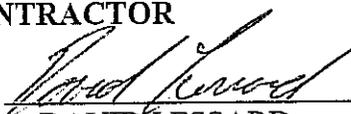
- 1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
- 2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Four Thousand (\$4,000.00) Dollars payable in half-payments of Two Thousand (\$2,000.00) Dollars each in April, 2005 and September, 2005.
- 3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
March _____, 2005

TOWN OF RIVERHEAD

BY: _____
PHILLIP CARDINALE
Town Supervisor

CONTRACTOR

BY: 
DAVID LESSARD

AGREEMENT

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2005; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services:	Administration of Seed Clam Program
Date(s) and Hour(s) of Services	Year 2005

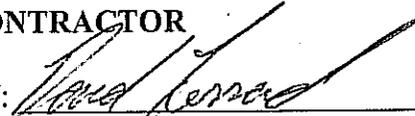
IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Four Thousand (\$4,000.00) Dollars payable in half-payments of Two Thousand (\$2,000.00) Dollars each in April, 2005 and September, 2005.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
March _____, 2005

TOWN OF RIVERHEAD

BY: _____
PHILLIP CARDINALE
Town Supervisor

CONTRACTOR
BY: 
DAVID LESSARD

AGREEMENT

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

W I T N E S S E T H

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2005; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services Year 2005

IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

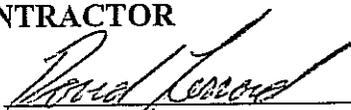
1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Four Thousand (\$4,000.00) Dollars payable in half-payments of Two Thousand (\$2,000.00) Dollars each in April, 2005 and September, 2005.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
March _____, 2005

TOWN OF RIVERHEAD

BY: _____
PHILLIP CARDINALE
Town Supervisor

CONTRACTOR

BY: 
DAVID LESSARD

Adopted

MARCH 15, 2005

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 261

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
001.000000.390599 Appropriated Fund Balance	\$17,000	
001.016200.542500 Shared Service, Supplies & Services		\$17,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Town Board Room Renovations

Description	Unit	Qty	Cost/unit	Subtotal
half wall and closets				
building materials	LS	1	\$2,825.00	\$2,825.00
paint, stain, poly	LS	1	\$225.00	\$225.00
perimeter wainscotting and chair rail				
building materials	LS	1	\$1,850.00	\$1,850.00
paint, stain, poly	LS	1	\$375.00	\$375.00
chair repairs				
fabric and foam for seats	LS	1	\$4,500.00	\$4,500.00
shipping and packaging	LS	1	\$1,000.00	\$1,000.00
Paint for walls	LS	1	\$600.00	\$600.00
Carpet	LS	1	\$5,300.00	\$5,300.00
Miscellaneous	LS	1	\$750.00	\$750.00
			TOTAL	\$17,425.00

MARCH 15, 2005

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATIONS OF SETTLEMENT

RESOLUTION # 262

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

WHEREAS, three stipulations of settlement, one dated March 10, 2005, one dated March 14, 2005 and one dated March 15, 2005 have been conditionally agreed to by the CSEA and the Town.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies all these stipulation of settlement; and

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

03/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 263

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTERS 52 AND 108 OF THE RIVERHEAD TOWN CODE TO CREATE § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) ENTITLED "ELECTRONIC RECORDS RETENTION FEES"

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend chapters 52 and 108 of the Riverhead Town Code to create § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) entitled "ELECTRONIC RECORDS RETENTION FEES" once in the March 24, 2005 issue of the Traveler Watchman, the newspaper designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY 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 5th day of April, 2005 at 7:15 o'clock p.m. to consider a local law to amend chapters 52 and 108 of the Riverhead Town Code to create § 52-10 (F), § 108-77 (A)(3), § 108-96 (D)(4), § 108-97 (F)(6), § 108-131 (B)(6) entitled "ELECTRONIC RECORDS RETENTION FEES" as follows:

ELECTRONIC RECORDS RETENTION FEES

An electronic records retention fee must also be paid in accordance with the fee schedule as shall be established and amended from time to time by resolution of the Town Board of the Town of Riverhead.

Dated: Riverhead, New York
March 15, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

03/15/05

TOWN OF RIVERHEAD

Resolution #265

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

~~_____ COUNCILWOMAN BLASS _____~~

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend chapter 108 of the Riverhead Town Code (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees) once in the March 24, 2005 issue of the Traveler Watchman, the newspaper designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION ~~WAS~~ WAS NOT THEREFORE DULY 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 5th day of April, 2005 at 7:25 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code (§ 108-96 (A) Procedure, § 108-97 (A) Procedure, § 108-131 Application procedure; fees) as follows:

Chapter 108

Zoning

§ 108-96. Minor subdivision.

A. Procedure.

(1) Sketch plan. A sketch plan prepared in accordance with Subsection B of this section may be submitted. The subdivider shall submit ~~seven copies~~ six (6) paper prints of the sketch plan, clearly marked "Sketch Plan of Minor Subdivision," and a digital copy of the sketch plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plan, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine that the proposed minor subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties. The Planning Board must be satisfied that the subdivision is not a plan to circumvent the Subdivision Regulations of the Planning Board of the Town of Riverhead for a larger parcel of property. If the Planning Board finds that the sketch plan, or sketch plan as modified, meets the purposes of this Article, the subdivider or his agents may proceed with the preparation of a minor subdivision plan.

(2) Minor subdivision plan.

(a) The subdivider shall submit ~~10 copies~~ ten (10) paper prints of a map, clearly marked "Minor Subdivision Plan," in accordance with the requirements herein set forth, and a digital copy of the minor subdivision plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the minor subdivision plan is amended, the subdivider shall submit a digital copy of each amendment to the minor subdivision plan. If the subdivider has not submitted a sketch plan, the Planning Board shall determine that the proposed subdivision does not create traffic, safety or drainage problems and does not significantly affect the development of surrounding properties,

and the Planning Board must be satisfied that the subdivision is not a plan to circumvent the Subdivision Regulations of the Planning Board of the Town of Riverhead for a larger parcel of property.

§ 108-97. Major subdivision.

A. Procedure.

(1) Sketch plans. Three alternative sketch plans prepared in accordance with § 108-96B may be required to be submitted. One of the three sketch plans may be required to be a cluster development. The subdivider shall submit ~~12~~ twelve (12) paper prints of each sketch plan, clearly marked "sketch plan," and a digital copy of the sketch plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the sketch plan is amended, the subdivider shall submit a digital copy of each amendment to the sketch plan. The subdivider will be advised of the time and place of the meeting when the Planning Board will consider the sketch plans, and the subdivider or his agents shall be present at this meeting or request an adjournment thereof. The Planning Board shall determine whether any of the sketch plans meet the purposes of this Article and shall, where it deems necessary, make specific recommendations so that the subdivider or his agents may proceed with the preparation of a preliminary plat.

(2) Preliminary plat. The subdivider shall submit ~~13~~ thirteen 13 paper prints of the preliminary plat, clearly marked "Preliminary Plat," in accordance with the requirements herein set forth, and the Planning Board will hold a public hearing in accordance with Subdivision 3 of § 276 of the Town Law. The subdivider shall submit a digital copy of the preliminary plat in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the preliminary plat is amended, the subdivider shall submit a digital copy of each amendment to the preliminary plat. Subsequent to the preliminary plat hearing, the Planning Board shall forward one copy of said preliminary plat to the respective fire district. The fire district shall forward comments to the Planning Board within 10 working days of referral.

(3) Final plat. The subdivider shall submit one linen print and ~~12~~ twelve (12) paper prints and shall submit the copies required for filing in the County Clerk's office and may submit the linen tracing to the Planning Board within the time and in accordance with the requirements set forth in § 276 of the Town Law, in accordance with the requirements herein set forth and in accordance with any other applicable state law or local law, ordinance, rule, regulation or resolution. The subdivider shall submit a digital copy of the final plat in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the final plat is amended, the subdivider shall submit a digital copy of each amendment to the final plat.

§ 108-131. Application procedure; fees.

B. Formal application.

(1) Subsequent to preliminary review, an application for site plan approval shall be made on the form for the same provided by the Planning Department. Twelve copies, plus additional copies as may be required by other levels of government with jurisdiction over the site, of the application, a current survey prepared by a licensed surveyor, the site plan (if separate from the survey) and any other submission or exhibit required by this article shall be submitted, together with the appropriate fee, to the Planning Department. The applicant shall submit a digital copy of the site plan in a common computer-aided design (CAD) file format, among them DGN, DXF and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long Island FIPS 3104 (feet) coordinate system. In the event that the site plan is amended, the applicant shall submit a digital copy of each amendment to the site plan.

Dated: Riverhead, New York
March 15, 2005

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

Dated: Riverhead, New York
March 15, 2005

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
BARBARA GRATTAN, Town Clerk**

* Underline represents addition(s)

Dated: Riverhead, New York
June 1, 2004

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

BARBARA GRATTAN, Town Clerk

03/15/05

Adopted

TOWN OF RIVERHEAD

Resolution # 266

ADOPTS A LOCAL LAAW TO AMEND CERTAIN SECTIONS OF CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE

(RESIDENCE a-80 (ra-80) Zoning Use District)
(Agricultural Worker Housing)

COUNCILWOMAN BLASS

_____ offered the following resolution was seconded
by COUNCILWOMAN SANDERS

WHEREAS, the Town Clerk was authorized to publish and post a public Notice to hear all interested persons to consider a local law to amend certain Sections of Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 1st day of March, 2005 at 7:15 o'clock p.m. at the Town Hall located at 200 Howell Avenue, Riverhead, New York on the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to amend certain sections of Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the Traveler-Watchman Newspaper and to post same on the signboard at Town Hall; and be further;

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to ~~amend~~ certain sections of Chapter 108 entitled, "Zoning"
(Residence A-80 (RA-80) Zoning Use District)
(Agricultural Worker Housing)

ARTICLE VA
Residence A-80 (RA-80) Zoning Use District

§ 108-20.2. Uses.

In the RA-80 Zoning Use District, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Home occupations or professions conducted within the dwelling by the residents thereof or in a building accessory thereto.
- (2) The sale at retail of homegrown or homemade products, provided that all retail uses shall be subject to site plan approval pursuant to Article XXVI of the Riverhead Town Code and the provisions of Chapter 108. The farmer may sell supporting farm products and farm products not grown by the farmer, provided that the area devoted to the sale of said products at no time exceeds 40% of the total merchandising area.
- (3). Agricultural worker housing pursuant to the requirements of 108-64.4.

ARTICLE V
Residence B-80 Zoning Use District

§ 108-16. Uses.

In the RB-80 Zoning Use District, no building, structure or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically permitted are the following:

- (1) Home occupations or professions conducted within the dwelling by the residents thereof or in a building accessory thereto.
- (2) The sale at retail of homegrown or homemade products, provided that all retail uses shall be subject to site plan approval pursuant to Article XXVI of the Riverhead Town Code and the provisions of Chapter 108. The farmer may sell supporting farm products and farm products not grown by the farmer provided that the area devoted to the sale of said products at no time exceeds 40% of the total merchandising area.
- (3). Agricultural worker housing pursuant to the requirements of 108-64.4.

Town of Riverhead
§ Residence Districts Schedule of Dimensional Regulations
Amended 6-22-2004 by L.L. No. ---2004

Zoning Use District	Minimum lot area (square feet)	Minimum lot width (feet)	Maximum impervious surface (%)	Maximum height of residential buildings (feet)	Minimum front yard depth (feet)	Minimum either side yard width (feet)	Minimum both side yards, total width (feet)	Minimum side yard abutting side street (feet)	Minimum rear yard depth (feet)
Agricultural Protection (APZ) ³	80,000	175	15	35	60	30	65	60	75
Residence A-80 (RA-80) ³	80,000	175	15	35	60	30	65	60	75
Residence A-40 (RA-40)									
As-of-right subdivision	40,000	150	15	35	50	25	55	50	60
Workforce housing option ¹	20,000	100	15	35	40	10	25	40	40
Hamlet Residential (HR)	80,000	175	15	35	60	30	65	60	75
Residence B-80 (RB-80) ³	80,000	175	15	35	60	30	65	60	75
Residence B-40 (RB-40)	40,000	150	15	35	50	25	55	50	60
Retirement Community (RC)	15 acres ²	150	15	35	25	10	25	25	40

NOTES:

- ¹ The workforce housing option allows an increased development yield of fifty (50%) percent provided that sixty-six percent (66%) of the total lots within the subdivision are reserved for workforce housing.
- ² The minimum parcel area to be considered for inclusion within the Residence RC Zoning Use District shall be fifteen (15) acres with development yield of one (1) unit per 40,000 square feet.
- ³ Agricultural worker housing development yields not to exceed (1) unit per 80,000 square feet of real property.