

WAIVER OF NOTICE AND CONSENT
OF SPECIAL MEETING

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 12:00 p.m. on the 3rd day of April, 2008 and do consent to the holding of such meeting for the purpose of:

RESOLUTIONS:

Rescinds Resolution #259 and Replacing with Amended Resolution #259

Res. #295 Authorizing the Supervisor to Negotiate and Enter into a Stipulation with the County of Suffolk and/or Renovation Work at the Indian Island County Golf Course

Res. #296 Authorizes the Supervisor to Execute a Stipulation with a Town Employee

Dated: April 3, 2008
Media Notified by
Supervisor

TOWN BOARD MEMBERS
of Riverhead, New York

Supervisor

Councilman

Councilwoman

Councilman

Councilman

Resolution was Rescinded
at a Special Board Meeting Adopted
on April 3, 2008

160404877.01

RESOLUTION # 259

43219-2-30

BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, on the 1st day of April, 2008, at 2:00 o'clock P.M., Prevailing Time.

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

PRESENT:
Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilman John Dunleavy
Councilman Timothy Wooten
Councilman timothy Buckley

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

ABSENT:

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

Rescinded @ April 3, 2008

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

BOND RESOLUTION DATED APRIL 1, 2008.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE CONSTRUCTION OF A ROCK JETTY AT WADING RIVER CREEK IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,125,000, AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a _____ Action, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The construction of a rock jetty at Wading River Creek in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$1,125,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,125,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 22(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

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

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

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in

Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on the 1st day of April, 2008, duly adopted the resolution published herewith **subject to a permissive referendum.**

Dated: Riverhead, New York,
April 1, 2008.

Barbara Grattan
Town Clerk

Resolution # 259

BOND RESOLUTION DATED APRIL 1, 2008.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE CONSTRUCTION OF A ROCK JETTY AT WADING RIVER CREEK IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,125,000, AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act as a _____ Action, have been performed; and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The construction of a rock jetty at Wading River Creek in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements and

expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$1,125,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,125,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 22(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

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

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

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the

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

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- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

Special Board Meeting
April 3, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 295

AUTHORIZING THE SUPERVISOR TO NEGOTIATE AND ENTER INTO A STIPULATION WITH THE COUNTY OF SUFFOLK CONCERNING CONSTRUCTION, EXCAVATION, AND/OR RENOVATION WORK AT THE INDIAN ISLAND COUNTY GOLF COURSE.

Councilwoman Blass offered the following resolution, was seconded
By Councilman Wooten:

WHEREAS, the County of Suffolk and/or Jack McGowan have proposed and commenced the renovation, construction, and/or siting of the driving range, golf professional shop, miniature golf course, and/or golf cart barn at the Indian Island County Golf Course (hereinafter "the project"); and

WHEREAS, the Town Board of the Town of Riverhead adopted Resolution #257 of 2008 determining that the project must comply with the Town Code of the Town of Riverhead; and

WHEREAS, the County of Suffolk disputes that the project must comply with the Town Code; and

WHEREAS, the Town Board believes it is in the best interests of the Town to resolve this matter and avoid litigation;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor of the Town of Riverhead to negotiate and enter into the attached stipulation with the County of Suffolk and authorizes the Building Department Administrator to lift the stop work order issued on February 29, 2008;

AND BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Planning Department, the Riverhead Building Department, the Riverhead Conservation Advisory Council, the Riverhead Fire Protection Division, the Riverhead Town Attorney, Riverhead Code

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

Enforcement, and Smith, Finkelstein, Lundberg, Isler & Yakaboski,
LLP., 456 Griffing Avenue, Riverhead, New York, 11901.

-----X
In the Matter of

THE TOWN OF RIVERHEAD'S STOP WORK ORDER
RELATED TO THE INDIAN ISLAND COUNTY
GOLF COURSE.

STIPULATION

-----X

Whereas, the County of Suffolk has recently undertaken certain construction and intends to undertake additional construction at the Indian Island Golf Course, located within the Town of Riverhead, as set forth in the plans annexed hereto as Exhibit A; and

Whereas, the County of Suffolk and the Town of Riverhead disagree as to whether the projects must comply with the Town Code of the Town of Riverhead; and

Whereas, The Town of Riverhead ("Town") issued a stop work order on February 29, 2008, concerning construction and excavation at the site; and

Whereas, the parties believe it is in the public interest to resolve this matter and avoid litigation;

It is hereby stipulated and agreed as follows:

1. New outdoor lighting fixtures to be installed on the existing poles at the driving range shall be installed in conformance with the Town's outdoor lighting requirements as set forth in Article XLV of the Riverhead Town Code.

2. The County shall notify the Office of the Riverhead Town Attorney of all construction projects the County intends to commence anywhere within the Town of Riverhead.

“Construction Projects” shall be deemed those projects that require notification to the Suffolk County Council on Environmental Quality ("the CEQ") pursuant to Suffolk County Code Sections 279-5 (D) and (E).

3. The Town shall rescind the stop work order issued February 29, 2008 and agrees it shall not issue any additional stop work orders in connection with the work set forth in the plans annexed as Exhibit A.

4. The soil that was subject to the testing by Maximum Environmental shall be removed from the site. Soil imported to the driving range shall be purchased by one of the following Town approved vendors of soil: KJD Industries, Inc., Roanoke Sand & Gravel Corp. or East Coast Mines and Materials, Corp. The Town shall be permitted to inspect the soil upon delivery.

This stipulation sets forth the entire understanding of the parties with reference to the stop work order issued February 29, 2008.

The parties represent that they have each consulted with and have been advised by separate counsel of their own choosing in connection with this Stipulation. The parties further acknowledge that each party and its counsel have reviewed, negotiated and revised this Stipulation, and that the language in all parts of this Stipulation shall be construed, in all cases, according to its fair meaning, and that any rule of construction to the effect that any ambiguities are to be resolved against the drafting party is inappropriate and shall not be employed in the interpretation of this Stipulation.

This stipulation shall not take effect until duly executed and received by both parties.

The party executing this stipulation represents and warrants that he has the authority to bind their respective municipality and has received all necessary approvals required by their respective laws.

This stipulation may not be changed except by a written instrument executed by both parties.

Dated: Hauppauge, New York
April 3, 2008

PHIL CARDINALE
Supervisor
Town of Riverhead

JAMES MORGO
Chief Deputy County Executive
Suffolk County

APPROVED AS TO LEGALITY

Gail M. Lolis

March 7, 2008

Via First Class Mail and Electronic Transmission

Philip Siegel, Esq.
456 Griffing Avenue
P.O. Box 389
Riverhead, N.Y. 11901

Re: Indian Island Golf Course

Dear Mr. Siegel:

Please find enclosed copies of the plans for the work to be performed at the Indian Island Golf Course in anticipation of its official opening. Although some of the work may not be performed by opening day, it is hoped that the work will be completed shortly thereafter.

Very truly yours,

CHRISTINE MALAFI
Suffolk County Attorney

BRIAN P. CALLAHAN
Assistant County Attorney

BPC:cdm

Enclosures:

Driving Range Layout

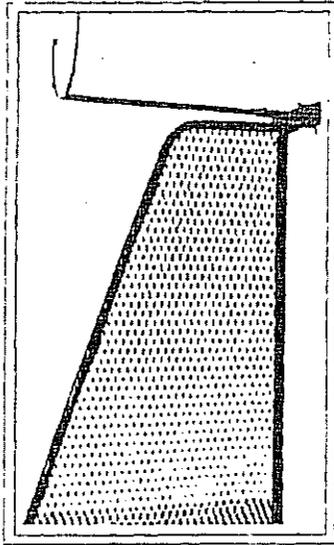
Tee Off Section A

Tee Off Section B

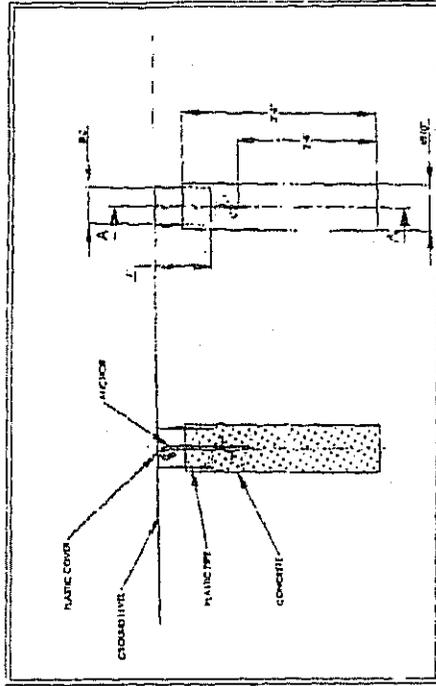
Tee Off Section C

Anchor Detail Concrete Tie Down

C.C.: Gail M. Lolis
Deputy County Attorney



TEE DIVIDER



ANCHOR DETAIL
 DRY RAINGE
 CONCRET TIE DOWN

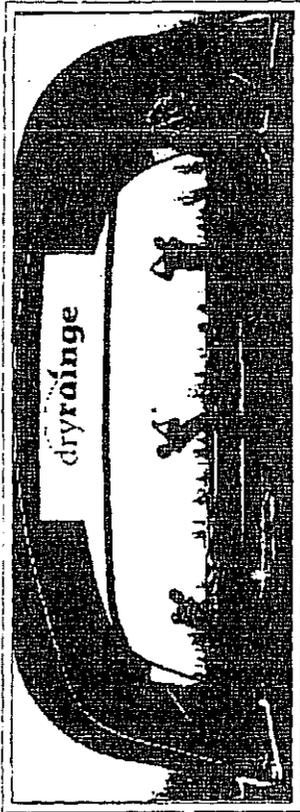
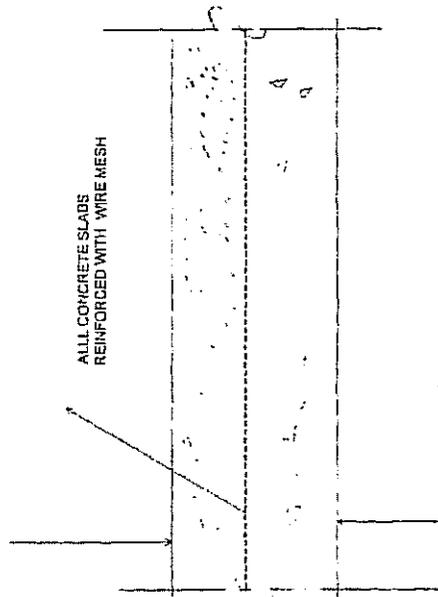
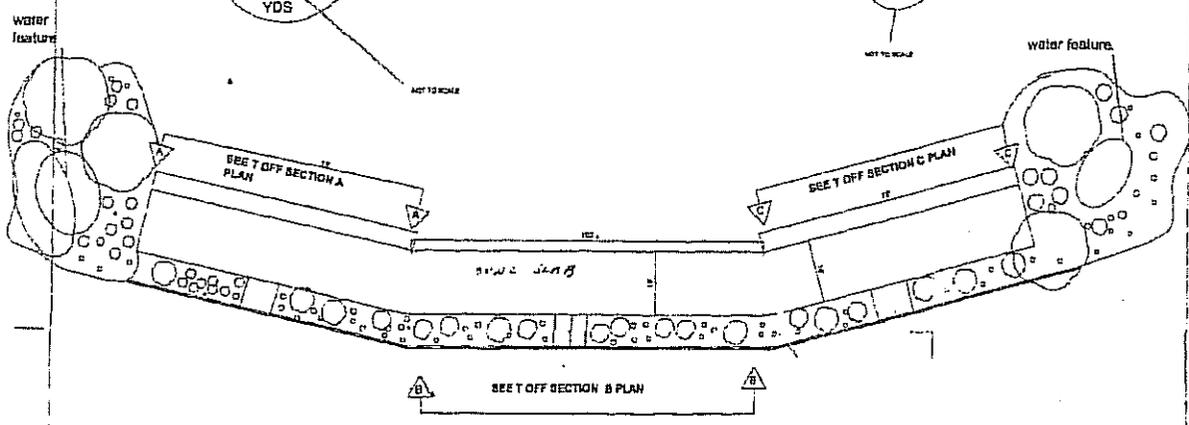
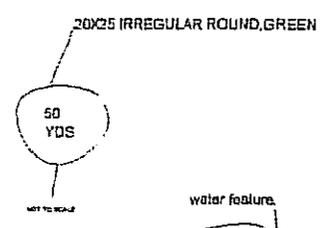
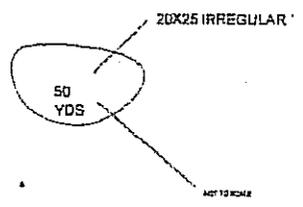
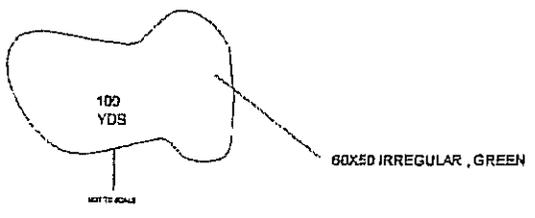
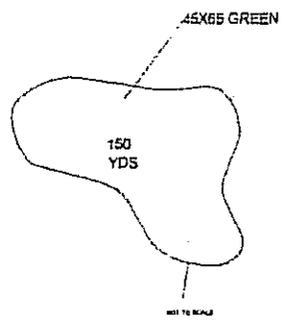
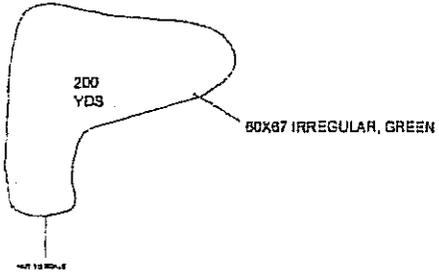
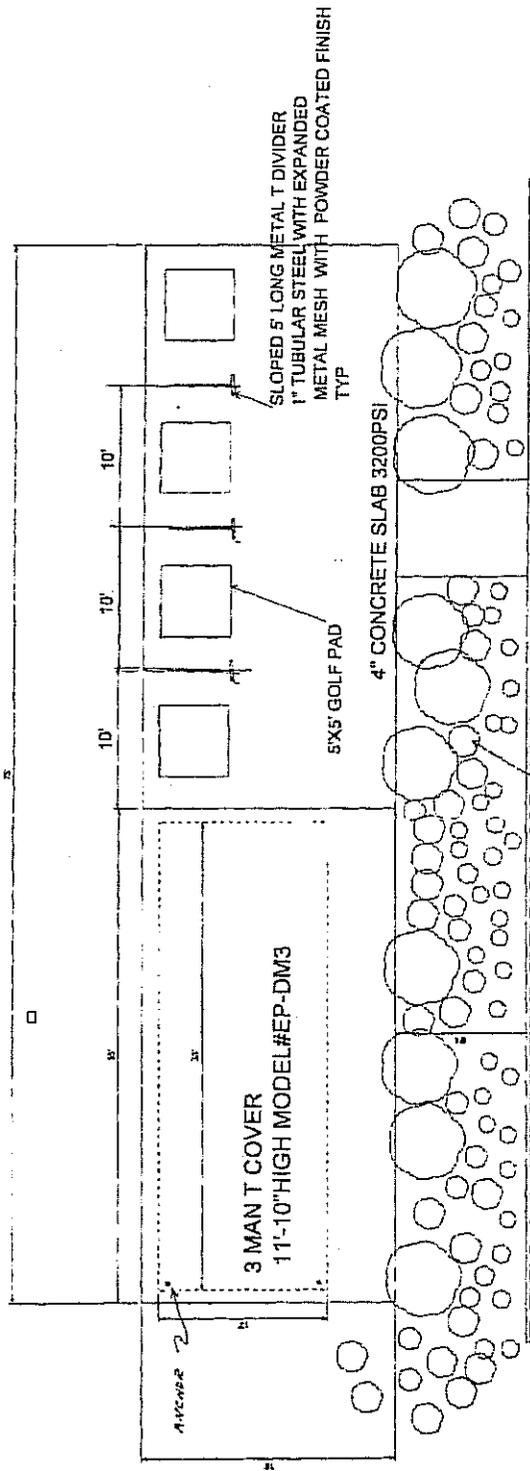


PHOTO
 TEE LINE COVER
 3 MAN MODEL # EP-DM3

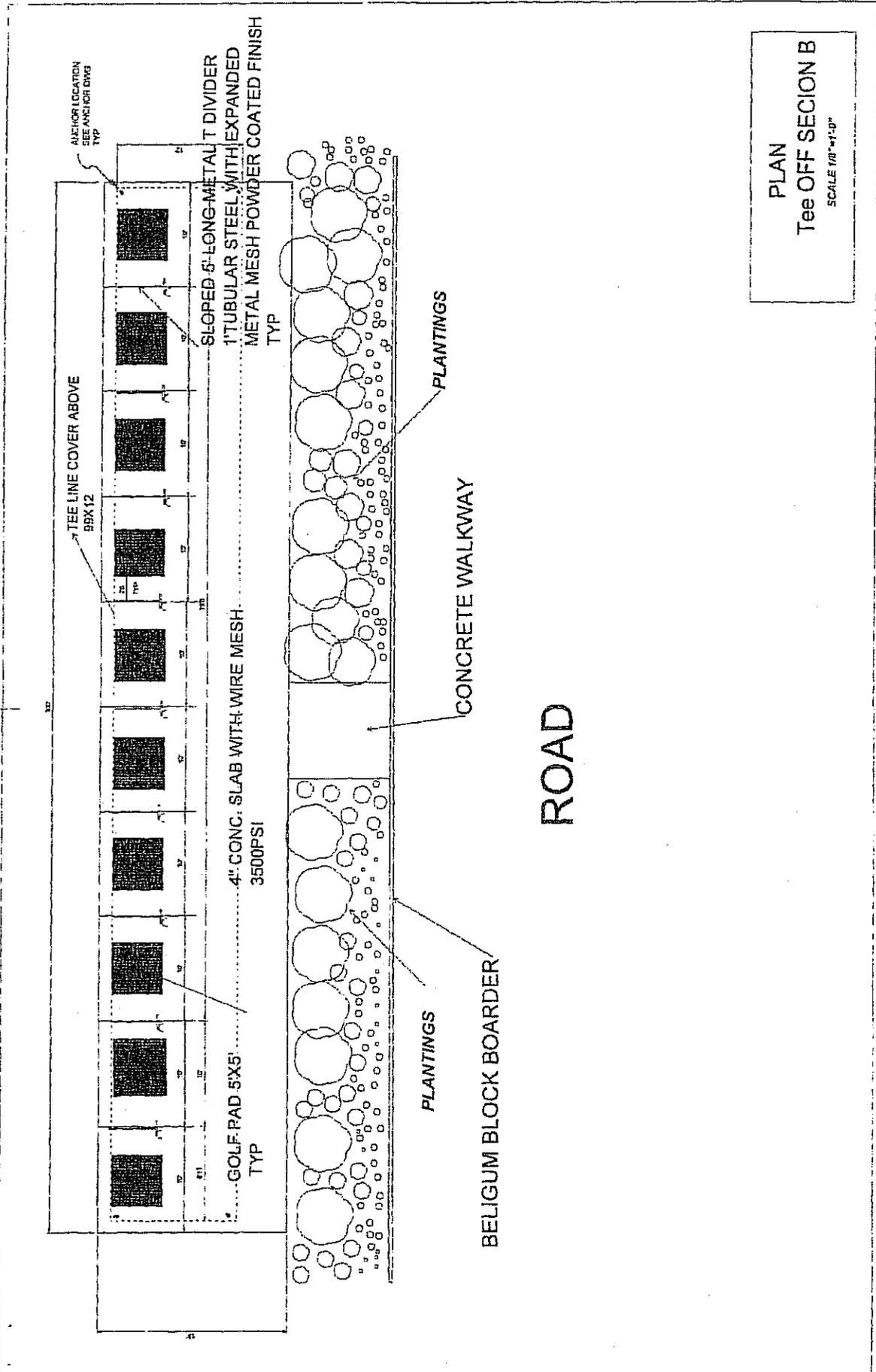


4" THICK CONC
 SLAB 3200 PSI

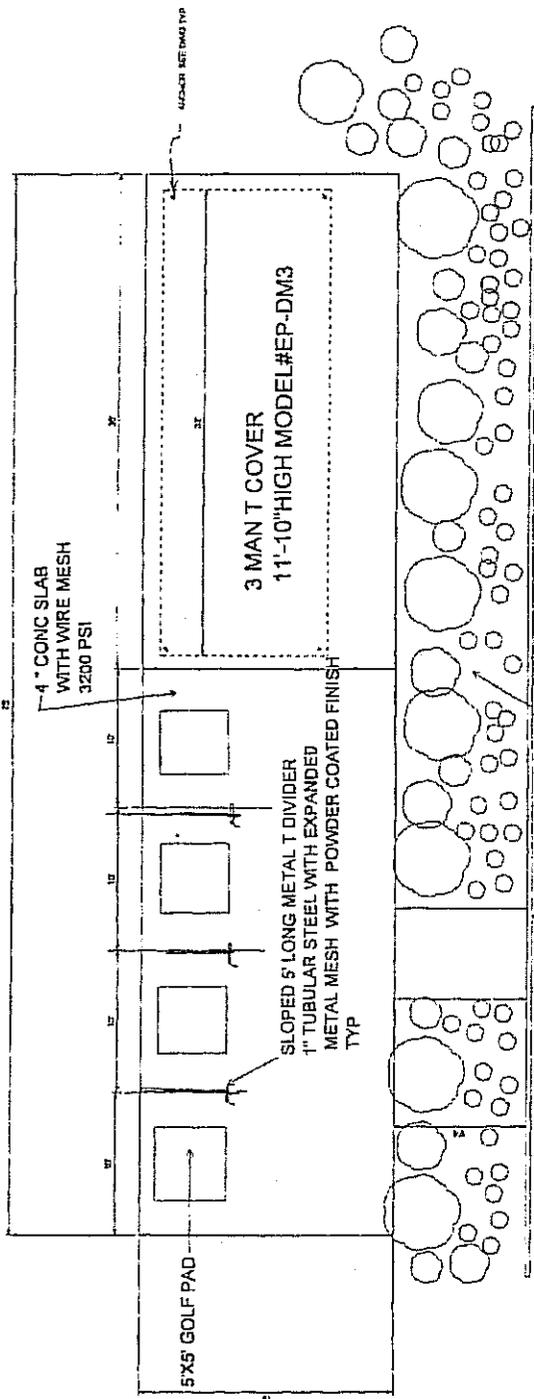




PLAN
 TEE OFF SECTION A



PLAN
 Tee OFF SECTION B
 SCALE 1/8"=1'-0"



ROAD

PLAN
TEE OFF SECTION C

RESOLUTION #297

BOND RESOLUTION
(Subject to Permissive Referendum)

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE CONSTRUCTION OF A ROCK JETTY AT WADING RIVER CREEK IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,125,000, AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

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

WHEREAS, Resolution No. 259 was incomplete.

NOW THEREFORE BE IT RESOLVED, that Resolution No. 259 be rescinded and replaced with Resolution No. 297.

160404877.01

43219-2-30

RESOLUTION # 297

Adopted

**BOND RESOLUTION
(SUBJECT TO PERMISSIVE REFERENDUM)**

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, on the 3rd day of April, 2008, at 12:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilman John Dunleavy
Councilman Timothy Buckley
Councilman James Wooten

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

ABSENT:

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

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

BOND RESOLUTION DATED APRIL 3, 2008.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE CONSTRUCTION OF A ROCK JETTY AT WADING RIVER CREEK IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,125,000, AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, and

WHEREAS, it is necessary to perform a study of the project and project site to determine if there is any negative impact on the environment caused by this project and to develop measures to mitigate and negative impact on the environment, and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The construction of a rock jetty at Wading River Creek in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$1,125,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,125,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 22(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

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

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Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

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

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

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

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

- 1) That a meeting of the Issuer was duly called, held and conducted on the ____ day of March, 2008.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given **PRIOR** **THERE TO** in the following manner:

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

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

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this ____ day of March, 2008.

Town Clerk

(CORPORATE SEAL)

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on the 3rd day of April, 2008, duly adopted the resolution published herewith **subject to a permissive referendum.**

Dated: Riverhead, New York,
April 3, 2008.

Barbara Grattan
Town Clerk

Resolution # _____

BOND RESOLUTION DATED APRIL 3, 2008.

A RESOLUTION, SUBJECT TO PERMISSIVE REFERENDUM, AUTHORIZING THE CONSTRUCTION OF A ROCK JETTY AT WADING RIVER CREEK IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$1,125,000, AND AUTHORIZING THE ISSUANCE OF \$1,125,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described; and

WHEREAS, it is necessary to perform a study of the project and project site to determine if there is any negative impact on the environment caused by this project and to develop measures to mitigate and negative impact on the environment, and

WHEREAS, it is now desired to authorize such capital project and its financing; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The construction of a rock jetty at Wading River Creek in and for the Town of Riverhead, Suffolk County, New York, including incidental improvements and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$1,125,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$1,125,000 bonds of said Town hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 22(a) of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized **will exceed five years.**

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

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor

of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

