

9/21/99

1724
Adopted

TOWN OF RIVERHEAD

Resolution # 841

APPROVES APPLICATION OF THE RIVERHEAD FOUNDATION FOR MARINE RESEARCH & PRESERVATION (5K FOOT RACE)

Councilman KWASNA offered the following resolution, was seconded by

Councilman Lull

WHEREAS, the Riverhead Foundation for Marine Research & Preservation has submitted an application for the purpose of conducting a 5K (3.1 mile) Foot Race, the race course being Main Street, Riverside Drive, and the Peconic River parking lot adjacent to the Riverhead Foundation for Marine Research property, Riverhead, New York between the hours of 10:00 a.m. and 12:00 noon on November 14, 1999; and

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

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

NOW THEREFORE BE IT RESOLVED, that the application of the Riverhead Foundation for Marine Research & Preservation for the purpose of conducting a 5K (3.1 mile) Foot Race, the race course being Main Street, Riverside Drive, and the Peconic River parking lot adjacent to the Riverhead Foundation for Marine Research property, Riverhead, New York between the hours of 10:00 a.m. and 12:00 noon on November 14, 1999 is hereby approved; 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 Foundation for Marine Research & Preservation, Attn: Jennifer L. Bushee, 428 East Main Street, Riverhead, New York, 11901 and the Riverhead Police Department.

THE VOTE

Cardinalo Absent Yes No Kent By Phone Yes No

Kwasna Yes No Lull Yes No

Villella Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 842

APPROVES ELEVATIONS OF ROBERT PATCHELL

Councilman Cardinale

_____ offered the following resolution which

was seconded by Councilman Lull

Lull

WHEREAS, on July 27, 1999 Peter S. Danowski, Esq. appeared in front of this Board to discuss procedures to allow the improvement of real property located at Front Street, South Jamesport; such real property more particularly described as SCTM No. 0600-92-3-41, and

WHEREAS, the proposed improvements would allow the use of the premises as a "hotel", and

WHEREAS, the Building Department, upon request, has issued a letter of pre-existing use demonstrating the uninterrupted use of the premises as a "hotel/restaurant" and "single family residence" (smaller building), and

WHEREAS, the proposed improvements involve reconstruction of the interior and exterior of both buildings existing upon the real property; such improvements not requiring the approval of a site plan pursuant to Section 108-128 of the Town Code, and

WHEREAS, the Town Board desires to approve the nature of all exterior improvements, and

WHEREAS, Peter Danowski, Esq. has submitted proposed exterior improvements to both this Town Board and the Architectural Review Board depicting both materials and colors, and

WHEREAS, the Architectural Review Board has approved both the material types and colors associated with the proposed reconstruction, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby approves the building elevations of the two (2) buildings existing at SCTM Parcel No. 0600-92-3-41 as prepared by Charles Thomas, Architect and initialed by a majority of the Town Board dated September 20, 1999, and

BE IT FURTHER

RESOLVED, that a certified copy of this resolution be forwarded to Peter S. Danowski, Esq. as attorney for Robert Patchell.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<i>Albert</i>	<input checked="" type="checkbox"/> Yes		<input type="checkbox"/> No	<input type="checkbox"/>

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 843

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - DR. JUDY EMANUELE

Councilman Kwasna offered the following resolution which was seconded by Councilman Lull

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition pursuant to Section 108-112 (B-2) of the Town Code from Robert Stromski on behalf of Dr. Judy Emanuele for an overlay of the Business PB District in order to convert an existing single family dwelling into an office use on a parcel of land located at Roanoke Avenue, Riverhead, New York and known by Suffolk County Tax Map No. 0600-102-4-21, and

WHEREAS, the Riverhead Town Board by resolution #777 of 1999 deemed said petition to be an Unlisted Action which will not have a significant effect upon the environment, and

WHEREAS, the Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a hearing upon the subject petition pursuant to Section 108-3 of the Town Code, 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
Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Villella Yes No
THE RESOLUTION WAS X WAS NOT
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of October, 1999 at 7:10 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties regarding a special permit petition pursuant to Section 108-112 (B-2) of the Town Code from Dr. Judy Emanuele for an overlay of the Business PB District in order to convert an existing single family dwelling into an office use on a parcel of land located at Roanoke Avenue, Riverhead, New York and known by Suffolk County Tax Map No. 0600-102-4-21.

DATED: September 21, 1999
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

September 21, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 844

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF SCOPING HEARING – WILLOW PONDS

Councilman *W. Kardinal* **Kwasna** offered the following resolution which

was seconded by Councilman Kardinal

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Sound Housing, LLC in order to modify an existing special permit to allow the construction of an additional 222 condominium units upon real property located at Sound Avenue, Riverhead such real property more particularly described as SCTM Parcel No. 0600-18.1 & 18,2-1-1 through 223, and

WHEREAS, by resolution #20 of 1999 the Riverhead town Board did determine the action to be a Type I action requiring the preparation of a Draft Environmental Impact Statement, and

WHEREAS, the Planning Department is in receipt of a Draft Scope of Issues to be addressed in the DEIS pursuant to 6NYCRR Part 617.8, and

WHEREAS, the Town Board desires to hold a scoping hearing upon the subject petition, 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

Cardinal	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No	<i>absent</i>	<input type="checkbox"/> Yes	<input type="checkbox"/> No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

1750

**TOWN OF RIVERHEAD
NOTICE OF SCOPING HEARING**

PLEASE TAKE NOTICE, that a scoping hearing will be held on the ^{19th}~~19th~~ day of October, 1999 at 7:25 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties regarding the environmental issues associated with the special permit petition of Willow Ponds, Sound Avenue, Riverhead, New York and known by Suffolk County Tax Map No. 0600-18.1 & 18.2-1-1 through 223.

DATED: September 21, 1999
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

September 21, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 845

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - PAMELA BOYLE

Councilman Lull

offered the following resolution which

was seconded by Councilman Kwasna

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition pursuant to Sections 108-21 B(8) and 108-64.5 of the Town Code from Pamela Boyle for operation of a bed and breakfast facility in an existing dwelling located at 1686 Main Road, Jamesport, New York and known by Suffolk County Tax Map No. 0600-69-1-5, and

WHEREAS, the Riverhead Town Board by resolution #776 of 1999 deemed said petition to be an Unlisted Action which will not have a significant effect upon the environment, and

WHEREAS, the Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation, and

WHEREAS, the Town Board desires to hold a hearing upon the subject petition pursuant to Section 108-3 of the Town Code, 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

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna Yes ___ No ___ Lull Yes ___ No ___
Vilella ___ Yes ___ No absent

THE RESOLUTION WAS WAS NOT ___

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of October, 1999 at 7:15 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties regarding a special permit petition pursuant to Sections 108-21 B(8) and 108-64.5 of the Town Code from Pamela Boyle for the operation of a bed and breakfast facility in an existing dwelling on a parcel of land located at 1686 Main Road, Jamesport, New York and known by Suffolk County Tax Map No. 0600-69-1-5.

DATED: September 21, 1999
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 846

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - WILLIAM & CAROL ROWE

Councilman Cardinale offered the following resolution which was seconded by Councilman Kwasna

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition pursuant to Sections 108-21 B(8) and 108-64.5 of the Town Code from William & Carol Rowe for operation of a bed and breakfast facility in an existing dwelling located at 1884 Sound Avenue, Baiting Hollow, New York and known by Suffolk County Tax Map No. 0600-39-1-17, and

WHEREAS, the Riverhead Town Board by resolution #574 of 1999 deemed said petition to be an Unlisted Action which will not have a significant effect upon the environment, and

WHEREAS, the Town Board did refer the petition to the Riverhead Planning Board for its report and recommendation; such Planning board recommending approval subject to certain conditions, and

WHEREAS, the Town Board desires to hold a hearing upon the subject petition pursuant to Section 108-3 of the Town Code, 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

Cardinale Yes No Kent Yes No
 Kwasna Yes No Lull Yes No
 Villella Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 19th day of October, 1999 at 7:20 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties regarding a special permit petition pursuant to Sections 108-21 B(8) and 108-64.5 of the Town Code from William & Carol Rowe for the operation of a bed and breakfast facility in an existing dwelling on a parcel of land located at 1884 Sound Avenue, Baiting Hollow, New York and known by Suffolk County Tax Map No. 0600-39-1-17.

DATED: September 21, 1999
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

9/21/99

Adopted

TOWN OF RIVERHEAD

Resolution # 847

AUTHORIZES THE TOWN OF RIVERHEAD TO SECURE, DEMOLISH OR REMOVE UNSAFE BUILDING OR STRUCTURE PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE (LIFEBOAT INC. – 447 PECONIC BAY BLVD)

Councilman *Kwasna* **Kwasna** offered the following resolution, was seconded by
Councilman Lull

WHEREAS, pursuant to Chapter 54 of the Riverhead Town Code entitled, "Unsafe Buildings and Collapsed Structures", certain land and buildings reputedly owned by Lifeboat Inc. located at 447 Peconic Bay Boulevard, Aquebogue, New York, known and designated as Suffolk County Tax Map #0600-87-1-60 has been determined by the Building Inspector to be unsafe and dangerous to the public;

WHEREAS, all notices pursuant to Chapter 54 of the Riverhead Town Code have been served; and

WHEREAS, a public hearing was held on the 22nd day of October, 1998 at 1:10 o'clock p.m., at Riverhead 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; and

WHEREAS, the owners have not taken any steps toward abating the conditions by repair and rehabilitation or by demolition and removal in accordance with the procedures set forth in Chapter 54 of the Riverhead Town Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Engineering Department to assist the Building Department in connection with any work done to remove the danger by the removal of any debris and/or the securing of any such building or structure at the subject premises; and be it further

RESOLVED, that pursuant to Chapter 54, Section 54-9, all actual expenses incurred by the Town of Riverhead to remove the danger or in connection with the demolition and removal of any such buildings or structures shall be assessed against the owner; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Lifeboat Inc., c/o Nassoun S. Azzouni, 260 Henry Street, Brooklyn, New York,

11201; Kenneth Testa, P.E.; the Building Department; the Tax Receiver's Office; the Assessor's Office; the Office of Accounting and the Town Attorney's Office.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___

Kwasna Yes ___ No ___ Lull Yes ___ No ___

Villella ___ Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___

THEREUPON DULY DECLARED ADOPTED

Adopted

9/21/99

TOWN OF RIVERHEAD

Resolution # 848

AUTHORIZES THE TOWN OF RIVERHEAD TO SECURE, DEMOLISH OR REMOVE UNSAFE BUILDING OR STRUCTURE PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE (ELLEN M. GOLDBERG, THOMAS C. LUPIA AND MICHAEL T. MARRA – 417-425 WEST MAIN STREET)

Councilman Lull offered the following resolution, was seconded by

Councilman Cardinale :

WHEREAS, pursuant to Chapter 54 of the Riverhead Town Code entitled, "Unsafe Buildings and Collapsed Structures", certain land and buildings reputedly owned by Ellen M. Goldberg, Thomas C. Lupia and Michael T. Marra located at 417-425 West Main Street, Riverhead, New York, known and designated as Suffolk County Tax Map #0600-128-2-8 has been determined by the Building Inspector to be unsafe and dangerous to the public;

WHEREAS, all notices pursuant to Chapter 54 of the Riverhead Town Code have been served; and

WHEREAS, a public hearing was held on the 29th day of April, 1999 at 1:00 o'clock p.m., at Riverhead 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; and

WHEREAS, the owners have not taken any steps toward abating the conditions by repair and rehabilitation or by demolition and removal in accordance with the procedures set forth in Chapter 54 of the Riverhead Town Code.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Engineering Department to assist the Building Department in connection with any work done to remove the danger by the removal of any debris and/or the securing of any such building or structure at the subject premises; and be it further

RESOLVED, that pursuant to Chapter 54, Section 54-9, all actual expenses incurred by the Town of Riverhead to remove the danger or in connection with the demolition and removal of any such buildings or structures shall be assessed against the owner; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy

of this resolution To Ellen M. Goldberg, Thomas C. Lupia And Michael T. Marra, 192 Avondale Avenue, Centereach, New York, 11720; Kenneth Testa, P.E.; the Building Department; the Tax Receiver's Office; the Assessor's Office; the Office of Accounting and the Town Attorney's Office.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna Yes ___ No ___ Luj Yes ___ No ___
Villella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

9/21/99

TOWN OF RIVERHEAD

Resolution # 849

APPOINTS THE LAW FIRM OF FREDERICK EISENBUD AS ADDITIONAL SPECIAL COUNSEL TO THE TOWN OF RIVERHEAD

Councilman Kwasna _____ offered the following resolution, was seconded by

Councilman **Cardinale** *Cardinale* _____ :

RESOLVED, that the Law Firm of Frederick Eisenbud, Esq. is hereby retained as additional special counsel to the Town of Riverhead; and be it further

RESOLVED, that the Riverhead Town Board hereby approves the attached Retainer Agreement from the Law Firm of Frederick Eisenbud, Esq.; and be it further

RESOLVED, that the Riverhead Town Board be and hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Firm of Frederick Eisenbud, Esq., 700 Veterans Memorial Highway, 3rd Floor, Hauppauge, New York, 11788-2131; the Town Supervisor; John J. Hansen, Financial Administrator; the Office of Accounting and the Office of the Town Attorney.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vilella	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT _____
THEREUPON DULY DECLARED ADOPTED

RETAINER AGREEMENT

AGREEMENT made this _____ day of September, 1999, by and between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (hereinafter the Town), and the Law Firm of Frederick Eisenbud, Esq., 700 Veterans Memorial Highway, 3rd Floor, Hauppauge, New York, 11778-2131 (hereinafter the Firm), pursuant to Resolution # _____ of the Town Board adopted on September 7, 1999 as follows:

1. The Town retains the Firm to provide the legal services described in said resolution.
2. The Town agrees to pay the Firm at an hourly rate of \$150 an hour for partners; \$125 an hour for associates and \$65 an hour for paralegals.
3. The Town shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD

By: _____
VINCENT G. VILLELLA
Town Supervisor

By: _____
FREDERICK EISENBUD

Adopted

September 21, 1999

TOWN OF RIVERHEAD
RESOLUTION # 850

AUTHORIZES THE ESTABLISHMENT OF A PETTY CASH ACCOUNT
FOR THE RIVERHEAD SENIOR SITE COUNCIL

Councilman Cardinale offered the following
resolution, which was seconded by Councilman *Burasa* KWASNA

WHEREAS, the Town Board hereby authorizes the establishment of a imprest petty cash account for the Town of Riverhead Senior Site Council in the amount of One Hundred Dollars (\$100.00); and

WHEREAS, that said petty cash account is assigned to Treasurer, Edith D. Neuhoff; and

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

THE VOTE
Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Villella Yes No
THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 851

AUTHORIZES ATTENDANCE AT THE NYS BENEFITS ELIGIBILITY & ACCOUNTING SYSTEM (NYBEAS) TRAINING PROGRAM

Councilman Kwasna offered the following resolution, which was seconded by Councilman Lull

WHEREAS, the NYS Benefits Eligibility and Accounting System (NYBEAS) is conducting a mandatory two-day user training program in Albany, NY, September through November of 1999.

BE IT, RESOLVED, that the Town Board hereby authorizes the attendance of John J. Hansen, Financial Administrator in Albany, New York; and

BE IT FURTHER, RESOLVED, expenses for the conference, travel, room and board will be reimbursed upon proper submission of receipts; and

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

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Vilella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

SEPTEMBER 21, 1999

Tabled

TOWN OF RIVERHEAD

Resolution # 852

GRANGEBEL PARK IMPROVEMENT

CAPITAL PROJECT

BUDGET ADOPTION

Councilman Kent offered the following resolution,
which was seconded by Councilman LULL *Gull*

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

406.095031.481900.70045 TRANSFER FROM SPECIAL TRUST FROM: \$9,400.

406.071100.523020.70045 FENCING IMPROVEMENTS TO: \$9,400.

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

All Board Members in favor of tabling this resolution.

The resolution was thereupon declared to be duly tabled.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ~~ADOPTED~~

Tabled

SEPTEMBER 21, 1999

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 853

HIGHWAY DEPARTMENT

BUDGET ADJUSTMENT

Councilman Lull offered the following resolution,
which was seconded by Councilman Kwasna

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

FROM:

111.051400.524407 TRAFFIC EXPENSE

\$475.

111.051400.541303 TRAFFIC PAINT

TO:

\$475.

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Villella Yes No

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ADOPTED

SEPTEMBER 21, 1999

1743

Tabled

TOWN OF RIVERHEAD

Resolution # 854

POLICE EMERGENCY BOAT

CAPITAL PROJECT

BUDGET ADOPTION

Councilman Cardinale offered the following resolution,
which was seconded by Councilman Kwasna

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

FROM:

406.013100.492215.40056	LOCAL LAW ENFORCEMENT BLOCK GRANT	\$51,052.
406.013100.487000.40056	TRANSFER FROM ASSET FORFEITURE FUND (80091)	4,200.
406.013100.481000.40056	TRANSFER FROM GENERAL FUND	9,748.

TO:

406.031200.524190.40056	EMERGENCY BOAT	\$51,000.
406.031200.524915.40056	BOAT TRAILER	2,000.
406.031200.524916.40056	BOAT ENGINE	12,000.

COUNCILMAN CARDINALE OFFERED THIS RESOLUTION TO BE TABLED, WHICH WAS SECONDED BY COUNCILMAN KWASNA.

All Town Board Members in favor of tabling this resolution. The resolution as thereupon declared to be duly TABLED.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
 Kwasna Yes ___ No ___ Lull Yes ___ No ___
 Villella Yes ___ No ___

THE RESOLUTION WAS WAS NOT

THEREUPON DULY DECLARED ~~ADOPTED~~

Tabled

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 855

GENERAL FUND
BUDGET ADJUSTMENT

COUNCILMAN KENT offered the following resolution,

which was seconded by COUNCILMAN LULL

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

FROM:

001.014100.542108	TOWN CLERK, TAPE EXPENSE	\$100.
001.014100.542114	TOWN CLERK, DUES EXPENSE	50.
001.014100.542603	TOWN CLERK, FORMS EXPENSE	50.
001.014100.542104	TOWN CLERK, FILING MATERIAL EXPENSE	200.
001.014100.524000	TOWN CLERK, EQUIPMENT	100.
001.014100.511500	TOWN CLERK, PERSONAL SERVICE	370.
001.016200.542113	SHARED SERVICES, POSTAGE	885.
001.031200.543210	POLICE, DOCTOR'S FEES	525.
001.031220.541406	BAY CONSTABLE, EQUIPMENT R & M	5.

TO:

001.014100.542314	TOWN CLERK, PHOTO SUPPLIES	\$400.
001.014100.541400	TOWN CLERK, REPAIRS EXPENSE	470.
001.016200.513500	SHARED SERVICES, LONGEVITY	810.
001.016200.524000	SHARED SERVICES, EQUIPMENT	75.
001.031200.542113	POLICE, POSTAGE	275.
001.031200.542408	POLICE, BULLET PROOF VESTS	250.
001.031220.542320	BAY CONSTABLE, POLLUTION CONTROL	5.

COUNCILMAN KENT OFFERED THE RESOLUTION TO BE AMENDED, WHICH WAS SECONDED BY COUNCILMAN CARDINALE.

The Vote: Cardinale, Abstain, Kent, yes, Kwasna, yes, Lull, yes, and Vilella, yes
The Resolution was thereupon declared to be duly adopted.

THE VOTE

Cardinale Abstain Yes ___ No ___ Kent Yes ___ No ___
 Kwasna Yes ___ No ___ Lull Yes ___ No ___
 Vilella Yes ___ No ___

THE RESOLUTION WAS WAS NOT
 THEREUPON DULY DECLARED ADOPTED

9/21/99

Adopted

Town of Riverhead

Resolution # 856

Authorizes Supervisor to Execute Contract with Suffolk County for Downtown Revitalization Funds

Councilman Lull

offered the following resolution,

which was seconded by Councilman Kent :

WHEREAS, the Suffolk County Legislature has authorized funding in the amount of \$2 million for downtown revitalization projects; and

WHEREAS, the Town of Riverhead Business Improvement District (BID) and the Town of Riverhead developed a project meeting all required criteria that has been approved by the Suffolk County Legislature for funding in the amount of \$62,800; and

WHEREAS, as sponsor of this project of the Town of Riverhead is responsible for program administration including the establishment of a Project Budget, drawdown of funds, procurement of contracts, and expenditure and accounting of funds pursuant to the attached agreement.

THEREFORE, BE IT FURTHER RESOLVED, that the Supervisor is hereby authorized to execute the Downtown Revitalization Program Agreement in the form attached hereto for \$62,800 to provide sidewalk improvements, lighting fixtures, signage, benches and receptacles from Second Street to Railroad Avenue along Griffing Avenue in conjunction with the Townscape Project at Second Street and Roanoke Avenue and the TEA-21 Project beginning at Railroad Avenue.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to provide a certified copy of this resolution to Community Development Director Andrea Lohneiss and BID Administrator Vicki Staciwo.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna Yes ___ No ___ Lull Yes ___ No ___
Villella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___

THEREUPON DULY DECLARED ADOPTED

DOWNTOWN REVITALIZATION PROGRAM AGREEMENT

THIS AGREEMENT is between the COUNTY OF SUFFOLK (the "COUNTY"), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted DEPARTMENT OF ECONOMIC DEVELOPMENT (the "DEPARTMENT"), located at H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099, and TOWN OF RIVERHEAD (the "MUNICIPALITY"), a New York municipal corporation, having its principal place of business at **Town Hall, Riverhead, NY 11901**.

The MUNICIPALITY above named has been designated as a recipient of Downtown Revitalization funds and has heretofore expressed its desire to undertake or assist in undertaking Downtown Revitalization activities as set forth in Exhibit(s) B attached hereto. Sufficient funding exists pursuant to Resolutions Nos. 808-1998 and 614-1999 of the Suffolk County Legislature.

TERM OF AGREEMENT: Shall be from the latest date of signature below through the day preceding the second anniversary of said date, with an option for the COUNTY to extend this Agreement for an additional year, as provided in Exhibit A.

TOTAL COST OF AGREEMENT: Shall not exceed \$62,800.

TERMS AND CONDITIONS: Shall be as set forth in Exhibit A attached.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the latest date written below.

TOWN OF RIVERHEAD

COUNTY OF SUFFOLK

By: _____

By: _____

ERIC A. KOPP
Chief Deputy County Executive

[Please print name and title under signature.]

Date: _____

Fed. Taxpayer ID # _____

Date: _____

APPROVED:

APPROVED AS TO FORM, NOT
REVIEWED AS TO EXECUTION:

ALICE A. AMRHEIN
Commissioner of Economic Development

ROBERT J. CIMINO
Suffolk County Attorney

Date: _____

By: _____
Robertson Hatch Date
Assistant County Attorney

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EXHIBIT(S) B

EXHIBIT A

1. PURPOSE

The MUNICIPALITY, for the consideration herein provided, agrees to complete the Downtown Revitalization Program Project(s) (the "DRP Project(s)") described in Exhibit(s) B, which are attached to and made a part of this Agreement, in a workmanlike manner. The MUNICIPALITY's agreement to complete the DRP Project(s) is subject to the provisions of paragraphs 13 and 14 of this Exhibit A. All references contained in this Agreement to MUNICIPALITY shall be deemed to include the sub-recipient(s) shown on Exhibit(s) B.

2. PROGRAM ADMINISTRATION

(a) Authorization

Notwithstanding any other provision of this Agreement, the MUNICIPALITY must submit evidence, and the DEPARTMENT must certify, prior to any commitment of funds under this Agreement, that the Project(s) are in accordance with applicable regulations. Upon such certification, the DEPARTMENT will give notice authorizing the MUNICIPALITY to begin the DRP Project(s).

(b) Supervision

It is agreed that the nature and extent of the DRP Project(s) undertaken pursuant to this Agreement shall be subject to general oversight by the COUNTY. The MUNICIPALITY agrees to comply fully with rules, regulations, criteria, guidelines and expenditure controls heretofore adopted or to be adopted by the COUNTY.

(c) Environmental Review Process

The MUNICIPALITY shall act as the lead agency with regard to any Project(s) to which the State Environmental Quality Review Act ("SEQRA") is applicable, shall maintain all applicable documentation and, upon request, shall submit copies of any Environmental Assessment Forms, determinations, etc. to the DEPARTMENT.

(d) Compliance with Law

In rendering Services under this Agreement, the MUNICIPALITY shall comply, and shall require its officers and directors, partners, trustees or other members of its governing body and personnel employed to render services under this Agreement to comply, with all applicable local, State and Federal laws, regulations, rulings and requirements of law, including without limitation Suffolk County local preference and other applicable Suffolk County local laws and resolutions of the Suffolk County Legislature.

3. PERFORMANCE

(a) The MUNICIPALITY agrees to begin work on its DRP Project(s) within a reasonable time after the commencement of the term of this Agreement and will attempt to complete all DRP Project(s) within eighteen (18) months of the effective date of this Agreement.

(b) If the MUNICIPALITY's performance lags substantially behind the MUNICIPALITY's proposed schedule of completion, the COUNTY may take the following actions either singularly or in combination:

- (i) Require the MUNICIPALITY to submit information to the COUNTY regarding the reasons for lack of performance and actions being taken to remove the causes for delay.
- (ii) Require the MUNICIPALITY to demonstrate to the COUNTY that the MUNICIPALITY has the capacity to carry out DRP Project(s) in a timely manner.
- (iii) Require the MUNICIPALITY to submit to the COUNTY progress schedules for completing DRP Project(s).
- (iv) Require the MUNICIPALITY to suspend, discontinue or not incur costs for DRP Project(s).

4. TERM OF AGREEMENT

(a) This Agreement shall cover the period provided on the first page thereof, unless sooner terminated as provided below.

(b) Unless this Agreement shall have been terminated as provided below, the COUNTY shall have an option at its sole discretion to extend the term of this Agreement for one year on the same terms and conditions provided in this Agreement. Such renewal shall be at the sole discretion of the Commissioner of the Department of Economic Development by written notice to the MUNICIPALITY of the COUNTY's election to exercise such renewal option.

5. FUNDING

(a) Budget

The MUNICIPALITY represents and agrees that the Budget(s) included in Exhibit(s) B, include(s) all costs of materials, appliances, tools, labor, etc. needed by the MUNICIPALITY to undertake the DRP Project(s).

(b) Limitations

Said payment to the MUNICIPALITY shall be for approved Project expenditures, not to exceed the Budget(s) in Exhibit(s) B. Payment under this Agreement shall not duplicate payment from any other source(s) for MUNICIPALITY costs and services provided pursuant to this Agreement. The maximum amount to be paid by the COUNTY as set forth on the cover page of this Agreement shall constitute the full obligation of the COUNTY in connection with this Agreement and any matter arising therefrom.

(c) Payments of Expenditures

The COUNTY agrees to pay the MUNICIPALITY for actual costs incurred pursuant to this Agreement on receipt of claims submitted on a standard Suffolk County Payment Voucher in addition to any other form(s) required by the DEPARTMENT or the Department of Audit and Control, together with sufficient supporting data (e.g., copies of cancelled checks, paid receipts, contracts for sale of real property, certified payrolls), in accordance with the "Regulations for Accounting Procedures for Contract Agencies" promulgated by the Department of Audit and Control of Suffolk County and any amendments thereto during the term of this Agreement. All claims for payment are to be submitted within thirty (30) days after the close of the month in which the expenditure was made. Claims are subject to adjustments or audit by authorized personnel of the COUNTY.

(d) Advance Payments

Upon written request of the MUNICIPALITY, the COUNTY may authorize advances of funds in anticipation of actual expenditures not in excess of 30% of the undisbursed balance of the amount for any Project in the Budget in order to meet subcontractor expenses in a timely manner. Such requests shall be submitted by the MUNICIPALITY, on a form specified by the DEPARTMENT. In the event that advances of funds are made, no further payments will be made until documentation satisfactory to the COUNTY is submitted verifying that the advanced funds were expended in accordance with this Agreement.

(e) Payment Schedule

Payment of all vouchers shall be according to a payment schedule approved by the DEPARTMENT. Any funds advanced but not expended at the end of the term of this Agreement shall immediately be due and owing to the COUNTY.

(f) Final Report and Claim

No later than two (2) months after the completion of each Project, unless otherwise directed by the DEPARTMENT, or upon the expiration or termination of this Agreement the MUNICIPALITY shall submit a final report summarizing the completed Project(s), together with a final request for payment of all approved expenditures then remaining unpaid or documentation satisfactory to the COUNTY verifying that any advanced funds not previously documented under subparagraph (d) above or repaid pursuant to subparagraph (e) above were expended in accordance with this Agreement.

(g) Agreement Subject to Appropriation of Funds

This Agreement is subject to the amount of funds appropriated and any subsequent modifications thereof by the Suffolk County Legislature, and no liability shall be incurred by the COUNTY under this Agreement beyond the amount of funds appropriated by the Legislature for the program covered by this Agreement.

(h) Post-Audit

All payments made under this Agreement are subject to audit by the Suffolk County Comptroller pursuant to Article V of the Suffolk County Charter. The MUNICIPALITY further agrees that the County Comptroller and the DEPARTMENT shall have access to and the right to examine, audit, excerpt, copy or transcribe any pertinent transactions or other records relating to services under this Agreement. If the MUNICIPALITY fails to cooperate with an audit by the Comptroller, the COUNTY shall have the right to suspend or partially withhold payments under this Agreement or under any other agreement between the parties until such cooperation is forthcoming. If such an audit discloses overpayments by the COUNTY to the MUNICIPALITY, within thirty (30) days after the issuance of an official audit report by the Comptroller or his duly designated representatives, the MUNICIPALITY shall repay the amount of such overpayment by check to the order of the Suffolk County Treasurer or shall submit a proposed plan of repayment to the Comptroller. If there is no response or if satisfactory repayments are not made, the COUNTY may recoup overpayments from any amounts due or becoming due to the MUNICIPALITY from the COUNTY under this Agreement or otherwise. The provisions of this subparagraph shall survive the expiration or termination of the Agreement.

6. ACCOUNTING AND AUDIT PROCEDURES

(a) The MUNICIPALITY agrees to maintain accounts, records, documents, and other evidence and accounting procedures and practices which sufficiently and properly reflect all direct and indirect costs of any nature expended in the performance of the Agreement in accordance with generally accepted ac-

counting principles, the "Regulations for Accounting Procedures for Contract Agencies" as promulgated by the COUNTY Department of Audit and Control and any financial directives promulgated by the DEPARTMENT.

(b) All records shall be subject at all reasonable times to inspection, review, or audit by personnel duly authorized by the DEPARTMENT or by the County Comptroller or his duly designated representatives only to verify that payments were properly made and to verify the nature and extent of costs of applicable services provided by MUNICIPALITY. Such access is granted notwithstanding any exemption from disclosure that may be claimed for those records which are subject to nondisclosure agreements, trade secrets and commercial information or financial information that is privileged or confidential.

(c) The MUNICIPALITY agrees to retain all accounts, records and other documents relevant to this Agreement for seven (7) years after final payment. Federal, State and/or COUNTY auditors and any persons duly authorized by the COUNTY shall have full access and the right to examine any of said materials during said period.

(d) A copy of any audit report concerning the DRP Project(s) shall be forwarded to the Suffolk County Comptroller for his review. Any such report shall be accompanied by a detailed written response to audit findings and recommendations by the MUNICIPALITY outlining the plan of corrective action and timetable it intends to follow to correct audit deficiencies and to implement audit recommendations.

7. REAL PROPERTY

(a) Real property acquired or improved in whole or in part using DRP funds that is within the control of the MUNICIPALITY shall require the following actions:

- (i) The timely notification of the COUNTY by the MUNICIPALITY of any modification or change in the use of the real property from that planned at the time of acquisition or improvement including disposition;
- (ii) Reimbursement of the COUNTY in an amount equal to the current fair market value (less any portion thereof attributable to expenditures of non-DRP funds) of property acquired or improved with DRP funds that is sold or transferred for a use which does not qualify under the DRP regulations; and,
- (iii) Return of program income to the COUNTY generated from the disposition or transfer of property prior to or subsequent to the closeout, change of status or termination of this Agreement between the COUNTY and the MUNICIPALITY.

(b) The provisions of this paragraph shall survive the expiration or termination of this Agreement.

8. COUNTY-MUNICIPALITY RELATIONSHIP

It is expressly agreed that the MUNICIPALITY's status hereunder is that of an independent contractor. Neither the MUNICIPALITY nor any person hired by the MUNICIPALITY or any subrecipient or subcontractor shall be considered employees of the COUNTY for any purpose whatsoever.

9. GRATUITIES

The MUNICIPALITY represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose of

intent of securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

10. NONDISCRIMINATION

(a) Equal Employment Opportunity and Affirmative Action in Employment

In accordance with Article 15 of the Executive Law (also known as the Human Rights Law) and all other COUNTY, State and Federal constitutional, statutory and administrative nondiscrimination provisions, the MUNICIPALITY shall not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, age, disability, Vietnam Era Veteran status or marital status. The MUNICIPALITY shall comply with Part E – SUFFOLK COUNTY CONTRACTING REQUIREMENTS, of which a copy is annexed, of the Suffolk County Affirmative Action Plan.

(b) Nondiscrimination In Services

- (i) Furthermore, the MUNICIPALITY, in providing services under this Agreement, shall not, on the grounds of race, creed, color, national origin, sex, age, disability or marital status:
 - A. Deny an individual any services or other benefits provided under the program;
 - B. Provide any services or other benefits to an individual which are different, or are provided in a different manner, from those provided to others under the program;
 - C. Subject an individual to segregation or separate treatment in any matter related to his/her receipt of any services or other benefits provided under the program;
 - D. Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any services or other benefits provided under the program;
 - E. Treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or conditions which individuals must meet in order to receive any aid, care, services, or other benefits provided under the program.
- (ii) The CONTRACTOR shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, national origin, sex, age, disability or marital status or have the effect of defeating or substantially impairing accomplishment of the objectives of the program in respect to individuals of a particular race, creed, national origin, sex, age, disability or marital status in determining:
 - A. The types of services or other benefits to be provided under the program, or
 - B. The class of individuals to whom, or the situations in which, such services or other benefits will be provided under the program, or

C. The class of individuals to be afforded an opportunity to participate in the program.

(iii) The MUNICIPALITY shall incorporate the foregoing requirements of this paragraph in all of its contracts for program work and will require all of its contractors for such work to incorporate such requirements in all subcontracts for program work.

11. COOPERATION ON CLAIMS

The MUNICIPALITY agrees to render diligently to the COUNTY any and all cooperation, without additional compensation, that may be required to defend the COUNTY against any claims, demand, or action that may be brought against the COUNTY in connection with this Agreement.

12. INDEMNIFICATION

To the extent permitted by law, the MUNICIPALITY shall indemnify and hold harmless the COUNTY from and against all claims, costs (including attorneys' fees), losses and liabilities of whatsoever nature arising out of the acts or omissions or negligence of the MUNICIPALITY, its officers, agents, servants or employees in connection with the services described or referred to in this Agreement.

13. OBLIGATIONS OF MUNICIPALITY WITH RESPECT TO CERTAIN THIRD-PARTY RELATIONSHIPS

(a) The MUNICIPALITY shall remain fully obligated under the provisions of this Agreement, notwithstanding its designation of any third party or parties for the undertaking of all or any part of the program for which assistance is being provided under this Agreement to the MUNICIPALITY.

(b) Any agreement between the MUNICIPALITY and a third-party subrecipient shall be in compliance with all applicable local laws, rules and regulations and shall include the following provisions in a written agreement:

- (i) A description of each task to be undertaken by the subrecipient, a schedule for completing each task and a budget for each task, as set forth in the applicable Exhibit B to this Agreement.
- (ii) Specification of records, reports and data to be maintained or submitted.
- (iii) Compliance with all applicable State and local laws, precluding, but not limited to, environmental laws.
- (iv) Indication that the agreement may be terminated for default, inability, or failure to perform.
- (v) Requirement that any County funds on hand or accounts receivable at the time of termination shall be returned to the COUNTY.
- (vi) Provision that the agreement is subject to and incorporates by reference all of the provisions of this Agreement.

14. ASSIGNMENT AND SUBCONTRACTING

(a) The MUNICIPALITY shall not assign, transfer, convey, sublet, or otherwise dispose of this Agreement, or any of its right, title or interest therein, or its power to execute this Agreement, or assign all or any portion of the monies that may be due or become due thereunder, to any other person or corporation,

without the prior consent in writing of the COUNTY, and any attempt to do any of the foregoing without such consent shall be of no effect.

(b) The MUNICIPALITY shall not enter into subcontracts for any of the work contemplated under this Agreement without obtaining prior written approval of the DEPARTMENT. Such subcontracts shall be subject to and incorporate by reference all of the provisions of this Agreement and such other conditions and provisions as the DEPARTMENT may deem necessary; provided, however, that notwithstanding the foregoing, such prior written approval shall not be required for the subcontracts shown on Exhibit(s) B attached hereto. The MUNICIPALITY shall be responsible to the COUNTY for the performance of all obligations under this Agreement. No approval by the DEPARTMENT of any subcontract shall provide for the incurrence of any obligation by the COUNTY in addition to the agreed upon amount in the Budget.

15. TERMINATION

(a) If the MUNICIPALITY fails to fulfill in a timely and proper manner its obligations under this Agreement, or if the MUNICIPALITY becomes bankrupt or insolvent or falsifies its records or reports, or misuses its funds from whatever source, the COUNTY may terminate this Agreement in whole or with respect to any identifiable part of the program, effective immediately, or, at its option, effective at a later date specified in the notice of such termination to the MUNICIPALITY.

(b) The COUNTY shall be released from any and all responsibilities and obligations arising from the Program covered by this Agreement, effective as of the date of termination, but the COUNTY shall be responsible for payment of all claims for services provided and costs incurred by the MUNICIPALITY prior to termination of this Agreement, that are pursuant to, and after the MUNICIPALITY's compliance with, the terms and conditions of this Agreement.

(c) Notice of termination must be in writing, signed by an authorized official, and sent to the other party by certified mail, or by messenger, and receipt shall be requested. Notice of termination shall be deemed delivered as of the date of its posting by certified mail or at the time it is delivered to the other party by messenger.

16. MERGER CLAUSE

It is understood that this Agreement represents the entire agreement of the parties hereto; that all previous understanding are merged herein; and that no modifications hereof shall be valid unless written evidence thereof shall be executed by the party to be charged.

17. NO ORAL CHANGES

No modification of this Agreement shall be valid unless written in the form of an Addendum or Amendment signed by both parties.

18. SEVERABILITY

It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

- END OF TEXT OF EXHIBIT A -

E. SUFFOLK COUNTY CONTRACTING REQUIREMENTS

1. Required Provisions

a) The contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability, Vietnam Era Veteran status or marital status, and will undertake or continue existing programs of affirmative action to ensure that women and minority group members are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, of termination and rates of pay or other forms of compensation.

(b) The contractor shall require each employment agency, labor union, or authorized representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability, Vietnam Era Veteran status or marital

status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein.

(c) The contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the Suffolk County contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability, Vietnam Era Veteran status or marital status.

(d) The contractor shall include the provisions of sections "a", "b" and "c" in every subcontract, in such a manner that the provisions will be binding upon each subcontractor for all work in connection with the Suffolk County contract.

(e) The contractor shall use all good faith efforts to implement the Suffolk County Women and Minority owned business enterprise program and to solicit active participation by enterprises identified in the "Suffolk County Women/Minority Business Enterprise Directory" ("County W/MBE Directory") as certified women and minority-owned business enterprises.

(f). All Suffolk County contracts and all documents soliciting requests for proposals or bids for Suffolk County contracts shall contain or make reference to the following definitions:

- (1) Women-owned business enterprise: A business enterprise, including a sole proprietorship, partnership or corporation that is:
- a. At least fifty-one percent owned by one or more citizens or permanent resident aliens who are women;
 - b. An enterprise in which the ownership interest of such women is real, substantial and continuing;
 - c. An enterprise in which such women ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. An enterprise authorized to do business in New York State and which is independently owned and operated.

- (2) Minority-owned business enterprise: A business-enterprise, including a sole proprietorship, partnership or corporation that is:
- a. At least fifty-one per cent owned by one or more minority group members;
 - b. An enterprise in which such minority ownership is real, substantial and continuing;
 - c. An enterprise in which such minority ownership has and exercises the authority to control and operate, independently, the day-to-day business decisions of the enterprise; and
 - d. An enterprise authorized to do business in New York State and is independently owned and operated.

- (3) Minority group member: A United States citizen or permanent resident alien who is and can demonstrate membership in one of the following groups:
- a. Black persons having origins in any of the Black African racial groups;
 - b. Hispanic persons of Mexican, Puerto Rican, Dominican, Cuban, Central or South

American descent of either Indian or Hispanic origin, regardless of race;

c. Native American persons having origins in any of the original peoples of North America;

d. Asian and Pacific Islander persons having origins in any of the Far East countries, South East Asia, the Indian subcontinent or the Pacific Islands.

(4) Utilization Plan: A plan prepared by a contractor and submitted in connection with a proposed Suffolk County contract and shall indicate what measures and procedures the contractor intends to take to utilize women/minority business enterprises for the project which is the subject of the bid proposal.

(5) Contractor: An individual, a business enterprise including a sole proprietorship, a partnership, a corporation, a not-for-profit corporation, or any other party to a County contract, or a bidder in conjunction with

the award of a County contract or a proposed party to a County contract for the purchase of services or goods;

(6) Contract: A written agreement or purchase order instrument, or amendment thereto, whereby a County agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the County agency, or a written agreement whereby a County agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon;

(7) Subcontract: An agreement providing for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon or services between a contractor and any individual or business enterprise, including a sole proprietorship, partnership,

corporation, or not-for-profit corporation, in which a portion of a contractor's obligation under a County contract is undertaken or assumed, but shall not include any construction, demolition, replacement, major repair, renovation, planning or design or real property or improvements thereon or services for the beneficial use of the contractor.

(g) The contractor shall be required to acknowledge that after bid opening and prior to contract award, such contractor will be required to submit a "Detailed Utilization Plan" ("Utilization Plan").

(h) The contractor's Utilization Plan shall include, but not be limited to:

- (1) identification of the certified women or minority owned business enterprises that have committed to perform work in connection with the proposed Suffolk County contract as well as any such enterprises which the contractor intends to use in connection with the contractor's performance of the proposed Suffolk County contract;

(2) whether the contractor has advertised in general circulation media, trade association publications, and women-focus and minority-focus media and if so, the names of such media and publications and the dates of the advertisements;

(3) whether certified women/minority businesses which have been solicited by the contractor have responded in a timely fashion to the contractor's requests for proposal or solicitations for timely competitive bid quotations;

(4) whether there has been written notification to appropriate certified women/minority businesses that appear in the County W/MBE Directory or State Directory if applicable;

(5) a description of the contract scope of work which the contractor intends to structure to increase the participation by certified women and minority-owned business enterprises on the Suffolk County contract;

(6) the estimated or, if known, actual dollar amounts to be paid to certified women and minority-owned enterprises and the performance

dates of each component of the Suffolk County contract which the contractor intends to be performed by a certified W/MBE; and

(7) documentation of the contractor's actual utilization of women/minority business enterprises during the previous year.

(i) If selected as the lowest responsible bidder, the contractor shall submit periodic reports relating to the operation and implementation of the submitted utilization plan, including a final report at the end of the contract term. A contractor compliance report shall include, but not be limited to:

(1) the name, address and telephone number of each certified women and minority-owned business enterprise the contractor is using or intends to use to comply with the utilization plan;

(2) a brief description of the contract scope of work to be performed for the contractor by each certified women and minority-owned business enterprise and the scheduled dates for performance;

- (3) a statement of whether the contractor has a written agreement with each certified women and minority-owned business enterprise and, if requested, copies of such agreements;
- (4) the actual total cost of the contract scope of work to be performed by each certified women and minority-owned business enterprise for the contract; and
- (5) documentation of the actual amounts of any payments made by the contractor to each certified women and minority-owned business enterprise as of the submission date of the compliance report.
- (j) In the event of the contractor's noncompliance with the non-discrimination clauses and W/MBE requirements of any County contract such contract may be cancelled, terminated or suspended in whole or in part.

2. Informal Administrative Review

- a) Failure to comply with the terms of this W/MBE program shall be a factor in determining whether a

contractor is the lowest responsible bidder. Upon request, a contractor who is not awarded a contract may be notified of the grounds for the non-award of the contract.

(b) Failure to comply with the nondiscrimination clauses and W/MBE requirements of any County contract shall be a factor in determining whether a contractor is in default of such contract. Upon request, a contractor who is declared in default of a contract may be notified of the grounds for notice of default on such contract.

EXHIBIT B

TOWN OF RIVERHEAD/Riverhead Business Improvement District Project Summary
Attached

PROJECT SUMMARY

SPONSOR

NAME OF ORGANIZATION Riverhead Business Improvement District
 ADDRESS 542 East Main Street, Riverhead, New York 11901
 CONTACT PERSON Vicki Staciwo PHONE # 727-0048
 E MAIL ADDRESS _____ FAX # _____

TOWN OR VILLAGE CO-SPONSOR Townof Riverhead
 ADDRESS 200 Howell Avenue, Riverhead, N.Y. 11901
 CONTACT PERSON Andrea Lohneiss PHONE # 727-3200 (287)
 FAX # 727-5772

LOCATION MAP YES NO _____
 VISION PLAN YES NO _____

BRIEF PROJECT DESCRIPTION Sidewalk improvements including brick pavers, new historic lighting fixtures and signage, benches and receptacles. Specifically, 8,235 sq. ft. of pavers, 26 historic light fixtures, 5 historic signfixtures and 20 trash receptacles.

TOTAL PROJECT COST \$ 230,600.00

	AMOUNT	
	<u>Downtown Rev.</u>	<u>Other</u>
Personnel		
Fringes (_____ % of Salary)	.	
Consultants	\$16,323.00	\$18,162.00
OTHER THAN PERSONNEL		
Equipment	\$46,477.00	\$36,333.00
Supplies	==	
Computer Time	==	
Travel Expenses	--	
Postage --	--	
Telephone --	--	
Other Misc. (list) Construction		\$113,305.00
	<u>TOTAL - \$62,800.00</u>	<u>\$167,800.00</u>

FUNDS FROM DOWNTOWN REVITALIZATION GRANT \$ 62,800.00

OTHER REVENUE SOURCES:

1. CDBG \$27,750 APPROVED YES NO _____
2. Townscape \$10,000 APPROVED YES NO _____
3. TEA-21 \$130,050 APPROVED YES NO _____
4. _____ APPROVED YES _____ NO _____

Adopted

TB-09/21/99

TOWN OF RIVERHEAD

RESOLUTION # 857
ADOPTED SEPTEMBER 21, 1999

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR
ONE DUAL GUN AIRLESS PAINT STRIPER

Councilman Kwasna _____ OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY Councilman Cardinale _____.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of ONE DUAL GUN AIRLESS PAINT STRIPER for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:15 A.M. on October 11, 1999, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on October 11, 1999 at 11:15 A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID ON ONE DUAL GUN AIRLESS PAINT STRIPER".

SPECIAL BOARD MEETING OF SEPTEMBER 28, 1999
COUNCILMAN KWASNA OFFERED THE RESOLUTION TO BE AMENDED, WHICH WAS SECONDED BY COUNCILMAN KENT.

THE AMENDMENT WAS TO CHANGE THE BID OPENING DATE TO OCTOBER 12, 1999 INSTEAD OF OCTOBER 11, 1999.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

ALL COUNCILMEN IN FAVOR, EXCEPT FOR COUNCILMAN LULL, WHO WAS ABSENT FROM MEETING. THE RESOLUTION WAS ~~NOT~~ THEREUPON DULY DECLARED ADOPTED

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED.

NOTICE TO BIDDERS

Sealed bids for the purchase of “One Dual Gun Airless Paint Striper” for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:15 A.M. on October 11, 1999.

Instructions for bidders, specifications and forms may be obtained at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M..

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation “Exceptions to the Specifications”, and attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or waive any formalities if it believes such action to be in the best interest of the town.

All bids will be submitted in a sealed envelope bearing the designation “**BID on ONE DUAL GUN AIRLESS PAINT STRIPER.**”

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

Adopted

TB -09/21/99

TOWN OF RIVERHEAD

RESOLUTION # 858
ADOPTED SEPTEMBER 21, 1999

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR
SNOW PLOW AND SPREADER PARTS

Councilman Kent OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY Councilman Cardinale.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of SNOW PLOW AND SPREADER PARTS for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:10 A.M. on October 11, 1999, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on October 11, 1999 at 11:10 A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID ON SNOW PLOW and SPREADER PARTS".

SPECIAL BOARD MEETING OF SEPTEMBER 28, 1999,
COUNCILMAN KWASNA OFFERED THE RESOLUTION TO BE AMENDED, WHICH WAS SECONDED BY COUNCILMAN KENT.

THE AMENDMENT WAS TO CHANGE THE BID OPENING DATE TO OCTOBER 12, 1999, INSTEAD OF OCTOBER 11, 1999.

ALL COUNCILMEN IN FAVOR, EXCEPT FOR COUNCILMAN LULL, WHO WAS ABSENT FROM MEETING.

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED.

	THE VOTE			
Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Villella	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

1775

NOTICE TO BIDDERS

Sealed bids for the purchase of "Snow Plow and Spreader Parts" for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:10 A.M. on October 1st 1999.

Instructions for bidders, specifications and forms may be obtained at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M..

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation "Exceptions to the Specifications", and attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or waive any formalities if it believes such action to be in the best interest of the town.

All bids will be submitted in a sealed envelope bearing the designation "**BID on SNOW PLOW and SPREADER PARTS**".

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

Adopted

TOWN OF RIVERHEAD

Resolution # 859

Adopted September 21, 1999

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS ON
LIQUID CALCIUM CHLORIDE**

Councilman Lull offered the following resolution
which was seconded by Councilman Kwasna.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids on "LIQUID CALCIUM CHLORIDE" requirements for the use of the Riverhead Highway Department for the year 1999-2000.

AND BE IT FURTHER RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways and bids be returnable up to 11:05 A.M. on October 11, 1999 AND BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby designated to open publicly and read aloud on October 11, 1999 at 11:05 A.M. at the Town Clerk's office, 200 Howell Avenue, Riverhead, New York all sealed bids bearing the designation "BID ON LIQUID CALCIUM CHLORIDE".

SPECIAL BOARD MEETING OF SEPTEMBER 28, 1999,
COUNCILMAN KWASNA OFFERED THE RESOLUTION, TO BE
AMENDED, WHICH WAS SECONDED BY COUNCILMAN KENT.

THE AMENDMENT WAS TO CHANGE THE BID OPENING
DATE TO OCTOBER 12, 1999, INSTEAD OF OCTOBER
11, 1999.

ALL COUNCILMEN IN FAVOR, EXCEPT FOR
COUNCILMAN LULL, WHO WAS ABSENT FROM
MEETING.

THE RESOLUTION WAS THEREUPON DECLARED
TO BE DULY ADOPTED.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS ~~X~~ WAS NOT
THEREUPON DULY DECLARED ADOPTED

NOTICE TO BIDDERS

Sealed bids for the purchase of "Liquid Calcium Chloride" for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:05 A.M. on October 17, 1999.

Instructions for bidders, specifications and forms may be obtained at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M..

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation "Exceptions to the Specifications", and attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or waive any formalities if it believes such action to be in the best interest of the town.

All bids will be submitted in a sealed envelope bearing the designation "BID on LIQUID CALCIUM CHLORIDE".

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
BARBARA A. GRATTAN, TOWN CLERK

TB -09/21/99

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 860
ADOPTED SEPTEMBER 21, 1999

AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS FOR
SNOW FENCE, STAKES, POSTS and WIRE TIES

Councilman Kwasna OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY Councilman Kent

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of SNOW FENCE, STAKES, POSTS and WIRE TIES for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:00 A.M. on October 11, 1999, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on October 11, 1999 at 11:00 A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID ON SNOW FENCE, STAKES, POSTS and WIRE TIES".

SPECIAL BOARD MEETING OF SEPTEMBER 28, 1999,
COUNCILMAN KWASNA OFFERED THE THE RESOLUTION
TO BE AMENDED, WHICH WAS SECONDED BY COUNCILMAN KENT.

THE AMENDMENT WAS TO CHANGE THE BID OPENING DATE TO OCTOBER 12, 1999, INSTEAD OF OCTOBER 11, 1999.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna Yes ___ No ___ Lull Yes ___ No ___
Vilella Yes ___ No ___

ALL COUNCILMEN IN FAVOR, EXCEPT FOR COUNCILMAN LULL, WHO WAS ABSENT FROM MEETING.

THE RESOLUTION WAS WAS NOT

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED. THEREUPON DULY DECLARED ADOPTED

1777

NOTICE TO BIDDERS

Sealed bids for the purchase of "Snow Fence, Stakes, Posts and Wire Ties" for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:00 A.M. on October 17, 1999.

Instructions for bidders, specifications and forms may be obtained at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M..

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation "Exceptions to the Specifications", and attached to the bid form.

The Town Board reserves the right and responsibility to reject any or all bids or waive any formalities if it believes such action to be in the best interest of the town.

All bids will be submitted in a sealed envelope bearing the designation "**BID on SNOW FENCE, STAKES, POSTS and WIRE TIES**".

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

9/2/99

Tabled

AUTHORIZES SUPERVISOR TO EXECUTE
TEMPORARY LICENSE AGREEMENT WITH CRYSTAL COAST
COMMUNICATIONS, INC.
RIVERHEAD SEWER DISTRICT

RESOLUTION # 861

Adopted _____

Councilman Cardinale offered the following
resolution which was seconded by Councilman Lull,

RESOLVED, that the Supervisor be and is hereby authorized to execute a Temporary License Agreement on behalf of the Riverhead Sewer District with Crystal Coast Communications, Inc., allowing Licensee to construct and maintain a temporary antennae system at Sewer District property located at Riverside Drive, Riverhead, New York, and be it further

RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Michael Reichel, Frank Isler Esq., and Crystal Coast Communications, Inc.

COUNCILMAN CARDINALE OFFERED THIS RESOLUTION TO BE TABLED, WHICH WAS SECONDED BY COUNCILMAN LULL.

ALL TOWN BOARD MEMBERS IN FAVOR OF TABLING THIS RESOLUTION.

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY TABLED.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna Yes ___ No ___ Lull Yes ___ No ___
Vilella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ~~ADOPTED~~

Tabled

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 862

AUTHORIZES TOWN SUPERVISOR TO EXECUTE
COMMERCIAL SEWER DISTRICT EXTENSION
CERTIFICATE OF FINAL COMPLETION

Adopted: September 21, 1999

Councilman Kent offered the following resolution which
was seconded by Councilman Kwasna.

WHEREAS, on December 2, 1997, the Riverhead Town Board adopted Resolution No. 977, entitled, "Awards Bid for Commercial Sewer District Extension Route 58, Riverhead Sewer District"; and

WHEREAS, the bid was awarded to A. Maranda, Inc. for Pump Station No. 2, General & Mechanical; and

WHEREAS, H2M Group, the project engineer, has reviewed the work to date for the referenced project and recommends that the Certificate of Final Completion be executed by all parties.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the Certificate of Final Completion; and

WHEREAS, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Engineering Department.

THE VOTE
Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Vilella Yes No
THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

Adopted

9/21/99

TOWN OF RIVERHEAD

Resolution # 863

ADOPTION OF SOLID WASTE MANAGEMENT PLAN

Councilman Lull offered the following resolution, was seconded by Councilman Kent :

WHEREAS the Town through its consultants, Young & Young, has prepared a draft solid waste management plan; and

WHEREAS the draft has been reviewed by the New York State Department of Environmental Conservation; and

WHEREAS the New York State Department of Environmental Conservation has indicated by letter dated August 4, 1999 that

a. the Draft Solid Waste Management Plan dated April 8, 1999, as supplemented by letter dated July 30, 1999, contains a substantive consideration of those elements identified in 6 NYCRR Part 360-15.9, and

b. that it intends to approve the Plan as supplemented; and

WHEREAS 6 NYCRR Part 360-15.10 requires the Town as the Planning Unit to, among other things, resolve to adopt and implement the Plan;

NOW THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby adopts the Draft Solid Waste Management Plan dated April 8, 1999 as supplemented by Young and Young's letter to the New York State Department of Environmental Conservation dated July 30, 1999; and it is further

RESOLVED that the Town as the Planning Unit will implement said Plan; and it is further

RESOLVED that the Town will submit compliance reports every two (2) years as required under 6 NYCRR Part 360-15.12; and it is further

RESOLVED that a plan modification will be submitted when required under 6 NYCRR Part 360-15.11; and it is further

RESOLVED that updates will be submitted when required under 6 NYCRR Part 360-15.11; and it is further

RESOLVED that the Town will submit compliance reports every two 2) years as required under 6 NYCRR Part 360-15.12; and it is further

RESOLVED that a plan modification will be submitted when required under 6 NYCRR Part 360-15.11; and it is further

RESOLVED that updates will be submitted when required under 6 NYCRR Part 360-15.11; and it is further

RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to Thomas C. Wolpert, P.E., c/o Young & Young; Kenneth Testa, P.E.; Frank A. Isler, Esq.; and the Town Attorney.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Villella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

9/21/99

TOWN OF RIVERHEAD

Adopted

Resolution # 864

AUTHORIZING SETTLEMENT AND PURCHASE OF 243 RAILROAD STREET,
SCTM 0600-128-03-002; RIVERHEAD, NEW YORK

Councilman Kwasna offered the following resolution, was seconded
by Councilman Cardinale :

WHEREAS, the Town Board, by Resolution # 417, dated May 5, 1999, determined to acquire the parcel located at 243 Railroad Street, Riverhead, New York, reputed owner, ARNOLD FELDMAN AS TRUSTEE OF THE TRUST U/W/O EDITH B. LOWELL, Suffolk County Tax Map 0600-128-03-002; and

WHEREAS, this acquisition has been determined by the Town Board of the Town of Riverhead, as lead agency, to be an unlisted action without a significant impact on the environment, as more fully set forth in the resolution of the Town Board adopted December 29, 1998; and

WHEREAS, the Town Board by Resolution # 592, dated July 6, 1999, authorized a written offer pursuant to Section 303 of the Eminent Domain Procedure Law be made to the owner(s) of the property in the sum of Forty-Five Thousand (\$ 45,000) Dollars, less appropriate adjustments if any; and

WHEREAS, the owner of the premises to be acquired has offered to convey title to the premises without the need to proceed with the eminent domain proceeding for the sum of Fifty Thousand (\$ 50,000) Dollars; and

WHEREAS, in light of the costs attendant to proceeding with the eminent domain proceeding it is in the best interests of the Town to accept the settlement proposal;

NOW BE IT RESOLVED, that the Town Board hereby agrees to purchase the property known as 243 Railroad Street, Riverhead, New York, reputed owner, ARNOLD FELDMAN AS TRUSTEE OF THE TRUST U/W/O EDITH B. LOWELL, Suffolk County Tax Map 0600-128-03-002 for the sum of Fifty Thousand (\$ 50,000) Dollars; and it is further

RESOLVED that Supervisor is hereby authorized to sign any documents necessary to complete the purchase of said property; and it is further

RESOLVED, that special counsel for the Town, Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., is authorized

to obtain fee title insurance on behalf of the Town; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; the Town Attorney, and Andrea Lohneiss, Director of the Community Development Agency.

THE VOTE

Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Kent	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Kwasna	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Lull	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vitella	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

Please Note: No Attached Notice - Spoke with Frank Isler, this was an error.

9/21/99

Adopted

TOWN OF RIVERHEAD

Resolution # 865

AUTHORIZES THE TOWN ATTORNEY TO COMMENCE LITIGATION IN SUPREME COURT AGAINST THE COUNTY OF SUFFOLK (FALLEN TRAFFIC SIGNAL AT NORTHVILLE TURNPIKE AND RTE. 105)

Councilman Lull offered the following resolution, was seconded by

Councilman Kent :

BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Attorney to commence litigation in Supreme Court against the County of Suffolk in connection with a fallen traffic signal at the intersection of Northville Turnpike and Route 105, Riverhead, New York; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to County of Suffolk, 310 Center Drive, Riverhead, New York, 11901; Kenneth Testa, P.E.; the Office of Accounting and the Office of the Town Attorney.

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwaena Yes ___ No ___ Lull Yes ___ No ___
Vilella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED

Adopted

9/21/99

TOWN OF RIVERHEAD

Resolution # 866

INCREASES PERFORMANCE BOND OF MAIDSTONE LANDING

Councilman Lull offered the following resolution, was seconded by
Councilman Kwasna :

WHEREAS, by Resolution #653 of 1999, the Riverhead Town Board did approve the site plan application of Maidstone Landing, LLC and allow the construction of 82 condominium units on real property located at Sound Avenue, Jamesport, New York; and

WHEREAS, Maidstone Landing, LLC had previously posted two (2) certified checks totaling the sum of \$25,000.00 for the construction made part of a former site plan approval; and

WHEREAS, it has been determined that the sum of \$25,000.00 posted with the Town of Riverhead does not equal 5% of the total construction cost of the project pursuant to Section 108-133 I. of the Riverhead Town Code; and

WHEREAS, the Town Board has determined that a total sum of \$50,000.00 be posted with the Town of Riverhead representing sufficient security to cover the landclearing to be conducted at the Maidstone Landing site.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby amends Resolution # 653 to provide security in the sum of \$50,00.00 be posted with the Town of Riverhead prior to the issuance of a landclearing permit to Maidstone Landing, LLC; and be it further

RESOLVED, that prior to the issuance of a building permit that Maidstone Landing, LLC post additional security as determined by the Building Department and the Town Board to secure the proper construction of buildings pursuant to Section 108-133 I. of the Riverhead Town Code; and be it further

RESOLVED, that Resolution #653 be further amended to allow for the issuance of a landclearing permit prior to the issuance of the relevant New York State Department of Environmental Conservation (NYSDEC) Article 24 permit and predicated upon the restriction of clearing, grading, excavation or the disturbance of any kind of any land within the NYSDEC freshwater wetland regulated area as depicted upon the subject site plan; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., attorney for Maidstone Landing, LLC, Roanoke Avenue, P.O. Box , Riverhead, New York, 11901; the Building Department; the Planning Department and the Office of Accounting.

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Vilella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

September 21, 1999

Adopted

TOWN OF RIVERHEAD

Resolution # 867

APPROVES SPECIAL PERMIT – RIVERHEAD SPORTS COMPLEX

Councilman Cardinale offered the following resolution which was seconded by Councilman Kent

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Edward Broidy pursuant to Section 108-45 B(14) of the Town Code for construction of a sports/recreation complex on a single and separate 13.9 acre parcel zoned Industrial "A" located at Edwards Avenue, Calverton, and known by Suffolk County Tax Map Number 0600-117-1-8.6, and

WHEREAS, the petitioner was directed to make this new application due to the expiration of a previously issued special permit approval for the project and the absence of any code provision to allow renewal of special permits, and

WHEREAS, the Town Board did hold a public hearing upon the subject petition, and

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

THEREFORE, BE IT

RESOLVED, that in the matter of the special permit petition of Edward Broidy, the Town Board hereby makes the following findings:

- i. that the site is particularly suitable for the location of such use in the community;
- ii. that the plot area is sufficient and appropriate for the use;
- iii. that proposed access facilities are adequate for the estimated traffic from public streets;
- iv. that buffer yards and screening will be provided where necessary to protect adjacent property and land uses;
- v. that adequate provisions will be made for the collection and disposal of stormwater runoff and sanitary sewage in conformance with existing environmental regulations;

- vi. That the use could tend to generate the creation of light and noise to an extent that such nuisances would be discernible on adjacent properties;
- vii. That the operation of the proposed use is such that there is a need for regulating the time and duration of activity;
- viii. That the proposed use, and the reasonably expected expansion thereof, recognizes and contemplates further special conditions and safeguards required for particular uses as may be determined and imposed by the Town Board; and

BE IT FURTHER

RESOLVED, that the Town Board hereby approves the special permit petition of Edward Broidy, Riverhead Sports Complex, subject to the following conditions:

FIRST: That the special permit be provided for only that portion of the property for which a site plan has been submitted pursuant to Section 108-3 (A)(2) of the Riverhead Zoning Ordinance. The expansion of the facility beyond that depicted upon the site plan attending the petition shall require a new special permit petition as well as additional environmental review;

SECOND: That in the consideration of the contemplated site plan application, the front yard setback shall conform to that dimension enumerated in the GEIS on the Environmental Impact Statement on the Preservation of Farmland in the Town of Riverhead, New York;

THIRD: That all recreational and parking areas be suitably screened as not to be discerned from neighboring properties;

FOURTH: That in its review of the contemplated site plan, the Town Board will require a minimum of 500 linear feet between access points and that the number of points of ingress and egress be minimized;

FIFTH: That any outdoor lighting shall not spill over upon neighboring properties or public highways;

SIXTH: That outdoor recreational uses shall not operate after 11:00 p.m.;

SEVENTH: That the special permit use shall commence within one (1) year of the date of this resolution, and

BE IT FURTHER

RESOLVED, that a certified copies of this resolution shall be forwarded to the Planning Department, Planning Board and Edward Broidy or his agent.

Cardinale Yes No
 Kwasna Yes No
 Vilella Yes No
 THE RESOLUTION WAS WAS NOT
 THEREUPON DULY DECLARED ADOPTED

Adopted

RESOLUTION # 868 ABSTRACT #37-99 SEPTEMBER 9, 1999 (TBM 9/21/99)

COUNCILMAN LULL offered the following Resolution which was seconded by

COUNCILMAN KWASNA

FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ -	\$ 463,878.63	\$ 463,878.63
PARKING METER	002	\$ -	\$ -	\$ -
AMBULANCE	003	\$ -	\$ -	\$ -
POLICE ATHLETIC LEAGUE	004	\$ -	\$ 3,480.00	\$ 3,480.00
TEEN CENTER	005	\$ -	\$ 97.50	\$ 97.50
RECREATION PROGRAM	006	\$ -	\$ 7,931.89	\$ 7,931.89
SR NUTRITION SITE COUNCIL	007	\$ -	\$ -	\$ -
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ -	\$ 110.00	\$ 110.00
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ 1,121.83	\$ 1,121.83
COMMUNITY P.E.T.S. SHELTER	028	\$ -	\$ -	\$ -
HIGHWAY	111	\$ -	\$ 55,087.88	\$ 55,087.88
WATER	112	\$ -	\$ 35,883.29	\$ 35,883.29
REPAIR & MAINTENANCE	113	\$ -	\$ 70,000.00	\$ 70,000.00
SEWER	114	\$ -	\$ 22,121.74	\$ 22,121.74
REFUSE & GARBAGE COLLECTION	115	\$ -	\$ 3,622.16	\$ 3,622.16
STREET LIGHTING	116	\$ -	\$ 5,947.88	\$ 5,947.88
PUBLIC PARKING	117	\$ -	\$ 2,366.14	\$ 2,366.14
BUSINESS IMPROVEMENT DISTRICT	118	\$ -	\$ 4,450.14	\$ 4,450.14
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
AMBULANCE DISTRICT	120	\$ -	\$ 720.40	\$ 720.40
WORKER'S COMPENSATION FUND	173	\$ -	\$ 7,186.60	\$ 7,186.60
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ -	\$ -	\$ -
UNEMPLOYMENT INSURANCE FUND	176	\$ -	\$ -	\$ -
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 1,102.10	\$ 1,102.10
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT	381	\$ -	\$ -	\$ -
SEWER DISTRICT DEBT	382	\$ -	\$ -	\$ -
WATER DEBT	383	\$ -	\$ -	\$ -
GENERAL FUND DEBT SERVICE	384	\$ -	\$ -	\$ -
SCAVENGER WASTE DEBT	385	\$ -	\$ -	\$ -
COMM DEVEL AGENCY CAP PROJECT	405	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ 44,072.55	\$ 44,072.55
EIGHT HUNDRED SERIES	408	\$ -	\$ -	\$ -
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ -	\$ -	\$ -
YOUTH SERVICES	452	\$ -	\$ 1,693.48	\$ 1,693.48
SENIORS HELPING SENIORS	453	\$ -	\$ 1,893.94	\$ 1,893.94
EISEP	454	\$ -	\$ 744.89	\$ 744.89
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL FUND	625	\$ -	\$ 8,837.60	\$ 8,837.60
MUNICIPAL GARAGE	626	\$ -	\$ 7,257.37	\$ 7,257.37
TRUST & AGENCY	736	\$ -	\$ 534,414.11	\$ 534,414.11
SPECIAL TRUST	736	\$ -	\$ -	\$ -
COMM. PRES. FUND	737	\$ -	\$ -	\$ -
CDA-CALVERTON	914	\$ -	\$ 123,815.68	\$ 123,815.68
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ -	\$ 16,603.37	\$ 16,603.37
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
TOTALS		\$ -	\$ 1,424,441.17	\$ 1,424,441.17

THE VOTE

Cardinal Yes No Kent Yes No
 Kwasna Yes No Lull Yes No
 Villalta Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

RESOLUTION # 868 ABSTRACT #38-99 SEPTEMBER 17, 1999 (TBM 9/21/99)

COUNCILMAN LULL offered the following Resolution which was seconded by
COUNCILMAN KWASNA

FUND NAME		CD-9/15/99	CHECKRUN TOTALS	GRAND TOTALS
GENERAL TOWN	001	\$ 4,125,000.00	\$ 165,461.72	\$ 4,290,461.72
PARKING METER	002	\$ 10,000.00	\$ -	\$ 10,000.00
AMBULANCE	003	\$ 12,000.00	\$ -	\$ 12,000.00
POLICE ATHLETIC LEAGUE	004	\$ 7,000.00	\$ 166.95	\$ 7,166.95
TEEN CENTER	005	\$ 8,000.00	\$ -	\$ 8,000.00
RECREATION PROGRAM	006	\$ 25,000.00	\$ 503.46	\$ 25,503.46
SR NUTRITION SITE COUNCIL	007	\$ 275.00	\$ 2,302.00	\$ 2,577.00
D.A.R.E. PROGRAM FUND	008	\$ -	\$ -	\$ -
CHILD CARE CENTER BUILDING FUND	009	\$ 15,000.00	\$ -	\$ 15,000.00
YOUTH COURT SCHOLARSHIP FUND	025	\$ -	\$ -	\$ -
SRS DAYCARE BUILDING FUND	027	\$ -	\$ -	\$ -
COMMUNITY P.E.T.S. SHELTER	028	\$ -	\$ -	\$ -
HIGHWAY	111	\$ 850,000.00	\$ 11,721.97	\$ 861,721.97
WATER	112	\$ 950,000.00	\$ 43,694.32	\$ 993,694.32
REPAIR & MAINTENANCE	113	\$ 150,000.00	\$ -	\$ 150,000.00
SEWER	114	\$ 400,000.00	\$ 13,718.99	\$ 413,718.99
REFUSE & GARBAGE COLLECTION	115	\$ 375,000.00	\$ 2,086.88	\$ 377,086.88
STREET LIGHTING	116	\$ 275,000.00	\$ 27,062.54	\$ 302,062.54
PUBLIC PARKING	117	\$ 75,000.00	\$ 6,301.44	\$ 81,301.44
BUSINESS IMPROVEMENT DISTRICT	118	\$ 12,000.00	\$ 125.00	\$ 12,125.00
TOR URBAN DEV CORP TRUST ACCT	119	\$ -	\$ -	\$ -
AMBULANCE DISTRICT	120	\$ 125,000.00	\$ 2,871.56	\$ 127,871.56
WORKER'S COMPENSATION FUND	173	\$ 85,000.00	\$ 15,295.88	\$ 100,295.88
HOSPITALIZATION SELF INSURANCE	174	\$ -	\$ -	\$ -
RISK RETENTION FUND	175	\$ 175,000.00	\$ 1,650.00	\$ 176,650.00
UNEMPLOYMENT INSURANCE FUND	176	\$ 5,000.00	\$ -	\$ 5,000.00
MAIN STREET REHAB PROGRAM	177	\$ -	\$ -	\$ -
REVOLVING LOAN PROGRAM	178	\$ -	\$ -	\$ -
RESIDENTIAL REHAB	179	\$ -	\$ -	\$ -
DISCRETIONARY/SMALL CITIES	180	\$ -	\$ -	\$ -
CDBG CONSORTIUM ACCOUNT	181	\$ -	\$ 585.64	\$ 585.64
URBAN DEVEL CORP WORKING	182	\$ -	\$ -	\$ -
RESTORE	184	\$ -	\$ -	\$ -
PUBLIC PARKING DEBT	381	\$ 15,000.00	\$ -	\$ 15,000.00
SEWER DISTRICT DEBT	382	\$ 200,000.00	\$ -	\$ 200,000.00
WATER DEBT	383	\$ 150,000.00	\$ -	\$ 150,000.00
GENERAL FUND DEBT SERVICE	384	\$ -	\$ -	\$ -
SCAVENGER WASTE DEBT	385	\$ 180,000.00	\$ -	\$ 180,000.00
COMM DEVEL AGENCY CAP PROJECT	405	\$ -	\$ -	\$ -
TOWN HALL CAPITAL PROJECTS	406	\$ 600,000.00	\$ 384,453.43	\$ 884,453.43
EIGHT HUNDRED SERIES	408	\$ -	\$ -	\$ -
WATER IMPROVEMENT CAP PROJ	409	\$ -	\$ -	\$ -
NUTRITION CAPITAL IMPS	441	\$ -	\$ -	\$ -
CHIPS	451	\$ 30,000.00	\$ -	\$ 30,000.00
YOUTH SERVICES	452	\$ -	\$ 533.36	\$ 533.36
SENIORS HELPING SENIORS	453	\$ -	\$ -	\$ -
EISEP	454	\$ -	\$ -	\$ -
SCAVENGER WASTE CAP PROJ	470	\$ -	\$ -	\$ -
MUNICIPAL FUEL FUND	625	\$ 150,000.00	\$ -	\$ 150,000.00
MUNICIPAL GARAGE	626	\$ 55,000.00	\$ 961.47	\$ 55,961.47
TRUST & AGENCY	736	\$ -	\$ 6,989.09	\$ 6,989.09
SPECIAL TRUST	736	\$ 300,000.00	\$ -	\$ 300,000.00
COMM. PRES. FUND	737	\$ 30,000.00	\$ -	\$ 30,000.00
CDA-CALVERTON	914	\$ 575,000.00	\$ 66,494.13	\$ 641,494.13
COMMUNITY DEVELOPMENT AGENCY	915	\$ -	\$ -	\$ -
JOINT SCAVENGER WASTE	918	\$ 75,000.00	\$ 2,413.61	\$ 77,413.61
CENTRAL CLEARING ACCOUNT	999	\$ -	\$ -	\$ -
TOTALS		\$ 9,939,275.00	\$ 756,383.43	\$ 10,694,658.43

Adopted

Town of Riverhead

Resolution # 869

CREATES PECONIC RIVER GREENWAYS ACQUISITION PROGRAM COMMITTEE (G.A.P.)

Councilman Kent offered the following resolution;
which was seconded by Councilman Kwasna.

WHEREAS, State Route 25 along West Main Street is considered to be a gateway to our Town and the Town Board wishes to improve the appearance of this important corridor located in the Wild and Scenic Rivers Program; and

WHEREAS, the Town of Riverhead is seeking funding through the NYS Clean Water/Clean Air Bond Act Program to establish a Peconic River Greenway and Park; and

WHEREAS, the Town Board wishes to create a committee to assist in identifying and prioritizing parcels for acquisition.

NOW, THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby establishes the Peconic River Greenways Acquisition Program Committee (G.A.P.) and appoints, Richard Spanburgh Chairperson; and

BE IT FURTHER; RESOLVED that the following additional members are appointed to serve at the pleasure of the Town Board:

John Fields
Anthony Strollo
Kelly Conklin

Augusta Field*
Peter Danowski
Annie Fu

Monique Gablenz
John Volonts
Vinny Villella (ex-officio)

AND, BE IT FURTHER, RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to the above named members, the Supervisor and the I.D.A.

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Villella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

*(or a designated representative of Vision 2020)

9/21/99

Adopted

TOWN OF RIVERHEAD

Resolution # 870

AUTHORIZES RELEASE OF CERTIFICATES OF DEPOSIT OF REINHOLD STOLL (STOLL ASSOCIATES)

COUNCILMAN CARDINALE offered the following resolution, was seconded by

COUNCILMAN LULL :

WHEREAS, Reinhold Stoll posted S.C.N.B. Certificate of Deposit #190046170 in the sum of \$22,000.00 and S.C.N.B. Certificate of Deposit #190046171 in the sum of \$187,000.00 representing road and drainage improvements and park and recreation fees respectively, for the subdivision entitled, "Stoll Associates"; and

WHEREAS, by letter from Peter S. Danowski, Jr., Esq., dated September 21, 1999, Stoll Associates has sold lots 2 through 12 on the filed subdivision map entitled, "Stoll Associates" to Zoumas Contracting, which closing took place on September 20, 1999; and

WHEREAS, Zoumas Contracting has submitted S.C.N.B Irrevocable Letter of Credit # 990917 in the sum of \$187,000.00 representing road and drainage improvements and S.C.N.B. Official Check #591502 in the sum of \$22,000.00 representing park and recreation fees for the aforementioned subdivision; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed the aforementioned S.C.N.B. Irrevocable Letter of Credit and S.C.N.B. Official Check and deems same to be sufficient in their form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of S.C.N.B. Certificate of Deposit #190046170 in the sum of \$22,000.00 and S.C.N.B. Certificate of Deposit #190046171 in the sum of \$187,000.00 representing and park and recreation fees and road and drainage improvements respectively, for the subdivision entitled, "Stoll Associates"; and be it further

RESOLVED, that the town board of the Town of Riverhead hereby accepts S.C.N.B Irrevocable Letter of Credit # 990917 in the sum of \$187,000.00 representing road and drainage improvements and S.C.N.B. Official Check #591502 in the sum of \$22,000.00 representing park and recreation fees from Zoumas contracting in connection with the aforementioned subdivision; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy

of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York, 11901; the Planning Department; the Building Department and the Office of Accounting.

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Vilella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 871

AMENDS SITE PLAN OF LARRY'S LIGHTHOUSE MARINA

COUNCILMAN KENT offered the following resolution,

which was seconded by COUNCILMAN LULL:

WHEREAS, by Resolution # 674, dated August 4, 1998 , the Riverhead Town Board did approve the site plan of Alex Galasso, as agent for Lighthouse Yacht Club for swimming pool located at west side of Meetinghouse Creek Raod, Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-86-2-28 & 29, and

WHEREAS, Alex Galasso, as agent for Lighthouse Yacht Club has made an application for amended site plan dictated by changes caused by field conditions and

WHEREAS, the Planning Department has reviewed such modification and has recommended that the Town Board accept such modification, and

WHEREAS, this Town Board has reviewed the modification aforementioned, and

WHEREAS, the site plan amendment 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 98- of the Office of the Supervisor of the Town of Riverhead;

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Riverhead does here resolve that the site plan and elevations as submitted by Martin Sendlewski dated June 29, 1999, are hereby approved by the Town Board of the Town Of Riverhead;

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Alex Galasso, as agent for Lighthouse Yacht Club, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office, and Office of the Town Attorney.

THE VOTE

Cardinale Yes No Kent Yes No
Kwasna Yes No Lull Yes No
Villella Yes No

THE RESOLUTION WAS WAS NOT
THEREUPON DULY DECLARED ADOPTED

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 872

APPROVES SITE PLAN OF GEMINI REALTY

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

WHEREAS, a site plan and elevations were submitted by Gemini Realty, for a 3 bay addition & expansion to parking area, located at 160 Kroemer Ave. Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-119-1-28.4; and

WHEREAS, the Planning Department has reviewed the site plan dated January 28, 1999, as prepared by Christopher R. Stress, and elevations dated June 10, 1997, as prepared by Christopher R. Stress, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) unlisted Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; 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 98-000219 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 the site plan and elevations submitted by Gemini Realty, for 3 bay addition & expansion to parking , located at 160 Kroemer Ave. Riverhead NY 11901, New York, site plan dated January 28, 1999, as prepared by Christopher R. Stress, and elevations dated June 10, 1997, as prepared by Christopher R. Stress, 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 proves 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, Gemini Realty hereby authorizes and consents to the Town of Riverhead to enter premises at 160 Kroemer Ave. Riverhead NY 11901, New York, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

- 11. That all utilities shall be constructed underground;
- 12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
- 13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
- 14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Gemini Realty , the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 1998, made by Gemini Realty, residing at 160 Kroemer Ave. Riverhead Ny 11901, 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, Gemini Realty hereby authorizes and consents to the Town of Riverhead to enter premises at 160 Kroemer Ave. Riverhead NY 11901, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

Gemini Realty

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

On the _____ day of _____, 1998, before me personally came Gemini Realty, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at 160 Kroemer Ave. Riverhead NY 11901, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

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

On this _____ day of _____, 1998, before me personally came _____, to me known, and known to me to be one of the members of the firm of _____, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

NOTARY PUBLIC

STATE OF NEW YORK)
 ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1998, before me personally came _____ who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

NOTARY

PUBLIC

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___

Kwoona Yes ___ No ___ Lull Yes ___ No ___

Villillo Yes ___ No ___

The resolution WAS ~~NOT~~ *ADOPTED*

Adopted

Adopted

September 21, 1999

TOWN OF RIVERHEAD

Resolution # 873

APPROVES SITE PLAN OF MESZAROS TEMPORARY GREENHOUSES

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

WHEREAS, a site plan and elevations were submitted by Steven and Debbie Meszaros, for temporary green houses, located at 178 West Lane Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-66-3-4; and

WHEREAS, the Planning Department has reviewed the site plan dated August 10, 1999, as prepared by Westbrook Greenhouse Systems Limited, and elevations dated , as prepared by , and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; 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 98- 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 the site plan and elevations submitted by Steven and Debbie Meszaros, for temporary green houses, located at 178 West Lane Riverhead Ny 11901, New York, site plan dated February 14, 1958, as prepared by Alden Young, L.S., and elevations dated August 10, 1999, as prepared by Westbrook Greenhouse Systems Limited, 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 proves 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, Steven and Debbie Maszaros hereby authorizes and consents to the Town of Riverhead to enter premises at 178 West Lane Riverhead Ny 11901, New York, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That within 6 months of the date of this resolution Steven And Debbie Meszaros shall submit to The Planning Department an as built survey as prepared by a licensed surveyor depicting all improvements upon the subject real property; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Steven and Debbie Meszaros, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

1803

DECLARATION AND COVENANTS

THIS DECLARATION, made the ____ day of _____, 1998, made by Steven and Debbie Maszaros, residing at 178 West Lane Riverhead Ny 11901, 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, Steven and Debbie Maszaros hereby authorizes and consents to the Town of Riverhead to enter premises at 178 West Lane Riverhead Ny 11901, New York, to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;

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

Steven and Debbie Maszaros

STATE OF NEW YORK)

)ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1998, before me personally came Steven and Debbie Maszaros, to me known and known to be the individual who executed the foregoing instrument; that (s)he is the owner of certain real property located at 178 West Lane Riverhead Ny 11901, New York, the subject property of this Declaration and Covenant, and understands the content thereof; and that (s)he did swear to me that (s)he executed the same.

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On this _____ day of _____, 1998, before me personally came _____, to me known, and known to me to be one of the members of the firm of _____, described in and who executed the foregoing instrument, and (s)he acknowledged to me that (s)he executed the same as and for the act and deed of said firm.

NOTARY PUBLIC

STATE OF NEW YORK)

ss.:

COUNTY OF SUFFOLK)

On the _____ day of _____, 1998, before me personally came _____ who, being sworn by me, did depose and say: that (s)he is the _____ of _____; that (s)he knows the seal of the corporation; that the seal affixed to this instrument is said seal; and that it was affixed by order of the Board of Directors of the Corporation.

NOTARY

PUBLIC

THE VOTE

Cardinale Yes ___ No ___ Kent Yes ___ No ___
Kwasna ___ Yes ___ No ___ Lull Yes ___ No ___
Vilella Yes ___ No ___

THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY DECLARED ADOPTED