

**April 7, 2009**

**PUBLIC COMMENT ON ANY TOWN BOARD RESOLUTION**

- Res. #291 2009 Recreation Capital Improvement Project Budget Adoption**
- Res. #292 Pumpout Station Budget Adoption**
- Res. #293 Authorizes the Supervisor to Execute a Retainer Agreement with Mary C. Hartill, Esq. of the Law Firm of Saladino & Hartill, LLP for Legal Services for the Year 2008/2009 (Riverhead Youth Court)**
- Res. #294 Authorizes Riverhead Town Historian to Attend a Conference**
- Res. #295 Authorizes Employee to Attend National Fire Protection Association Annual Conference & Exposition**
- Res. #296 Accepts the Retirement of a Police Officer (Linda Erick)**
- Res. #297 Authorizes Publication of Display Ad RE: Part-Time Public Safety Dispatcher**
- Res. #298 Amends Resolution #502**
- Res. #299 Appoints a Justice Court Clerk to the Justice Court (Mary Beth Vail)**
- Res. #300 Ratifies the Appointment of an Intern to the Police Department (Joshua Pesapane)**
- Res. #301 Ratifies the Appointment of a Custodial Worker I to the Building and Grounds Division of the Engineering Department (Ricky A. Muller)**
- Res. #302 Terminates Provisional Employee (Meghan Garrison)**
- Res. #303 Accepts the Retirement of a Custodial Worker I (Stephen Magee)**
- Res. #304 Appoints an Account Clerk to the Accounting Office (Rosemary Smith)**

- Res. #305 Authorizing the Town Board of the Town of Riverhead to Accept the Offer of Dedication for 21.4284 Acres of Open Space Described as SCTM #600-80-5-3 from Windcrest East Home Owners Association (Predecessor in Interest to Mid Road Properties)**
- Res. #306 Authorizes the Placement of Long Island Farm Bureau Pride of New York Campaign Banners**
- Res. #307 Authorizes the Supervisor to Execute an Agreement with Nelson, Pope & Voorhis, LLC, for a Phase I Environmental Site Assessment Regarding Properties Located at 103-105,111,117,121 & 127 East Main Street, Riverhead**
- Res. #308 Authorizes Town Clerk to Post and Publish the Attached Notice to Bidders for the Town of Riverhead Peconic Avenue Crosswalk Improvement Project**
- Res. #309 Authorizes Town Clerk to Publish and Post Notice of Public Hearing Regarding the Special Permit of Omnipoint Communications, Inc. Bonsal American Building (EPCAL)**
- Res. #310 Authorizes Town Clerk to Publish and Post Notice of Public Hearing Regarding the Special Permit of Bernard J. Kito, Jr.**
- Res. #311 Authorizes Town Clerk to Publish and Post Notice of Public Hearing- Amendment to the Zoning Use District Map of the Town of Riverhead**
- Res. #312 Authorizes Fee Adjustment for Map & Plan/Facility Plan for Compliance with Peconic Estuary TMDL and Stimulus Intended Use Plan Riverhead Sewer District**
- Res. #313 Authorizes Supervisor to Execute Change Order No. 1 Calverton Sewer District Extension No. 1 Emergency Construction – Office Pump Station Calverton Sewer District**
- Res. #314 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” Article XLV Entitled “Exterior Lighting”, of the Riverhead Town Code**

- Res. #315** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (108-133. Site Plan Review)
- Res. #316** Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 213 Horton Avenue, Riverhead, New York
- Res. #317** Authorizes the Supervisor to Execute an Agreement with Air Mark Air Conditioning Corp. for Heating, Ventilation and Air Conditioning Service and Maintenance
- Res. #318** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XIII – Supplementary Use Regulations
- Res. #319** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXII – Business PB District)
- Res. #320** Authorizes Town Clerk to Publish and Post a Public Notice for a Local law to Consider Amendments to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXXI – Open Space Conservation District)
- Res. #321** Authorizes the Release of Security of Sound Housing LLC A/K/A “Willow Ponds on the Sound Condominium” Project
- Res. #322** Authorizes the Release of Security for Baiting Hollow Farms, LLC
- Res. #323** Authorizes Town Clerk to Publish and Post Public Notice to Consider the Adoption of a Local Law Entitled, “Local Law to Change the Term of Office of Town Superintendent of Highways to from 2 years to 4 years”
- Res. #324** Authorizes Town Clerk to Publish and Post Public Notice to Consider the Adoption of a Local Law Entitled, “Local Law to Change the Term of Office of Town Supervisor to from 2 years to 4 years”

- Res. #325 Offers Support to New York State Legislature for the Creation of the Peconic Bay Regional Transportation Council (Senate Bill #S.3181/Assembly Bill #A.6743)**
- Res. #326 Authorizes Town Supervisor to Accept Declaration of Easement RE: 96 Main Road, Aquebogue Riverhead Water District**
- Res. #327 Authorizes the Reduction of Site Plan Security of the Baiting Hollow Club**
- Res. #328 Authorizes the Town Clerk to Advertise for Bids on a Spaulding 130 Gallon Crack Sealer or Equal**
- Res. #329 Authorizes Town Clerk to Publish & Post a Notice to Bidders for Well and Pump Testing, Evaluation, Reporting and Information Management**
- Res. #330 Amends the Zoning Use District Map of the Town of Riverhead Industrial B Zoning Use District**
- Res. #331 Approves Chapter 90 Application of Jamesport Fire Department to Conduct a Firemen's Carnival**
- Res. #332 Approves Chapter 90 Application of Peconic Bay Medical Center (14<sup>th</sup> Annual East End Garden Festival)**
- Res. #333 Approves Chapter 90 Application of Martha Clara Vineyards, LLC**
- Res. #334 Approves Chapter 90 Application of Cooley's Anemia Foundation, Inc.**
- Res. #335 Approves Chapter 90 Application of Railroad Museum of Long Island ("Riverhead Railroad Festival 2009")**
- Res. #336 Awards Bid Sludge Cake Removal Riverhead Sewer District**
- Res. #337 Authorizes Public Notice and Submission of Grant Application to Empire State Development Corporation Restore NY Round 3 to Support Revitalization of Downtown Riverhead**
- Res. #338 Ratifies Amended Agreement with AKRF, Inc. for Completion of Bulk Study of DC-1 Zoning District**

- Res. #339 Weeping Willow Capital Project Adopted Budget Addition**
- Res. #340 Recreation Program Budget Adjustment**
- Res. #341 Ratifies and Approves Stipulation of Agreement (CSEA)**
- Res. #342 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXVIA – Special Permit)**
- Res. #343 Authorizes the Supervisor to Execute a Consultant/ Professional Services Agreement with Unisys Corporation**
- Res. #344 Authorizes the Supervisor to Execute a Consultant/ Professional Services Agreement with Data Path, Inc.**
- Res. #345 Pays Bills**
- Res. #346 Adopts Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Repeal and Replace §108-235 through §108-245 – Planned Recreational Park (PRP) District)**
- Res. #347 Authorizes the Publication of a Public Notice for Public Hearing to Consider a Local Law Which Would Adopt a Map Designation Clearing Limits Pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the Former Naval Weapons Industrial Reserve Plant (NWIRP) Now Known as Enterprise Park at Calverton (EPCAL)**
- Res. #348 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (§108-175. and §108-179 – Pine Barrens Overlay District)**
- Res. #349 Authorizes the Supervisor to Execute an Agreement (Town of Riverhead Seed Clam Program)**

April 7, 2009

Adopted

TOWN OF RIVERHEAD

2009 RECREATION CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 291

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

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

	<u>FROM</u>	<u>TO</u>
406.095031.481900.70900    Special Trust Transfers	240,000	
406.071100.523020.70901    Fence Installation Impr – Stozky Park		170,000
406.071100.523028.70900    Tennis/Sports Court Impr @ Bayberry Park		35,000
406.071800.523028.70900    Tennis/Sports Court Impr @ Jamesport Beach		35,000

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No



April 7, 2009

TOWN OF RIVERHEAD

Adopted

PUMPOUT STATION

BUDGET ADOPTION

RESOLUTION # 292

COUNCILMAN DUNLEAVY offered the following resolution,  
which was seconded by COUNCILMAN WOOTEN.

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

		<u>FROM</u>	<u>TO</u>
406.031220.492310.40145	NYS DEC State Aid	8,325	
406.071100.518607.40145	Parks	2,775	
406.031220.523042.40145	Pumpout Station		11,100

**THE VOTE**

Wooten  Yes  No  
Dunleavy  Yes  No      Blass  Yes  No  
Cardinale  Yes  No

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 293

**AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT WITH MARY C. HARTILL, ESQ. OF THE LAW FIRM OF SALADINO & HARTILL, LLP FOR LEGAL SERVICES FOR THE YEAR 2008/2009 (RIVERHEAD YOUTH COURT)**

COUNCILMAN WOOTEN

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

COUNCILWOMAN BLASS

\_\_\_\_\_ :

WHEREAS, Mary C, Hartill, Esq. of the Law Firm of Saladino & Hartill, LLP had submitted a proposal to the Town Board to enter into a one (1) year agreement with the Town of Riverhead in connection with her services as Legal Consultant for the Riverhead Youth Court Program.

NOW THEREFORE BE IT HEREBY RESOLVED, that Mary C, Hartill, Esq. of the Law Firm of Saladino & Hartill, LLP is hereby appointed to act as Legal Consultant for the Riverhead Youth Court Program; and be it further

RESOLVED, that the Riverhead Town Board hereby approves the attached Retainer Agreement from the Law Firm of Saladino & Hartill, LLP; and be it further

RESOLVED, that the Riverhead Town Board 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 copy of this resolution to the Law Firm of Saladino & Hartill, LLP, 431 Griffing Avenue, Riverhead, New York, 11901, the Police Chief David Hegermiller and the Office of the Town Attorney.

THE VOTE

Buckley	<input type="checkbox"/> yes	<input type="checkbox"/> no	Wooten	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

## RETAINER AGREEMENT

This writing will memorialize the understanding between The Town of Riverhead and Mary C. Hartill, Saladino & Hartill, LLP., hereinafter referred to as "the law firm," confirming that you have retained this firm to represent you in the matter of Legal Consultant for Youth Court Training.

It is agreed that the Town of Riverhead will pay the firm a fee of \$160.00 per hour for training and lectures for the Riverhead Youth Court Program, not to exceed a total of twelve (12) hours.

You acknowledge that the hourly rates apply to all time expended on your matter, including, but not limited to, office meetings and conferences, telephone calls and conferences, either placed by or to you, or otherwise made or had on your behalf or related to your matter, preparation, review and revision of correspondence, pleadings motions, disclosure demands and responses, affidavits and affirmations, or any other documents, memoranda, or papers relative to your matter, legal research, court appearances, conferences, file review, preparation time, travel time, and any other time expended on your behalf.

The term of this retainer shall be for one year, commencing on September 1, 2008 and continuing through and including September 30, 2009.

Kindly indicate your understanding and acceptance of the above by signing this document below where indicated.

You acknowledge receiving a duly executed duplicate original of this agreement. I look forward to being of service to you in connection with this matter.

DATE: \_\_\_\_\_

---

Mary C. Hartill

**I HAVE READ, UNDERSTAND AND  
ACCEPT ALL OF THE TERMS  
CONTAINED ABOVE:**

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4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 294

**AUTHORIZES RIVERHEAD TOWN HISTORIAN TO ATTEND A CONFERENCE**

COUNCILWOMAN BLASS offered the following resolution, was seconded by  
COUNCILMAN DUNLEAVY  
\_\_\_\_\_ :

**WHEREAS**, the 2009 Annual State Conference of the Association of Public Historians of New York State will be held at the Crowne Plaza Hotel in Albany, New York from Monday, April 27, 2009 to Wednesday, April 29, 2009; and

**WHEREAS**, it is the desire of Riverhead Town Historian Georgette Lane Case to attend said conference.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes Georgette Lane Case to attend the aforementioned conference to be held on April 27, 2009 through April 29, 2009; and be it further

**RESOLVED**, that all related expenses incurred by the attendee will be fully receipted upon her return, not to exceed a total cost of \$150.00 and thereafter reimbursed by the Accounting Department; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Georgette Lane Case, the Office of the Town Attorney, and the Office of Accounting.

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



Riverhead Town Historian  
Georgette Lane Case

"East Lawn"  
542 East Main Street – Suite 1  
Address all mail to:  
Town Hall, 200 Howell Avenue  
Riverhead, New York 11901  
631/369-9717

~~16001-1127 11009~~

April 1, 2009

Hon. Phil Cardinale  
200 Howell Avenue  
Riverhead NY 11901

Dear Supervisor Cardinale:

The 2009 Annual State Conference of the Association of Public Historians of New York State will be held at the Crowne Plaza Hotel in downtown Albany, NY, from Monday, **April 27** to Wednesday, **April 29, 2009**.

Attached is the Conference information including a list of programs and workshops.

I wish to attend this conference as the Riverhead Town Historian and request **payment of mileage up to and including my budgeted travel expense amount of \$150**. I do not have enough in my budget to use additional funds.

I hereby ask that the Town Board approve this request.

Sincerely,

Georgette L. Case  
Town Historian

# The Association of Public Historians of New York State



## 2009 Annual State Conference & Quadricentennial Commemoration

*Navigating Four Centuries for the Future*  
April 27-29, 2009

New York State Cultural  
Education Center &  
Crowne Plaza Hotel  
Albany, New York

### Conference Registration includes:

Outstanding Educational  
Programming

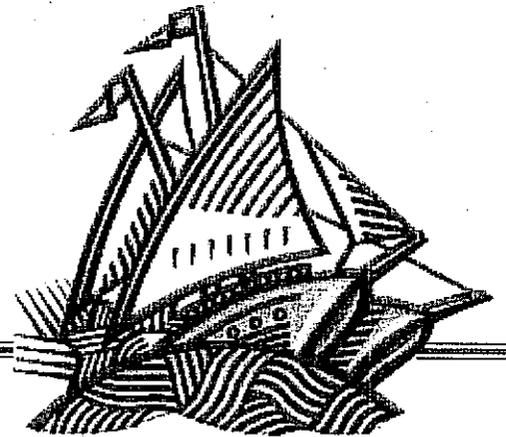
Free Parking for Hotel Guests  
& Commuters

Shuttle Service to Off-Site Venues

APHNYS Day at CEC

Special Guided Tour of  
NYS Capitol

Conference Giveaways,  
Packet & More!



1999

2009

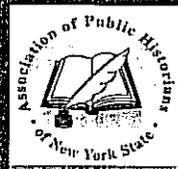
## APHNYS

Association of Public Historians of New York State

navigating  
four centuries for  
the *future*

1609

2009



# Conference Schedule

400

## Managing Your Historical Photographs

Workshop providing practical advice on managing and preserving photograph collections and creating finding aids or indexes to make them readily accessible

## Recovery of Paper Collections after a Disaster

Hands-on workshop providing advice on salvage and conservation of historical documents after a disaster. This is a hands-on workshop, using examples of injured documents.

## Records on Local Communities in the NYS Archives

Overview of state government records that contain accessible information on local communities statewide, in areas such as banking and insurance, education, environment, health and welfare, military, public utilities, and transportation.

## Overview of Online Indexes to Records in NYS Archives

Presentation will focus on name indexes for many historical state government records of interest to public historians — military records (Revolutionary War and Civil War) and executive clemency files (pardons, commutations, etc., by the governor).

## Behind-the Scenes Tour of NYS History Collections

The History Collections at the New York State Museum comprise historical artifacts representing the material culture of the State. These artifacts are preserved so that they may be used for exhibits and by researchers to interpret New York's past. Tours of History Collections storage will feature the Museum's important Shaker Collection; early New York furniture and other decorative arts; paintings; textiles, including quilts, coverlets and vintage clothing; antique toys; and early radios and televisions..

## Museum Exhibit Tour - World Trade Center: Rescue, Recovery, Response

The State Museum's significant collection of material from the World Trade Center and objects from the response to the events of September 11, 2001, tell the story of that day and its aftermath. This exhibit is an example of a topic that is relevant to local, national and international audiences.

## Museum Exhibit Tour - Art for the People: Decorated Stoneware from the Weitsman Collection

Artful designs on 19th-century stoneware are considered to be prime examples of American Folk Art. Of the 40 uniquely decorated stoneware vessels on display, including jugs, crocks, pitchers, jars and water coolers, most were created in cities and towns across New York State. Many are "presentation pieces" — oversized and frequently decorated with elaborate and unusual cobalt blue designs. Tools used to decorate the stoneware are also included in the exhibition, as well as broadsides, and rare photos.

*There will be a one hour lunch break from 12:30 – 1:30 p.m. Lunch will be on your own and you can take advantage of numerous dining options on the Concourse of the Empire State Plaza (directly connected to CEC).*

Shuttles to Return Attendees to Crowne Plaza Hotel 3:30 – 4:00 p.m.



# Conference Schedule

## APHNYS Lobby Day 10:00 a.m. – 12:00 p.m.

Tues

Appointments with NYS Senators and Assembly Members will be scheduled by the APHNYS Office. Please indicate your interest and names of Senator and Assembly Member on the Conference Registration Form.

Conference Attendees not interested in participating in Lobby Day can schedule appointments at the Cultural Education Center, or take advantage of the many historical and cultural resources in Albany. Information on these resources will be provided at the time of conference registration.

## Lunch Buffet 11:30 a.m. – 1:00 p.m.

## Conference Exhibit Area Open 12:00 – 7:00 p.m.

## Conference Plenary Session/Quadricentennial Commemoration 1:15 - 2:30 p.m.

Welcome by APHNYS Officers and Local Officials

### Celebrating the 400th

#### *Bringing the Past to Life on Canvas: Len Tantillo and the Art of History*

Len Tantillo was born and raised in upstate New York, and attended Rhode Island School of Design. From 1969 to 1976 he worked as an architectural designer and acquired a working knowledge of building design and construction. In 1980, Tantillo was commissioned to depict a series of 19th century structures from archeological artifacts and historic documents. Similar projects followed, many of which were located along the banks of the Hudson River near Albany, New York. In 1984 Tantillo left commercial art and began the full-time pursuit of fine art. He has spent the last 25 years creating numerous historical and marine paintings, which have continued to draw a wide audience.



To celebrate the Quadricentennial, Tantillo will blend his visual story-telling with a wonderful sense of adventure and excitement that is evident in all of his paintings. Detailed

observations are translated directly onto canvas and the images are brought to life with his ability to create a magical sense of time and place. Tantillo's work has appeared in national exhibitions, books, periodicals, and television documentaries in the United States, England, the Netherlands, Belgium, Australia and New Zealand.





# Conference Schedule

Wednesday, April 29, 2009

**Conference Registration 8:00 a.m. – 1:00 p.m.**

**Breakfast Buffet 7:00 – 9:00 a.m.**

**Conference Exhibit Area Open 9:00 a.m. – 1:00 p.m.**

**APHNYS Annual Meeting & State of the State's History Address**  
**9:00 – 10:30 a.m.**

Join your colleagues for this business meeting to discuss the mission and future of the association.

New York State Historian Robert Weible will present a State of the State's History address and answer questions during this session.



**Concurrent Session 1 10:30 – 11:45 a.m.**

*Choice of:*

**Heritage Tourism: Tapping Into Your Community's Resources to Save History** (*Mary Kay Vrba, Director, Dutchess County Tourism Promotion Agency; Heidi Hill, Executive Director, Schuyler Mansion State Historic Site and Crailo Historic Site, Albany; John Giordano, President, Plaza Meetings and Tours; Moderated by Michele Vennard, CEO/President, Albany County Convention & Visitors Bureau*)

This session will present how communities tap into their rich heritage to promote tourism and economic development. The panel will share their community stories and address how Public Historians can play an important role in using heritage tourism to advance their work and save history.

**Making a PowerPoint Presentation that "Sticks"** (*Dr. Linda Lucey, Chief Academic Officer, Successful Practices Network*)

Increasing the level of engagement with your content is due in part by effective delivery. Learn a few of the strategies with the highest payoff and where to start based on the needs of your audience. Using the SUCCESS principles from Heath and Heath's "*Made to Stick*", this hands-on session will bring your PowerPoint presentations to life.

**Concurrent Session 2 11:45 a.m. – 1:00 p.m.**

*Choice of:*

**The Public Historian and Education** (*Julie Daniels, NYS Archives & Garet Livermore, Vice President of Education, New York State Historical Association*)

This presentation will focus on the important role Public Historians can play in their communities' schools, as well as History Day and such programs as the NYS Archives Student Research Awards.



# Conference Registration Form

Use this form to register for the 2009 Annual State Conference

Name: \_\_\_\_\_ APHNYS Region: \_\_\_\_\_

Title: \_\_\_\_\_

Municipality: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Spouse/Guest Name: \_\_\_\_\_

**Please check all that apply:**

- I am a newly or recently-appointed Public Historian.
- I have been a member of APHNYS since it was founded.
- I am a Registered Historian.
- This will be my first visit to Albany.
- This will be my first visit to the Cultural Education Center.

**Please complete registration form on reverse side**

**Conference Registration** (Please check all that apply):

- Member Registration Fee (Full Conference/One-Day Attendance) ..... \$40.00/person
- Non-Member Registration Fee (includes 2009 APHNYS Membership) .. \$65.00/person
- Spouse/Guest Rate (if he/she would like to attend sessions) ..... \$15.00/person
- Monday Dinner ..... \$43.00/person
- Tuesday Breakfast Buffet ..... \$16.00/person
- Tuesday Lunch Buffet ..... \$22.00/person
- Tuesday Evening Awards Banquet ..... \$46.00/person
  - Please check your meal choice:
  - Roast Prime Rib of Beef
  - Raspberry Brie Stuffed Chicken
  - Salmon au Poivre
  - Vegetarian
- Wednesday Breakfast Buffet ..... \$16.00/person
- Renew Your APHNYS Membership for 2009 ..... \$20.00
- Purchase an APHNYS Lapel Pin ..... \$5.00

40  
15  
43  
22  
46

**Total Enclosed:** \_\_\_\_\_



# Hotel Registration Form

To make a reservation at the Crown Plaza,  
please call (518) 427-3038.  
Mention that you are with APHNYS Conference  
to receive the special conference rate  
or

Complete this form below and mail or  
fax to the hotel at (518) 462-8192.



**CROWNE PLAZA®**  
ALBANY - CITY CENTER

*APHNYS 2009 Annual State Conference*  
*April 27-29, 2009*

*63104632*

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_

E-Mail: \_\_\_\_\_

Arrival Date: *SUN 4/27/09* Departure Date: *Wed 4/29*

**Please check which accommodations you would like:**

- Standard Single Occupancy - \$99.00 + 11% sales tax/night
- Standard Double Occupancy - \$99.00 + 11% sales tax/night. Roommate: \_\_\_\_\_

Please specify any special requests, i.e. handicap accessible room, non-smoking room, etc. \_\_\_\_\_

*You are encouraged to obtain a tax exempt form from your local government. Enclose copy of form if mailing/faxing this reservation form, or present this form to the hotel at time of check-in.*

Check-In is 4:00 p.m. Check-Out 11:00 a.m.  
*Early check-in can be arranged upon availability*

Hotel Questions/  
Phone Reservations:  
(518) 427-3038  
Kristin Wise

- Paying by Check: Send deposit of one (1) evening's rate to the address below.
- To guarantee with credit card:

Credit Card:  Visa  MasterCard  American Express  Discover

Card #: \_\_\_\_\_ Expiration Date: \_\_\_\_\_

Signature: \_\_\_\_\_

**Please return this form or fax to:**  
Crown Plaza Hotel  
89 State Street & Lodge Street  
Albany, NY 12207  
Attn: Reservations - Kristin Wise  
Fax #: (518) 462-8192

*Invoice*  
*P.O.*

*3/31*

April 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 295

AUTHORIZES EMPLOYEE TO ATTEND NATIONAL FIRE PROTECTION ASSOCIATION ANNUAL CONFERENCE & EXPOSITION

COUNCILMAN DUNLEAVY

offered the following resolution which was

seconded by COUNCILMAN WOOTEN

WHEREAS, the National Fire Protection Association (NFPA) Annual Conference and Exposition in Chicago, Illinois on June 8, 2009 through June 11, 2009; and

WHEREAS, the attendance of said conference is essential for Code Enforcement Officials to provide testimony and to vote on proposed changes to NFPA codes and standards that affect Building and Fire Safety in the Town of Riverhead; and

WHEREAS, it is the recommendation of the Engineering Department that a Code Enforcement Official employee attend this conference for a cost not to exceed \$1,700.00 including lodging, meals, and travel; and

WHEREAS, all associated costs will be fully receipted upon their return and all pertinent receipts and documents will be submitted to the Office of Accounting for reimbursement.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize one employee to attend the NFPA Conference; and

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

THE VOTE

Dunleavy  Yes  No

Blass  Yes  No

Wooten  Yes  No

Cardinale  Yes  No

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED.

Adopted

April 7, 2009

**TOWN OF RIVERHEAD**

**ACCEPTS THE RETIREMENT OF A POLICE OFFICER**

**RESOLUTION # 296**

**COUNCILMAN WOOTEN**

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

which was seconded by **COUNCILWOMAN BLASS** \_\_\_\_\_.

**WHEREAS**, the Town has received a letter from Linda Erick, a Police Officer in the Riverhead Town Police Department, indicating her intent to retire effective March 30, 2009.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of Linda Erick.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to Linda Erick, the Chief of Police, the Accounting Office and the Personnel Officer.

**The Vote**

Wooten	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Dunleavy	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Blass	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Cardinale	<input checked="" type="radio"/> Yes	<input type="radio"/> No

THE RESOLUTION  WAS  WAS NOT

**THEREFORE DULY ADOPTED**

April 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 297

**AUTHORIZES PUBLICATION OF DISPLAY AD**  
**RE: PART-TIME PUBLIC SAFETY DISPATCHER**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the below advertisement as a display ad in the April 16, 2009, issue of The News Review.

**TOWN OF RIVERHEAD**  
**PUBLIC NOTICE**

PLEASE TAKE NOTICE, the Town of Riverhead is currently seeking qualified individuals to serve in the position of part-time Public Safety Dispatcher with the Riverhead Police Department. Applicants must be certified in Emergency Medical Dispatch, NYSPIN rules and procedures and E-Justice rules and procedures. Applicants are eligible to work up to 20 (twenty) hours per week. Salary is \$30 (thirty dollars) per hour.

Applications are available online at [www.riverheadli.com](http://www.riverheadli.com) or may be obtained from the office of Accounting located at 552 East Main Street, Riverhead. Submit completed applications to the Town of Riverhead Personnel Director, 552 East Main Street, Riverhead, New York, 11901. Any individual requesting further information on this position is directed to call the Riverhead Personnel Director at 727-3200, ext. 603.

BY ORDER OF,  
THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK

WOOTEN  YES \_\_\_ NO  
DUNLEAVY  YES \_\_\_ NO      BLASS  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO  
THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED DULY ADOPTED

April 7, 2009

# Tabled

**TOWN OF RIVERHEAD**

**Resolution # 298**

**AMENDS RESOLUTION #502**

**COUNCILMAN DUNLEAVY**

\_\_\_\_\_ offered the following

resolution, which was seconded by **COUNCILMAN WOOTEN**

**RESOLVED**, that Resolution #502 dated May 24, 2007 appointing a Deputy Building Inspector be amended to state "Appoints a Call-In Building Inspector".

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Sharon Klos, Leroy E. Barnes, Jr., the Building Department Administrator, the Personnel Officer and the Office of Accounting.

**The Vote**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

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

Adopted

April 7, 2009

TOWN OF RIVERHEAD

Resolution # 299

**APPOINTS A JUSTICE COURT CLERK TO THE JUSTICE COURT**

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

**WHEREAS**, a vacancy exists for a Justice Court Clerk in the Riverhead Town Justice Court; and

**WHEREAS**, Civil Service has established a certified list of Eligibles, list # 08-0050-361 for the position of Justice Court Clerk, the list was canvassed, interviews were conducted, and the position was also duly posted for, Job Posting #4; and

**WHEREAS**, a recommendation has been made by the Riverhead Town Justices to appoint Mary Beth Vail to the position of Justice Court Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, that effective April 20, 2009, this Town Board hereby appoints Mary Beth Vail to the position of Justice Court Clerk as found in Group 11, Step P of the Clerical and Supervisory Salary Schedule; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Mary Beth Vail, the Riverhead Town Justice Court, the Accounting Office, and the Personnel Officer.

**THE VOTE**

Wooten Yes No      Dunleavy Yes No  
Blass Yes No      Cardinale Yes No

THE RESOLUTION ✓ WAS    WAS NOT

**THEREFORE DULY ADOPTED**

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 300**

**RATIFIES THE APPOINTMENT OF AN INTERN TO THE POLICE DEPARTMENT**

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

**WHEREAS**, Suffolk Community College has requested the Riverhead Police Department to partner with them in an internship program; and,

**WHEREAS**, the Riverhead Police Department agrees to expose this student to the police profession as part of his education through a 90-hour training program.

**NOW, THEREFORE, BE IT RESOLVED**, effective March 13, 2009, the Town Board hereby ratifies the appointment of Joshua Pesapane, a student at Suffolk Community College, as an Intern for the Riverhead Police Department through completion of the program; and,

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Joshua Pesapane and Chief David J. Hegermiller.

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 301

**RATIFIES THE APPOINTMENT OF A CUSTODIAL WORKER I TO THE BUILDING AND GROUNDS DIVISION OF THE ENGINEERING DEPARTMENT**

COUNCILMAN DUNLEAVY offered the following resolution, which was seconded by COUNCILMAN WOOTEN

**WHEREAS**, a vacancy exists for the position of Custodial Worker I in the Building and Grounds Division of the Engineering Department; and

**WHEREAS**, the Town Board and the Department Head wishes to appoint Kennel Attendant Ricky A. Muller to this position, and the employee is willing to accept this appointment.

**NOW, THEREFORE, BE IT RESOLVED**, that effective April 6, 2009, this Town Board hereby ratifies the appointment of Ricky A. Muller to the position of Custodial Worker I to the Building and Grounds Division of the Engineering Department as found in Group 1, Step 12A of the Operational and Technical Salary Schedule, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Ricky A. Muller, the Engineering Department, the Personnel Officer and the Accounting Department.

**The Vote**

Wooten Yes No      Dunleavy Yes No  
Blass Yes No      Cardinale Yes No

THE RESOLUTION    WAS    WAS NOT

**THEREFORE DULY ADOPTED**

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 302

**TERMINATES PROVISIONAL EMPLOYEE**

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

**RESOLVED**, that the employment of Meghan Garrison, employed as an Account Clerk Typist in the Juvenile Aid Bureau, be terminated effective close of business, March 20, 2009; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Meghan Garrison, the Chief of Police, the Personnel Officer and the Office of Accounting.

The Vote

Wooten  Yes  No      Dunleavy  Yes  No  
Blass  Yes  No      Cardinale  Yes  No

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**ACCEPTS THE RETIREMENT OF A CUSTODIAL WORKER I**

**RESOLUTION # 303**

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

**WHEREAS**, the Town has received a letter from Stephen Magee, a Custodial Worker I in the Building and Grounds Division of the Engineering Department, indicating his intent to retire effective April 1, 2009.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of Stephen Magee.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to Stephen Magee, the Engineering Department, the Accounting Office and the Personnel Officer.

**The Vote**

Wooten	Yes	No	Dunleavy	Yes	No
Blass	Yes	No	Cardinale	Yes	No

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

April 7, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 304

**APPOINTS AN ACCOUNT CLERK TO THE ACCOUNTING OFFICE**

COUNCILMAN DUNLEAVY offered the following  
resolution, which was seconded by COUNCILMAN WOOTEN

**WHEREAS**, a vacancy exists for an Account Clerk in the Accounting Office; and

**WHEREAS**, Civil Service has established a certified list of Eligibles, list # 08-0205-338 for the position of Account Clerk, the list was canvassed, interviews were conducted, and the position was also duly posted for, Job Posting #3; and

**WHEREAS**, pursuant to a completed background check, a recommendation has been made by the Financial Administrator and the Personnel Officer to appoint Rosemary Smith to the position of Account Clerk.

**NOW, THEREFORE, BE IT RESOLVED**, that effective April 20, 2009, this Town Board hereby appoints Rosemary Smith to the position of Account Clerk as found in Group 8, Step P of the Clerical and Supervisory Salary Schedule; and

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

**THE VOTE**

Wooten  Yes  No      Dunleavy  Yes  No  
Blass  Yes  No      Cardinale  Yes  No

THE RESOLUTION  WAS  WAS NOT

**THEREFORE DULY ADOPTED**

April 7, 2009

TOWN OF RIVERHEAD

Resolution # 305

# Tabled

**AUTHORIZING THE TOWN BOARD OF THE TOWN OF RIVERHEAD TO ACCEPT  
THE OFFER OF DEDICATION FOR 21.4284 ACRES OF OPEN SPACE DESCRIBED AS  
SCTM#600-80-5-3 FROM WINDCREST EAST HOME OWNERS ASSOCIATION  
(PREDECESSOR IN INTEREST TO MID ROAD PROPERTIES)**

COUNCILMAN WOOTEN

offered the following resolution, which was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, on August 21, 2001, by Resolution #803, the Town Board approved the special permit of Mid Road Properties to allow for the construction of a retirement community consisting of 126 condominium units and associated amenities upon real property located at Middle Road, Riverhead; and

**WHEREAS**, the approval of the special permit was conditioned upon an irrevocable offer of dedication of the open space totaling 21.4284 areas, shown upon the site plan prepared by Young & Young dated July 2, 2001, and depicted as "Woods to Remain"; and

**WHEREAS**, on July 29, 2003, the applicant filed a map with the Clerk of Suffolk County titled "Multi-Family Residential Retirement Community Mid Road Condominium- Condominium I" which clearly delineated the 21.4284 acres to be dedicated to the Town of Riverhead; and

**WHEREAS**, on July 28, 2003, Windcrest Riverhead LLC, deeded parcels of land, including the 21.4284 acre parcel required to be dedicated as open space to the Town of Riverhead, recorded in Liber D00012265 Page 583, to Windcrest East Home Owners Association; and

**WHEREAS**, the Windcrest East Home Owners Association, by its President of the Board of Directors, contacted the Town to express its willingness and intention to deed the Town the open space parcel described as SCTM# 600-80-5-3, a metes and bounds description annexed hereto as Exhibit "A"; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead accepts the offer of dedication for real property described as SCTM# 600-80-5-3 and more particularly described by a metes and bounds description annexed hereto as Exhibit "A" subject to the presentation of an original executed deed from Grantor Windcrest East Home Owners Association to Grantee Town of Riverhead, together with all original real property transfer documents to permit the filing and recording of said deed; and be it further

**RESOLVED**, that the Town of Riverhead shall cause said deed to be filed and recorded with the Clerk of Suffolk County and remit payment for said recording fees; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Windcrest East Home Owners Association, Walter Blanck, 2<sup>nd</sup> Vice President, 102 Golden Spruce Drive, Baiting Hollow, NY 11933; the Riverhead Planning Department; and the Office of the Town Attorney.

WOOTEN  YES  NO  
DUNLEAVY  YES  NO    BLASS  YES  NO  
CARDINALE  YES  NO  
THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 306

**AUTHORIZES THE PLACEMENT OF LONG ISLAND FARM  
BUREAU PRIDE OF NEW YORK CAMPAIGN BANNERS**

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

**WHEREAS**, the Long Island Farm Bureau informed the Town that the Long Island Farm Bureau made application to participate in funding through the New York State Department of Agriculture & Markets pilot program Pride of New York "Buy Local" and,

**WHEREAS**, the Pride of New York's "Buy Local" advertising program provides funding to create and develop promotional messages, print space, signage and such other promotional activities to identify local products and build awareness and preferences and sales in New York; and

**WHEREAS**, the Long Island Farm Bureau has requested that the Town of Riverhead support its efforts to stimulate and support sales of locally grown products and adopt legislation to approve temporary signs/banners which display "Grown on Long Island" and "Pride of New York" at garden centers, grocery stores, farm stands, wineries, seafood markets and purveyors; and

**WHEREAS**, the Town Board determines that it is in the best interests of the Town of Riverhead, and the East End of Long Island as a whole, to support local growers and stimulate sales of locally grown produce in this region; and

**WHEREAS**, the Town Code 108-56 "Signs" permits temporary signs with restrictions, including but not limited to, time restrictions, dimension of sign, and location; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the placement of banners/signs by the Long Island Farm Bureau indicating "Grown on Long Island" and/or "Pride of New York" at local businesses through the Town of Riverhead for two consecutive 90 day periods beginning May 1, 2009 to November 1, 2009 subject to the following terms and conditions: sign shall not exceed 32 square feet in area, sign shall not exceed a height of 15 feet from the average level of the ground surrounding the sign, sign shall be set back no less than 25 feet from any side line and 15

feet from the front or rear property line, no sign shall be placed in any public right of way or create a potential danger to vehicular traffic, and finally, no more than one temporary sign/banner may be posted or erected at any location; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Ceil Carpenter, Administrative Assistant, Long Island Farm Bureau, 104 Edwards Avenue, Suite 3, Calverton, New York 11933, the Building Department, the Planning Department and the Office of the Town Attorney; and be it further

**RESOLVED** that all other Town Departments may obtain a copy of this Resolution from E-Cabinet.

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 307**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NELSON, POPE & VOORHIS, LLC, FOR A PHASE I ENVIRONMENTAL SITE ASSESSMENT REGARDING PROPERTIES LOCATED AT 103-105, 111, 117, 121 & 127 EAST MAIN STREET, RIVERHEAD**

COUNCILMAN DUNLEAVY, offered the following resolution, which was seconded by COUNCILMAN WOOTEN.

WHEREAS, the Town of Riverhead is interested in purchasing the buildings located at 103-105, 111, 117, 121 and 127 East Main Street, Riverhead; and

WHEREAS, prudence dictates that the Town of Riverhead obtain a Phase I environmental site assessment of the subject buildings to determine what, if any, environmental issues are present on site prior to consideration of purchasing the subject buildings; and

WHEREAS, Nelson, Pope & Voorhis, LLC, are ready, willing and able to provide a Phase I environmental site assessment at the delineated buildings and facilities.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Nelson, Pope & Voorhis, LLC, who will provide a Phase I environmental site assessment of the subject properties; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Charles Voorhis, Nelson, Pope & Voorhis, LLC, 572 Walt Whitman Road, Melville, New York 11747 and the Office of the Town Attorney.

THE VOTE

Wooten

Yes  No

Dunleavy

Yes  No

Blass

Yes  No

Cardinale

Yes  No

The Resolution  Was  Was Not Thereupon Duly Declared Adopted

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Nelson, Pope & Voorhis, LLC, a corporation existing under the laws of the State of New York with a principal place of business at 572 Walt Whitman Road, Melville, New York 11747-2188 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in *Schedule A* as attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

### 2. TERM OF AGREEMENT

The Agreement shall commence on \_\_\_\_\_ and terminate upon completion of the scope of services addressed in this Agreement and *Schedule A*.

### 3. PAYMENT

For these services, Town will pay Consultant a fee of \$2,500.00 (twenty-five hundred dollars), the rate set forth in the attached schedule. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

### 4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment

shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

#### 8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Deputy Town Attorney, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Charles Voorhis, Nelson, Pope & Voorhis, L.L.C., 572 Walt Whitman Road, Melville, New York 11747.

#### 11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud of any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance in the amount of \$2,000,000.00 per occurrence and \$4,000,000.00 in the aggregate, and if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

#### 13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

\_\_\_\_\_  
By:

TOWN OF RIVERHEAD

\_\_\_\_\_  
By:

NELSON, POPE & VOORHIS, LLC

SCHEDULE A



NELSON, POPE & VOORHIS, LLC  
ENVIRONMENTAL • PLANNING • CONSULTING  
572 WALT WHITMAN ROAD, MELVILLE, NY 11747-2188  
(631) 427-5865 FAX (631) 427-5620  
npv@nelsonpopel.com

March 18, 2009

Daniel P. McCormick  
Town of Riverhead – Attorney's Office  
200 Howell Avenue  
Riverhead, New York 11901

Re: Phase I ESA Proposal  
103-127 Main Street, Riverhead

Dear Mr. McCormick:

We are pleased to be afforded the opportunity to present this proposal for a Phase I Environmental Site Assessment (ESA). This document represents our understanding of the required scope of work. Completion of the requested Phase I ESA will be accomplished in 3-4 weeks after authorization to proceed.

FEE SUMMARY

1. Phase I Environmental Site Assessment Fee: \$2,500.00

Please note that the Phase I fee is for a document that complies with the up-to-date standards under ASTM 1527-05 and USEPA All Appropriate Inquiry requirements which were effective as of November 1, 2006 and involve more extensive research and write-up than the prior standards. This proposal, consisting of Exhibit A "Scope of Services", represents the entire understanding between you and us with respect to the project. If this proposal is acceptable, please sign and return to our office or provide a Town Authorization to proceed.

If you have any questions or would like to discuss the proposal please do not hesitate to contact me.

Respectfully submitted,  
NELSON, POPE & VOORHIS, LLC

*Steven J. McGinn*

Steven J. McGinn, AICP

P/File: 09-

ACCEPTED AND APPROVED

BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
(Please sign and return one copy)

**EXHIBIT A  
SCOPE OF SERVICES**

1) **Phase I Environmental Site Assessment (ESA)** - The object of this assessment is to perform sufficient work to identify actual and potential sources of contamination associated with the subject property. The assessment will be consistent with ASTM 1527-05 and USEPA All Appropriate Inquiry standards for format and content of a Phase I ESA. Based on our understanding of your needs, we propose the following scope of services.

- a) A site reconnaissance will be made by an NP&V professional specializing in environmental projects. A detailed account of site conditions will be provided based on examination of accessible buildings and grounds. Waste disposal, heating and process systems will be described as will building materials and aspects of the site relating to environmental quality.
- b) Review the following available environmental regulatory lists to identify conditions related to the subject property and nearby properties consistent with ASTM radii and criteria for recognized environmental conditions:
  - 1. Federal National Priorities List, RCRIS-TSD and Generators Site List, CERCLIS List, and ERNS List.
  - 2. State Landfill List, Leaking Underground Storage Tank List, Spill List, Inactive Hazardous Waste Site List and Petroleum Bulk Storage Facilities.
  - 3. Local Government Building Department, Fire Marshal and relevant files.

*Note: a response by all regulatory agencies may not occur within the proposed project schedule.*

- c) Review the available history of ownership and land usage records using Sanborn and other available maps (as available for the subject property), historical aerial photographs, agency records and information provided by the client (if made available) to determine potential environmental concerns; interview property management for consideration of past and present uses and operational practices.
- d) Perform a reconnaissance of the adjacent and immediately surrounding area to determine if the adjacent land use has a potential environmental impact on the subject property.
- e) Review available aerial photographs, office resources and topo maps to assist in documenting local hydrogeology, environmental conditions and in determining past and present land use.
- f) Prepare a written report summarizing the findings and conclusions of this investigation. Provide recommendations for additional Phase II assessment work as appropriate. The report will be prepared on the behalf of and for the exclusive use of the client.

This assessment does not include sampling or testing of materials or mediums, as this is typically performed as part of a Phase II ESA which is determined by the findings of the Phase I.

**Fee: \$2,500.00**

April 7, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 308

AUTHORIZES TOWN CLERK TO POST AND PUBLISH THE ATTACHED NOTICE TO BIDDERS FOR THE TOWN OF RIVERHEAD PECONIC AVENUE CROSSWALK IMPROVEMENT PROJECT

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the April 16, 2009 issue of the official Town newspaper or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) for the Peconic Avenue Crosswalk Improvement Project, Riverhead, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Christine Fetten, P.E., Christina Kempner, Community Development Director, Vinnie Corrado, P.E., Dunn Engineering, 66 Main Street, Westhampton Beach, NY 11978, Purchasing Department and the Office of Accounting.

THE VOTE

Dunleavy  Yes  No

Blass  Yes  No

Wooten  Yes  No

Cardinale  Yes  No

THE RESOLUTION    WAS    WAS NOT THEREFORE DULY ADOPTED.

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed proposals for the Town of Riverhead Peconic Avenue Crosswalk Improvement Project will be received by the Town of Riverhead in the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:15 am April 30, 2009 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about April 16, 2009 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Peconic Avenue Crosswalk Improvement Project" and must be accompanied by a bid surety as stated in the Instruction to Bidders.

The Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder.

**BY ORDER OF THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK  
Riverhead, New York 11901**

Dated: April 7, 2009

April 7, 2009

**TOWN OF RIVERHEAD**

Adopted

Resolution # 309

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE  
OF PUBLIC HEARING REGARDING THE SPECIAL PERMIT OF  
OMNIPOINT COMMUNICATIONS, INC.  
BONSAL AMERICAN BUILDING (EPCAL)**

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

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Jacalyn R. Fleming, Esq. on the behalf of Omnipoint Communications, Inc. to dismantle an existing tower and erect a new 102 feet tower upon an existing building located at the Enterprise Park at Calverton; such property more particularly described as Suffolk County Tax Map Number 0600-135-1-7.8, and

**WHEREAS**, a SEQRA report has been completed by the Riverhead Planning Department, and

**WHEREAS**, the applicant has appeared before the Town Board at a work session, and

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

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the April 16<sup>th</sup>, 2009 edition of the official newspaper of the Town of Riverhead.

**THE VOTE**

DUNLEAVY \_\_\_ YES  NO  
BLASS  YES \_\_\_ NO WOOTEN  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO  
THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Senior Citizen Center located at 60 Shade Tree Lane, Aquebogue, New York, on the 19<sup>th</sup> Day of May at 7:10 o'clock pm, to consider the merits of the Special Use Permit of Omnipoint Communications, Inc. to allow the demolition of an existing tower and the erection of a new telecommunications tower upon real property located at the Enterprise Park at Calverton; such property more particularly described as Suffolk Country Tax Map Number 0600-135-1-7.8.

Dated: Riverhead, New York

Date: April 7, 2009

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

April 7, 2009

**TOWN OF RIVERHEAD**

Adopted

Resolution # 310

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE  
OF PUBLIC HEARING REGARDING THE SPECIAL PERMIT OF  
BERNARD J. KITO, JR.**

COUNCILMAN DUNLEAVY offered the following resolution which  
was seconded by COUNCILMAN WOOTEN

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Bernard J. Kito, Jr., pursuant to Article LII, Section 108-282B of the Riverhead Town Code for the construction of four (4) medical office buildings on a 3.902 acre parcel zoned Rural Corridor (RLC); such property more particularly described as SCTM 0600-85-3-1.8, and

**WHEREAS**, by resolution dated July 3, 2007, the Riverhead Town Board did refer the Special Use Permit petition to the Riverhead Planning Board for its report and recommendation; and

**WHEREAS**, as the result of an appearance made by the applicant on August 2, 2007, and upon its findings, the Planning Board has recommended the special permit be granted by the Riverhead Town Board; and

**WHEREAS**, the petitioner has appeared before the Town Board at a work session held on April 2, 2009, and

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

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the April 16<sup>th</sup>, 2009 edition of the official newspaper of the Town of Riverhead.

**THE VOTE**

DUNLEAVY  YES  NO

BLASS  YES  NO WOOTEN  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

Kim/Planning

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Senior Citizen Department located at 60 Shade Tree Lane, Aquebogue, New York, on the 19<sup>th</sup> Day of May at 7:05 o'clock pm, to consider the special use permit petition of Bernard J. Kito, Jr. to allow the construction of four (4) medical office buildings on a 3.902 acre parcel zoned Rural Corridor (RLC) upon real property located at Main Road, Aquebogue, New York; such property more particularly described as SCTM 0600-85-3-1.8, and

Dated: Riverhead, New York

Date: April 7, 2009

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

April 7, 2009

Adoptec

**TOWN OF RIVERHEAD**

Resolution # 311

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE  
OF PUBLIC HEARING - AMENDMENT TO THE ZONING USE  
DISTRICT MAP OF THE TOWN OF RIVERHEAD**

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

**WHEREAS**, the Town Board of the Town of Riverhead desires upon its own motion to amend the Zoning Use District Map to provide for the Open Space Conservation Zoning Use District to the exclusion of the existing Defense Institutional Zoning Use District, now

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the April 16<sup>th</sup>, 2009 edition of the official newspaper of the Town of Riverhead.

**THE VOTE**

DUNLEAVY  YES \_\_\_ NO  
BLASS  YES \_\_\_ NO WOOTEN  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO  
THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

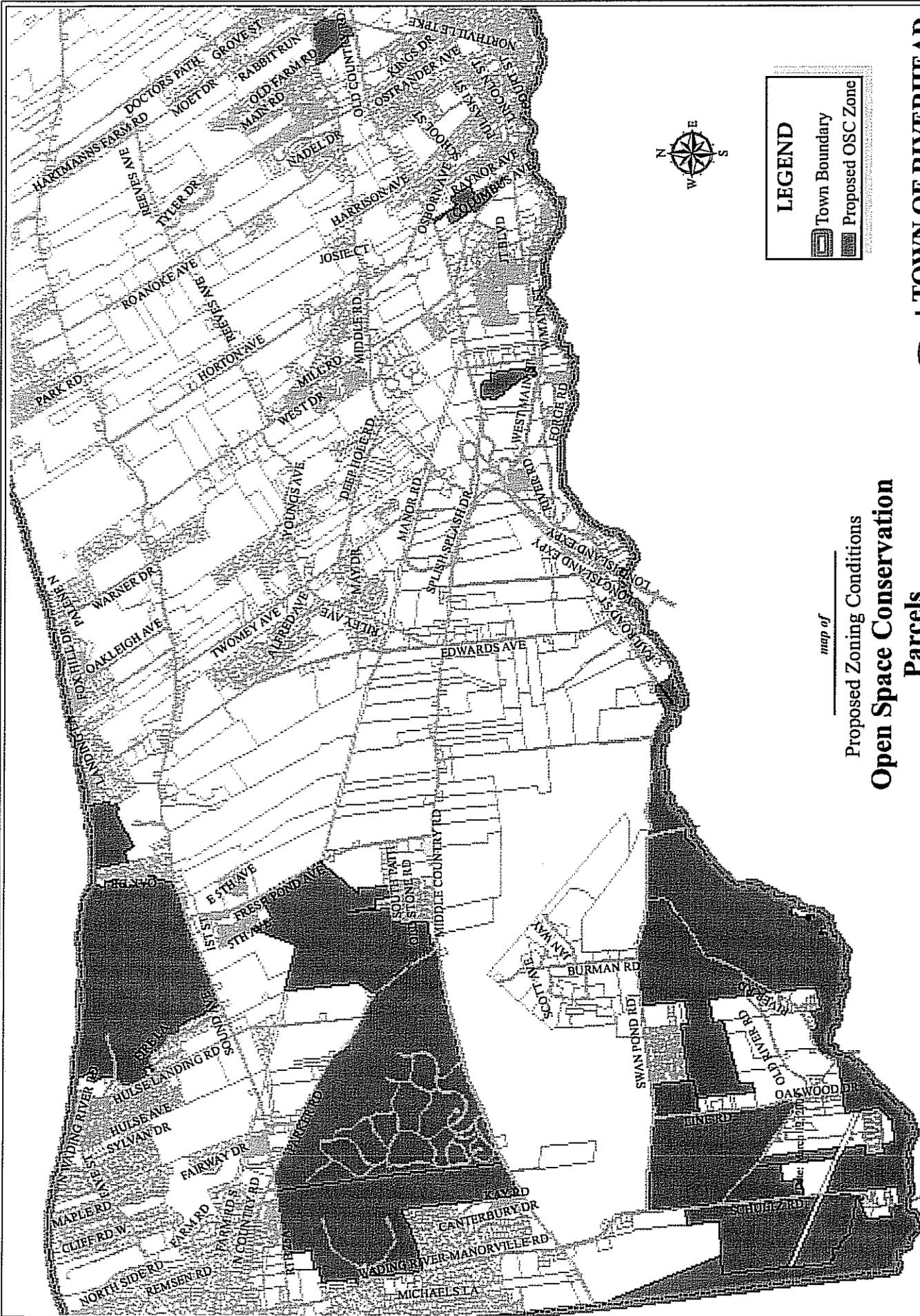
**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Senior Citizen Center located at 60 Shade Tree Lane, Aquebogue, New York, on the 19<sup>th</sup> Day of May at 7:15 o'clock pm, to consider a motion of the Town Board of the Town of Riverhead to amend the Zoning Use District Map of the Town of Riverhead to provide for the Open Space Conservation Zoning Use District to the exclusion of the existing Defense Institutional Zoning Use District as depicted upon the attached map.

Dated: Riverhead, New York

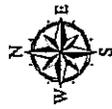
Date: April 7, 2009

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



**LEGEND**

-  Town Boundary
-  Proposed OSC Zone



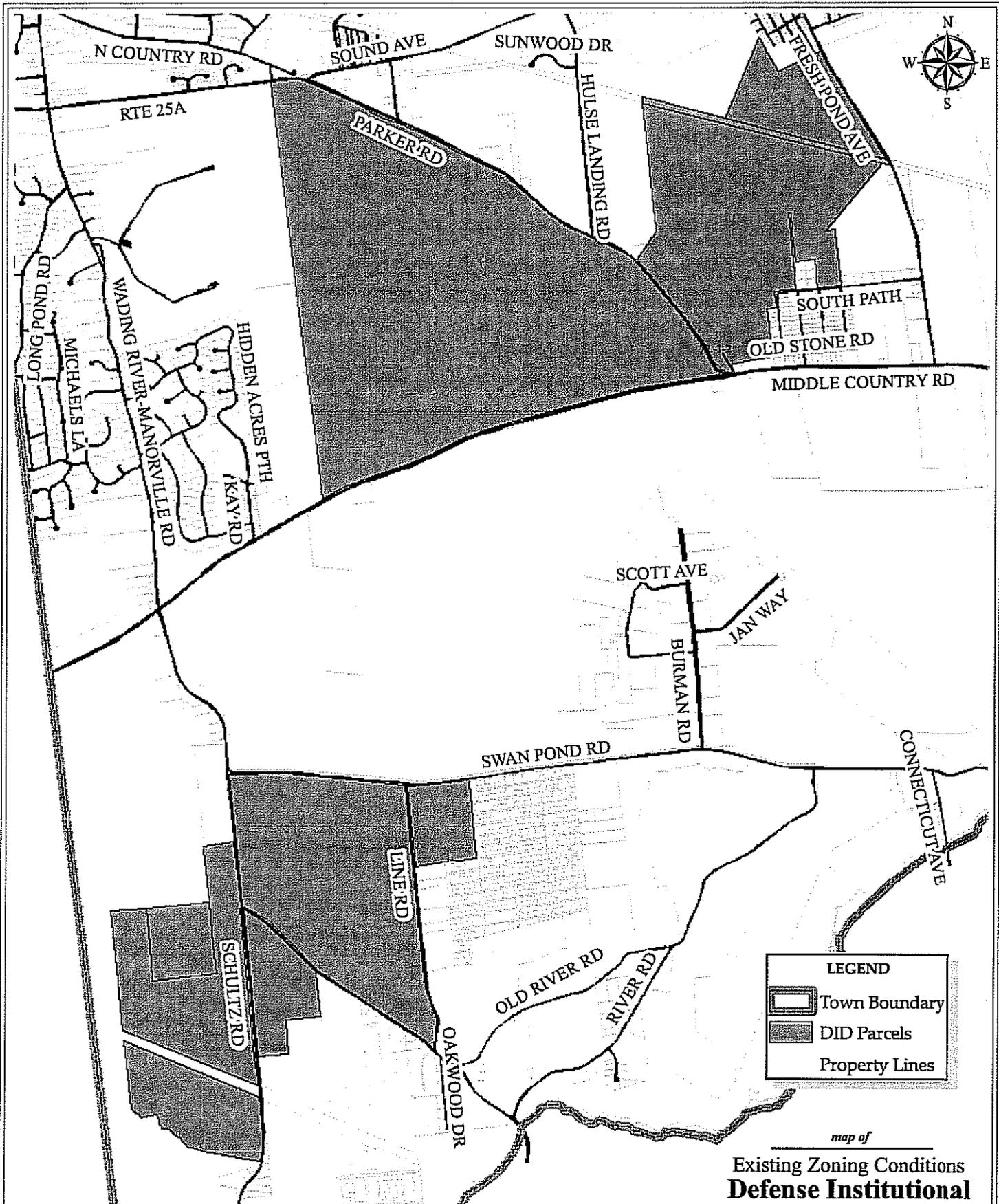
**TOWN OF RIVERHEAD**

*Phil Cardinale, Supervisor*  
 200 Howell Ave.  
 Riverhead, New York 11901



map of  
**Proposed Zoning Conditions**  
**Open Space Conservation**  
**Parcels**

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 Depicted information should not be considered a final agency determination.  
 The Town of Riverhead, nor any of its agencies, make no guarantee as to the  
 accuracy or content of information, and is not responsible for the results of any defects  
 or information use may be found to exist. Please verify with the Town of Riverhead  
 codes and regulations for all information and illustrations herein.



**LEGEND**

-  Town Boundary
-  DID Parcels
-  Property Lines

map of  
**Existing Zoning Conditions**  
**Defense Institutional**  
**TOWN OF RIVERHEAD**

*Phil Cardinale, Supervisor*  
 200 Howell Ave.  
 Riverhead, New York 11901

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Date: March 12, 2009

N:\GIS\maps\78 DID Publish.mxd



4/7/09

Adopted

AUTHORIZES FEE ADJUSTMENT FOR  
MAP & PLAN/FACILITY PLAN FOR COMPLIANCE WITH  
PECONIC ESTUARY TMDL AND STIMULUS INTENDED USE PLAN  
RIVERHEAD SEWER DISTRICT

RESOLUTION # 312  
ADOPTED \_\_\_\_\_

Councilwoman Blass offered the following resolution which was seconded by Councilman Dunleavy  
WHEREAS, by Resolution #588 adopted July 1, 2008, the Town Board as governing body of the Riverhead Sewer District did authorize the preparation of a map and plan for the total maximum daily load (TMDL) upgrade of the Riverhead Advanced Wastewater Treatment Facility by H2M as consulting engineers to the Riverhead Sewer District, and

WHEREAS, said resolution authorized the preparation of the map and plan at a fee not to exceed \$75,000; and

WHEREAS, by attached letter of H2M dated February 25, 2009 additional work to be included in said map and plan for the TMDL upgrade was described with request for a fee adjustment of \$35,000 for a maximum fee for the preparation of the map and plan not to exceed \$110,000; and

WHEREAS, said correspondence further describes work to be performed by H2M with regard to preparing documentation and attending meetings to secure the listing of the TMDL upgrade project on the Intended Use Plan to permit application for federal funds to support this project; and

WHEREAS, said work is to be performed on an hourly rate basis at a cost not to exceed \$7,500.

NOW, THEREFORE, BE IT RESOLVED, that H2M be and is hereby authorized to complete additional tasks as outlined in its letter dated February 25, 2009 for the completion of map and plan for the TMDL upgrade of the Riverhead Advanced Wastewater Treatment Facility; and

BE IT FURTHER RESOLVED, that a fee adjustment of \$35,000 be and is hereby approved for a maximum fee for the preparation of the map and plan to be \$110,000; and

BE IT FURTHER RESOLVED, that a maximum fee of \$7,500 be and is hereby authorized to be paid to H2M for the preparation of documents and attendance at meetings to secure the placement of the TMDL upgrade project on the Intended Use Plan; and

BE IT FURTHER RESOLVED, that a copy of this resolution be forwarded to Frank Russo, P.E. of H2M, Michael Reichel, William Rothaar, and Frank Isler.

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

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



Engineers | Architects | Scientists | Planners | Surveyors

575 Broad Hollow Road  
Melville, New York 11747  
v 631.756.8000 f 631.694.4122  
www.h2m.com

Holzmacher, McLendon & Murrell, P.C. | H2M Associates, Inc.  
H2M Labs, Inc. | H2M Architects & Engineers, Inc.

February 25, 2009

Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901-2596

**Attention: Supervisor Phil Cardinale**

**Re: Riverhead Sewer District  
Map & Plan / Facility Plan for Compliance with Peconic Estuary TMDL  
Fee Adjustment Request – Purchase Order #081568  
Our File No.: RDS0 0803**

Dear Supervisor Cardinale:

We have substantially completed the Map & Plan for the TMDL Upgrade of the Riverhead Advanced Wastewater Treatment Facility to achieve the Total Maximum Daily Load (TMDL) for Nitrogen discharged to the Peconic Estuary. The plan was developed with direct input of Superintendent Michael Reichel and Assistant Superintendent Tim Allen. Jointly, we were able to devise a plan that utilized the existing process tanks to the maximum extent possible by converting the sequencing batch reactor (SBR) process to a membrane biological reactor (MBR) process. The use of the MBR process should not jeopardize the New York State Grant that the Town received for reusing wastewater at the golf course. The design is based on the uncharacteristically high organic load processed by the plant since the development of the commercial sewer district extension area.

Ancillary systems that have to be constructed include a headworks system that protects the downstream MBR process from damage caused by debris in the influent flow. Also, a new flow equalization basin is included because of the amount of extraneous flow that enters the collection system during a prolonged rain event. The flow has on occasion overflowed the existing flow equalization basin when rain occurs continuously over several days. We have also determined that the sludge storage system must be enlarged because of the extra nitrogen that will be removed. These measures have substantially increased the scope of the project.

Our current fee for preparation of the Map & Plan (Facility Plan), via town purchase order #081568, is currently capped at \$75,000. At this time we respectfully request a fee adjustment of \$35,000, making the current maximum fee for the preparation of the Map & Plan \$110,000. The Map & Plan will report the total cost of the project, inclusive of soft costs.



CELEBRATING 75 YEARS





Supervisor Phil Cardinale  
Map & Plan / Facility Plan for Compliance with Peconic Estuary TMDL  
February 25, 2009  
*Page 2 of 2*

**Stimulus Intended Use Plan**

The federal funds resulting from the economic stimulus plan will be made available through the State Revolving Fund (SRF) program administered by the New York State Environmental Facilities Corporation. In order to receive funds the project must be listed on the Intended Use Plan (IUP) and scored above the funding line. We propose to prepare the project listing form for the TMDL upgrade project and supplement the application with documents supporting the high scoring of the project. We anticipate several meetings will be necessary with Suffolk County, NYSDEC and NYSEFC. Our fee to prepare the IUP Project Listing Form will be on an hourly rate basis with a \$7,500 maximum amount not to exceed without prior authorization. Please note, the Project Plan for the Wastewater Reuse Grant will require updating. We will be happy to provide a separate proposal for this service.

Please not hesitate to contact us should any questions arise. Thank you for considering our request for a fee adjustment.

Very truly yours,

**HOLZMACHER, McLENDON & MURRELL, P.C.**

Frank M. Russo, P.E.  
Vice President – Division Director of Wastewater Engineering

cc: Superintendent Michael P. Reichel  
Town Board (c/o Ms. Diane Wilhelm)  
Mr. Richard A. Ehlers, Esq.  
C. Weiss, D. Aiello

Adopted

4/7/09

**AUTHORIZES SUPERVISOR TO EXECUTE  
CHANGE ORDER NO. 1  
CALVERTON SEWER DISTRICT EXTENSION NO. 1  
EMERGENCY CONSTRUCTION – OFFICE PUMP STATION  
CALVERTON SEWER DISTRICT  
RESOLUTION # 313**

Councilperson COUNCILMAN DUNLEAVY offered the following resolution  
which was seconded by Councilperson COUNCILMAN WOOTEN,

WHEREAS, the Calverton Sewer District is in receipt of a change order with Excav Services, Inc. for contract known as Calverton Sewer District Extension No. 1, Emergency Construction – Office Pump Station with reasons for the change order described in the attached Change Order No. 1, and

WHEREAS, said Change Order No. 1 will result in a net credit of \$15,326.62 to the contract amount.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor be and is hereby authorized to execute the attached Change Order No. 1 of the Calverton Sewer District for the project known as the Calverton Sewer District Extension No. 1, Emergency Construction – Office Pump Station, and be it further

RESOLVED, that the Town Clerk shall forward copies of this resolution to the Calverton Sewer District, Accounting Department, Frank A. Isler, Esq., Frank Russo, P.E. of H2M Group and Robert Governale, President of Excav Services, Inc., P.O. Box 409, Wading River, NY 11792.

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

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



TOWN OF RIVERHEAD/CALVERTON SEWER DISTRICT  
CALVERTON SEWER DISTRICT EXTENSION NO. 1  
EMERGENCY CONSTRUCTION – OFFICE PUMP STATION  
CONTRACT NO. CASD 05040-G

**CHANGE ORDER NO. 1 OF 1 (FINAL) – MISCELLANEOUS WORK**

**PROJECT:** Town of Riverhead / Calverton Sewer District  
Calverton Sewer District Extension No. 1  
Emergency Construction – Office Pump Station  
Contract No. CASD 05040-G

**OWNER:** Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901  
Contact: Superintendent Michael P. Reichel  
(631) 727-3069

**CONTRACTOR:** Excav Services, Inc.  
P.O. Box 409  
Wading River, New York 11792  
Contact: Robert Governale, President  
(631) 929-1388

**ENGINEER:** Holzmacher, McLendon & Murrell, P.C.  
575 Broad Hollow Road  
Melville, New York 11747-5076  
Contact: Mr. Frank M. Russo, P.E.  
(631) 756-8000 (ext. 1433)

**DESCRIPTION OF CHANGE ORDER:**

This change order includes miscellaneous work items that were determined to enhance operation and maintenance of the new wastewater pumping station, to coordinate the construction of the pump station site with the new grades that were established on David Court and to repair the existing sewer main damaged by Hawkeye during construction adjacent to the PODS building. The work items covered under this change order include the following items:

- (1) A maintenance valve on the force main was provided downstream of pump station effluent line to allow complete isolation of meter pit and effluent pipe.
- (2) New LIPA transformer pad installed adjacent to pump station property in sanitary easement to provide electrical power to pump station.
- (3) New water meter pit installed as part of pump station water service.
- (4) Gas meter service racks installed for gas-powered generator.
- (5) Sanitary manhole casting lowered at manhole located along pump station influent sewer on David Court.

TOWN OF RIVERHEAD/CALVERTON SEWER DISTRICT  
CALVERTON SEWER DISTRICT EXTENSION NO. 1  
EMERGENCY CONSTRUCTION – OFFICE PUMP STATION  
CONTRACT NO. CASD 05040-G

**CHANGE ORDER NO. 1 OF 1 (FINAL) – MISCELLANEOUS WORK**

- (6) Additional curbing installed to match the adjusted grade elevations on David Court.
- (7) Emergency point repair and permanent repair to existing sanitary sewer damaged during construction at PODS building.
- (8) Electric meter service racks, additional electrical conduit from racks located outside fence to pump station controls and NEMA 4X stainless steel junction box installed as part of electrical service to pump station site.
- (9) Existing pump station wet well converted into sanitary sewer manhole.
- (10) Custom aluminum hood installed over control panels.
- (11) CREDIT: Trenching of new sewer was eliminated between existing office building and new wet well.
- (12) CREDIT: G.A. Fleet service agreement eliminated from contract.
- (13) CREDIT: G.A. Fleet "Good Will" discount credited to total cost of pump station materials.

**REASONS FOR THESE MODIFICATIONS:**

- (1) Additional maintenance valve added to allow complete isolation of meter pit and effluent pipe for possible maintenance to piping or flow meter.
- (2) Pump station transformer and transformer pad relocated per LIPA request to keep all electrical primary conduits and structures on existing utility easements and avoid the purchase of any additional easements for these items.
- (3) No water meter located on existing pump station. New water meter pit required per the request of the Riverhead Water District.
- (4) Gas racks installed outside of fence line per request of National Grid. Racks provided to allow stability and better access to gas meter and service valves.
- (5) Sewer manhole casting lowered to match the new grade elevations that were established on David Court during construction.
- (6) Additional curbing installed to provide for proper drainage away from Office Pump Station site due to the grade elevation changes established on David Court.

TOWN OF RIVERHEAD/CALVERTON SEWER DISTRICT  
CALVERTON SEWER DISTRICT EXTENSION NO. 1  
EMERGENCY CONSTRUCTION – OFFICE PUMP STATION  
CONTRACT NO. CASD 05040-G

**CHANGE ORDER NO. 1 OF 1 (FINAL) – MISCELLANEOUS WORK**

- (7) Emergency point repairs and permanent fix to existing sanitary sewer pipe damaged by Hawkeye during construction at PODS building. Repair work was requested by the Riverhead Sewer District.
- (8) Electrical racks and additional conduit installed outside of fence line per request of LIPA. Racks provided to allow better stability and access to electric meter. The NEMA 4X stainless steel junction box was installed as per NEMA requirements.
- (9) Conversion work was necessary to change the existing wet well structure into a sanitary sewer manhole.
- (10) The hood was requested to protect pump station and generator control panels from rainwater and to shade panel displays.
- (11) CREDIT: Converting the existing wet well to a sanitary sewer manhole eliminated trenching of proposed sewer between existing pump station and office building.
- (12) CREDIT: The service agreement between the supplier and the Town was determined not to be needed on project materials as discussed at pre-construction meeting.
- (13) CREDIT: A "Good Will" discount was credited to material cost as discussed at pre-construction meeting.

**NET CHANGE**

The Contractor also agrees that in consideration of the stage of construction, no additional claims for extra compensation will be submitted. The total of this change order is a lump sum amount of \$15,326.62 credited to the final payment application.

**TOTAL CREDIT TO CONTRACT AMOUNT:**

Original Net Credit Amount:	\$33,000.00
Total Claims for Additional Work:	<u>-\$17,673.38</u>
<b>Change Order No. 1 – (Net Credit):</b>	<b>\$15,326.62</b>

**CHANGE IN CONTRACT PRICE:**

Original Contract Amount:	\$398,711.06
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TOWN OF RIVERHEAD/CALVERTON SEWER DISTRICT  
 CALVERTON SEWER DISTRICT EXTENSION NO. 1  
 EMERGENCY CONSTRUCTION – OFFICE PUMP STATION  
 CONTRACT NO. CASD 05040-G

**CHANGE ORDER NO. 1 OF 1 (FINAL) – MISCELLANEOUS WORK**

Net Change Prior Change Orders:	\$0.00
Change Order No. 1 – (Net Credit):	<u>-\$15,326.62</u>
<b>New Contract Amount:</b>	<b>\$383,384.44</b>

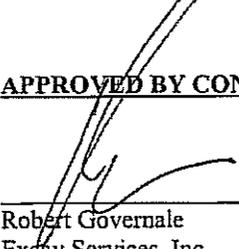
**CHANGE IN CONTRACT TIME:**

Original Contract Time:	120 Days
Net Change Prior to Change Order:	0 Days
Change Order No 1 of 1 (FINAL) – Miscellaneous Work:	<u>0 Days</u>
<b>New Contract Time:</b>	<b>0 Days</b>

**PREPARED & RECOMMENDED BY ENGINEER:**

  
 \_\_\_\_\_ DATE: 3/10/09  
 Frank M. Russo, P.E.  
 Holzmacher, McLendon & Murrell, P.C.

**APPROVED BY CONTRACTOR:**

  
 \_\_\_\_\_ DATE: 3/11/09  
 Robert Governale  
 Excav Services, Inc.

**APPROVED BY OWNER:**

DATE: \_\_\_\_\_  
 Town of Riverhead / Riverhead Sewer District  
 Supervisor Michael Reichel

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 314

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING", ARTICLE XLV ENTITLED "EXTERIOR LIGHTING", OF THE RIVERHEAD TOWN CODE**

COUNCILMAN WOOTEN offered the following resolution, which was seconded

COUNCILWOMAN BLASS :

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled "Zoning", Article XLV entitled "Exterior Lighting", § 108-251 entitled "Placement and height of luminaries", of the Riverhead Town Code once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Dunleavy  Yes  No      Blass  Yes  No  
Wooten  Yes  No  
Cardinale  Yes  No

THIS RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 5<sup>th</sup> day of May, 2009 at 2:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled "Zoning", Article XLV entitled "Exterior Lighting" of the Riverhead Town Code as follows:

**Chapter 108  
Zoning  
Article XLV  
Exterior Lighting**

**§ 108-251. Placement and height of luminaires.**

- A. Luminaries, exclusive of municipal street lighting and municipal recreational fields, shall be mounted at a height no higher than 16 feet from the level ground level to the lowest light-emitting part of the fixture. Where apartments over retail establishments are encouraged or where egress from the second story is required, the Board vested with authority to review and approve has the discretion to relax the maximum mounting height for the proposed fixtures.

\*Underline represents addition(s)

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE WILHELM, Town Clerk**

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 315

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF  
THE RIVERHEAD TOWN CODE  
(108-133. Site Plan Review)**

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

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled "Zoning" of the Riverhead Town Code once in the April 16, 2009 issue of the News Review, the official newspaper of the Town of Riverhead for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 5th day of May, 2009 at 2:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ZONING  
ARTICLE XXVI  
Site Plan Review**

**§ 108-133. Conditions for approval.**

In reviewing a site plan submitted to it under this article, the Town Board may call upon expert advice in varied disciplines to assist it in making the determination required of it. It shall seek to further the overall purposes and goals of this chapter, and of other applicable provisions of the Town Code and state law. Moreover, it shall make certain that any development plan it approves hereunder conforms to the following:

- I. ~~Performance bond~~ Letter of credit or other equivalent security. Upon approval of a final site plan by the Town Board and prior to the issuance of a building permit, the applicant shall post a letter of credit in a form approved by the Town Attorney and adopted by resolution of the Town Board, in an amount equal to 100% of the cost of construction of site improvements as estimated by the Planning Department. The Town Board may, at its discretion, reduce or waive a ~~performance bond~~ letter of credit upon a showing of significant hardship. No certificate of occupancy shall be issued until all site improvements have been inspected and approved by the Planning Department and said letter of credit has been released by resolution of the Town Board. In the event that the applicant fails to comply with the provisions of this article, the letter of credit shall be forfeited to the Town, and the Town of Riverhead shall complete the site plan improvements. Where the cost of the improvements exceeds the forfeited security, the additional cost, including but not limited to any legal fees incurred, shall be and constitute a lien upon the land upon which the improvements are to be made and shall be included in the levy against such property and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**

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

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 316

4/7/09

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 213 HORTON AVENUE, RIVERHEAD, NEW YORK

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by COUNCILMAN WOOTEN:

WHEREAS, the Town Board has determined that the property situated at 213 Horton Avenue, Riverhead, New York, is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that the attached Resolution authorizes legal action against the owners, tenants, occupants and mortgagee of the property located at 213 Horton Avenue, Riverhead, New York, and be it further

RESOLVED that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the property situated at 213 Horton Avenue, Riverhead, New York, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

RESOLVED, that it is left to the discretion of Dawn C. Thomas, Town Attorney for the Town of Riverhead as whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property.

WOOTEN [checked] YES \_\_\_ NO DUNLEAVY [checked] YES \_\_\_ NO

BLASS [checked] YES \_\_\_ NO

CARDINALE [checked] YES \_\_\_ NO

THIS RESOLUTION [checked] IS \_\_\_ IS NOT DECLARED DULY ADOPTED

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 317**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AIR MARK AIR CONDITIONING CORP. FOR HEATING, VENTILATION AND AIR CONDITIONING SERVICE AND MAINTENANCE**

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

WHEREAS, the Town of Riverhead owns and/or leases and operates numerous buildings and facilities regarding governmental services it provides to the residents and visitors of the Town of Riverhead at locales delineated in the attached schedule; and

WHEREAS, the Town of Riverhead requires heating, ventilation and air conditioning services and maintenance to maintain the safe and efficient operation of the delineated buildings and facilities; and

WHEREAS, Air Mark Air Conditioning Corp. is ready, willing and able to continue to provide heating, ventilation and air conditioning services and maintenance at the delineated buildings and facilities.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached heating, ventilation and air conditioning services and maintenance agreement with Air Mark Air Conditioning Corp.; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Frederick T. Rurup, Air Mark Air Conditioning Corp., 1566 Rocky Point Road, Middle Island, New York 11953; the Accounting Department; Engineering Department; and the Office of the Town Attorney.

THE VOTE

Wooten  Yes  No      Dunleavy  Yes  No      Blass  Yes  No  
Cardinale  Yes  No

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

## PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and AIR MARK AIR CONDITIONING CORP., a corporation existing under the laws of the State of New York with a principal place of business at 1566 Rocky Point Road, Middle Island, New York 11953 (hereinafter referred to as "Air Mark").

In consideration of the mutual promises herein contained, Town and Air Mark agree as follows:

### 1. SCOPE OF SERVICES

During the term of this Agreement, Air Mark shall periodically provide Heating, Ventilation and Air Conditioning maintenance on equipment at the designated locations as set forth in *Schedule A* attached hereto and made a part hereof. These services are to be rendered by Air Mark as an independent contractor and not as an employee of Town.

### 2. TERM OF AGREEMENT

The Agreement shall commence on January 1, 2009 and terminate on December 31, 2009.

### 3. PAYMENT

For these services, Town will pay Air Mark at the rates set forth in the attached *Schedule A* subject to credits and adjustments as delineated therein pursuant to submission of individual invoices regarding each separate designated location. The Town shall not have any liability for any other expenses or costs incurred by Air Mark except for expenses expressly provided for herein. Air Mark shall not incur any expenses in Town's behalf except for those items expressly provided for herein. Invoices for services and reimbursable expenses shall contain the following statement signed by Air Mark, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

### 4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Air Mark by Town, shall be and remain the sole property of Town. Air Mark shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Air Mark hereby agrees and assigns to Town such legal rights in all such data and information. Final payment

shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

Air Mark shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Air Mark. Air Mark shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party via certified mail, return receipt requested. In the event of such termination, Town shall have no further obligation to Air Mark except to make any payments which may have become due under this Agreement for services already rendered. Town shall be entitled to receive prorated credit in the form of a refund for payment already made based upon the cancellation date within 30 days of the cancellation date.

#### 8. RECORDS

Air Mark shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Air Mark involving transactions related to this Agreement.

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Air Mark, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that Air Mark determines that a change order is required, Air Mark shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Air Mark must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between Air Mark and the Town, its departments,

officers, agents and employees shall affect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given to: (i) Town of Riverhead if mailed by certified mail, return receipt requested, to Town of Riverhead, Attention: Daniel P. McCormick, Esq., 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Air Mark, Attention: Frederick T. Rurup, 1566 Rocky Point Road, Middle Island, New York 11953 if mailed by certified mail, return receipt requested.

#### 11. COMPLIANCE WITH LAWS

Air Mark shall comply with all applicable federal, state, county and local laws and ordinances and regulations in the performance of its services under this Agreement. In the event Air Mark fails to comply with all applicable federal, state, county and local laws and ordinances, such failure shall be considered a material breach of this Agreement. Air Mark will notify Town immediately if Air Mark's work for Town becomes the subject of a government audit or investigation. Air Mark will promptly notify Town if Air Mark is indicted, suspended or debarred. Air Mark represents that Air Mark has not been convicted of fraud or any other crime arising out of a contract with any local, state or federal agency or anyone else. In carrying out the work required hereunder, Air Mark agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Air Mark may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Air Mark's professional and technical discipline.

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Air Mark shall carry Comprehensive General Liability Insurance in an amount equal to Two Million dollars (\$2,000,000.00) per occurrence and Four Million dollars (\$4,000,000.00) in the aggregate. This Agreement is contingent upon Air Mark's production and the Town's receipt of a Certificate of Insurance naming the Town of Riverhead as an additional insured as well as a copy of the declaration page of said insurance in the amounts referenced above. Air Mark, if applicable, shall also proffer proof it carries worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Air Mark under this Agreement.

#### 13. CONFLICT OF INTEREST

Air Mark hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Air Mark further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Air Mark further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

#### 14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

#### 15. DISPUTES

If Air Mark fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Air Mark not to exceed thirty (30) days, and an opportunity for Air Mark to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of Air Mark, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Air Mark shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

16. The Town agrees to notify Air Mark as soon as any unusual operating conditions of the heating, ventilation and air conditioning occurs.

17. Air Mark agrees to give reasonably prompt service on all emergency calls during the terms of this contract without charge for such service. Service rendered beyond the normal working hours (defined as 8:00 a.m. to 4:30 p.m., Monday through Friday inclusive) and the following holidays: New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Veterans' Day, Thanksgiving, and Christmas will be charged at prevailing rates defined as \$45.00 per man-hour of work.

18. The parties agree that charges for material, filters, refrigerant, and parts are not included in this Agreement, but labor needed for their installation is included. Unless material, filters, refrigerant and other parts are required for emergency repairs, it will not be furnished without previous authorization by the Town.

19. Parties agree that the following items are excluded from service and maintenance pursuant to this Agreement: Water supply and drain, and electrical service beyond the subject

equipment. (Disconnect switches, circuit breakers also excluded.) Installation of HEPA filters and cleaning of heat exchangers. Moving or relocating the subject equipment.

20. Parties agree that service rendered as a result of abuse, neglect in operation, fire, freezing, flood, corrosion, failure of power supply, blown fuses, open switches or damage to the system or equipment not caused by Air Mark shall be paid for as an extra expense at the prevailing rates delineated in paragraph 17 above. Parties further agree that Air Mark cannot be responsible for failure to render service because of strikes or other emergencies beyond its control.

21. Parties further agree that Air Mark shall not be responsible for damage caused by airborne contaminants that enter the water or air used for heat exchange purposes that cause corrosion, scaling or clogging or damage resulting from the freezing of any pipes wherever located on or about the subject locations, nor damage to the coils and/or condensers from the same activity.

22. This Agreement embraces the full understanding between the parties hereto. Except as stated herein, no warranty or guarantee whether expressed or implied is granted or intended.

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

AIR MARK AIR CONDITIONING CORP.  
1566 ROCKY POINT ROAD  
MIDDLE ISLAND, NEW YORK 11953  
Tel: (631) 654-9000

\_\_\_\_\_  
By: Frederick T. Rurup  
President

\_\_\_\_\_  
Date

\_\_\_\_\_  
Phil Cardinale, Riverhead Town Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901  
Tel: (631) 727-3200

\_\_\_\_\_  
Date

SCHEDULE A

AIR MARK AIR CONDITIONING CORPORATION

SCHEDULE OF FACILITIES COVERED BY THIS SERVICE AGREEMENT

<u>FACILITY</u>	<u>ADDRESS</u>	<u>ANNUAL AMOUNT</u>
AMBULANCE CORPS	OSBORNE AVENUE	\$850.00
ANIMAL CONTROL	YOUNGS AVENUE	\$925.00
BUILDING DEPARTMENT	201 HOWELL AVENUE	\$995.00
EAST END ARTS COUNCIL	133 EAST MAIN STREET	\$590.00
EAST END COMMUNITY SCHOOL OF THE ARTS	141 EAST MAIN STREET	\$1,200.00
EAST LAWN BUILDING	542 EAST MAIN STREET	SEE NEXT PAGE
GEORGE G. YOUNG COMMUNITY CENTER	446 SOUTH JAMESPORT AVE	SEE NEXT PAGE
HIGHWAY DEPARTMENT	1177 OSBORNE AVENUE	\$1,455.00
HUMAN RESOURCES	60 SHADE TREE LANE	\$3,850.00
RAILROAD STATION	200 RAILROAD AVENUE	\$990.00
RIVERHEAD TOWN POLICE	210 HOWELL AVENUE	SEE NEXT PAGE
RIVERHEAD WATER DISTRICT	1035 PULASKI STREET	\$1,150.00
STREET LIGHTING	YOUNGS AVENUE	\$375.00
TOWN OFFICES AT	552 EAST MAIN STREET	\$2,950.00
	<b>TOTAL</b>	<b>\$15,330.00</b>

AIR MARK AIR CONDITIONING CORPORATION

THE FOLLOWING FACILITIES ARE CURRENTLY UNDER CONTRACT. WE HAVE EXTENDED THE EXPIRATION DATES UNTIL DECEMBER 31, 2009, FOR THE ADDITIONAL DOLLAR AMOUNTS INDICATED BELOW:

<u>FACILITY</u>	<u>CURRENT EXPIRATION DATE</u>	<u>AMOUNT PAID</u>	<u>AMOUNT DUE TO EXTEND THE EXPIRATION DATE</u>
EAST LAWN BUILDING 542 EAST MAIN STREET	7/31/09	\$1,150.00	\$480.00
GEORGE G. YOUNG 446 SOUTH JAMESPORT AVE	7/31/09	\$1,520.00	\$634.00
RIVERHEAD TOWN POLICE 210 HOWELL AVENUE	9/30/09	\$3,200.00	\$800.00
	<b>TOTAL AMOUNT PAID</b>	<b>\$5,870.00</b>	
	<b>TOTAL AMOUNT DUE TO EXTEND</b>		<b>\$1,914.00</b>
	<b>TOTAL FROM PREVIOUS PAGE</b>		<b>+\$15,330.00</b>
	<b>REMAINING BALANCE DUE FOR THIS AGREEMENT</b>		<b>\$17,244.00</b>

IF ALL FACILITIES HAD A JANUARY 1, 2009 START DATE THE ANNUAL AMOUNT WOULD HAVE BEEN \$21,200.00.

ANNUAL AMOUNT FOR ALL THE FACILITIES UNDER THIS CONTRACT: \$21,200.00

AMOUNT DUE TO EXTEND THE EXISTING FACILITIES CURRENTLY UNDER CONTRACT UNTIL DECEMBER 31, 2009: +\$1,914.00  
GRAND TOTAL \$23,114.00

AMOUNT PAID FOR THE EXISTING FACILITIES CURRENTLY UNDER CONTRACT: \$5,870.00  
PAID TOTAL \$5,870.00

GRAND TOTAL \$23,114.00  
TOTAL AMOUNT PAID -\$5,870.00  
REMAINING BALANCE DUE FOR THIS AGREEMENT \$17,244.00

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
AMBULANCE CORPS  
OSBORNE AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
RHEEM	UP FLOW FURNACE	RGDC07ECBGS	F48882581	2.5
RESNOR	GAS UNIT HEATER	F100		
HONEYWELL	ELECTRONIC AIR CLEANER	115-1		
	AUTO FLOW HUMIDIFIER	4008DP		
			TOTAL	2.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
AMBULANCE CORPS  
OSBORNE AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
ANIMAL CONTROL FACILITY  
YOUNGS AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	
RUUD	PROPANE	UGPH-15EARJR	DH5D307F379G00083	150,000 BTU
RUUD	PROPANE	RGPN-10EAMER	FD5D302F350401950	100,000 BTU
MODINE	HEATER	PD50AE0130	30011010699-9675	

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
ANIMAL CONTROL FACILITY  
YOUNGS AVENUE  
RIVERHEAD, NY 11901

1. We agree to perform 2 periodic inspections consisting of:
  - A. 1 Fall shutdown and/or change over to Winter operation.
  - B. 1 Winter service inspection
2. Furnish written reports of inspections & repairs.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
BUILDING DEPARTMENT  
201 HOWELL AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
BRYANT	PACKAGE UNIT	580FPV120	4103G20586	10
			TOTAL	10

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
BUILDING DEPARTMENT  
201 HOWELL AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:

- A. 1 SPRING SERVICE INSPECTION.
- B. 1 SUMMER SERVICE INSPECTION.
- C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
- D. 1 WINTER SERVICE INSPECTION.
- E. 4 FILTER CHANGES

2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
EAST END ARTS COUNCIL  
133 E. MAIN STREET  
RIVERHEAD, NY 11901-2494

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
RUUD	GAS FURNACE	UGDJ-15EARJR	EB5D307F 299805914	
RUUD	CONDENSER	UAMA060JAZ	5782M279 805156	5
RUUD	EVAPORATOR	RCBA-6089 GH24	M1901	
			TOTAL	5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
EAST END ARTS COUNCIL  
133 E. MAIN STREET  
RIVERHEAD, NY 11901-2494

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
EAST END COMMUNITY SCHOOL OF THE ARTS  
141 EAST MAIN STREET  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
YORK	SPLIT SYSTEM	H1DE018506B F-RP024H06	ELEM423634 EDFS091039	1.5
YORK	SPLIT SYSTEM	H2DH024906 F-RP024H06	EFFM209636 EDFS090048	2.0
YORK	SPLIT SYSTEM	H2DH024906 F-RP024H06	EFFM2099639 EDFS090892	2.0
YORK	SPLIT SYSTEM	HIDE018505B F-RP024H06	EGEM291539 EDFS091017	1.5
HYDROTHERM	BOILER	PB-150W-180	HP97-462P	
			TOTAL	7.0

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR THE FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
EAST END COMMUNITY SCHOOL OF THE ARTS  
141 EAST MAIN STREET  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 SERVICE INSPECTIONS CONSISTING OF:
  - A. 1 SPRING START UP AND SERVICE INSPECTION
  - B. 1 SUMMER SERVICE INSPECTION
  - C. 1 FALL SHUTDOWN AND CHANGE OVER TO WINTER OPERATION INCLUDING MAINTENANCE OF BOILER B-1
  - D. 1 WINTER SERVICE INSPECTION
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
EAST LAWN BUILDING  
542 EAST MAIN STREET  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
BRYANT	SPLIT SYSTEM	591ANX018000AAA	0489E32801	1.5
FRIGIDAIRE	SPLIT SYSTEM	FS3BA-024KA	FSA020100337	2.0
LUXAIRE	SPLIT SYSTEM	HABA-F024SD	WCGPO72357	2.0
BRYANT	SPLIT SYSTEM	587GJ024	3188A17363	2.0
HONEYWELL	ELECTRONIC AIR CLEANERS	(4)	F50E1018	
AUTOFLOW	HUMIDIFIERS	200P	(4)	
DUNKIRKE	HOT WATER BOILER	235AAW002187		
B & G	CIRCULATOR PUMPS	100	(4)	
			TOTAL	7.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
EAST LAWN BUILDING  
542 EAST MAIN STREET  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
GEORGE G. YOUNG COMMUNITY CENTER  
446 SOUTH JAMESPORT AVENUE  
JAMESPORT, NY 11947

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
CARRIER	SPLIT SYSTEM	40RR016010 38AC012430	B895810	10
CARRIER	SPLIT SYSTEM	40RR016010 38AC012430	B895813 3804G30058	10
CARRIER	SPLIT SYSTEM	40RR016010 38AC012430	B895809 2503G20068	10
			TOTAL	30

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
GEORGE G. YOUNG COMMUNITY CENTER  
446 SOUTH JAMESPORT AVENUE  
JAMESPORT, NY 11947

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
HIGHWAY DEPARTMENT  
1177 OSBORNE AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
TRANE	PACKAGE HEAT/COOL	YC075C3L0AA/G21142528D		7.5
TRANE	ROOFTOP	YCD037C317AB	R36101633D	3.5
TRANE	ROOFTOP	YCD037C317AB	R36101567D	3.5
MODINE	MAKEUP AIR	RMUA400		
BERKO	ELECTRIC HEATER	FF3021A		
BERKO	ELECTRIC HEATER	MUH524T		
6 RESNOR	NATURAL GAS HEATER	F300		
6 RESNOR	NATURAL GAS HEATER	F400		
2 GREENHECK	EXHAUST FANS	SER20F		
2 GREENHECK	EXHAUST FANS	GB215R3		
3 GREENHECK	EXHAUST FANS	G100B		
1 GREENHECK	EXHAUST FAN	G180C		
2 GREENHECK	EXHAUST FANS	GB184R		
3 GREENHECK	EXHAUST FANS	GB254R		
2 GREENHECK	EXHAUST FANS	G80G		
1 GREENHECK	EXHAUST FAN	G120B		
1 GREENHECK	EXHAUST FAN	G170C		
1 GREENHECK	EXHAUST FAN	G85E		
			TOTAL	14.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
HIGHWAY DEPARTMENT  
1177 OSBORNE AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING START UP & SERVICE INSPECTION
  - B. 1 SUMMER SERVICE INSPECTION
  - C. 1 FALL SHUTDOWN AND /OR CHANGE OVER TO WINTER OPERATION
  - D. 1 WINTER SERVICE INSPECTION
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
HUMAN RESOURCE CENTER  
60 SHADE TREE LANE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
TRANE	CONDENSING UNIT	TTA072D300AO	2204RJ3LF	6.0
TRANE	CONDENSING UNIT	TTA150B300DA	2213NS4AD	12.5
TRANE	CONDENSING UNIT	TTA150B300DA	22056BMAD	12.5
TRANE	CONDENSING UNIT	TTA060A300AA	2322HE53F	5.0
YORK	CONDENSING UNIT	L60-10B	CO-013450	5.0
YORK	CONDENSING UNIT	L60-10B	CO-034231	5.0
YORK	CONDENSING UNIT	L60-10B	CO-013449	5.0
TRANE	ROOFTOP UNIT	YCD150D3HAAA	217100934D	12.5
LUXAIRE	FURNACE	F020F12501A	EHAP020517	
JACKSON- CHURCH	FURNACE	DL350HB28LH	758-1510	
WEIL- MCLAIN	BOILER	LGB-11-W		
MASTER VENT	EXHAUST FAN	AFSN150K2	102D736717	
CENTRI- MASTER	EXHAUST FAN	PNU300RG	02WH75084	
			TOTAL	63.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
HUMAN RESOURCE CENTER  
60 SHADE TREE LANE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:

- A. 1 SPRING START UP & SERVICE INSPECTION
- B. 1 SUMMER SERVICE INSPECTION
- C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO  
WINTER OPERATION SERVICE INSPECTION
- D. 1 WINTER SERVICE INSPECTION
- E. 4 FILTER CHANGES

2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
RAILROAD STATION  
200 RAILROAD AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
YORK	AIR HANDLER	K2EU060A06A	NGJS004476	4
BARD	CONDENSER	HAC481-A	126C00I443433-1	4
A O SMITH	BOILER	GB100-W-7CON	GB99-2706	
			TOTAL	4

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
RAILROAD STATION  
200 RAILROAD AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
RIVERHEAD POLICE HEADQUARTERS  
210 HOWELL AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
TRANE	ROOFTOP UNI	YCD091D3LABE	R36101743D	7.5
TRANE	ROOFTOP UNIT	YCD061C3HABF	R36101717D	5.0
TRANE	ROOFTOP UNIT	YCD121C3LAAA	R36102250D	10.0
TRANE	ROOFTOP UNIT	YCD091D3LABE	R36101799D	7.5
TRANE	ROOFTOP UNIT	YCD121C3LAAA	R38103244D	10.0
RUUD	ROOFTOP UNIT	USKA-A018JK00	5178F349715412	1.5
			TOTAL	41.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
RIVERHEAD POLICE HEADQUARTERS  
210 HOWELL AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING START UP & SERVICE INSPECTION
  - B. 1 SUMMER SERVICE INSPECTION
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION SERVICE INSPECTION
  - D. 1 WINTER SERVICE INSPECTION
  - E. 4 FILTER CHANGES
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
RIVERHEAD WATER DISTRICT  
1035 PULASKI STREET  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
TRANE	SPLIT SYSTEM	TTB036C100A2	R334YDGBF	3.0
TRANE	SPLIT SYSTEM	TTB030A100A	6111LUE5F	2.5
TRANE	SPLIT SYSTEM	TTB024C100A2	R345WKXBF	2.0
GOODMAN	UNIT HEATER	GSMS080-4	9911644497	
GOODMAN	UNIT HEATER	GSMS080-4	9911644496	
			TOTAL	7.5

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
RIVERHEAD WATER DISTRICT  
1035 PULASKI STREET  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
STREET LIGHTING  
YOUNGS AVENUE  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
LARGE BUILDING	Demolished February 2008			
SMALL BUILDING				
MODINE	SPACE HEATER	PAE200AG0185	N/A	

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
STREET LIGHTING  
YOUNGS AVENUE  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 2 PERIODIC INSPECTIONS CONSISTING OF:
  - A. - SPRING SERVICE INSPECTION.
  - B. - SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. - FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

AIR MARK AIR CONDITIONING CORPORATION

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

TOWN OF RIVERHEAD  
TOWN OFFICES AT  
552 EAST MAIN STREET  
RIVERHEAD, NY 11901

<u>MAKE</u>	<u>EQUIPMENT</u>	<u>MODEL #</u>	<u>SERIAL #</u>	<u>TONNAGE</u>
RHEEM HP	SPLIT SYSTEM	RHQA1615K	HM26850611	4.0
RHEEM HP	SPLIT SYSTEM	RHQA1615K	HM26859897	4.0
RHEEM HP	SPLIT SYSTEM	RHQA1615K	HM26858378	4.0
RHEEM HP	SPLIT SYSTEM	RHQA1615K	HM26858379	4.0
LIEBERT	SPLIT SYSTEM	DME037E-PH3	0607N122181	3.0
			TOTAL	19.0

AIR MARK AIR CONDITIONING CORPORATION

WORK SCHEDULE FOR FACILITY LOCATED AT:

TOWN OF RIVERHEAD  
TOWN OFFICES AT  
552 EAST MAIN STREET  
RIVERHEAD, NY 11901

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

April 7, 2009

TOWN OF RIVERHEAD

Resolution #318

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (Article XIII – Supplementary Use Regulations)**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5<sup>th</sup> day of May, 2009 at 2:10 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
ARTICLE XIII  
Supplementary Use Regulations**

§108-56. Signs.

H. Zoning use districts. The following limitations shall apply to signs in the zoning use districts indicated below:

(7) TRC, RFC, DC-2, DC-4, DC-5 ~~and PB~~. In the Tourism/Resort Campus (TRC), Riverfront Corridor (RFC), Downtown Center - 2 (DC-2), Downtown Center - 4 (DC-4), and Downtown Center - 5 (DC-5) ~~and Professional Business (PB)~~ Districts, all signs are permitted with the exception of:

- (a) Wall signs.
- (b) Window signs.
- (c) Internally illuminated (including neon) signs.
- (d) Roof signs.

(10) PB In the Professional Business (PB) District, the following signs are permitted:

- (a) Wall signs.
- (b) Free standing signs.

Such signs shall bear only the name and occupation of the resident, and may not be internally illuminated (including neon).

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

Dated: Riverhead, New York  
April 7, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 319

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (Article XXII – Business PB District)**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by COUNCILMAN WOOTEN:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", Article XXII entitled "Business PB District", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO  
DUNLEAVY  YES  NO      BLASS  YES  NO  
CARDINALE  YES  NO  
THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5<sup>th</sup> day of May, 2009 at 2:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XXII entitled "Business PB District", of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
ARTICLE XXII  
Business PB District**

§108-114. Additional requirements.

B. ~~No signs shall be permitted upon any land or structure within the Business PB District with the exception of one sign per lot by special permit of the Town Board or Board of Appeals, which shall bear only the name and occupation of the resident.~~ Signage shall be provided in accordance with §108-56 H.(10), the Riverhead Sign Ordinance. Such sign shall have a maximum area of eight square feet and may be located on the building wall or in the ~~required~~ front yard, provided that it is set back not less than 25 feet from any side line, that it is set back not less than 15 feet from the front lot line and that it is not more than six feet above the natural ground at its location.

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

Dated: Riverhead, New York  
April 7, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 320

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (Article XXXI – Open Space Conservation District)**

COUNCILMAN WOOTEN offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", Article XXXI entitled "Open Space Conservation District", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5<sup>th</sup> day of May, 2009 at 2:25 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XXXI entitled "Open Space Conservation District", of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
ARTICLE XXXI  
Open Space Conservation District**

**§108-150. Purpose.**

It is the purpose of the Open Space Conservation District to provide for the conservation and preservation of lands within the Town of Riverhead, whether in public or private ownership, which are open areas of significant environmental importance and which are may be wholly exempt or have nontaxable status. The Town Board, in order to implement the provisions of the Town's Comprehensive Plan, shall determine the significance of parcels of open space and thereby determine the inclusion of those parcels in the Open Space Conservation District.

**§108-151. Uses.**

In the Open Space Conservation District, no building, structure or premises shall be used, arranged or designed to be used and no structure shall hereafter be erected, reconstructed or altered unless otherwise provided for in this chapter, except for ~~two of~~ the following special permit uses or special permitted accessory uses:

A. Special permit uses. All special permit uses set forth herein shall be subject to the approval of the Town Board, pursuant to ~~the definition of site plan in §108-3 of this chapter~~ Article XXVIA of this chapter. Special permit uses are as follows:

~~(1) Those structures which are considered customary to the prevailing use. This shall include but not be limited to golf clubhouses, tennis clubhouses, bath houses, park administration buildings, camp houses, maintenance buildings, utility shops, central heating and power plants and fully enclosed storage.~~

(1) Public Parks & Recreational Areas

(2) Camps

(3) Single family residence

(4) Agricultural production

(5) Reforestation land or other conservation purposes recognized and approved by local and regional authorities.

B. Special permit accessory uses or structures. All special permit accessory uses or structures set forth herein shall be subject to the approval of the Town Board pursuant to Article XXVIA of this chapter. Special permit accessory uses or structures are as follows:

(1) Those uses or structures which are customarily incidental and subordinate to the principal building or use and located on the same lot as such principal building or use and shall include such uses as bath houses, park administration buildings, camp houses, maintenance buildings and fully enclosed storage facilities related to the principal specially permitted uses.

**~~§108-152. Special requirements.~~**

~~A. Pursuant to Article XXVI of this chapter, all uses shall require site plan approval.~~

~~B. Signage shall conform to the provisions of §108-56 of this chapter.~~

~~C. All development in the Open Space Conservation District shall conform to the screening and buffer requirements set forth in §108-64.1 of this chapter.~~

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

Dated: Riverhead, New York  
April 7, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

4/7/09

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 321**

**AUTHORIZES THE RELEASE OF SECURITY OF SOUND HOUSING LLC  
A/K/A "WILLOW PONDS ON THE SOUND CONDOMINIUM" PROJECT**

**COUNCILWOMAN BLASS**

offered the following resolution,

**COUNCILMAN DUNLEAVY**

which was seconded by

**WHEREAS**, Sound Housing LLC, had posted First National Insurance Company of America Performance Bond #6427094 in the amount of Thirty Thousand Dollars (\$30,000) for improvements to be completed within the "Willow Ponds on the Sound Condominium- Phase III" project area located at Sound Avenue, Riverhead, New York known and designated as Suffolk County Tax Map Number 0600-4-3-1.1 and 5-3-1.1, pursuant to Section 108-133(I) of the Riverhead Town Code; and

**WHEREAS**, by Site Plan Inspection Memo dated December 10, 2008, Vincent A. Gaudiello, P.E. has advised that the site improvements have been completed and further recommends the release of the \$30,000 security posted; and

**WHEREAS**, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with site requirements and Certificates of Occupancy have been issued.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the above referenced performance bond in the sum of Thirty Thousand Dollars (\$30,000); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to release any and all security in connection with the "Willow Ponds on the Sound Condominium" project; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Sound Housing LLC, 888 Veterans Memorial Highway, Bldg. #430, Hauppauge, New York, 11788, the Building Department, the Planning Department and the Town Attorney's Office.

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Therefore Duly Adopted

4/7/09

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 322**

**AUTHORIZES THE RELEASE OF SECURITY FOR BAITING HOLLOW FARMS, LLC**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

**WHEREAS**, Baiting Hollow Farms, LLC had posted First Pioneer Farm Credit, ACA Irrevocable Letter of Credit #700893-101 in the amount of Eighty Two Thousand Dollars (\$82,000.00) for renovations to an existing residence at 2114 Sound Avenue, Baiting Hollow, New York, pursuant to Riverhead Town Board Resolution #555 dated June 5, 2007, further described as Suffolk County Tax Map Number 0600 / 039.00-04-007.02 (formally known as lot 7.1) pursuant to Section 108-133(I) of the Riverhead Town Code; and

**WHEREAS**, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and to the satisfaction of the Planning Department in accordance with the approved site plan and a Certificate of Occupancy has been issued.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the above referenced security in the sum of Eighty Two Thousand Dollars (\$82,000.00); and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Baiting Hollow Farms, LLC, Mr. Richard Rubin, Managing Member, P.O. Box 245, Baiting Hollow, New York, 11933, the Building Department; the Accounting Department and the Town Attorney's Office.

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Therefore Duly Adopted

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 323

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE ADOPTION OF A LOCAL LAW ENTITLED, "LOCAL LAW TO CHANGE THE TERM OF OFFICE OF TOWN SUPERINTENDENT OF HIGHWAYS TO FROM 2 YEARS TO 4 YEARS"**

COUNCILMAN WOOTEN offered the following resolution, which was seconded by

COUNCILWOMAN BLASS:

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice of proposed local law entitled, "Local Law to Change the Term of Office of Town Superintendent of Highways from 2 Years to 4 Years", once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Suffolk County Board of Elections.

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Riverhead Senior Citizen Human Resource Center, 60 Shade Tree Lane, Aquebogue, New York on the 19<sup>th</sup> day of May, 2009 at 7:20 o'clock p.m. to consider a proposed local law to create Chapter 10B of the Riverhead Town Code entitled, "Term of Office of Town Superintendent of Highways" as follows:

SAMPLE LOCAL LAW

**TOWN OF RIVERHEAD  
Local Law No. \_\_\_\_\_, the year 2009**

A Local Law Increasing the Term of Office of Town Superintendent of Highways from Two Years to Four Years.

Be it enacted by the Town Board of the Town of Riverhead as follows:

Section 1. STATUTORY AUTHORITY: This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2. FOUR YEAR TERM OF OFFICE: The term of office of the elected Town Superintendent of Highways shall be four years. Such four-year term shall commence as of the first day of January following the first biennial town election after the effective date of this local law. The four-year term provided by this section shall also apply to the person elected to such office at the same biennial election at which the four-year term provided by this local law is approved.

Section 3. MANDATORY REFERENDUM: This local law is adopted subject to a mandatory referendum and shall for approval of the qualified voters of the Town of Riverhead at the biennial town election to be held November 3, 2009. A proposition in the following form shall be included on the ballot at such biennial town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Local Law No. \_\_\_\_\_ of the year 2009, entitled a Local Law Increasing the Term of Office of the Town Superintendent of Highways from Two to Four Years be approved?"

Section 4. SUPERSESSON: This local law shall supersede Town Law, §24 relating to the terms of office of Town Superintendent of Highways of the Town of Riverhead.

Section 5. EFFECTIVE DATE: This local law shall become effective immediately upon being filed in the Office of Secretary of State after approval by the qualified voters

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**

April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 324

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST  
PUBLIC NOTICE TO CONSIDER THE ADOPTION OF A LOCAL LAW  
ENTITLED, "LOCAL LAW TO CHANGE THE TERM OF OFFICE OF  
TOWN SUPERVISOR TO FROM 2 YEARS TO 4 YEARS"**

COUNCILWOMAN BLASS offered the following resolution, which was seconded by

COUNCILMAN DUNLEAVY:

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice of proposed local law entitled, "Local Law to Change the Term of Office of Town Supervisor from 2 Years to 4 Years", once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Suffolk County Board of Elections.

WOOTEN  YES  NO

DUNLEAVY  YES  NO    BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Riverhead Senior Citizen Human Resource Center, 60 Shade Tree Lane, Aquebogue, New York on the 19<sup>th</sup> day of May, 2009 at 7:25 o'clock p.m. to consider a proposed local law to create Chapter 10B of the Riverhead Town Code entitled, "Term of Office of Town Supervisor" as follows:

**SAMPLE LOCAL LAW**

**TOWN OF RIVERHEAD  
Local Law No. \_\_\_\_\_, the year 2009**

A Local Law Increasing the Term of Office of Town Supervisor from Two Years to Four Years.

Be it enacted by the Town Board of the Town of Riverhead as follows:

Section 1. **STATUTORY AUTHORITY:** This local law is adopted pursuant to the provisions of the Municipal Home Rule Law of the State of New York.

Section 2. **FOUR YEAR TERM OF OFFICE:** The term of office of the elected Town Supervisor shall be four years. Such four-year term shall commence as of the first day of January following the first biennial town election after the effective date of this local law. The four-year term provided by this section shall also apply to the person elected to such office at the same biennial election at which the four-year term provided by this local law is approved.

Section 3. **MANDATORY REFERENDUM:** This local law is adopted subject to a mandatory referendum and shall for approval of the qualified voters of the Town of Riverhead at the biennial town election to be held November 3, 2009. A proposition in the following form shall be included on the ballot at such biennial town election, and the increased term of office shall not take effect unless such proposition is approved by a majority vote of the qualified voters voting thereon:

"Shall Local Law No. \_\_\_\_\_ of the year 2009, entitled a Local Law Increasing the Term of Office of the Town Supervisor from Two to Four Years be approved?"

Section 4. **SUPERSESSON:** This local law shall supersede Town Law, §24 relating to the terms of office of Town Supervisor of the Town of Riverhead.

Section 5. **EFFECTIVE DATE:** This local law shall become effective immediately upon being filed in the Office of Secretary of State after approval by the qualified voters

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**

4/7/09

TOWN OF RIVERHEAD

Adopted

Resolution 325

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE FOR THE  
CREATION OF THE  
PECONIC BAY REGIONAL TRANSPORTATION COUNCIL  
(Senate Bill #S.3181/Assembly Bill #A.6743)**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded  
by COUNCILMAN WOOTEN:

**WHEREAS**, the legislature finds that over the past thirty years, rapid growth and development in the Peconic Bay region of Long Island, while providing for a successful balance of economic opportunity and environmental protection, has also resulted in some unavoidable, adverse impacts that threaten the region's future quality of life and future economic prosperity. Traffic congestion has been one of the primary adverse impacts from such rapid development; and

**WHEREAS**, Bill S.3181/A.6743 has been introduced in the New York State Assembly with the intent that such legislative act would provide the necessary governmental framework and resources that would foster the cooperation necessary to develop a public transit proposal, implement the land use and other transportation improvements necessary to the future welfare of the Peconic Bay region; and

**WHEREAS**, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation; and

**WHEREAS**, the Town recognizes the need to create the necessary governmental framework and resources that would foster the cooperation necessary to develop a public transit proposal, implement the land use and other transportation improvements necessary to the future welfare of the Peconic Bay region.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to create a Peconic Bay regional transportation council; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road - Suite #4, Selden, NY, 11784, Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062,

Bridgehampton, NY, 11932; the Community Development Office and the Office of the Town Attorney.

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

## BILL TEXT:

## STATE OF NEW YORK

S. 3181

A. 6743

2009-2010 Regular Sessions

## SENATE - ASSEMBLY

March 12, 2009

IN SENATE -- Introduced by Sen. LAVALLE -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

IN ASSEMBLY -- Introduced by M. of A. THIELE, ALESSI -- read once and referred to the Committee on Local Governments

AN ACT to amend the general municipal law, in relation to creating the Peconic Bay regional transportation council

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Legislative findings. The legislature hereby finds that  
2 over the past thirty years, rapid growth and development in the Peconic  
3 Bay region of Long Island, while providing for a successful balance of  
4 economic opportunity and environmental protection, has also resulted in  
5 some unavoidable, adverse impacts that threaten the region's future  
6 quality of life and future economic prosperity. Traffic congestion has  
7 been one of the primary adverse impacts from such rapid development.  
8 Expanding traffic congestion has resulted in deteriorating traffic  
9 safety with increased traffic accidents and fatalities. In addition,  
10 traffic congestion has resulted in increased trip delays, declining air  
11 quality, adverse impacts to historic and rural resources in the region's  
12 villages and hamlets, parking problems, adverse impacts to residential  
13 communities and neighborhoods resulting from the diversion of traffic  
14 from major highways and arteries to rural residential streets and roads.  
15 The region's tourist and second home industries, the cornerstone of  
16 its prosperity, are threatened if the adverse consequences of traffic  
17 congestion are not promptly and adequately addressed. Further, projec-  
18 tions from the state department of transportation and local governments  
19 indicate that there will be a continued growth in year-round population,  
20 seasonal residents, and traffic into the foreseeable future, exacerbat-  
21 ing an already major problem.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

LBD03936-01-9

S. 3181

2

A. 6743

1 The legislature finds that the unique geography of the Peconic Bay  
2 region limits the ability to expand highway capacity for motor vehicles.  
3 The narrow forks limit the augmentation of future highway capacity in an  
4 east-west direction. The construction of new highways is not a feasible  
5 alternative, and the option of improving capacity on existing highways  
6 is limited. In addition to unique geography, impacts to the region's  
7 natural and historic resources, such as open space, farmland, watershed  
8 areas, wetlands, and historic sites and landmarks also limit increasing  
9 highway capacity.

10 While the region's highway infrastructure is severely overburdened,  
11 its public transit capabilities are underdeveloped. The region possesses  
12 underutilized rail capacity with minimal service from the Long Island  
13 Rail Road to the region.

14 The legislature finds that the development of new public transit  
15 opportunities for the Peconic Bay region represents the best alternative  
16 to address growing traffic congestion and other transportation problems.  
17 The region possesses an existing rail infrastructure. Existing service  
18 to the region is minimal. Further, there is no coordination between rail  
19 service and existing bus service. The opportunity to improve service is  
20 clearly available.

21 The region's local governments have recognized the adverse impacts  
22 resulting from growing traffic congestion and the need to explore other  
23 transportation options such as public transit. Independently, the  
24 comprehensive plans of the region's towns and villages have cited traf-  
25 fic congestion as a critical problem and have identified improved public  
26 transit as a future goal. Towns have created task forces and commissions  
27 to address the transportation issue.

28 Further, collectively, as a region, the local governments have joined  
29 together to explore public transit options to mitigate traffic  
30 congestion. As early as 1994, the East End Economic and Environmental  
31 Institute, under the auspices of the East End Mayors and Supervisors  
32 Association issued a report entitled Blue Print for Our Future which  
33 called for improved and coordinated bus and rail service in the Peconic  
34 Bay region.

35 In 2005, after a four-year public outreach process, the local govern-  
36 ments of the region issued the result of its SEEDS (Sustainable East End  
37 Development) project. This initiative also recognized the need to create  
38 improved transportation opportunities, including selected road improve-  
39 ments and increased and coordinated public transit.

40 The private sector has also recognized the need for improved regional  
41 transportation opportunities. The Institute for Sustainable Development,  
42 Southampton College of Long Island University, held a conference and  
43 issued a report calling for improved transportation opportunities in the  
44 region. Five Town Rural Transit, Inc., a private, not-for-profit corpo-  
45 ration, of community leaders has also recognized the need for public  
46 transit improvements. In 2005, they unveiled a conceptual plan for an  
47 East End Shuttle providing coordinated bus and rail service, and issued  
48 a development proposal to further that goal.

49 In summary, the problem of traffic congestion with its adverse impacts  
50 on the local environment, economy, and quality of life has long been  
51 recognized. Further, a multitude of local governments, regional cooper-  
52 ative initiatives, and private initiatives have all identified improved  
53 public transit with increased and coordinated rail and bus service as  
54 the cornerstone for solving the problem. The concept has been at the  
55 center of public policy discussions for more than a decade.

S. 3181

3

A. 6743

1 The next step is the full development of these concepts to provide a  
2 proposal that is feasible and workable, before implementation of new  
3 transit opportunities can occur.

4 Currently, no governmental entity exists which can coordinate the  
5 multitude of local governments, state government, federal government,  
6 and other stakeholders that must participate to insure the creation and  
7 establishment of a successful public transit initiative for the Peconic  
8 Bay region.

9 It is the intent of the legislature with this act to provide the  
10 necessary governmental framework and resources that will foster the  
11 cooperation necessary to develop a public transit proposal for the  
12 Peconic Bay region. This legislation will give the local governments  
13 the regional framework to pursue this initiative, and will mandate the  
14 cooperation of state and federal agencies necessary to create a public  
15 transit proposal capable of being implemented. Further, it will provide  
16 for the involvement of all stakeholders and community members in the  
17 development process to insure an open and comprehensive decision making  
18 process.

19 The framework created by this legislation will not only provide the  
20 mechanism to evaluate public transit opportunities for the Peconic Bay  
21 region but to also foster the cooperation and consensus necessary to  
22 implement the land use and other transportation improvements necessary  
23 to the future welfare of the Peconic Bay region.

24 § 2. The general municipal law is amended by adding a new article 5-L  
25 to read as follows:

26 ARTICLE 5-L

27 PECONIC BAY REGIONAL TRANSPORTATION COUNCIL

28 Section 119-aaa. Definitions.

29 119-bbb. Peconic Bay regional transportation council.

30 119-ccc. Powers and duties of the council.

31 119-ddd. Agency cooperation.

32 119-eee. Preparation and adoption of the transportation action  
33 plan.

34 119-fff. Submission to the legislature.

35 § 119-aaa. Definitions. As used in this article:

36 1. "Peconic Bay region" means the towns of East Hampton, Riverhead,  
37 Shelter Island, Southampton, and Southold in the county of Suffolk.

38 2. "County" means the county of Suffolk.

39 3. "Municipal corporation" means a town or village in the Peconic Bay  
40 region.

41 4. "State" means the state of New York.

42 5. "State agency" means any office, department, board, commission,  
43 bureau, division, authority, public benefit corporation, agency or  
44 instrumentality of the state.

45 6. "Transportation action plan" means the action plan for implementa-  
46 tion of public transportation projects required to be adopted pursuant  
47 to this article.

48 7. "Public transportation project" means any rapid transit, railroad,  
49 omnibus, marine transportation, or other public transportation project.

50 8. "Council" means the council created pursuant to section one hundred  
51 nineteen-bbb of this article.

52 9. "Governor" means the governor of the state of New York.

53 § 119-bbb. Peconic Bay regional transportation council. 1. There is  
54 hereby created the Peconic Bay regional transportation council. Such  
55 council shall consist of twenty voting members: one member to be  
56 appointed by the governor who will serve at the pleasure of the gover-

S. 3181

4

A. 6743

1 nor, and fourteen ex officio members who are the county executive of the  
2 county of Suffolk, the five town supervisors from the Peconic Bay  
3 region, two village mayors to be appointed by the East End Village Offi-  
4 cial's Association, the United States congressman representing the Pecon-  
5 ic Bay region, the state senator representing the Peconic Bay region,  
6 the two state assembly members representing the Peconic Bay region, and  
7 the two county legislators representing the Peconic Bay region, and five  
8 citizen members with an interest in transportation and public transit to  
9 be appointed by the town board of each town in the Peconic Bay region.  
10 Each town shall have one appointment. Each ex officio member may  
11 appoint a designated representative, by official authority filed with  
12 the council, to exercise his or her powers and perform his or her  
13 duties, including the right to vote on matters before the council.

14 2. The council shall elect one of its members as chairperson. Twelve  
15 members shall constitute a quorum for the transaction of any business or  
16 the exercise of any power or function of the council. An affirmative  
17 vote of eleven or more members shall be required to pass a resolution or  
18 otherwise exercise any functions or powers of the council.

19 § 119-ccc. Powers and duties of the council. The council shall have  
20 the following powers:

21 1. To make by-laws for the regulation and management of its affairs;

22 2. To establish a citizen advisory committee to assist it with its  
23 duties and responsibilities;

24 3. To establish a technical advisory committee to assist it with its  
25 duties and responsibilities;

26 4. To prepare and adopt a plan, as provided for in section one hundred  
27 nineteen-eee of this article, with the advice of the advisory commit-  
28 tees;

29 5. To utilize to the extent practicable, the state and facilities of  
30 existing state and local agencies;

31 6. To make and execute contracts and all other instruments necessary  
32 or convenient for the exercise of its powers and duties under this arti-  
33 cle;

34 7. To sue and be sued;

35 8. To appoint an executive officer, officers, agents, employees, and  
36 prescribe their duties and qualifications;

37 9. To hold hearings in the exercise of its powers, functions, and  
38 duties as provided for by this article;

39 10. To contract for professional and technical assistance and advice;

40 11. To contract for and accept any assistance, including but not  
41 limited to gifts, grants, or loans of funds, or of property from the  
42 federal government or any agency or instrumentality thereof, or any  
43 state agency, or from any other public or private source and to comply,  
44 subject to the provisions of this article, with the terms and conditions  
45 thereof.

46 § 119-ddd. Agency cooperation. 1. Every state agency shall offer full  
47 cooperation to the council in carrying out the provisions of this arti-  
48 cle.

49 2. Every agency of the county and the municipal corporations shall  
50 offer full cooperation to the council in carrying out the provisions of  
51 this article.

52 § 119-eee. Preparation and adoption of the transportation action plan.

53 1. The council is hereby directed to prepare a transportation action  
54 plan for the Peconic Bay region.

55 Such plan shall be prepared in two phases.

56 2. Phase one shall consider the following alternatives:

S. 3181

5

A. 6743

- 1 a. Establishment of shuttle trains utilizing the existing right of way
- 2 of the Long Island Rail Road;
- 3 b. Establishment and coordination of bus transportation to complement
- 4 shuttle trains;
- 5 c. A regional transportation authority, transportation district, or
- 6 existing state and local governmental agencies to provide improved
- 7 transportation services.
- 8 3. Phase two shall consider, but not be limited to, the following
- 9 alternatives:
- 10 a. Establishment of park and rail facilities;
- 11 b. Addition of more non-stop trains from New York city to the Peconic
- 12 Bay region;
- 13 c. Establishment of a health and human services transportation
- 14 program;
- 15 d. Improvements to existing highway infrastructure to reduce traffic
- 16 congestion;
- 17 e. Establishment of land use regulations to foster the transportation
- 18 goals of the Peconic Bay region;
- 19 f. Bike lanes and paths;
- 20 g. Water taxi and passenger ferries;
- 21 h. Alternatives recommended by the SEEDS project.
- 22 4. The plan shall be prepared in sufficient detail and specificity to
- 23 permit the relevant governmental authorities to proceed directly to the
- 24 implementation of the plan's recommendations.
- 25 5. The plan shall establish a timetable for recommended transportation
- 26 improvements.
- 27 6. The plan shall include no recommendation with regard to vehicle
- 28 ferries in the Peconic Bay region.
- 29 7. The plan shall include a capital plan and budget for its implemen-
- 30 tation.
- 31 8. A draft of phase one of the plan shall be completed by March thir-
- 32 ty-first, two thousand ten.
- 33 9. At least five public hearings, one in each town in the Peconic Bay
- 34 region shall be held on the draft of phase one of the plan.
- 35 10. The final version of phase one of the plan shall be completed and
- 36 approved by the council by July thirty-first, two thousand ten.
- 37 11. Phase one of the plan as approved by the council, shall be submit-
- 38 ted to the voters as a referendum in each of the towns in the Peconic
- 39 Bay region at the general election to be held in November two thousand
- 40 ten. Such referendum shall be deemed approved if it is approved by a
- 41 majority of the voters voting on such referendum in each town in the
- 42 Peconic Bay region.
- 43 12. The draft of phase two of the plan shall be completed by March
- 44 thirty-first, two thousand eleven.
- 45 13. At least five public hearings, one in each town in the Peconic Bay
- 46 region, shall be held on the draft of phase two of the plan.
- 47 14. The final version of phase two of the plan shall be completed and
- 48 approved by the council by July thirty-first, two thousand eleven.
- 49 15. Phase two of the plan as approved by the council, shall be submit-
- 50 ted to the voters as a referendum in each of the towns in the Peconic
- 51 Bay region at the general election to be held in November two thousand
- 52 eleven. Such referendum shall be deemed approved if it is approved by a
- 53 majority of the voters voting on such referendum in each town in the
- 54 Peconic Bay region.
- 55 § 119-fff. Submission to the legislature. Upon approval of the plan by
- 56 referendum, such approved transportation action plan shall be submitted

S. 3181

6

A. 6743

1 to the legislature by the council no later than thirty days after such  
2 approval.

3 § 3. This act shall take effect immediately.

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SPONSORS MEMO:

NEW YORK STATE SENATE  
INTRODUCER'S MEMORANDUM IN SUPPORT  
submitted in accordance with Senate Rule VI. Sec 1

BILL NUMBER: S3181

SPONSOR: LAVALLE

TITLE OF BILL:

An act to amend the general municipal law, in relation to creating the Peconic Bay regional transportation council

PURPOSE:

This legislation would create the Peconic Bay Regional Transportation Council. This council would coordinate a proposal for the development of an improved public transit system for the region.

SUMMARY OF PROVISIONS:

Section 1:

Legislative Findings

Article 5L - Peconic Bay Transportation Council

Section 119-aaa - Definitions

Section 119-bbb - Creates the Peconic Bay Transportation Council, establishes guidelines for membership to the council.

Section 119-ccc - Establishes the powers and duties of the Council.

Section 119-ddd - States that every State agency shall offer full cooperation to the council.

Section 119-eee - Directs the council to prepare a transportation plan for the Peconic Bay region.

JUSTIFICATION:

Expanding traffic congestion in the Peconic Bay region has resulted in deteriorating traffic safety, declining air quality, parking problems, adverse impacts to the historical and rural resources of the area, and has impeded further growth and development in the region. In order to preserve the tourism industry, and provide comfort for the permanent residents of the region, the issue of traffic congestion must be addressed.

As the unique geography of the region does not permit highway expansion, the solution lies with the expansion of the public transit system in the

region.

This legislation would create an entity to coordinate the local governments, state government and federal government and other interested parties to create and establish a successful public transit initiative for the Peconic Bay region. Bringing the stakeholders and community members together in the development of the plan will ensure an open and comprehensive decision making process.

LEGISLATIVE HISTORY:

2007-08, S.1235; 2005-06, S.6670.

FISCAL IMPLICATIONS:

To be determined.

EFFECTIVE DATE:

This act shall take effect immediately.

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4/7/09

TOWN OF RIVERHEAD  
RESOLUTION # 326

Adopted

AUTHORIZES TOWN SUPERVISOR  
TO ACCEPT DECLARATION OF EASEMENT RE:  
96 MAIN RD., AQUEBOGUE  
RIVERHEAD WATER DISTRICT

Councilperson COUNCILMAN WOOTEN offered the following resolution  
which was seconded by Councilperson COUNCILWOMAN BLASS

WHEREAS, it is the policy of the Riverhead Water District to require meter  
installation in the public right of way; and

WHEREAS, premises located at 96 Main Road, Aquebogue can not be practically  
served by a meter installation in the public right of way due to utility conflicts.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is  
hereby authorized to accept the attached Declaration of Easement and execute all  
documents necessary therewith; and

BE IT FURTHER RESOLVED, that the Town Clerk shall forward copies of this  
resolution to the applicant c/o William Goggins, Esq., P.O. Box 65, Mattituck, NY  
11952, Superintendent Gary Pendzick, Frank Isler, Esq., and the Planning Department.

THE VOTE

Buckley  yes  no Wooten  yes  no  
Dunleavy  yes  no Blass  yes  no  
Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## DECLARATION OF EASEMENT

THIS DECLARATION made on this \_\_\_\_ day of April, 2009, by Route 58 LLC doing business at 96 Main Road, Aquebogue, New York hereinafter referred to as the DECLARANT, as the owner of premises located at 96 Main Road, Aquebogue, New York and further described as SCTM No. **0600-085.00-01.00-005.000** desires to restrict the use of a certain area of the premises, and does hereby declare that said PREMISES constituting the entire parcel, which is described in **Schedule A** attached hereto and made a part hereof, shall be held and shall be conveyed subject to the following covenants and restrictions:

WHEREAS, the Town of Riverhead Water District with offices located at 200 Howell Avenue, Riverhead, New York has agreed to supply water to the DECLARANT'S PREMISES; and

WHEREAS the DECLARANT has agreed to permit the Town of Riverhead Water District to traverse its property for the purpose of accessing the water meter;

NOW, THEREFORE, the DECLARANT, its successors and/or assigns hereby sets forth the following easement and declaration against the above described property:

1. The DECLARANT shall grant the Town of Riverhead Water District its employees, successors and/or assigns an easement to enter upon the PREMISES for the sole purpose of accessing the water meter and for any reasonable purpose deemed necessary by the Town of Riverhead Water District. The easement is described as follows: An area fifteen (15) feet parallel to the western boundary of the premises a distance of seventy (70) feet from New York State Route 25 to the water meter.

2. The DECLARANT shall be solely responsible for all maintenance, repair and/or replacement of the water supply line situated on DECLARANT'S PREMISES.

3. All of the covenants and restrictions contained herein shall be construed to be in addition to and not in derogation or limitation upon any provisions of local, state, and federal laws, ordinances, and/or regulations in effect at the time of execution of this agreement, or at the time such laws,

ordinances, and/or regulations may thereafter be revised, amended, or promulgated.

4. This easement shall run with the land and shall be binding upon the DECLARANT, its successors and assigns, and upon all persons or entities claiming under them, and may be terminated, revoked or amended only by Court Order, Resolution of the Town of Riverhead Water District.

5. If any section, subsection, paragraph, clause, phrase or provision of these covenants and restrictions shall, by a Court of competent jurisdiction, be adjudged illegal, unlawful, invalid, or held to be unconstitutional, the same shall not affect the validity of these covenants as a whole, or any other part or provision hereof other than the part so adjudged to be illegal, unlawful, invalid, or unconstitutional.

ROUTE 58, LLC

By: \_\_\_\_\_ L.S.



4/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 327

**AUTHORIZES THE REDUCTION OF SITE PLAN SECURITY OF  
THE BAITING HOLLOW CLUB**

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

**WHEREAS**, in accordance with Town Board Resolution #416 dated May 6, 2008, the Riverhead Town Board accepted Bank of Smithtown Irrevocable Letter of Credit #100399 in the amount of \$1,250,000.00 representing improvements to be made at real property known as Sound Avenue, Baiting Hollow, New York, further described as Suffolk County Tax Map #0600-40-2-10; and

**WHEREAS**, William W. Esseks, Esq., Attorney for the Baiting Hollow Club, by letter dated March 31, 2009, advises that a majority of the improvements have been completed; and

**WHEREAS**, pursuant to Engineering Memorandum dated November 3, 2008 from Vincent A. Gaudiello, P.E., it has been determined that a substantial portion of the improvements have been completed and further recommends that the security posted be reduced to the amount of \$750,000.00; and

**WHEREAS**, pursuant to Riverhead Planning Board Resolution #6 dated January 9, 2009, it is recommended that the security posted in connection with the improvements to be completed within this subdivision be reduced to the amount of \$750,000.00.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the reduction of the security posted for improvements to be made at real property known as Sound Avenue, Baiting Hollow, New York to an amount of \$750,000.00; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to William W. Esseks, Esq., Esseks, Hefter & Angel, LLP, 108 East Main Street, P.O. Box 279, Riverhead, New York, 11901, Bank of Smithtown, 100 Motor Parkway, Sixth Floor, Suite 160, Hauppauge, New York, 11788, the Riverhead Planning Department, the Riverhead Building Department and the Office of the Town Attorney.

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

Adopted

TB 4/7/2009

TOWN OF RIVERHEAD

RESOLUTION # 328

AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR BIDS ON A SPAULDING 130 GALLON CRACK SEALER OR EQUAL

COUNCILMAN DUNLEAVY OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY COUNCILMAN WOOTEN.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of a SPAULDING 130 GALLON CRACK SEALER or EQUAL 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 April 27, 2009, 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 April 27, 2009 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 a SPAULDING 130 GALLON CRACK SEALER OR EQUAL".

DUNLEAVY  YES \_\_\_ NO WOOTEN  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT

DECLARED DULY ADOPTED

NOTICE TO BIDDERS

Sealed bids for the purchase of a **“SPAULDING 130 GALLON CRACK SEALER OR EQUAL”** 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 April 27, 2009.

Instructions for bidders, specifications and forms may be obtained on line at [www.riverheadli.com](http://www.riverheadli.com) or 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 SPAULDING 130 GALLON CRACK SEALER OR EQUAL”** and addressed to: TOWN CLERK, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
DIANE M. WILHELM, TOWN CLERK

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**AUTHORIZES TOWN CLERK TO PUBLISH & POST  
A NOTICE TO BIDDERS FOR WELL AND PUMP TESTING,  
EVALUATION, REPORTING AND INFORMATION MANAGEMENT**

**RESOLUTION # 329**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the  
attached notice for to bidders for well and pump testing, evaluation, reporting and information  
management in the April 16, 2009, issue of *The News-Review*.

**THE VOTE**

Wooten Yes  No

~~Buckley Yes  No~~

Dunleavy Yes  No

Blass Yes  No

Cardinale Yes  No

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

**TOWN OF RIVERHEAD PUBLIC NOTICE  
REQUEST FOR BIDS**

Requests for Bid for well and pump testing, evaluation, reporting and information management for the Riverhead Water District's sixteen (16) wells will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on April 30, 2009.**

Requests for Bids may be examined and/or obtained at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. or by visiting the Town of Riverhead website at [www.riverheadli.com](http://www.riverheadli.com). Click on "Bid Requests" and follow the instructions to register.

All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "EXCEPTIONS TO THE SPECIFICATIONS" and be attached to the bid form.

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

All bids are to be submitted in a sealed envelope bearing the designation **REQUEST FOR BID #RWD-09-37 – WELL AND PUMP TESTING, EVALUATION, REPORTING AND INFORMATION MANAGEMENT – RIVERHEAD WATER DISTRICT**

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

**Diane M. Wilhelm, Town Clerk**

April 7, 2009

**TOWN OF RIVERHEAD**

Adopted

Resolution # 330

**AMENDS THE ZONING USE DISTRICT MAP  
OF THE TOWN OF RIVERHEAD  
INDUSTRIAL B ZONING USE DISTRICT**

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

**WHEREAS**, by resolution dated June 22, 2004, the Town Board resolved to amend the Zoning Use District Map of the Town of Riverhead to provide for the Residence RB-40 Zoning Use District upon certain lands within the Town of Riverhead, and

**WHEREAS**, upon the adoption of such resolution, the Zoning Use District map of the Town of Riverhead was amended to implement the aforementioned zoning legislation, and

**WHEREAS**, it has become apparent that a draftsman's error incorrectly included Suffolk County Tax Map Parcel Numbers 0600-097-2-81 and 0600-097-2-82 within the Residence RB-40 Zoning Use District, and

**WHEREAS**, a public hearing was held on the matter on February 3, 2009, and

**THEREFORE BE IT**

**RESOLVED**, that upon its own motion, the Riverhead Town Board hereby amends the Zoning Use District map of the Town of Riverhead to provide for the Industrial B Zoning Use District to the exclusion of the mapped residential RB-40 Zoning Use upon real property located at Route 25, Calverton, New York; such real property more particularly described as Suffolk County Tax Numbers 0600-097-2-81 and 0600-097-2-82; and

**BE IT FURTHER,**

**RESOLVED**, that a copy of this resolution be forwarded, the Building Department, the Town Attorney, Mr. Robert Hubbs, and a copy be scanned onto the Town Hall Share Drive for future reference.

**THE VOTE**

DUNLEAVY  YES  NO  
BLASS  YES  NO WOOTEN  YES  NO  
CARDINALE  YES  NO  
THIS RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

4/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 331

**APPROVES CHAPTER 90 APPLICATION OF JAMESPORT FIRE DEPARTMENT TO  
CONDUCT A FIREMEN'S CARNIVAL**

COUNCILMAN DUNLEAVY

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

COUNCILMAN WOOTEN  
\_\_\_\_\_ :

**WHEREAS**, on March 13, 2009, the Jamesport Firemen's Association had submitted a Chapter 90 Application for the purpose of conducting a Firemans' Carnival to be held at the George Young Community Center, Main Road, Jamesport, New York, on Tuesday, July 7, 2009 through Saturday, July 11, 2009 between the hours of 5:00 p.m. and 12:00 midnight; and

**WHEREAS**, the Jamesport Firemen's Association has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

**WHEREAS**, the Jamesport Firemen's Association has requested the Chapter 90 Application fee for this event be waived due to their not-for-profit status; and

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

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

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

**RESOLVED**, that the application of the Jamesport Firemen's Association for the purpose of conducting a Firemen's Carnival to be held at the George Young Community Center, Main Road, Jamesport, New York, on Tuesday, July 7, 2009 through Saturday, July 11, 2009 between the hours of 5:00 p.m. and 12:00 midnight is hereby approved; and be it further

**RESOLVED**, that any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Marshal Office are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

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

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event due to their not-for-profit status; and be it further

**RESOLVED**, that the Town Board exempts this event from Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Jamesport Firemen's Association, Attn: Sean McCabe, Chairman, P.O. Box 78, Jamesport, New York, 11947, the Riverhead Fire Marshal, Chief Hegermiller, Riverhead Police Department, Kenneth Testa, P.E., George Woodson, Highway Superintendent and the Office of the Town Attorney.„

THE VOTE

Buckley  yes  no Wooten  yes  no  
Dunleavy  yes  no Blass  yes  no  
Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 332

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY MEDICAL CENTER**  
**(14<sup>TH</sup> Annual East End Garden Festival)**

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, on March 19, 2009, Peconic Bay Medical Center had submitted a Chapter 90 Application for the purpose of conducting a Garden Festival and Plant Sale to be held in the former Suffolk Life Newspaper parking lot located at 1641 Old Country Road, Riverhead, New York, on May 7<sup>th</sup>, 2009 through May 10<sup>th</sup>, 2009 between the hours of 9:00 a.m. and 6:00 p.m.; and

**WHEREAS**, Peconic Bay Medical Center has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, Peconic Bay Medical Center has completed and filed a Short Form Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

**RESOLVED** that the Chapter 90 Application of Peconic Bay Medical Center for the purpose of conducting a Garden Festival and Plant Sale to be held in the Peconic Bay Medical Center parking lot located at 1641 Old Country Road, Riverhead, New York, on May 7<sup>th</sup>, 2009 through May 10<sup>th</sup>, 2009 between the hours of 9:00 a.m. and 6:00 p.m. is hereby approved; and be it further

**RESOLVED**, that due to their federally exempt status, the applicable Chapter 90 Application fee is hereby waived; and be it further

**RESOLVED**, that the necessary tent permits must be obtained and the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the tent installation shall be ready for inspection no later than 1:00 p.m. on Wednesday, May 6<sup>th</sup>, 2009; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Peconic Bay Medical Center, Attn: Maureen Brady, Director of Annual Giving, 1300 Roanoke Avenue, Riverhead, New York 11901, the Riverhead Fire Marshal, the Riverhead Police Department and the Office of the Town Attorney.

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

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 333

**APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC**

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

**WHEREAS**, on March 12, 2009, Martha Clara Vineyards, LLC had submitted a Chapter 90 Application for the purpose of accommodating the tasting room overflow to be held under a tent at 2065 Sound Avenue, Jamesport, New York, on May 23, 2009 through July 17, 2009 between the hours of 11:00 a.m. and 9:00 p.m.; and

**WHEREAS**, Martha Clara Vineyards, LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid.

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

**RESOLVED**, that the Chapter 90 Application of Martha Clara Vineyards, LLC for the purpose of accommodating the tasting room overflow to be held under a tent at 2065 Sound Avenue, Jamesport, New York, on May 23, 2009 through July 17, 2009 between the hours of 11:00 a.m. and 9:00 p.m. is hereby approved; and be it further

**RESOLVED**, that the necessary tent permit must be obtained and the tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that a Place of Assembly Permit issued by the Fire Marshal is required and that the Fire Marshal shall determine the maximum occupancy in accordance with the Fire Code of New York State and provide Maximum Occupancy Signs to the applicant for posting in the Tent; and be it further

**RESOLVED**, that a fire safety inspection by the Town fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Martha Clara Vineyards, LLC, Attn: Nancy Bartow, 6025 Sound Avenue, Riverhead, New York, 11901, the Riverhead Fire Marshal, Police Chief David Hegermiller and the Office of the Town Attorney.

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

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 334

**APPROVES CHAPTER 90 APPLICATION OF  
COOLEY'S ANEMIA FOUNDATION, INC.**

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN WOOTEN :

**WHEREAS**, on March 13, 2009, the Cooley's Anemia Foundation Inc. had submitted a Chapter 90 Application for the purpose of setting up a staging area to be held at the Town of Riverhead Municipal parking lot, (behind the East End Arts Council and adjacent to the Peconic riverfront) Riverhead, New York, for a Bike-A-Thon/4 Mile Walk event to be held on Saturday, September 26, 2009 between the hours of 7:00 a.m. and 5:00 p.m.; and

**WHEREAS**, the Cooley's Anemia Foundation Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due to the Foundation's not-for-profit status; and

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

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

**RESOLVED**, that the Chapter 90 Application of Cooley's Anemia Foundation, Inc. for the purpose of setting up a staging area to be held at the Town of Riverhead Municipal parking lot, (behind the East End Arts Council and adjacent to the Peconic riverfront) Riverhead, New York, for a Bike-A-Thon/4Mile Walk event to be held on Saturday, September 26, 2009, between the hours of 7:00 a.m. and 5:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted no later than *September 18, 2009* at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the applicant shall be required to provide a 10 yard dumpster prior to the commencement of the event, shall be responsible for the removal of all trash and rubbish and shall have same removed at the conclusion of the event; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Cooley's Anemia Foundation, Inc., Attn: Anthony Laurino, 740 Smithtown Bypass, Suite 201, Smithtown, New York, 11787, the Riverhead Fire Marshal, Kenneth Testa, P.E., Chief Hegermiller; Riverhead Police Department and the Office of the Town Attorney.

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

4/7/09

TOWN OF RIVERHEAD

Adopted

Resolution # 335

**APPROVES CHAPTER 90 APPLICATION OF RAILROAD MUSEUM  
OF LONG ISLAND ("Riverhead Railroad Festival 2009")**

COUNCILMAN WOOTEN offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, on March 13, 2009, the Railroad Museum of Long Island had submitted a Chapter 90 Application for the purpose of conducting an event entitled, "Riverhead Railroad Festival 2009", which will include a toy train set raffle, vendors and railroad related displays. This event is to be located at 416 Griffing Avenue, Riverhead, New York, on Saturday, August 29, 2009 and Sunday, August 30, 2009 between the hours of 10:00 a.m. and 5:00 p.m.; and

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, Railroad Museum of Long Island has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

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

**RESOLVED**, that the Chapter 90 application of Railroad Museum of Long Island for the purpose of conducting an event entitled, "Riverhead Railroad Festival 2009" to be located at 416 Griffing Avenue, Riverhead, New York on the aforementioned dates and times is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event; and be it further

**RESOLVED**, that this approval is **subject to** the applicant's submission of an updated Certificate of Insurance (current Certificate of Insurance expires on June 24, 2009) **no later than July 15, 2009**; and be it further

**RESOLVED**, that any tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted *no later than August 17, 2009* at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Railroad Museum of Long Island, P.O. Box 726, Greenport, New York, 11944-0726; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

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

4/7/09

Adopted

**AWARDS BID  
SLUDGE CAKE REMOVAL  
RIVERHEAD SEWER DISTRICT**

Resolution 336

Adopted \_\_\_\_\_

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

WHEREAS, this Town Board did authorize the advertisement for bids for sludge cake removal for the Riverhead Sewer District, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were open and read aloud on the date and time advertised in the notice, and

WHEREAS, by memo dated March 12, 2009, the Riverhead Town Clerk did advise that two bids were received, and

WHEREAS, after review by the Superintendent of the Riverhead Sewer District, he did recommend that the bid be awarded to Maggio Sanitation Service, Inc., in the amount of \$ 94.00 per ton,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for sludge cake removal for the Riverhead Sewer District be and is hereby awarded to Maggio Sanitation Service, Inc., in the amount of \$ 94.00 per ton,

And be it further

RESOLVED, that the Town Clerk forward copies of this resolution to the above named contractor, Maggio Sanitation Service, Inc., 9 Commercial Blvd., Medford, New York 11763; Frank A. Isler, Esq.; the Riverhead Sewer District and the Accounting Department, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further,

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, together with the original policies of insurance specified in the bid documents, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

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

April 7, 2009

Adopted

**TOWN OF RIVERHEAD  
RESOLUTION # 337**

**AUTHORIZES PUBLIC NOTICE AND SUBMISSION OF GRANT APPLICATION TO EMPIRE STATE DEVELOPMENT CORPORATION RESTORE NY ROUND 3 TO SUPPORT REVITALIZATION OF DOWNTOWN RIVERHEAD**

Councilman Dunleavy offered the following resolution, which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead Community Development Department is submitting an application to the New York State Empire State Development Corporation for funds made available under Restore New York Community Initiatives program for funds under the Downtown Revitalization Program; and

**WHEREAS**, New York State Empire State Development Corporation (ESDC) Restore New York Community Initiatives (Restore 3 NY) has made available funds for the demolition, rehabilitation or reconstruction of vacant, abandoned, surplus or condemned commercial and/or residential buildings within their control to help New York communities with their downtown revitalization efforts; and

**WHEREAS**, the Town of Riverhead believes that Restore 3 NY grant funds will greatly benefit downtown Riverhead revitalization efforts; and

**WHEREAS**, the Town of Riverhead, Community Development Department will make application to Restore 3 NY for grant funds in an amount not to exceed \$2,500,000 to be utilized in the central Riverhead business district, specifically for the redevelopment of the buildings and lots located at Tax Map Numbers 0600-129-4-020, 0600-129-4-021.001, 0600-129-4-021.002, and 0600-129-4-19.1 known in part as Atlantis Marine World, Main Street, Riverhead, New York for the reconstruction of two demolished, underutilized properties and the development of a five story, 101 room Hyatt Place Hotel, along with the enhancement of the Atlantis Marine World Aquarium by adding a two story changing exhibit and catering hall; and

**WHEREAS**, the Town has reviewed the contents of the above grant application; and

**WHEREAS**, the grant application requires the submission of a resolution of support from the municipality within the proposed service area; and

**WHEREAS**, the grant application for the revitalization of the Atlantis Marine World Aquarium supports the goals and objectives of the Town of Riverhead East Main Street Urban Renewal 1993 Plan and 2008 Update; and

**WHEREAS**, the proposed improvements to the Atlantis Marine World Aquarium facilitates effective and efficient use of existing and future resources so as to promote economic development; and

**WHEREAS**, the project develops and enhances infrastructure and/or other facilities in a manner that will attract, create and sustain employment activities; and

**WHEREAS**, the grant application requires a non-refundable check payable to Empire State Development Corporation in the amount of \$250 to be paid by the developer; and

**WHEREAS**, to satisfy the grant application requirements and to demonstrate its commitment of cooperation with Restore 3 NY in this efforts, the Riverhead Town Board wishes to express its support of the application being filed by the Community Development Department to benefit downtown Riverhead.

**WHEREAS**, the Town of Riverhead, as applicant, is required to publish a public hearing notice for three consecutive days in a daily newspaper including a list of potential properties being considered for inclusion in the application and to hold a public hearing on the subject of the application prior to submission of the application.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the submission of the above mentioned grant application; and

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes the publication of the attached public notice on three consecutive days on Newsday and once in the News Review for a hearing to be held April 21, 2009 at Riverhead Town Hall.

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board supports the application filed by the Town of Riverhead Community Development Department; and

**BE IT FURTHER RESOLVED** that the Supervisor of the Town of Riverhead, pending comments at the public hearing, is hereby authorized to execute such documents and take such other action as may be necessary to carry out the foregoing grant application with Restore 3 NY.

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

NOTICE OF PUBLIC HEARING NOTICE  
RESTORE NY COMMUNITY INITIATIVE  
GRANT APPLICATION  
TOWN OF RIVERHEAD, COMMUNITY DEVELOPMENT AGENCY

Please take notice that the Town of Riverhead is holding a public hearing on April 7, 2009 at 2:15 P.M. at Riverhead Town Hall, 200 Howell Ave., Riverhead NY 11901 Suffolk County New York. Notice is hereby given that the Town of Riverhead will conduct a Public Hearing as above captioned, opened to the residents of the Town, with respect to an application to the New York Empire State Development Corporation for a program called RESTORE NY COMMUNITY INITIATIVE established to encourage economic assistance for revitalization of commercial and residential properties.

The hearing is held to provide residents information concerning the grant application. Residents are also given the opportunity to express their views, suggestions, questions for clarification and offer their recommendations. Interested persons may submit proposals in writing to Chris Kempner Director of the Community Development Agency 200 Howell Ave, Riverhead, New York 11901.

Dated: March 27, 2009

Diane M. Wilhelm  
Town Clerk

NOTICE OF PUBLIC HEARING NOTICE  
RESTORE NY COMMUNITY INITIATIVE  
PROPERTY ASSESSMENT LIST  
TOWN OF RIVERHEAD, COMMUNITY DEVELOPMENT AGENCY

Please take notice that the Town of Riverhead is holding a public hearing on April 7, 2009 at 2:15 P.M. at Riverhead Town Hall, 200 Howell Ave., Riverhead NY 11901 Suffolk County New York, to consider the inclusion of all or some of the following properties in an grant application to the New York Empire State Development Corporation for a program called RESTORE NY COMMUNITY INITIATIVE established to encourage economic assistance for revitalization of commercial and residential properties.

Property Assessment List

	<u>Location</u>	<u>Sec/Blk/Lot</u>	<u>Use</u>	<u>Planned Use</u>
2	431 East Main St	129/4/19.1	Commercial	Reconstruction
3	469 East Main St	129/4/20	Commercial	Reconstruction
4	469 East Main St	129/4/21.1	Commercial	Reconstruction
5	469 East Main St	129/4/21.2	Commercial	Reconstruction

For further information contact Chris Kempner, Director Town of Riverhead Community Development Agency, 200 Howell Ave, Riverhead, NY 11901 (631) 727 3200 ext 287

Dated: March 27, 2009

Diane M. Wilhelm  
Town Clerk

April 7, 2009

Adopted

TOWN OF RIVERHEAD  
RESOLUTION # 338

RATIFIES AMENDED AGREEMENT WITH AKRF, INC. FOR COMPLETION OF  
BULK STUDY OF DC-1 ZONING DISTRICT

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

WHEREAS, the Town of Riverhead Community Development Department ("CDD") has applied for and received an award of New York Department of State grant funds under the Quality Communities Grant Program in the amount of \$70,000 for the Riverhead Downtown Redevelopment Consensus Initiative for the development of a bulk study and the development of historic district guidelines to improve the implementation of the Downtown Center-1 zoning use district and the downtown historic district in the Riverhead central business district; and

WHEREAS, following the adoption of the Comprehensive Plan in 2003 the Town Board adopted the new zoning district, Downtown Center-1, to induce redevelopment and encourage Smart Growth, and such rezoning is to be refined by a "bulk study" to review height, density, and parking; and

WHEREAS, AKRF, Inc., an architectural and urban design firm with planning expertise and familiarity with the Downtown Riverhead area submitted a proposal to perform the bulk study and the Riverhead Town Board authorized AKRF to proceed with the bulk study of the Downtown Center-1 zoning district; and

WHEREAS, after initial drafts of the bulk study were reviewed by the project advisory committee it was determined that the scope of the professional services proposal be amended to include a full day training for staff on use of the bulk study software; and

NOW, THEREFORE, BE IT RESOLVED, that Riverhead Town Board authorizes AKRF, Inc. to amend the scope of the bulk study as per the attached amended scope not to exceed the original agreed lump sum amount of \$40,000; and

BE IT FURTHER RESOLVED, that the Town Board does hereby authorize the Town Supervisor to enter into and execute the attached Town of Riverhead Consultant/Professional Services Agreement with AKRF, Inc.; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide notification of this resolution to AKRF, Inc., the Community Development Department, the Accounting Department, and the Purchasing Department.

THE VOTE  
Blass Yes No Wooten Yes No Dunleavy Yes No Cardinale Yes No  
THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED.



***Environmental and Planning Consultants***

3900 Veterans Memorial Highway  
Suite 300  
Bohemia, NY 11716  
tel: 631 285-6980  
fax: 631 285-6919  
[www.akrf.com](http://www.akrf.com)

March 18, 2009

Ms. Christine Kempner, Director  
Community Development Agency  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

Re: DC-1 Bulk Study - Scope of Services Modification

Dear Ms. Kempner:

In response to our recent discussions and January 2009 meeting with the Town, we are submitting this letter as a formal revision to the agreed upon Scope of Services for the DC-1 Bulk Study project dated October 17, 2008.

As requested by the Town, we are modifying the scope to include the preparation and presentation of a three-hour 3D Bulk Graphics program tutorial session to Town staff. An additional hour of more intensive and specialized training with the Town's GIS staff is also included in this training session. The purpose of this tutorial is to provide the Town with the ability to modify and alter the graphics provided in the Bulk Study. Using this planning tool, the Town will be able to assess the visual impacts of new developments. It is assumed for costing purposes that this training would occur at the Town's offices in Riverhead, and would all occur on one day.

The focus of the tutorial will be how to use Sketch-Up, the graphics program used to prepare the three-dimensional drawings for the Bulk Study. The tutorial will cover fundamental concepts, how to draw and extrude three-dimensional elements, and methods of modifying existing elements with basics of this very user-friendly program. Our Sketch-Up professionals will go over each of the tools on the toolbar including how to use layers. If time permits, the session will also include how to import photos into the graphics on to an existing perspective or view.

The previously approved existing scope of services states that AKRF will provide three design bulk scenarios to depict different levels of development in the DC-1 study area (including a representation of existing conditions). Please be advised, that the above mentioned tutorial will be provided in-lieu of a third scenario. In addition to this substitution in the scope, AKRF will also work on the development of a second scenario for depiction in the final report for this project (originally the scope of services indicated that the additional scenarios would be developed by the Town staff). In conformance with our original scope of services, AKRF will provide the bulk drawings to depict this second scenario, and will develop a recommendations section, which will be included in the final report for this project.

AKRF intends to provide the tutorial session and a draft of the final report prior to March 31, 2009 in order to meet the grant deadline. In order to achieve this goal, we would like to request a few dates that Town staff would be available to participate in the tutorial described above, so that the Sketch-Up training session can be scheduled immediately.

Thank you for this opportunity to refine our Scope of Services on this project to better fit the Town's needs and requirements. These changes to the Scope of Services will not result in any change to the overall budget for the project, which will remain \$40,000, as previously agreed in our original contract with the Town.

If this modification to the Scope of Services for this project is acceptable, please have an authorized representative sign a copy of this letter agreement, and return it to my attention. We look forward to continue working with you on this interesting project. As always, please feel free to contact me, or my colleague Javeriya Dunn, should you have any additional questions or concerns regarding this project.

Sincerely,



Stephen James Holley

Vice President

- cc: Javeriya Dunn (DPM)
- Kenneth Mack, GIS
- Project Files/AKRF Accounting Dept.

**ACKNOWLEDGED AND ACCEPTED:**

Signature: \_\_\_\_\_ Title: \_\_\_\_\_  
 For: \_\_\_\_\_ Date: \_\_\_\_\_

April 7, 2009

Adopted

TOWN OF RIVERHEAD

WEeping WILLOW  
CAPITAL PROJECT

ADOPTED BUDGET ADDITION

RESOLUTION # 339

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

**BE IT RESOLVED**, that the Supervisor be, and hereby is, authorized to accept the following budget addition:

		<u>FROM</u>	<u>TO</u>
406.019400.494200.42068	Serial Bond Proceeds	309,000	
406.019400.521000.42068	Equip & Capital Outlay Land		9,000
406.019400.543000.42068	Professional Services		46,000
406.086600.540000.42068	Contractual Expenses		254,000

**THE VOTE**

Wooten  Yes  No

~~Buckley  Yes  No~~

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**RECREATION PROGRAM**

**BUDGET ADJUSTMENT**

**RESOLUTION # <sup>340</sup>**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

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

		<u>FROM</u>	<u>TO</u>
006.000000.499999	Recreation Program Fund Balance	25,000	
006.076250.524000	Equipment Expense		25,000

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No



April 7, 2009

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 341**

**RATIFIES AND APPROVES STIPULATION OF AGREEMENT**

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

RESOLVED, that this Town Board hereby ratifies and approves the provisions of the Stipulation of Agreement by and between the Civil Service Employees Association and the Town of Riverhead dated March 3, 2009; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to CSEA President Matthew Hattorff, Lamb & Barnosky, LLP, the Personnel Officer, and the Office of Accounting.

**The Vote**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

THE RESOLUTION  WAS  WAS NOT

**THEREFORE DULY ADOPTED**

AL

STIPULATION OF AGREEMENT made and entered into this \_\_\_\_ day of \_\_\_\_ 2009, by and between the Town of Riverhead ("the Town"), the Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local 852 ("the CSEA").

WHEREAS, the Town employs Vincent Artale, Melissa Breitenbach, Deborah Buyukdeniz, Erin Chester, Tanya Newman, Eric Raudies, Christine Sargent, Candee Ulmet and Donald Zlatniski as Public Safety Dispatchers ("the Dispatchers"); and

WHEREAS, the Town has decided to transfer dispatching services to the County of Suffolk; and

WHEREAS, the Town, as a result of this transfer, will no longer employ Public Safety Dispatchers; and

WHEREAS, the collective bargaining agreement between the Town and the CSEA provides that the Dispatchers are entitled to be paid for their accrued vacation upon retirement or termination of service, except for cause, and their accumulated sick leave upon retirement, resignation or death; and

WHEREAS, a dispute has arisen as to whether the Town is obligated to compensate the Dispatchers for any or all of their accrued time when they transfer to another jurisdiction; and

WHEREAS, the parties have reached an agreement with regard to this dispute and wish to codify their understandings in this Agreement.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties hereby agree and stipulate as follows:

1. Effective February 27, 2009, the Town shall pay each Dispatcher for all of his/her accrued unused sick time, personal time, vacation time and compensatory time when, for any reason, he/she separates from service, at his/her rate of pay in effect at the time of separation.

2. This Agreement represents the total agreement between the Town and the CSEA with regard to the payment of unused accumulated sick, personal, vacation and compensatory time to be paid to the Dispatchers upon their separation from employment. There are no other agreements, oral or otherwise.

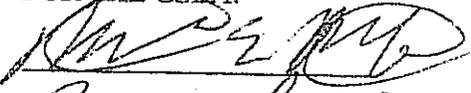
3. Nothing contained in this Agreement shall be deemed as precedent setting with regard to any other matter and is entered into solely due to the unique circumstances of the instant situation. This Agreement may not be cited in any other matter, such as, but not limited to, any grievance, grievance hearing, arbitration, PERB conference/hearing, court matter or any other similar proceeding, except to enforce the provisions of this Agreement.

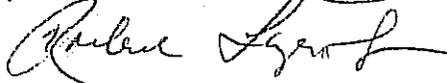
4. The provisions of this Agreement are subject to ratification and approval by the Town Board.

FOR THE TOWN:

\_\_\_\_\_

FOR THE CSEA:

  
\_\_\_\_\_



April 7, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 342

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (Article XXVIA – Special Permit)**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", Article XXVIA entitled "Special Permit", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5<sup>th</sup> day of May, 2009 at 2:20 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", Article XXVIA entitled "Special Permit", of the Riverhead Town Code as follows:

**CHAPTER 108  
ZONING  
ARTICLE XXVIA  
Special Permit**

§108-133.3. Application for special permit use.

D. A written application, verified by the applicant, not an agent, where the applicant is the person or entity responsible and bound for the land use envisioned by the special permit. Where the applicant is not the owner of the real property, the owner must join in and swear to the truth of the application. ~~Any special permit granted, unless performance of the terms and conditions thereof is bonded, shall be personal to the applicant and shall not be assignable or transferable without a resolution of approval by the Town Board.~~

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

Dated: Riverhead, New York  
April 7, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

Adopted

April 7, 2009

TOWN OF RIVERHEAD

Resolution # 343

**AUTHORIZES THE SUPERVISOR TO EXECUTE A CONSULTANT/  
PROFESSIONAL SERVICES AGREEMENT WITH UNISYS CORPORATION**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded  
by

COUNCILMAN WOOTEN :

**WHEREAS**, the Town of Riverhead requires relocation of its existing computer system to its new location at 1295 Pulaski Street, Riverhead, New York; and

**WHEREAS**, Unisys Corporation has submitted a proposal to provide their professional services in connection with the Town's above noted needs;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the Supervisor to execute a professional services agreement with Unisys Corporation in substantially the form annexed hereto, and be it further

**RESOLVED**, that the fee for the work to be provided shall not exceed \$5,200.00 without the prior authorization of this Board, and be it further,

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Unisys Corporation, 10B Madison Avenue Extension, Albany, New York 12203, the Office of the Town Attorney and the Office of Accounting.

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of April, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Unisys Corporation, a corporation existing under the laws of the State of New York, with a principal place of business at 10B Madison Avenue Extension, Albany, New York 12203 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the Schedule attached hereto and made a part hereof. Note, the schedule identifies the following: General Requirements; Relocation Requirements; De-Installation/Re-Installation Requirements; Physical Relocation Requirements; Customer Responsibilities; Testing and Verification Procedures; Town of Riverhead System Relocation; Unisys Equipment to be Moved from certain addresses; Unisys Equipment to be Installed at the New Location; No other Unisys Peripherals Moving With Unisys Systems; Owner's Acceptance of Finished Product; Pricing ["Pricing"-second paragraph deleted-not applicable]; and Invoicing and Payment [must refer to the provisions set forth under paragraph 3 herein]. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

### 2. TERM OF AGREEMENT

The Agreement shall commence on \_\_\_\_\_ and terminate on \_\_\_\_\_.

### 3. PAYMENT

For these services, Town will pay Consultant a fixed price of \$5,200.00. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

### 4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence

and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

#### 8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its

departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: \_\_\_\_\_, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to \_\_\_\_\_ [name and address].

#### 11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud of any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

#### 13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment

with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

TOWN OF RIVERHEAD

UNISYS CORPORATION

\_\_\_\_\_  
By: Philip J. Cardinale, Supervisor

\_\_\_\_\_  
By:

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of April, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Unisys Corporation, a corporation existing under the laws of the State of New York, with a principal place of business at 10B Madison Avenue Extension, Albany, New York 12203 (hereinafter referred to as "Consultant").

In consideration of the mutual promises herein contained, Town of Riverhead and Consultant agree as follows:

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the **Schedule of Services** attached hereto and made a part hereof. Note, the schedule identifies the following: General Requirements; Relocation Requirements; De-Installation/Re-Installation Requirements; Physical Relocation Requirements; Customer Responsibilities; Testing and Verification Procedures; Town of Riverhead System Relocation; Unisys Equipment to be Moved from certain addresses; Unisys Equipment to be Installed at the New Location; No other Unisys Peripherals Moving With Unisys Systems; Owner's Acceptance of Finished Product; Pricing ["Pricing"-second paragraph deleted-not applicable]; and Invoicing and Payment [must refer to the provisions set forth under paragraph 3 herein]). These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

### 2. TERM OF AGREEMENT

The Agreement shall commence on \_\_\_\_\_ and terminate on \_\_\_\_\_.

### 3. PAYMENT

For these services, Town will pay Consultant a fixed price of \$5,200.00. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

### 4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence

and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### 5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

#### 8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its

departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: \_\_\_\_\_, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to \_\_\_\_\_ [name and address].

#### 11. COMPLIANCE WITH LAWS

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud of any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

#### 13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment

with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

TOWN OF RIVERHEAD

UNISYS CORPORATION

\_\_\_\_\_  
By: Philip J. Cardinale, Supervisor

\_\_\_\_\_  
By:

**Schedule D - Description of Professional Services**

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**STATEMENT OF WORK****UNISYS RELOCATION SERVICES**

**THIS DOCUMENT IS THE STATEMENT OF WORK DESCRIBING ALL OF THE RESPONSIBILITIES BETWEEN UNISYS CORPORATION'S NORTHERN REGION DESIGN BUILD AND RELOCATION GROUP AND TD BANKNORTH.**

**1.0 GENERAL REQUIREMENTS**

It is understood that Unisys Corporation's Northern Region Design Build and Relocation Group (Unisys) will provide relocation services to Town of Riverhead.

Unisys shall assign a project coordinator to this project. The Unisys coordinator will provide Town of Riverhead with a single point of contact for the planning and implementation of the relocation project. The Unisys coordinator will coordinate all project activities involving relocation planning, equipment move scheduling, equipment de-installation, and equipment re-installation.

Unisys shall verify the proper operation of all equipment scheduled for relocation as described on "Attachment A". Any equipment that does not meet Unisys or original equipment manufacturers standards for functional operation will be documented and reported to Town of Riverhead. Any equipment that does not meet Unisys or original equipment manufacturers standards for functional operation will be relocated at its' current condition. Unisys will not be responsible for making this equipment meet any functional operation standards.

**2.0 RELOCATION REQUIREMENTS**

Unisys will provide the following services in support of this relocation project:

- Assist Town of Riverhead in developing a comprehensive task list detailing the various responsibilities of the relocation.
- Assist Town of Riverhead in the development of detailed move schedule. Unisys will identify the requirements and parameters of all participants, and develop a schedule to meet the relocation project requirements.
- Review plans and specifications with Town of Riverhead to identify and resolve any conflict.
- Assist Town of Riverhead with new equipment room layout as required. Unisys will assist Town of Riverhead with specifications as required.
- Furnish qualified movers, with experience in the relocation of electronic equipment, to physically move the equipment. Unisys will provide insurance coverage during the physical move to cover the repair and/or replacement of equipment.

Town of Riverhead  
SOW

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## Schedule D - Description of Professional Services

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- Identification of equipment to be relocated. Unisys will furnish the Town of Riverhead with labels to attach to specified equipment.
- Furnish the necessary personnel required to accomplish the relocation project.
- Provide coordination of the move.

### 3.0 DE-INSTALLATION / RE-INSTALLATION REQUIREMENTS

Unisys will provide the following services to de-install and re-install the specified equipment relating to this relocation project:

- De-installation of the specified equipment listed on "Attachment A"
- Inspect equipment prior to movement for any physical damage. All pre-existing conditions will be documented and provided Town of Riverhead.
- Inspect all equipment for any physical damage upon delivery to new site. Any physical damage will be documented and provided to Town of Riverhead. Following acceptance of the equipment at the new site, Unisys will assume the costs of parts and labor required to return the equipment to operational condition.
- Any equipment that is being serviced under a valid Unisys maintenance agreement and being moved as part of this project will be repaired by Unisys to meet equipment operational standards.
- Any equipment that is not being serviced under a valid Unisys maintenance agreement and being moved as part of this project will be repaired by Unisys or a qualified service organization to meet equipment operational standards. Any required repairs will be billed to the Town of Riverhead on a time and material basis.
- Re-installation of the specified equipment listed on "Attachment A".

### 4.0 PHYSICAL RELOCATION REQUIREMENTS

- Unisys will provide the following services relating to the physical move of specified equipment:
- Furnish all packing material, crates and skids necessary to accomplish the successful move of the equipment specified on "Attachment A"
- Deliver and set in place, at the new site, all equipment specified on "Attachment A".
- Furnish the necessary ramps and floor coverings required to properly accomplish the physical move of equipment specified on "Attachment A".
- Furnish the necessary devices required to accomplish the physical move of heavy equipment.

**Schedule D - Description of Professional Services**

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The current site location that equipment will be de-installed and moved from:

Town of Riverhead  
552 East Main St.  
Riverhead, NY 11901

The new site location that equipment will be re-installed at:

Town of Riverhead  
1295 Pulaski Street  
Riverhead, NY 11901

**5.0 CUSTOMER RESPONSIBILITIES**

Town of Riverhead will be responsible for the following:

Disconnecting electrical power at the existing site.

Furnish electrical power to the equipment at the new site.

All required environmental support equipment at the new site, including, but not limited to computer room air conditioning.

Furnish the required computer flooring system and any access penetrations (i.e.: cut-outs, trimming).

The removal of windows and other entry protection at the existing and new site.

Door jams to be removed along the equipment path to accomplish the move.

Additional specifications in "Attachment A".

**6.0 TESTING AND VERIFICATION PROCEDURES**

Unisys will verify the functional operation of all equipment relocated as described on "Attachment A". Functional testing of equipment will be in accordance with the manufacturers published specifications and accepted industry practices. Equipment diagnostic software shall be the basis for functional verification.

Verification of equipment installation and operation will be conducted by the Unisys Project Coordinator and Town of Riverhead's representative.

Town of Riverhead  
SOW

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**Schedule D - Description of Professional Services**

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**Attachment A**

Unisys will de-install, relocate, and re-install the following hardware system installed at the Town of Riverhead.

Unisys ClearPath 7101 System computer system and UMS1500 High Speed printer consisting of fully loaded equipment racked pieces and including all ancillary cables and documents. The equipment will be packaged by the Unisys Movers. The configuration will remain constant from the current to the new location. Town of Riverhead will provide new phone numbers and IP addresses if required.

CIR- Site Visit & Prep Time

CIR-Visit & Prep Time

De-Install:

CIR: John Odoherty

CIR: Peter Uddo

Saturday Install:

CIR: John Odoherty

CIR: Peter Uddo

**TOWN OF RIVERHEAD SYSTEM RELOCATION****UNISYS EQUIPMENT TO BE MOVED FROM THE FOLLOWING ADDRESS**

1. Address:
2. 552 East main St.
3. Riverhead, NY 11901
2. TBD
3. Unisys Team Members
4. Security.
5. Riverhead point person
6. Packaging material and lock down clips.
7. Room clean up Riverehead responsibility.
8. Electrical clean up Riveerhead responsibility.
9. Town of Riverhead responsible for full backup of each system prior to de-install.
10. Town of Riverhead responsible to provide list of all Software to be transported to new location.
11. Unisys cir ghost of all SP's
12. Current IP addressing scheme of all network Connections.
13. Ensure all IO cables are labeled.
14. All software should be identified by system And packaged as such.
15. Unisys GOIS will power up all systems At the new location and test them completely with the Exact configuration as they left 552 E. Main St.

Town of Riverhead  
SOW

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**Schedule D - Description of Professional Services**

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Any changes will be the responsibility of the client.

Such as phone numbers and IP addresses changes.

16. If upgrades such as Sentinel are required so

All systems can be managed at one central  
Server should be done prior to move.

Additional charges will apply.

17. Document current systems configurations.

**UNISYS EQUIPMENT TO BE INSTALLED AT THE NEW LOCATION**

1.Address .

1295 Pulaski Street  
Riverhead, NY 11901

2.TBD, 2009; Time: TBD

3.Unisys Team members.

4.Security.

5.Town of Riverhead point person.

6.Site readiness. Computer room.

7. Checklist

Floor space,system locations

Air conditioning

Power protection

Electric or all electric tested prior to move.

Floor cut outs.

Telephones lines and numbers

New IP addressing

8.Determined new Sentinel setup if any.

9.Determined new system configurations if any.

10. Complete all testing with Town of Riverhead approval and sign off.

11. Site visits and meetings require prior to move.

Note: does not include any wait time.

**NO OTHER UNISYS PERIPHERALS MOVING WITH UNISYS SYSTEMS.**

This relocation is in compliance will all Unisys Maintenance and Service agreements as referenced by the Supplemental Schedule Order Form.



Adopted

April 7, 2009

TOWN OF RIVERHEAD

Resolution # 344

**AUTHORIZES THE SUPERVISOR TO EXECUTE A CONSULTANT/  
PROFESSIONAL SERVICES AGREEMENT WITH DATA PATH, INC.**

COUNCILMAN WOOTEN offered the following resolution, was seconded  
by

COUNCILWOMAN BLASS :

**WHEREAS**, the Town of Riverhead requires an upgrade to the Town's computer infrastructure in order to enhance productivity and computer access for all Town offices; and

**WHEREAS**, Data Path, Inc. has submitted a proposal for the installation of a fiber optic cabling system and network installation for the Town of Riverhead;

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby authorizes the Supervisor to execute a professional services agreement with Data Path, Inc. in substantially the form annexed hereto, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Data Path, Inc., 20B Commerce Drive, Hauppauge, New York 11788, the Office of the Town Attorney and the Office of Accounting.

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of April, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Data Path, Inc., a corporation existing under the laws of the State of New York with a principal place of business at 20B Commerce Drive, Hauppauge, New York 11788 (hereinafter referred to as "Consultant").

The accomplishment of the work and services described in this Agreement is necessary and essential to the computerization of newly acquired and renovated town hall offices located at Pulaski Street, Riverhead, and an upgrade to all other Town offices computer infrastructure which will enhance productivity of the computer access for all said offices, including but not limited to, Town Hall, Senior Center and Highway Department. Data Path, Inc. expressed a willingness, requisite expertise and experience to install cabling system and network installation, with particular skill related to fiber optic installation. Data Path, Inc. will provide a 15 year guarantee for performance and workmanship on all installations.

In consideration of the mutual promises herein contained, Town of Riverhead and Data Path, Inc. (hereinafter referred to as "Consultant") agree as follows:

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the following services set forth below. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town:

#### Job Name: Route #1 West:

##### Route #1 Task 1

Install, terminate and test approximately 11,000 feet of 48 strand single mode feeder cable and 12,500 feet of drop cable for Town Network. Infrastructure will provide dedicated 12 strand connectivity from Recreation Dept. (60 Columbus Avenue), Water District (1035 Pulaski), new Town building (1295 Pulaski) and Highway Dept. building (1177 Osborne) each back to Town Hall. All cable, line hardware, installation, labor and project management are included for a cost of \$62,000.00.

##### Route #1 Task 2

Supply and install 30' tel. pole at 1295 Pulaski Street building. All cable, line hardware, labor and project management are included for a cost of \$945.00.

##### Route #1 Task 3

Engineering costs for pole walks (identify and report on required "make ready" initial cable routes) and Article #1 submittal to utility, including labor and management costs to complete such tasks for a cost of \$4,450.00. \*To the extent a utility company, i.e. Keyspan, LIPA, Verizon or Cablevision, charge a fee for pole utility walkthroughs or require an application fee, such fees or charges are not included in the costs or services provided by Consultant.

#### Route #1 Task 4

Annual service cost to include bi-annual pole review (visual and mechanical inspection) for proactive repairs to pole attachments and tree growth obstacles, together with normal repair/adjustment of attachments, tree trimming and labor for such minor repairs/adjustments are included in the costs and coverage set forth herein. In addition, Consultant shall provides 4 hr. response time upon notification of a downed pole or broken cable and provide Next Day repair to restore the system. The cost for annual inspection, 4hr. response time, including Next Day repair (if not due to downed pole or extreme weather damage), including all cable, line hardware, labor and project management to complete inspection or repair is \$7,500.00. The fees for repair of down poles or cable damage caused by extreme weather conditions are not included in this Agreement. Consultant shall provide an estimate for repair work immediately after inspection of the damage such that Next Day repair may be authorized by the Town.

#### Job Name: Route #2 South:

##### Route#2 Task 1

Install, terminate and test approximately 6,500 feet of 12 strand single mode cable spliced to existing 12 strand cable in use at 552 Main Street for Town Network. Infrastructure will provide 12 strand connectivity from Sewer District, back to Town hall. All cable, line hardware, installation labor and project management are included in the cost of \$16,720.00.

##### Route#2 Task 2

Engineering costs for pole walks (identify and report on required “make ready” initial cable routes) and Article #1 submittal to utility, including labor and management costs to complete such tasks for a cost of \$1,950.00. \*To the extent a utility company, i.e. Keyspan, LIPA, Verizon or Cablevision, charge a fee for pole utility walkthroughs or require an application fee, such fees or charges are not included in the costs or services provided by Consultant.

##### Route #2 Task 3

Annual service cost to include bi-annual pole review (visual and mechanical inspection) for proactive repairs to pole attachments and tree growth obstacles, together with normal repair/adjustment of attachments, tree trimming and labor relating to such minor repairs/adjustments are included in the costs and coverage set forth herein. In addition, Consultant shall provides 4 hr. response time upon notification of a downed pole or broken cable and provide Next Day repair to restore the system. The cost for annual inspection, 4hr. response time, including Next Day repair (if not due to downed pole or extreme weather damage) including all cable, line hardware, labor and project management to complete inspection or repair is \$2,750.00. The fees for repair of down poles or cable damage caused by extreme weather conditions are not included in this Agreement. Consultant shall provide an estimate for repair work immediately after inspection of the damage such that Next Day repair may be authorized by the Town, by resolution or approval by majority of members of Town Board.

#### Job Name: Route #3 East:

##### Route #3 Task 1

Install, terminate and test approximately 8,500 feet of 12 strand single mode cable for Town Network. Infrastructure will provide 12 strand connectivity from Senior Center (60 Shade Tree Lane) back to Town Hall. All cable, line hardware, installation labor and project management are included in the cost of \$25,000.00.

#### Route #3 Task 2

Install 2" underground conduit approximately 925' for section under roadway bridge. All cable and line hardware (to the extent required), test pits, directional drilling permits..etc., labor and project management are included in the cost of \$38,750.00.

#### Route #3 Task 3

Engineering costs for pole walks (identify and report on required "make ready" initial cable routes) and Article #1 submittal to utility, including labor and management costs to complete such tasks for cost of \$2,950.00. \*To the extent a utility company, i.e. Keyspan, LIPA, Verizon or Cablevision, charge a fee for pole utility walkthroughs or require an application fee, such fees or charges are not included in the costs or services provided by Consultant.

#### Route #3 Task 4

Annual service cost to include bi-annual pole review (visual and mechanical inspection) for proactive repairs to pole attachments and tree growth obstacles, together with normal repair/adjustment of attachments, tree trimming and labor for such minor repairs/adjustments are included in the costs and coverage set forth herein. In addition, Consultant shall provides 4 hr. response time upon notification of a downed pole or broken cable and provide Next Day repair to restore the system. The cost for annual inspection, 4hr. response time, including Next Day repair (if not due to downed pole or extreme weather damage) including all cable, line hardware, labor and project management to complete inspection or repair is \$4,500.00. The fees for repair of downed poles or cable damage caused by extreme weather conditions are not included in this Agreement. Consultant shall provide an estimate for repair work immediately after inspection of the damage such that Next Day repair may be authorized by the Town.

The Consultant shall design and install the system (all Tasks identified in Route #1, #2, and #3) such that the system shall incorporate cable slack storage loops at over 30 locations system wide with each storage loop holding approximately 50 feet of cable slack to permit quick and cost effective cable re-routes and repairs. The slack loops shall be installed at every splice point, at strategic locations based on location, and at a minimum of every 300 feet of cable route. Consultant shall provide a 15 year guarantee for performance and workmanship on all installations and tasks identified under the headings "Route #1" "Route #2", and "Route #3" set forth above. In addition, Consultant, as manufacturer of, representative of, and service installation provider, shall stand by all warranties of the materials before, during and after installation, including manufacturers OTDR testing results prior to installation and post installation.

## 2. TERM OF AGREEMENT

It is agreed and understood by and between Town and Consultant that time is of the essence, therefore, this Agreement shall commence on the date the Agreement is fully executed by the Town and Consultant. The term of the Agreement shall include all work specified to complete installation such that the annual service provision is triggered and begins to run and shall extend

to the expiration of the annual (one year) service provision. The Town, by resolution, and Consultant may enter into an Agreement to extend the annual service period for successive years.

### 3. PAYMENT

For these services, Town will pay Consultant at the rates set forth in the payment schedules set forth in "Scope of Services". Within five days of the commencement of the Agreement, the Town as and for "payment upon contract" shall remit the sum of \$25,000.00, for services related to Route #1, \$5,000.00 for services related to Route #2, and \$10,000.00 for services related to Route #3 and shall be credited towards Route# 1 Task 1, Route#2 Task 1, and Route#3 Task 1, respectively. Thereafter, Consultant shall submit a separate invoice upon the completion of services related to each of the task identified in the "Scope of Services" signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Consultant shall not submit an invoice for Route#1 Task 4, Route#2 Task 3, and Route#3 Task 4 (all such tasks relate to annual service agreement) until all other tasks in the designated Route, i.e. Route#1 Tasks 1-3, are complete. To the extent that this Agreement sets forth expenses which may require the Town to reimburse Consultant, each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the schedule set forth above. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the schedule above. To the extent repairs or adjustments are required as a result of downed pole or storm damage that is not covered under the annual maintenance contract, Consultant shall provide written estimate for repair upon inspection and must receive approval from Town prior to performing any such repair work.

### 4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

### 5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for

inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

Performance of any part of this Agreement may not be subcontracted nor assigned, with the exception of cable installation on poles by North Atlantic Communications, without, in each case, the prior written consent of at least three members of the Town Board or by resolution of the Town Board. Consultant is responsible for all work performed by subcontractor and ensures compliance with all terms of this agreement and all state and federal laws.

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

#### 8. RECORDS

Consultant shall keep accurate records of the time spent in the performance of services hereunder. The Town shall, until the expiration of seven years after final payment under this Agreement, have access to and the right to examine any directly pertinent books, documents, papers and records of Consultant involving transactions related to this Agreement.

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Bill Rothaar, Financial Administrator for the Town of Riverhead, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to \_\_\_\_\_ [name and address].

#### 11. COMPLIANCE WITH LAWS

Consultant and Consultant's subcontractor shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud or any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline.

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant, Consultant's subcontractor or agents under this Agreement.

#### 13. CONFLICT OF INTEREST

Consultant hereby represents and covenants that neither it nor any of its employees or representatives has or shall have, directly or indirectly, any agreement or arrangement with any official, employee or representative of the Town of Riverhead which any such official, employee, representative shall receive either directly or indirectly anything of value whether monetary or otherwise as the result of or in connection with any actual or contemplated application before any department of the Town, contract with the Town for sale of any product or service. Consultant further represents and covenants that neither it nor any of its employees or representatives has offered or shall offer any gratuity to the Town, its officers, employees, agents or representatives with a view toward obtaining this Agreement or securing favorable treatment with respect thereto. Consultant further represents that it will not engage in any activity which presents a conflict of interest in light of its relationship with Town.

#### 14. DISCLOSURE

The Town shall have the right, in its discretion, to disclose the terms and conditions of this Agreement (as it may be amended from time to time), including but not limited to amounts paid pursuant hereto, to agencies of the local, state and federal government.

#### 15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an

opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

TOWN OF RIVERHEAD

DATA PATH, INC.

\_\_\_\_\_  
By: Philip J. Cardinale, Supervisor

\_\_\_\_\_  
By:

# Adopted

RESOLUTION # 345 ABSTRACT #09-11 March 19, 2009 (TBM 04/7/09)				
COUNCILWOMAN BIA offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME			CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		362,282.55	362,282.55
POLICE ATHLETIC LEAGUE	4		898.90	898.90
RECREATION PROGRAM FUND	6		750.00	750.00
TOWN BOARD SPECIAL PROGRAM FUN	24		189.97	189.97
ECONOMIC DEVELOPMENT ZONE FUND	30		451.20	451.20
HIGHWAY FUND	111		70,118.04	70,118.04
WATER DISTRICT	112		5,092.78	5,092.78
RIVERHEAD SEWER DISTRICT	114		47,625.94	47,625.94
REFUSE & GARBAGE COLLECTION DI	115		346,778.58	346,778.58
STREET LIGHTING DISTRICT	116		1,736.62	1,736.62
PUBLIC PARKING DISTRICT	117		583.60	583.60
BUSINESS IMPROVEMENT DISTRICT	118		1,860.00	1,860.00
EAST CREEK DOCKING FACILITY FU	122		349.30	349.30
CALVERTON SEWER DISTRICT	124		2,890.60	2,890.60
RIVERHEAD SCAVANGER WASTE DIST	128		15,903.64	15,903.64
WORKERS' COMPENSATION FUND	173		104,222.72	104,222.72
RISK RETENTION FUND	175		757.32	757.32
CDBG CONSORTIUM ACOUNT	181		5,000.00	5,000.00
TOWN HALL CAPITAL PROJECTS	406		210,364.37	210,364.37
WATER DISTRICT CAPITAL PROJECT	412		34,167.33	34,167.33
LOCAL ST & HIGHWAY CAP PROJECT	451		70,000.00	70,000.00
YOUTH SERVICES CAP PROJECT	452		166.52	166.52
MUNICIPAL GARAGE FUND	626		422.04	422.04
TRUST & AGENCY	735		275,578.93	275,578.93
TOTAL ALL FUNDS			1,558,190.95	1,558,190.95

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

RESOLUTION # 345 ABSTRACT #09-12 March 26, 2009 (TBM 04/7/09)				
Councilwoman Blase Councilman Dunleavy				
offered the following Resolution which was seconded by				
FUND NAME			CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		1,210,914.04	1,210,914.04
RECREATION PROGRAM FUND	6		3,659.72	3,659.72
ECONOMIC DEVELOPMENT ZONE FUND	30		3,608.79	3,608.79
MULTI YEAR OPERATING GRANT FUN	99		50,651.28	50,651.28
HIGHWAY FUND	111		172,910.19	172,910.19
WATER DISTRICT	112		134,647.76	134,647.76
RIVERHEAD SEWER DISTRICT	114		58,107.26	58,107.26
REFUSE & GARBAGE COLLECTION DI	115		40,001.46	40,001.46
STREET LIGHTING DISTRICT	116		11,585.98	11,585.98
PUBLIC PARKING DISTRICT	117		583.6	583.6
BUSINESS IMPROVEMENT DISTRICT	118		49.95	49.95
AMBULANCE DISTRICT	120		3,412.70	3,412.70
EAST CREEK DOCKING FACILITY FU	122		269.9	269.9
CALVERTON SEWER DISTRICT	124		13,419.36	13,419.36
RIVERHEAD SCAVANGER WASTE DIST	128		23,061.94	23,061.94
WORKERS' COMPENSATION FUND	173		3,986.10	3,986.10
RISK RETENTION FUND	175		6,193.88	6,193.88
CDBG CONSORTIUM ACOUNT	181		601.83	601.83
COMMUNITY DEVELOPMENT AGENCY C	405		325	325
TOWN HALL CAPITAL PROJECTS	406		17,353.27	17,353.27
WATER DISTRICT CAPITAL PROJECT	412		37,000.00	37,000.00
RIVERHEAD SEWER CAPITAL PROJEC	414		17,330.90	17,330.90
CALVERTON SEWER CAPITAL PROJEC	424		8,509.09	8,509.09
SCAVANGER WASTE CAPITAL PROJEC	428		1,405.86	1,405.86
SENIORS HELP SENIORS CAP PROJE	453		2,582.10	2,582.10
TRUST & AGENCY	735		1,303,933.14	1,303,933.14
SPECIAL TRUST	736		11,500.00	11,500.00
COMMUNITY PRESERVATION FUND	737		3,645.97	3,645.97
<b>TOTAL ALL FUNDS</b>			<b>3,141,251.07</b>	<b>3,141,251.07</b>

THE VOTE

Buckley \_\_\_ yes \_\_\_ no Wooten \_\_\_ yes \_\_\_ no

Dunleavy \_\_\_ yes \_\_\_ no Blase \_\_\_ yes \_\_\_ no

Cardinale \_\_\_ yes \_\_\_ no

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

RESOLUTION # <u>345</u> ABSTRACT #09-13 April 2, 2009 (TBM 04/7/09)				
COUNCILWOMAN RIA offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME			CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		93,936.92	93,936.92
RECREATION PROGRAM FUND	6		2,608.00	2,608.00
TOWN BOARD SPECIAL PROGRAM FUN	24		199.99	199.99
HIGHWAY FUND	111		6,786.09	6,786.09
WATER DISTRICT	112		26,521.95	26,521.95
RIVERHEAD SEWER DISTRICT	114		5,736.65	5,736.65
REFUSE & GARBAGE COLLECTION DI	115		154.00	154.00
STREET LIGHTING DISTRICT	116		95.24	95.24
BUSINESS IMPROVEMENT DISTRICT	118		1,888.55	1,888.55
CALVERTON SEWER DISTRICT	124		274.50	274.50
RIVERHEAD SCAVANGER WASTE DIST	128		1,688.61	1,688.61
WORKERS' COMPENSATION FUND	173		85,459.51	85,459.51
RISK RETENTION FUND	175		1,191.70	1,191.70
TOWN HALL CAPITAL PROJECTS	406		220,266.16	220,266.16
YOUTH SERVICES CAP PROJECT	452		159.92	159.92
TRUST & AGENCY	735		3,498.41	3,498.41
COMMUNITY PRESERVATION FUND	737		25,050.00	25,050.00
TOTAL ALL FUNDS			475,516.20	475,516.20

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

4/7/09

Adopted

TOWN OF RIVERHEAD  
Resolution # 346

**ADOPTS LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE  
RIVERHEAD TOWN CODE  
(Repeal and Replace §108-235 through §108-245 - Planned Recreational Park (PRP) District)**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by

~~COUNCILMAN WOOTEN~~:

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code (Planned Recreational Park (PRP) District); and

**WHEREAS**, a public hearing was held on the 21st day of January, 2009 at 7:15 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.

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

**RESOLVED**, that the Town Clerk is hereby authorized to publish the attached notice of adoption once in the News Review, the official newspaper, and to post same on the signboard at Town Hall; and be it further

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on April 7, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
ZONING  
ARTICLE XLIV  
**Planned Recreational Park (PRP) District**

ARTICLE XLIV, Planned Recreational Park (PRP) District

**EXISTING SECTIONS 108-235 THROUGH 108-245 TO BE REPEALED AND REPLACED AS FOLLOWS:**

**§ 108-235. Purpose.**

A portion of the former Naval Weapons Industrial Reserve Plant at Calverton, located in west central Riverhead, comprised primarily of runways, open land and naturally vegetated areas is zoned Planned Recreational Park District. It is intended that the land comprising this zoning use district, is to be transformed into a major regional family-oriented recreational amusement park and sports venue, drawing upon the leisure and tourism market of the east end of Long Island. The purposes of such a designation are to attract private investment, increase the Town's tax base, create jobs and enhance the quality of life in the community and region. The district has good local and regional access and provides an opportunity to develop a comprehensive, attractive and uncongested environment. The district allows for the creation of a number of distinct regional, publicly accessible, destination, leisure and recreational complexes, through interrelated and mutually supporting facilities and drawing upon separate and distinct regional markets. The flexible regulatory framework provided for in the PRP District allows for innovation and maximum flexibility both in the use and design of these facilities in a single location. It also allows for a variety of activities to take place simultaneously, without generating multiple or separate vehicular trips, which together with encouragement of access through regional public transportation networks and a pedestrian and bicycle orientation reduces vehicular trips and energy requirements. A single set of development and design requirements is imposed for the district as a whole.

(a) In addition to the standards and regulations required for site plan approval pursuant to Article XXVI, Site Plan Review, of the Town Code, the following shall be required to be submitted for final approval: a detailed design vocabulary for all subsequent development within the PRP District, including exterior building materials and glass; plant material and landscaping palette; architectural guidelines for style, size and height of buildings and conservation and resource management measures.

**§ 108-236**

A. Permitted uses:

Outdoor or indoor concert, live performance or entertainment facilities, stadiums and arenas including:

Theaters for live performances

Indoor or outdoor performance and concert facilities

Movie theaters, not including drive-in theaters

Theme parks

Discotheques and nightclubs

Lodging Facilities, including:

Cabins and cottages, for transient lodging, (time shares and fractional ownership)

Bed-and-breakfasts and Country inns,

Hotels

Hotel Conference Centers

Recreational vehicle parks

Campgrounds

Sporting uses and sports facilities, including:

Sports arenas, or indoor or outdoor courts or playing fields, or facilities for boxing, basketball, baseball, cycling, football, hockey, ice skating, skiing, soccer, tennis, bowling, archery, horseback riding or other sports

Stadiums

Race tracks for horses, automobiles or motorcycles

Boat or canoe rental facilities and fishing piers

Hiking, nature trails, and bridle paths

Canoeing and kayaking

Fishing

Community or public park Golf Uses, including:

Pitch-and-putt or miniature golf courses

Public or private golf driving ranges, practice facilities or

Public or private 18-hole golf courses including executive, regulation or par 3

Golf Course resort

Sports instructional academies, schools, camps or facilities, including:

Aviation clubs or schools

Martial arts schools or facilities

Equestrian arenas, schools or facilities or riding academies and riding stables

Scuba and skindiving facilities and instruction

Golf instruction schools

Dance studios

Exposition and Exhibition Facilities, including:

Animal exhibits

Botanical gardens and arboreta

Cable car operators

Museums and art galleries

Planetarium

Scenic railroads

Sports museums or halls of fame

Rodeos

Zoological gardens, but not aquariums

Farmers markets, arts and crafts markets, carnival or festival markets

Auction houses

Health Spas and health related facilities, including:

Health clubs and gymnasiums

Health spas

Wellness Center

B. Accessory uses.

As defined in section 108-3 herein including, but not limited to:

Incidental, ancillary and subordinate retail facilities, incidental, ancillary and subordinate restaurant, cafeteria, catering facilities, eating or drinking establishments

Automatic Teller Machines

Bus or transit stops or stations

First aid stations and other emergency services

Infrastructural facilities such as repair and maintenance or power generating facilities

Off-street parking and loading facilities

Parks, open space and picnic areas

Security and management facilities

Conference facilities, meeting rooms and ballrooms

C. General lot, yard and height requirements for the PRP District.

- a) Maximum floor area ratio: 0.20 in total for all buildings within the PRP District
- b) Maximum vegetation clearing: as set forth in Article XXXV of the Town Code of the Town of Riverhead entitled "Pine Barrens Overlay District"

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

- (c) Maximum impervious surface coverage: 50%.

- (d) Maximum height:

i) two stories for bed-and-breakfasts and country inns;

ii) six stories or 75 feet whichever is greater for exposition and exhibition facilities, water parks, theme park buildings, hotels, timeshares and fractional ownership,

iii) 120 feet for all other structures, including theme rides, outdoor stadiums, indoor sports arenas, provided that a set back of at least three feet for every one foot in vertical height above 40 feet is provided from the perimeter boundary of the District.

iv) Forty feet for all other uses.

- (e) Minimum tract size for golf courses: 140 acres and 300 acres for golf course resorts.

**§ 108-236. General development standards for PRP District.**

A. Building and site design and layout. The location and layout of buildings, structures, parking areas, open spaces and other built elements shall be designed so as to provide an aesthetically vibrant, attractive and recreationally oriented environment. An emphasis on creative and innovative designs, colors, textures, materials, building shapes, massing and arrangements is encouraged. A focus on a particular design theme or overall organizing architectural concept is encouraged. While uniformity and bland design are specifically discouraged, measures to ensure harmony and continuity in architectural and landscape design between uses is emphasized. In addition, a great diversity in uses is encouraged in order to provide as wide an array of attractions and facilities as possible. Flexibility in location, size and type of buildings and structures has been provided with the specific purposes of encouraging creativity and the accomplishment of innovative and unique designs. Replication of designs from regional or national amusement parks, attractions or commercial recreation chains or franchises that already exist elsewhere in the state, region or country, is specifically discouraged.

B. Signs. Signs within the interior of each lot shall not be subject to height, size, type or location controls, other than that no sign shall be higher than the permitted height for principal buildings within the district, or so designed or located as to primarily advertise or be directed to roadways or land uses outside of the PRP District, such as Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road), nor shall any signs be placed within a required buffer area. At the perimeter of the PRP District, signs shall be subject to the following restrictions: One freestanding

sign for each lot may be placed at the entrance from a primary road to the PRP District with a maximum of four such signs at each entrance, a maximum height of 30 feet, and an area no larger than 150 square feet per sign. On all arterial roads within the PRP District, signs shall be provided for the purposes of identification and vehicular control, including street signs and exterior directional signs. The provisions of such signs shall be of uniform height, color, typeface and material throughout the PRP District.

C. Exterior lighting. The design and use of materials for exterior lighting along those portions of the primary roads which abut the PRP District and along all arterial roads within the PRP District shall be of uniform design. Uniformly designed exterior lighting shall be provided for all pedestrian pathways, bikeways and parking areas along such primary roadways and arterial roads linking the lots. Such lighting shall also be provided in accordance with Illuminating Engineering Society standards and shall be installed by the developer at his or her expense. Pedestrian pathways throughout the PRP District, around buildings and across access or service roads or driveways shall be lighted to clearly identify their location. The design of lighting poles, fixtures and the spacing and height of lighting poles shall be uniform throughout the PRP District. Directional lighting shall be arranged so as to minimize glare and reflection on properties adjacent to the PRP District and across property line boundaries. All exterior lighting shall comply with Article XLV of the Town Code of the Town of Riverhead entitled "Exterior Lighting".

D. Pedestrian Pathways and Bikeways. There shall be sidewalks or pedestrian pathways and bicycle paths provided throughout each the PRP District, except where the retention of the natural vegetation is encouraged or required. The types of material used for pedestrian pathways and bikeways, including pavement, curbs, planting and protective barriers, shall be uniform throughout the PRP District. The width of such pedestrian pathways need not be uniform but shall vary according to their use and the amount of pedestrian traffic anticipated to utilize them. Pedestrian pathways and bikeways shall wherever possible be separated from vehicular circulation and streets within the PRP District. Stubbed pathways at the boundaries of developed properties shall be encouraged in order to permit linkage to subsequent developers. Subsequent developers shall provide pedestrian pathway and bikeway links to those paths already developed or approved, so as to provide a continuous and interconnecting pedestrian pathway and bikeway system throughout the district. Pedestrian paths shall not be less than five feet in width and, where used as a jogging path or bikeway in addition to a pedestrian pathway, shall not be less than eight feet in width.

E. Common open space. Open space areas within the PRP District, particularly those areas where vegetation has not been cleared pursuant to meeting the requirement of clearing a maximum of 65% of vegetation within the Pine Barrens Compatible Growth Area, shall be so designed and used as to protect the natural resources and qualities of the site, including the natural terrain, woodland, significant views and any unique and unusual features. The following regulations shall apply to these areas:

- (1) Clearing of brush and dead timber shall be required where necessary to eliminate fire hazards.
- (2) Manual clearing of obstruction or jams from streams or waterways shall be required where necessary to ensure unimpeded flow, provided that no channelization shall be permitted.
- (3) Hiking, jogging and bridle paths, utilizing natural ground surfacing such as stone or wood chips, may be constructed and maintained unless otherwise prohibited by Town or state law.
- (4) Open space which is in a natural state shall otherwise be maintained undisturbed in its natural state. No garbage debris shall be permitted to accumulate except vegetation clipping properly maintained as compost heaps.
- (5) Passive recreational use of open space natural areas shall be restricted to hiking, jogging, bicycling, fishing, bird watching, horseback riding and canoeing or kayaking.

F. Landscaping. Shade trees shall be provided along roads, walkways and parking areas. Landscaped buffers or vegetative screening shall be provided around all parking, utility, refuse disposal areas and wherever else the Town Board deems necessary to screen visually objectionable features. Landscaping shall be provided in all areas which contain neither buildings, paved surfaces or undisturbed naturally vegetated areas, including all public areas and around buildings. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors by season, textures, shapes, blossoms and foliage.

G. PRP roadways.

(1) For the purposes of the PRP District, Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road) are designated as the primary access roads to the PRP.

(2) Arterial roads shall be provided within the PRP District to provide access from properties within the PRP District to Grumman Boulevard/Swan Pond Road and/or State Route 25 (Middle Country Road). Such arterial roads shall be located in such a manner as to provide safe, convenient and direct access from such primary roads to each all properties, without unduly interfering with traffic entering or exiting other s, or creating congestion at any of the access points along the primary access roads. All arterial roads shall be built to public road specifications and be open to the public at all times. Public access to non-arterial roads may be controlled by the property owner. Collector and access roads within each property may be either public or private streets. All roads shall have sufficient right-of-way and road width to accommodate traffic generated at the 30th highest peak hour of the year, taking into account the accumulated peak traffic of simultaneously operating planned recreational park facilities. The cost of providing and improving all roadways shall be the responsibility of the developers. The utilization of private vehicles as a primary means of transportation within the PRP District and for traveling from one property or amenity within the district to another is strongly discouraged. A parking plan which utilizes some form of public shuttle or transit system is strongly encouraged, as are walking or cycling pedestrian pathways and bikeways.

H. Materials, equipment and utilities. All materials and equipment, and utilities such as refuse containers, electrical substations, outdoor mechanical areas shall either be stored in a completely enclosed building or screened by means of a fence, wall, planting, landscaped berm or other suitable means.

I. Parking and loading.

(1) Required parking and loading space shall be provided within the same parcel of land as the building or facility serviced, unless one or more collective shared off-street parking facilities are provided which are reasonably proximate to the facilities they serve, or where some form of frequently running, free shuttle service is provided. The use of shared and collective parking areas is encouraged, particularly where events and operations can be staged or scheduled in a manner so that the peak parking demands for the facilities so served do not coincide. The Town Board may also permit a portion of the proposed parking and loading areas to remain unpaved but landscaped where it believes, or where credible evidence is presented, that more parking spaces than reasonably required for the proposed use or uses will be provided. If conditions change and additional parking is warranted, the Town Board or its designated agent identified at the time of approval may require such an unpaved area to be paved. Such permission to defer paving of parking and loading spaces shall be predicated upon the applicant filing with the Town Board and Town Clerk and recording at the Suffolk County Recording Office deed restrictions or covenants and restrictions drafted in a manner satisfactory to the Town Attorney, ensuring that the land will be used either as open space or parking.

(2) All off-street parking and loading areas shall be bordered by vegetative screening or landscaped areas containing trees, shrubs and/or landscaped berms to shield automobiles from view. Wherever feasible, the Planning Board shall require that at least 10% of the total parking lot area be used for interior landscaping, to include trees and shrubs.

Interior landscaping shall be distributed throughout all parking lots in planting islands to provide the maximum shade and buffer from noise and glare. At least one deciduous tree for every 20 spaces shall be required within the parking lot.

(3) To the maximum extent possible, loading areas shall not be located within any front yard setback area and shall be placed at such locations so as to minimize their visibility to the public and to be provided access separate from parking areas and driveways used by the public.

J. Emergency equipment. All buildings, structures and open spaces accessible to the public shall be accessible to emergency vehicles. Wherever a building or structure exceeds a height of 40 feet, a roadway or other suitable surface capable of supporting heavy emergency equipment shall be located 20 feet from the base.

**§ 108-237. Additional Performance Criteria.**

(1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.

(2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.

(3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.

(4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.

(5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a non disturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act)EN and Chapter 107 of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.

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

(7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are constructed merely for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation and the provisions of the Town Code of the Town of Riverhead.

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

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

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

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

(12) Prior to construction, soil erosion and sediment control plans shall be prepared and approved which achieve the following objectives:

(a) Minimize potential impacts associated with soil erosion and resulting in sedimentation of surface waters.

(b) Limit work areas to the immediate areas of construction in order to minimize disruption of adjacent lands.

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

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

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

- (16) All development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
- (17) All development shall comply with the applicable provisions of the New York State Environmental Conservation Law and all other applicable federal, state or local laws regulations the environment..
- (18) The approval of the New York State Historic Preservation Office for the establishment of a site-specific protocol for either the relocation of development or the retrieval of artifacts in the event of excavation shall be obtained in order to mitigate impacts upon archaeological resources within the PRP District.
- (19) The applicant shall submit a traffic study for the approval of the comprehensive development plan, which study shall identify and for which the applicant shall pay and implement measures to mitigate the impact of traffic generated by the full buildout of all development within the PRP District to the point where the effects of such buildout are comparable to future conditions without such development. Such mitigation measures shall include but not be limited to:
- (a) Signal, timing, geometric improvements and regulatory measures.
  - (b) A restriction against additional vehicular access points along Swan Pond Road.
  - (c) The completion of off-site road improvements to be required by the New York Department of Transportation as a function of permit review for curb cuts along New York State Route 25.
  - (d) The geometric improvement of the intersection of Edwards Avenue and Route 25, if warranted by motor vehicle traffic generated by development in the PRP District.
- (20) Development within the PRP District shall adhere to setbacks as required; notwithstanding such adherence, noise emanating from the PRP District shall comply with the Noise Ordinance of the Town of Riverhead,-which limits such noise levels from commercial and industrial properties to neighboring properties to 65 dBA. In the event that such noise levels are exceeded, such additional noise abatement measures, including increasing such setbacks or the provision of noise walls or the provision of berms, fences, vegetation and the like, shall be provided for. Such restrictions shall not apply to aircraft noise whose flights shall be restricted to daytime hours.

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**

04/07/09

Adopted

TOWN OF RIVERHEAD

Resolution # 347

**AUTHORIZES THE PUBLICATION OF A PUBLIC NOTICE FOR PUBLIC HEARING TO CONSIDER A LOCAL LAW WHICH WOULD ADOPT A MAP DESIGNATING CLEARING LIMITS PURSUANT TO THE PINE BARRENS OVERLAY DISTRICT (Riverhead Town Code Article XXXV) FOR THE FORMER NAVAL WEAPONS INDUSTRIAL RESERVE PLANT (NWIRP) NOW KNOWN AS ENTERPRISE PARK AT CALVERTON (EPCAL)**

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS :

**RESOLVED**, that the Town Board hereby ratifies the publication of the attached public notice to consider a local law which would adopt a map designating clearing limits non-disturbance areas pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the former Naval Weapons Industrial Reserve Plan (NWIRP) now known as Enterprise Park at Calverton (EPCAL) in the April 16, 2009 issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Building Department; the Planning Board; the Planning Department and the Office of Accounting, New York State Department of Environmental Conservation, Central Pine Barrens Joint Planning and Policy Commission.

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

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on May 5, 2009 at 2:40 pm, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to consider the adoption of a map designating clearing limits pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the former Naval Weapons Industrial Reserve Plan (NWIRP) now known as Enterprise Park at Calverton (EPCAL) as shown on the map depicted below.

Dated: Riverhead, New York  
April 7, 2009

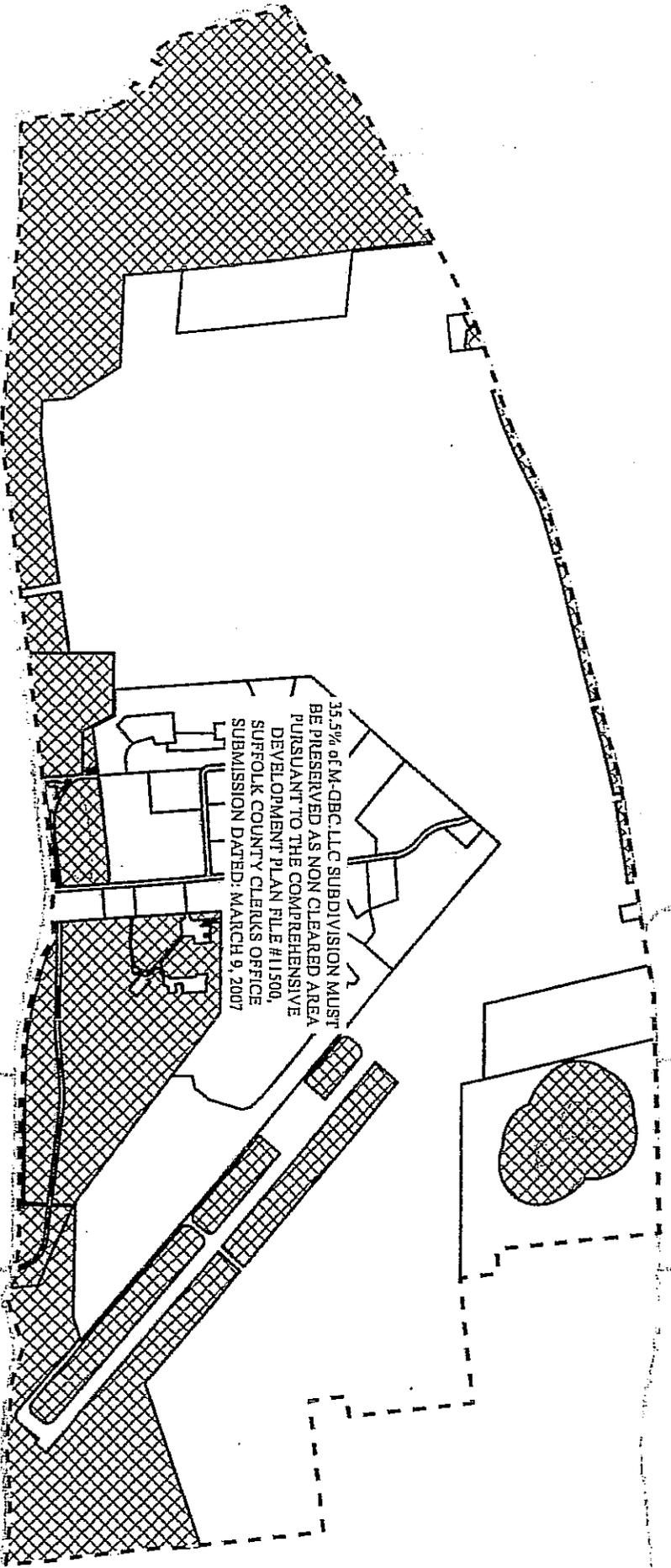
**BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD**

**DIANE WILHELM**, Town Clerk

**LEGEND**

	Former Chairman Site Boundary
	Non-Clearing Limits

*map of*  
**EPCAL**  
**NON-CLEARING LIMITS**



35.5% of M-QBC LLC SUBDIVISION MUST BE PRESERVED AS NON-CLEARED AREA PURSUANT TO THE COMPREHENSIVE DEVELOPMENT PLAN FILE #11500, SUFFOLK COUNTY CLERK'S OFFICE SUBMISSION DATED: MARCH 9, 2007

Sheet Number 4, 10th  
 Issued January 15, 2008



Suffolk County Real Property Tax Service COPY RIGHT (c) 2009, COUNTY OF SUFFOLK, N.Y.

Total Area	2,930.99	ac
Non-Clearance Area (reserved)	1,657.05	ac
Required by M-QBC LLC Subdivision	177.75	ac
Total Non-Clearance Area	1,834.80	ac
GRAND TOTAL (05%)	35.77%	
TOTAL M-QBC LLC SUBDIVISION AREA: 506.7 ACRES		
35.3% OF 506.7 AC = 177.75 AC		



**TOWN OF RIVERHEAD**  
 Phil Cardinale, Supervisor  
 200 Howell Ave.  
 Riverhead, New York 11901

04/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 348

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE**  
**(§108-175. and §108-179. - Pine Barrens Overlay District)**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Article XXXV - Pine Barrens Overlay District) of the Riverhead Town Code once in the April 16, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 5<sup>th</sup> day of May, 2009 at 2:35 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108  
ZONING  
ARTICLE XXXV  
**Pine Barrens Overlay District**

**§108-175. Findings, legislative intent and purpose.**

A. This Town Board finds and determines that the provisions of the Pine Barrens Overlay District were designed, in part, to protect the Pine Barrens Core and Compatible Growth areas.

This Town Board further finds that the provisions of the Pine Barrens Overlay District regarding land clearing must be clarified to insure that contiguous areas of land remain undisturbed to both protect habitats and to insure the continued proliferation of flora and fauna in the area.

This Town Board further determines that the needed clarification must be adopted before ownership of the affected lands pass from the Town of Riverhead to forestall any dispute over the intended meaning of the land clearing provisions.

This Town Board further finds and determines that the Long Island Pine Barrens Protection Act enacted by the State Legislature in 1993 recognized that the Towns within the Pine Barrens region are the natural guardians of the unique Pine Barrens land within the Town's jurisdiction through the exercise of their accepted zoning powers.

Therefore, it is the intent of this local law to enact certain clarifications of existing provisions to insure that the safeguards that the Town of Riverhead intended to impose regarding land clearing are observed.

B. A- In 1993, New York State adopted § 57-0119 of the Environmental Conservation Law ("ECL") entitled "Central Pine Barrens Joint Planning and Policy Commission." This Commission consists of five voting members: a member appointed by the Governor, the County Executive of Suffolk County and the Supervisors of the Towns of Riverhead, Brookhaven and Southampton. This Commission was formed to implement, manage and oversee land use within the Central Pine Barrens area on Long Island. ECL 57-0119(6)(a) gives the Commission the power to prepare, adopt and insure implementation of the Comprehensive Land Use Plan. ECL Article 57 recognizes the importance of the three local towns in regulating the implementation of the plan within the Central Pine Barrens region. The authority to establish a Comprehensive Land Use Plan is contained in ECL § 57-01021. In conformance with ECL Article 57 and the Comprehensive Land Use Plan, the Town Board of the Town of Riverhead enacted § 108-175 of the Town Code of

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

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

- (1) To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources thereof.
- (2) To protect the quality of surface water and groundwater.
- (3) To discourage piecemeal and scattered development, and to encourage the preservation of contiguous areas of open space and non-disturbed areas to the greatest extent practicable.
- (4) To promote active and passive recreational and environmental educational uses that are consistent with the Land Use Plan.
- (5) To accommodate development in a manner consistent with the long-term integrity of the pine barrens ecosystem and to ensure that the pattern of development is efficient and orderly.
- (6) To protect the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

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

- (1) Preserving the pine barrens in their natural state thereby ensuring the continuation of the unique and significant ecologic, hydrogeologic and other resources representative of such environments.
- (2) Promoting compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a pine barrens environment and minimizing the impact of such activities thereon.
- (3) Prohibiting or redirecting new construction or development.
- (4) Accommodating specific pine barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the preservation area.
- (5) Protecting and preserving the quality of surface water and groundwater.
- (6) Protecting the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

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

- (1) Preserving and maintaining the essential character of the existing pine barrens environment, including plant and animal species indigenous thereto and habitats thereof.
- (2) Protecting the quality of surface water and groundwater.
- (3) Discouraging piecemeal and scattered development.
- (4) Encouraging appropriate patterns or compatible residential, commercial, agricultural, and

industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impacts thereof.

- (5) Accommodating a portion of the development redirected from the Core Preservation Area.
  - (6) Allowing appropriate growth consistent with stated natural resource goals.
  - (7) Protecting the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.
- E. F. Although each of the zoning codes of the respective three towns contains penalty provisions for violations of the Code, no specific provisions are included for violations of regulations within the Central pine barrens area. Article 57 of the ECL does not specifically provide for an enforcement or penalty provision. The Towns of Riverhead, Brookhaven, and Southampton desire to discourage and prevent unauthorized and illegal land clearing activities, illegal dumping and other unauthorized uses within the core area and the compatible growth area of the Long Island Central Pine Barrens region. Any amendment to Article 57 of the ECL should be consistent with existing code enforcement provision in each of the three towns.
- F. G. This article, in addition to the purposes outlined above, is necessary to raise the potential penalties under the authority of the respective Town codes for unauthorized and illegal land clearing activities, as well as provide enforcement of other provisions of the respective Town code regarding the Long Island Central Pine Barrens region.

**§ 108-179. Development within Compatible Growth Area.**

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

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

- (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.
- (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
- (8) ~~Clearance.~~ Clearing.
  - (a) The proposed disturbance to natural vegetation, combined with previously disturbed areas, shall conform to the following ~~clearance~~ clearing standards:

<b>Zoning Use District</b>	<b>Maximum Site <del>Clearance</del><u>Clearing</u> (percentage)</b>
RB-80	53%
APZ	53%
IA	65%
IC	65%
Business CR	65%
<u>Property within EPCAL</u>	<u>in conformance with</u>
<u>LI, PIP, CO and PRP Districts</u>	<u>map filed in the</u>
	<u>Department of Planning,</u>
	<u>as set forth in subsection</u>
	<u>9 hereinafter</u>

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

disturbance of native vegetation and indicate the clearing limits thereof.

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

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

A. A map of the portion of Pine Barrens Overlay District within the fence line of the former Grumman facility now known as EPCAL, shall be adopted designating those areas of the EPCAL site where land clearing is prohibited. The areas where land clearing is prohibited shall constitute 35% of the overall site. Those areas contained on said map where land clearing is not prohibited may be cleared. The map may be modified from time to time by local law of the Town Board.

B. Land subdivision maps and site plans outside of the EPCAL site shall also be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Non-native vegetation species to be avoided are contained in Figure 5-2 of the Central Suffolk Pine Barrens Comprehensive Plan.

C.

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

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**

April 7, 2009

**Adopted**

TOWN OF RIVERHEAD

Resolution # 349

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT**

**COUNCILMAN DUNLEAVY**

\_\_\_\_\_ offered the following resolution, which was  
seconded by **COUNCILMAN WOOTEN** \_\_\_\_\_.

**WHEREAS**, the Town of Riverhead, in connection with its Municipal Operations, requires the services of a Seed Clam Administrator for 2009; and

**WHEREAS**, David Lessard, Contractor, represents that he is skilled in the services necessary for the administration of the Town of Riverhead Seed Clam Program described in the attached Agreement and is available and willing to perform these services;

**NOW, THEREFORE, BE IT RESOLVED**, that the Supervisor is authorized to execute the attached Agreement between the Town of Riverhead and David Lessard; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to David Lessard, P.O. Box 139, Jamesport, NY 11947, the Office of Accounting, and the Office of the Town Attorney.

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

## PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and DAVID LESSARD, P.O. Box 139, Jamesport New York 11947 (hereinafter referred to as "Contractor").

**WHEREAS**, the Town, in connection with its municipal operations, requires the services of an Administrator for the Town of Riverhead Seed Clam Program for 2009;

**WHEREAS**, Contractor represents that he is skilled in the services necessary for the administration of the Town of Riverhead Seed Clam Program described hereunder and is available and willing to perform these services;

**NOW, THEREFORE**, it is agreed between the parties as follows:

1. Description of Services. Contractor shall provide services as outlined in the attached Schedule A. In the event a conflict exists between this Agreement and any term in Schedule A, the terms in this Agreement shall supercede Schedule A.
2. Performance of Services. Contractor shall determine the services to be performed and hours to be worked in any given day. The Town will rely on the Contractor to work as many hours as may be reasonably necessary to complete the services in a timely and thorough manner.
3. Payment to Contractor. In exchange for the services performed hereunder, Town shall pay Contractor the sum of Four Thousand Dollars (\$4,000.00) Dollars payable as follows:
  - Two Thousand Dollars (\$2,000.00) in April, 2009
  - Two Thousand Dollars (\$2,000.00) September, 2009
4. Term/Termination. The term of this Agreement shall begin upon execution of this Agreement by the Town and shall end no more than 12 months from that date. This Agreement may be terminated by either party upon 30 days written notice to the other party.
5. Insurance. This Agreement shall not be assigned by Contractor without the written consent of the Town.
6. Notices. Any notice required or permitted by this Agreement shall be in writing and shall be deemed to have been sufficiently given for all purposes if sent by certified mail, postage and fees prepaid, addressed to the party to whom such notice is to be given at the address set forth on the first page of this Agreement, or at such other address as has been previously furnished in writing to the other party or parties. Such notice shall be deemed given when deposited in the United States mail.

7. Additional Documents. The parties agree to execute any additional documents or take any additional action that is necessary to carry out this Agreement.

8. Entire Agreement. This Agreement represents the entire agreement between the parties and there are no oral or collateral agreements or understandings. This Agreement may be amended only by an instrument in writing signed by the parties. If any other provision of this Agreement is held invalid or unenforceable, no other provision shall be affected by such holding, and all of the remaining provisions of this Agreement shall continue in full force and effect.

9. Waiver. A waiver by any party to this Agreement of the breach of any term or provision of this Agreement shall not operate or be construed as a waiver of any subsequent breach of either party.

10. Governing Law. This Agreement shall be governed by the laws of the State of New York.

11. Binding Effect. This Agreement shall inure to the benefit of, and be binding upon, the parties, their respective legal representatives, successors, heirs, and assigns; provided, however, that nothing in this paragraph shall be construed to permit the assignment of this Agreement except as otherwise expressly authorized herein.

12. Indemnification. Contractor expressly agrees to indemnify and hold harmless Town or any of its officers or employees from and all claims, damages, liability, or court awards including attorney's fees that are or may be awarded as a result of any loss, injury or damage sustained or claimed to have been sustained by anyone, including but not limited to, any person, firm, partnership, or corporation, in connection with or arising out of any omission or act of commission by Contractor or any of their employees or agents in performing work pursuant to this Agreement. In the event that any such suit or action is brought against Town, Town will give notice thereof to Contractor.

13. Worker's Compensation. Contractor shall at its own expense keep in full force and effect during the term of this Agreement Statutory Worker's Compensation Insurance.

14. Subcontractors. Contractor shall not subcontract any task it is to perform under the terms of this Agreement without prior written consent of Town.

15. No Third Party Beneficiaries. It is expressly understood and agreed that enforcement of the terms and conditions of this Agreement, and all rights of action relating to such enforcement, shall be strictly reserved to Town and Contractor, and nothing contained in this Agreement shall give or allow any such claim or right of action by any other third party on such Agreement. It is the express intention of the parties that any person other than Town or Contractor receiving services or benefits under this Agreement shall be deemed to be an incidental beneficiary only.

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

---

Phil Cardinale, Supervisor  
TOWN OF RIVERHEAD

---

David Lessard, Contractor

## **SCHEDULE A**

### **Town of Riverhead Seed Claim Program**

#### **SERVICES TO BE RENDERED:**

##### **Preparation**

Supervision of process; obtain Request for Proposals; order clam seeds subject to compliance with Town of Riverhead purchase and procurement policies and General Municipal Law; prepare and repair clam rafts for season; placement of rafts into East Creek from municipal parking lot; tow, position and anchor rafts at designated site in East Creek; prepare bed-trays with sand; oversee facilities to provide seed, pickup seed clams from hatchery, place seed clams in rafts.

##### **Monitoring of Growout**

Check growth rate of animals; maintains rafts to be free of growth and fouling; remove any predators from system; re-position and repair rafts as needed.

##### **Planting**

Remove animals from system; provide vessel transportation of seed clams to designated planting sites with supervision of Program Coordinator (Councilwoman Barbara Blass).

##### **System Conclusion**

Tow rafts from designated growing area to boat ramp; remove rafts from water and place at East Creek municipal parking lot; provide Town with year-end summary report.

##### **Security**

Inspect rafts for any damage or vandalism during storage season.

Town is responsible for the cost of repair and materials of its rafts which contain the clams.

4/7/09

Adopted

TOWN OF RIVERHEAD

Resolution # 350

**ADOPTS A LOCAL LAW AMENDING  
CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE  
(Agriculture Protection (APZ) Zoning Use District)**

**COUNCILMAN DUNLEAVY**

offered the following resolution, was seconded by

**COUNCILMAN WOOTEN**

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

**WHEREAS**, a public hearing was held on the on the 27<sup>th</sup> day of December, 2007 at 2:05 o'clock p.m. at the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all person wishing to be heard were heard.

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the News Review, the official newspaper, and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Riverhead Town Planning Department, the Riverhead Town Planning Board, the Riverhead Town Board of Zoning Appeals, the Riverhead Town Building Department and the Office of the Town Attorney.

THE VOTE

Buckley	<u>      </u> yes	<u>      </u> no	Wooten	<input checked="" type="checkbox"/> yes	<u>      </u> no
Dunleavy	<input checked="" type="checkbox"/> yes	<u>      </u> no	Blass	<u>      </u> yes	<input checked="" type="checkbox"/> no
	Cardinale	<input checked="" type="checkbox"/> yes		<u>      </u> no	

THE RESOLUTION  WAS        WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 "Zoning" of the Riverhead Town Code at its regular meeting held on April 7, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 108  
Zoning  
ARTICLE VI  
Agriculture Protection Zoning Use District (APZ)**

**§108-22. Uses.**

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

- B. Specially permitted uses, by special use permit of the Town Board.
- ~~(1)~~ Golf course ~~(standard), with or without clubhouse.~~
  - ~~(1)~~ ~~(2)~~ Bed-and-breakfast.
  - ~~(2)~~ ~~(3)~~ Overhead electrical power transmission and distribution lines in excess of 13 kilovolts.
  - ~~(3)~~ ~~(4)~~ Kennel, commercial.
  - ~~(4)~~ ~~(5)~~ Educational institution without boarding facilities or dormitories, private.
  - ~~(5)~~ ~~(6)~~ Day-care facility conducted in a residence.
  - ~~(6)~~ ~~(7)~~ An accessory dwelling unit on a lot of 10 acres or more with a maximum living area of 1,000 square feet, provided that the total number of dwelling units yielded by the original subdivision creating such lot is not exceeded.

**§108-26.1. Guidelines.**

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the APZ:

- H. The Planning Board may review applications for cluster subdivisions which preserve standard golf courses that exist as of the date of enactment of the amendment of this local law, subject to the following restrictions:

- (a) The yield shall be sixty-six percent (66%) of the yield allowed in the applicable zoning use district.
- (b) As set forth in §108-329, there shall be no allocation of preservation credits made for the real property improved with a standard golf course, including that portion designated for the residential cluster.
- (c) Cluster subdivision shall be limited to homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
- (d) All residential units shall be restricted to owners and occupants of the age of 55 years or older with the following exceptions:
- (1) A husband and wife under the age of 55 years who resides with his or her spouse who is 55 years of age or over.
  - (2) Children and grandchildren residing with their parents or grandparents where one of said parents or grandparents with whom the child or children or grandchild or grandchildren is/are residing is 55 years of age or older, provided that said child or children or grandchild or grandchildren are over the age of 19 years.
  - (3) Adults under 55 years of age may be admitted as permanent residents if it is established to the satisfaction of the Town Board that the presence of such person is essential for the physical care and economic support of the eligible older person.

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

Dated: Riverhead, New York  
April 7, 2009

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

**DIANE M. WILHELM, Town Clerk**