

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

**April 17<sup>th</sup>, 2007**

**Edward Densieski, Councilman  
George Bartunek, Councilman**

**Barbara Blass, Councilwoman  
John Dunleavy, Councilman**

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

**ELECTED OFFICIALS**

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

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

**DEPARTMENT HEADS**

**William Rothaar (Interim Financial Administrator)  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
Ray Coyne  
Judy Doll  
John Reeve  
Michael Reichel  
Gary Pendzick**

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

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

- #337 Town of Riverhead Home Improvement Program Budget Adjustment
- #338 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property located at 50 Kay Road, Calverton, NY
- #339 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property located at 18 East Second Street, Riverhead, NY
- #340 Adds a Consultant to List of Approved Consultants
- #341 Increasing and Establishing Expediting Charges in the Town Attorney/Investigating Unit
- #342 Appoints a Senior Accountant to the Accounting Department (W. Rothaar)
- #343 Appoints Senior Auditor (W. Thompson)
- #344 Appoints a Geographic Information Systems Supervisor to the Engineering Department (R. Hubbs)
- #345 Appoints Executive Assistant to the Supervisor (W. Welsh)
- #346 Setting Terms and Conditions of Employment for William Welsh, Executive Assistant to the Town Supervisor
- #347 Appoints Temporary Student Intern in the Investigating Unit Department (C. Wilhelm)
- #348 Appoints Member to the Small Business Advisory Committee (P. Fedun)
- #349 Rescinds Resolution #664 of July 20, 2004
- #350 Appoints Member to the Dark Skies Advisory Committee (B. Lebkuecher)
- #351 Appoints a Call-In Recreation Aide/Skatepark to the Recreation Department (D. Kix)

- #352 Authorizes Town Clerk to Publish and Post a Help Wanted Ad for a Town Board Coordinator
- #353 Authorizes the Supervisor to Execute a License Agreement with Riverhead Little League
- #354 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Amend the Town of Riverhead Zoning Ordinance- §108-3 (Definitions-Farmstand) and Add §108-64.6 (Farmstands)
- #355 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 12 Entitled, “Coastal Erosion Hazard Areas” of the Riverhead Town Code
- #356 Authorizes the Release of Security for Riverhead Building Supply Corp.
- #357 Ratifies the Authorization of the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Transfer of Development Rights) (§108-322. Commercial Site Plan Administration)
- #358 Awards Bid for Water Service Materials for Use in the Riverhead Water District
- #359 Classifies Action and Refers Special Permit Petition of Captain Hawkins House (400 Restoration Realty, LLC) to the Planning Board
- #360 Authorizes the Town Clerk to Publish and Post Public Notice for a Public hearing to a Local Law to Consider the Addition of a New Chapter 111 to the Riverhead Town Code Entitled, “Youth Bureau”
- #361 Authorizes Town Clerk to Republish and Repost Notice to Bidders for Calcium Hypochlorite Tabs for Use by the Water District
- #362 Authorizes Town Clerk to Publish and Post Public Notice for a Local Law to Consider an Amendment to Chapter 52 Entitled, “Building Construction” of the Riverhead Town Code (§52-6 Application for Building Permit)

- #363 Authorizes Town Clerk to Publish and Post Public Notice for a Local Law to Consider an Amendment to Chapter 52 Entitled, “Local Law to Change the Term of Office of the Town Supervisor from 2 years to 4 years”
- #364 Authorizes Town Clerk to Publish and Post Public Notice for a Local Law to Consider an Amendment to Chapter 52 Entitled, “Local Law to Change the Term of Office of the Town Clerk from 2 years to 4 years”
- #365 Scheduling a Public hearing to Determine whether the County of Suffolk’s Fueling Facility at Indian Island Golf Course, Located at Riverside Drive, Riverhead, New York, must comply with the Riverhead Town Code
- #366 Accepts Offer of Development Rights (Property Owners: Louis Carraciolo and Ottavia Carraciolo)
- #367 Accepts Offer of Development Rights (Property Owners: Frederick Reeve and Lois Reeve)
- #368 Accepts Offer of Development Rights (Property Owners: Austin Warner and Jean Warner)
- #369 Accepts Offer of Development Rights (Property Owners: Helen Zilnicki)
- #370 Accepts Offer of Development Rights (Property Owners: Phillip Anthony Schmitt and Deborah Schmitt and Stanley Zilnicki and Kathy Zilnicki)
- #371 Adopts a Local Law Amending Chapter 107 Entitled, “Tidal and Freshwater Wetlands” of the Riverhead Town Code
- #372 Adopts a Local Law Amending Chapter 52 Entitled, “Building Construction” of the Riverhead Town Code (§52-22. Safe and Code Compliant Construction)
- #373 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Agriculture Protection Zoning Use District (APZ))
- #374 Adopts Local Law Providing for Rules and Regulations for use of the Runway at Calverton Executive Airpark

- #375 Approves Chapter 90 Application of Jamesport Fire Department to Conduct a Fireman's Carnival
- #376 Approves Chapter 90 Application of Church of the Harvest
- #377 Approves Chapter 90 Application of Hallockville, Inc. (Revolutionary War Encampment)
- #378 Approves Chapter 90 Application of Hallockville, Inc. (Hoffman Wedding)
- #379 Approves the Permit of Stop & Shop for the Importation of Soil Pursuant to Chapter 62 of the Riverhead Town Code
- #380 Pays Bills

April 17, 2007

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 337**

**TOWN OF RIVERHEAD HOME IMPROVEMENT PROGRAM**

**BUDGET ADJUSTMENT**

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

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

	<b><u>FROM</u></b>	<b><u>TO</u></b>
406.095031.485500.70002 Transfer from CDBG 2006	\$25,000	
406.095031.485500.70002 Transfer from CDBG 2007	\$25,000	
406.086680.492255.70002 NYS Affordable Housing Corp	\$75,000	
406.086680.523000.70002 Home Improvement Program		\$125,000

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to CDD Director Andrea Lohneiss and the Accounting Department.

**THE VOTE**

**Dunleavy** ~~Yes~~ **No**                      **Bartunek** ~~Yes~~ **No**  
**Blass** ~~Yes~~ **No**                        **Densieski** ~~Yes~~ **No**  
**Cardinale** ~~Yes~~ **No**

**THE RESOLUTION** ~~X~~ **WAS** \_\_\_ **WAS NOT**  
**THEREFORE DULY ADOPTED.**

04/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 338

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 50 KAY ROAD, CALVERTON, NEW YORK

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

WHEREAS, the Town Board has determined that the property situated at 50 Kay Road, Calverton, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE

BE IT HEREBY 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 dwelling situated at 50 Kay Road, Calverton, 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 the dwelling situated upon such; 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.

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THE VOTE

Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

04/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 339

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 18 ELTON STREET, RIVERHEAD, NEW YORK

COUNCILMAN BARTUNEK

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

WHEREAS, the Town Board has determined that the property situated at 18 Elton Street, Riverhead, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE

BE IT HEREBY 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 dwelling situated at 18 Elton Street, 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 the dwelling situated upon such; 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.

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

4/17/07

Town of Riverhead

Adopted

Resolution # 340

**ADDS CONSULTANT TO LIST OF APPROVED CONSULTANTS**

**COUNCILMAN DUNLEAVY**

\_\_\_\_\_ offered the following resolution, which was

seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_.

**WHEREAS**, the Town Board did by Resolution #55 of 1/17/07 authorize certain consultants and firms as approved for town work; and

**WHEREAS**, the Town Board wishes to add the following consultant to said list for work involving the preparation of the Local Waterfront Revitalization Program:

VMS Planning Services  
PO Box 1655  
Southold, NY 11971

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby adds VMS Planning Services to the approved list specifically to assist with the preparation of the Local Waterfront Revitalization Program and adopts the attached fee schedule:

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized to provide a copy of this resolution to the Community Development Department and Accounting Department.

**THE VOTE**

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

**THE RESOLUTION ~~X~~ WAS \_\_\_\_\_ WAS NOT THEREFORE DULY ADOPTED.**

VMS Planning Services  
PO Box 1655  
Southold, NY 11971

Staff

Municipal Rate

Valerie Scopaz, principal planner

\$130.00

TOWN OF RIVERHEAD

Adopted

Resolution #341

**INCREASING AND ESTABLISHING EXPEDITING CHARGES IN THE TOWN ATTORNEY/INVESTIGATION UNIT**

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

**WHEREAS**, the Riverhead Town Board has established expediting charges for research and duplication of official documents contained in the Code Enforcement Division, as per resolution 04-102; and

**WHEREAS**, the Code Enforcement Division is now under the supervision of the Town Attorney's Office/Investigation Unit; and

**WHEREAS**, the Investigation Unit has recommended increasing and adding said expediting charges for research and official duplication of documents in the Investigation Unit; and

**WHEREAS**, the Town Board hereby adopts the following charges to assist various companies' and individuals to expedite their research as follows:

Search for Open Permits	\$20.00
Search for Violations	\$20.00
Duplicate Rental Permit	\$20.00
Duplicate of Survey	\$25.00
Duplicate Miscellaneous documents	\$20.00
Certified "raised seal" documents (additional)	\$25.00

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby increases and incorporates the aforementioned expediting charges in the interest of assisting title companies and individuals to expedite their research; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Town Attorney's Office, the Investigation Unit and the Office of Accounting.

DUNLEAVY  YES \_\_\_ NO    BARTUNEK  YES \_\_\_ NO  
 BLASS  YES \_\_\_ NO    DENSIESKI  YES \_\_\_ NO  
 CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT DECLARED DULY ADOPTED

# Tabled

April 17, 2007

## TOWN OF RIVERHEAD

### APPOINTS A SENIOR ACCOUNTANT TO THE ACCOUNTING DEPARTMENT

RESOLUTION# 342

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

**WHEREAS**, the vacancy of Senior Accountant exists in the Accounting Department;  
and

**WHEREAS**, Suffolk County Department of Civil Service has certified a List of Eligibles, list #07DC047, for the title of Senior Accountant, the list was canvassed and there were less than three willing acceptors; and

**WHEREAS**, it is the recommendation of the Personnel Committee that William Rothaar be appointed provisionally to the title of Senior Accountant.

**NOW, THEREFORE, BE IT RESOLVED**, that William Rothaar is hereby appointed provisionally to the position of Senior Accountant/Financial Administrator effective April 23, 2007, and that the Supervisor is hereby authorized to execute a department head contract with Mr. Rothaar.

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

### THE VOTE

Dunleavy ~~Yes~~ No      Bartunek ~~Yes~~ No  
Blass ~~Yes~~ No      Densieski ~~Yes~~ No  
Cardinale ~~Yes~~ No

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

# Tabled

Adopted

April 17, 2007

TOWN OF RIVERHEAD

APPOINTS A SENIOR AUDITOR TO THE ACCOUNTING DEPARTMENT

RESOLUTION# 343

Councilman Bartunek offered the following resolution resolution, which was seconded by Councilman Dunleavy.

**WHEREAS**, the vacancy of Senior Auditor exists in the Accounting Department; and

**WHEREAS**, Suffolk County Department of Civil Service has certified a List of Eligibles, list #07DC046, for the title of Senior Auditor, and William Thompson is reachable on that list;

**NOW, THEREFORE, BE IT RESOLVED**, that William Thompson is hereby appointed to the position of Senior Auditor/Deputy Financial Administrator effective April 30, 2007 as found on Group 9, Step P of the Administrative Salary Schedule.

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

THE VOTE

Dunleavy ~~Yes~~ No      Bartunek ~~Yes~~ No  
Blass ~~Yes~~ No      Densieski ~~Yes~~ No  
Cardinale ~~Yes~~ No

THE RESOLUTION X WAS    WAS NOT THEREFORE DULY ADOPTED

April 17, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 344

**APPOINTS A GEOGRAPHIC INFORMATION SYSTEMS SUPERVISOR TO THE ENGINEERING DEPARTMENT**

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

**WHEREAS**, the position of Geographic Information Systems Supervisor exists in the Engineering Department, and

**WHEREAS**, the Certification of Eligibles List was received from the Suffolk County Department of Civil Service, interviews conducted, and

**WHEREAS**, the recommendation of the Personnel Committee was received and the candidate was reachable on the list.

**NOW, THEREFORE, BE IT RESOLVED**, that effective May 7, 2007 Robert Hubbs is hereby appointed to the position of Geographic Information Systems Supervisor as found on Group 7, Step P of the Administrative Salary Administration Schedule.

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

The Vote

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

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

April 17, 2007

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 345**

**APPOINTS EXECUTIVE ASSISTANT TO THE SUPERVISOR**

**COUNCILMAN DENSIESKI**

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

by **COUNCILWOMAN BLASS** \_\_\_\_\_.

**WHEREAS**, the Supervisor's Office will have a vacancy of Executive Assistant.

**NOW, THEREFORE, BE IT RESOLVED**, that William Welsh is hereby appointed to the exempt position of Executive Assistant effective May 7, 2007; and

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

**THE VOTE**

Dunleavy Yes ~~No~~

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:/Trina

April 17, 2007

TOWN OF RIVERHEAD

Resolution # 346

**SETTING TERMS AND CONDITIONS OF EMPLOYMENT  
FOR WILLIAM WELSH, EXECUTIVE ASSISTANT TO  
THE TOWN SUPERVISOR**

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

~~COUNCILWOMAN BLASS~~

~~COUNCILMAN BARTUNEK~~

BE IT RESOLVED, THAT the terms and conditions of employment of Bill Welsh, Executive Assistant to the Town Supervisor ("the employee") shall, effective May 7, 2007, be as follows:

**TERM**

1. These terms and conditions of employment shall continue in full force and effect until subsequently altered by Town Board resolution.
2. The employee is employed at the will of the Town Board and for no specific term or duration.

**HOURS OF WORK**

1. The employee's minimum basic work week shall be 35 hours. The employee shall not receive additional compensation for holiday pay. The employee is not entitled to earn, accrue, or be paid for overtime or compensatory time.
2. The employee shall be entitled to the same paid holidays as are set forth in the 2004-2007 CSEA collective bargaining agreement,
3. (a) Five (5) hours of personal leave will be granted per annum. A pro-rated amount of three (3) days of personal leave will be granted to Welsh commencing with his employment with the Town of Riverhead on May 7, 2007.
- (b) Personal leave may not be accumulated and must be used within the calendar year earned, except that unused personal days at the end of each year shall be converted to sick time and may be used as sick time, subject to all the rules and pertaining to sick time.
- (c) Personal leave must be approved by the Town Supervisor. The employee must request such leave at least forty eight (48) hours in advance unless the personal leave is deemed to be an emergency of which the employee had no prior knowledge, in which case the employee must notify the Town Supervisor or designee of such absence. Failure to notify the Town Supervisor or designee of the absence will result in loss of pay for the day's absence.

**THE VOTE**

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

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

4. Funeral Leave. The employee shall be entitled to four (4) consecutive working days leave of absence computed either from the day of death or the day following death, at the employee's option, for the death of the employee's spouse, child (including adopted children), father, mother, brother, sister, parents, parents-in-law, grandparents, grandparents-in-law, grandchildren, daughter-in-law, brother-in-law, sister-in-law, son-in-law, or stepchild.

5. Jury Service. The employee will be paid the employee's regular salary while performing jury service upon documentary proof being filed with the Town Supervisor. The employee shall endorse the jury salary checks to the Town. Travel allowance or mileage compensation checks for jury service are to be retained by the employee.

6. Court Appearance. The employee's absence by reason of appearance as a defendant or witness on behalf of the Town in any court action involving the Town will be approved by the Town Supervisor for the number of days necessary. The employee shall not lose any salary therefrom.

7. Parentage Leave. The employee shall receive a parentage leave as defined in the 2004-2007 CSEA contract, Article III, Section 5.

### **VACATIONS**

1. The employee shall be entitled to one hundred and forty (140) hours of vacation per year (Jan. 1 to December 31). A pro-rated amount of vacation time, 13 working days, will be credited to Welsh commencing with his employment on May 7, 2007.

2. The employee, upon request, shall be paid the employee's vacation pay prior to the vacation, providing the employee shall have given three (3) weeks' notice to the Supervisor.

3. Upon retirement or termination of service, except for cause, the employee shall be compensated, in cash, for any accumulated vacation.

4. The employee may carry over any unused vacation days from one (1) year into the following year, but in no event shall the employee carry over more than two hundred eighty (280) vacation hours from one year to the next.

5. The employee, at the employee's option, shall be entitled to make an election to work the current year's allotted vacation time. The employee must provide written notification to the Supervisor of the exercising of this option not fewer than thirty (30) days prior to the date of which payment is requested. The Supervisor is to acknowledge receipt of this notification to the payroll personnel prior to payment. Payment is to be processed during the next overtime run. Payment will be the same method as outlined in the 2002-2004 Superior Officers' Contract, Article IX, Section C, except that the buyback shall be in blocks of twenty- one hours per month.

## **SICK LEAVE**

1. Sick leave is absence necessitated by the employee's illness or other physical disability. Sick leave will be accumulated at the rate of 10.5 hours per month, up to a total accumulated sick leave of 2100 hours. After 2100 hours, additional paid sick leave may be granted in the sole discretion of the Town Board. In order to receive sick leave, the employee shall, when absent because of sickness for more than three (3) days, furnish the Supervisor, when requested by him, with a medical certificate. Failure to furnish a medical certificate will result in loss of pay for absent days. The Town Board, in its discretion, may request a physical examination the employee before the employee's return to work.

2. The employee, or legal representative, upon retirement or severance, is entitled to cash payment for accumulated sick leave. Said payment shall be paid in a lump sum the value of the employee's accumulated and unused sick leave to the extent of one hundred (100%) percent of the first 1960 hours thereof.

3. The employee may elect to reduce the sick time accrued under paragraph "1" one by filing a written election with the Supervisor one (1) month prior to payment. Buy-out shall be in lots of 35 hours. No buy-out shall be permitted unless, at the time of election, the employee has accumulated at least 70 hours. The rate of pay shall be calculated at the time of payment based on a two hundred sixty (260) day work year. If the employee "buys-out" sick leave, the employee shall be permitted to reaccumulate sick days to a maximum of 2100 hours.

4. If the employee falls ill while on vacation then, upon presentation of a medical certificate certifying that the employee was confined to bed for more than five (5) working days during the vacation, may charge this illness to sick leave upon proper notification to the Supervisor and may take the same number of sick days as vacation days.

## **GRIEVANCE PROCEDURE**

### **1. Consideration of Grievance.**

A grievance by the employee shall be made, in writing, to the Town Board. Upon receipt of the grievance, the Town Board may request the employee to submit any agreed statement of facts or the employee's version of the facts, or any other documents that the Town Board may deem pertinent to the determination of the appeal.

The Town Board shall conduct a hearing within twenty (20) business days of receipt of an appeal. Within twenty (20) business days after the hearing, the Town Board shall make a decision based on its findings and advise the employee. The decision of the Town Board shall be final and all parties bound thereby.

2. Time of Hearings.

All discussions and hearings shall, so far as practicable, be conducted during working hours.

3. Representation.

The employee shall have the right at all times to representation of the employee's choosing.

4. Limitations.

If a grievance occurs and cannot be resolved immediately, the employee shall obey all directives and shall present the grievance as soon thereafter as practicable. Grievances that are not presented within ten (10) days of the occurrence shall be deemed to have been abandoned.

5. Withdrawn Grievances.

The employee may withdraw a grievance at any point in the grievance procedure.

**HEALTH INSURANCE**

1. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for the employee if the employee retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for the employee's family.

2. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on the employee's behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. The Town will offer a Universal Life Insurance policy, a disability insurance policy or participation in the New York State deferred compensation program. The employee may, at the employee's option, choose the life insurance, the disability insurance or the deferred compensation program, or any combination thereof. The cost of these policies to the Town may not exceed \$2,500.00. Any additional cost may be supplemented by the employee via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

Z: Trina

5. The employee, at the employee's option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650.00 if the employee changes from family to no coverage; \$900 if the employee changes from family to individual coverage; \$750 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if the employee changes from family to no coverage; \$150 if the employee changes from family to individual coverage; \$80 if the employee changes from individual to no coverage. Also, at the employee's option, the employee may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. The employee must sign an application form each year and said application shall include an acknowledgment that the employee is covered under another plan.

### **GENERAL PROVISIONS**

1. The Town agrees to provide legal counsel to defend the employee in any action arising out of an assault on the employee on Town business, and the Town hereby agrees to defend, indemnify, and hold the employee harmless for any and all acts performed for the Town, its agents and employees, provided the employee was acting within the scope of employment. In the event that the employee is appointed, authorized or directed by the Town or one of its agencies to represent it as a member of the board of directors of an organization or agency, then the employee shall be covered by the provisions of Public Officers Law Section 18 and Town Code Sections 15-1 and 15-2 pertaining to the defense and indemnification of officers and employees of public entities, provided the employee is otherwise eligible for coverage pursuant to the terms of those provisions.

2. If the employee is injured or assaulted in the course of employment, the employee shall receive full salary until such time as the employee's application for reinstatement to full duty status, or, in the event of permanent disability, the employee's application for a disability pension be finally determined or by a physician's examination determining no further disability, whichever comes first. If the employee is injured on the job and reports the same to the Supervisor, and has to be absent from work, no days shall be deducted from his sick leave for such injury. If the employee receives a compensation check for lost time due to a compensable injury, the employee shall endorse the employee's check over to the Town. The above shall apply if the employee was acting within the scope of employment.

3. A leave of absence, without pay, may be granted to the employee in the discretion of the Town Board for a maximum of six (6) months, upon written application therefore and good cause shown.

4. If the employee is absent without leave or without due notification to the Supervisor, the employee shall suffer loss of pay for the days of such absence.

Z: Trina

5. The employee will be paid every two (2) weeks on Thursday of the latter week.

6. Upon the employee's request to examine the employee's official employment personnel file, the employee may be permitted to do so at the discretion of the Town Board. Any material classified as confidential shall not be subject to duplication by the employee, but the employee shall have an opportunity to read said material and make a written reply, which shall be inserted in the personnel folder.

7. To the extent permitted by the U.S. Internal Revenue Code and the New York State Income Tax Laws, the Town shall establish a deferred compensation plan for the employee.

8. The Town will provide a college and/or post-graduate incentive program for courses approved by the Town Board. The Town will reimburse the employee the tuition cost on a grade related basis. A grade of "A" will receive seventy five (75%) percent of the tuition cost. A grade of "B" will receive fifty (50%) percent of the tuition cost. A grade of "C" will receive twenty five (25%) percent of the tuition cost. Payment will only be made upon submission of voucher and proof of grade.

### **WAGES**

The employee shall receive the following prorated annual salary:

effective May 7, 2007: \$78,000.

Z: Trina

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 347

**APPOINTS TEMPORARY STUDENT INTERN IN THE INVESTIGATION UNIT DEPARTMENT**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

**WHEREAS**, it is beneficial to the Town to hire student interns to work cooperatively with individual departments during the summer months; and

**WHEREAS**, it is the desire of the Investigation Unit Department to have a temporary student intern appointed to work during the summer months to complete various tasks in their department.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Riverhead Town Board hereby appoints Colleen Wilhelm to the position of Temporary Student Intern in the Investigation Unit Department at the hourly rate of pay of \$10.00 per hour effective May 14, 2007 and ending on August 31, 2007; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Colleen Wilhelm; the Investigation Unit Office; the Office of Accounting and the Office of the Town Attorney.

**THE VOTE**

Dunleavy  yes  no    Bartunek  yes  no  
 Blass  yes  no    Densieski  yes  no  
 Cardinale  yes  no

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

April 17, 2007

Adopted

TOWN OF RIVERHEAD

Resolution No. 348

**APPOINTS MEMBER TO THE SMALL BUSINESS ADVISORY COMMITTEE**

Councilman Densieski offered the following resolution which was seconded by COUNCILMAN DUNLEAVY

**WHEREAS**, Resolution #763 of August 2, 2005 adopted guidelines for Town Board Advisory Committees; and

**WHEREAS**, guideline #1 states that each committee will consist of no less than seven and no more than nine members, and

**WHEREAS**, a vacancy presently exists on the Small Business Advisory Committee.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board hereby appoints Patrick Fedun to serve on the Small Business Advisory Committee.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall hereby forward a copy of this resolution to Patrick Fedun, Fedun Real Estate, PO Box 842, Aquebogue, NY 11931, and members of the Small Business Advisory Committee.

**THE VOTE**

DUNLEAVY	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	BARTUNEK	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO
BASS	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO	DENSIESKI	<input checked="" type="checkbox"/>	YES	<input checked="" type="checkbox"/>	NO
CARDINALE	<input checked="" type="checkbox"/>	YES	<input type="checkbox"/>	NO					

*abstain*

THIS RESOLUTION X WAS    WAS NOT THEREFORE DULY ADOPTED

April 17, 2007

TOWN OF RIVERHEAD

Adopted

Resolution No. 349

RESCINDS RESOLUTION #664 OF JULY 20, 2004

Councilman Densieski offered the following resolution which was seconded by Councilman Dunleavy.

WHEREAS, on July 20, 2004, the Riverhead Town Board adopted a Riverhead Town policy for municipally-owned taxpayer-funded signage; and

WHEREAS, numerous residents have expressed concerns and raised objections to said signage; and

WHEREAS, the Riverhead Town Board adopts an annual anti-discrimination resolution; and

WHEREAS, it is deemed discriminatory to utilize municipal signage in only one international language, representing only one foreign nation; therefore excluding universal representation of all languages and nations.

NOW THEREFORE BE IT RESOLVED, that the policy for all municipal signage will be posted in the English language or international symbols or a combination of both unless such signage can not be designed to address issues of public safety without being in writing. In such cases signs shall be posted in English and any other language as appropriate; and

BE IT FURTHER RESOLVED, Town Clerk is hereby directed to forward a copy of this resolution to the Highway Department, the Sanitation Department, the Engineering Department, the Recreation Department, the Office of the Town Attorney, and the Office of Accounting.

THE VOTE

DUNLEAVY ✓ YES \_\_\_ NO    BARTUNEK ✓ YES \_\_\_ NO  
BLASS ✓ YES \_\_\_ NO    DENSIESKI ✓ YES \_\_\_ NO  
CARDINALE ✓ YES \_\_\_ NO

THIS RESOLUTION ~~X~~ WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

April 17, 2007

TOWN OF RIVERHEAD

Adopted

Resolution No. 350

**APPOINTS MEMBER TO THE DARK SKIES ADVISORY COMMITTEE**

~~Councilman~~ ~~Densieski~~ offered the following resolution which was seconded by COUNCILWOMAN BLASS.

**WHEREAS**, Resolution #763 of August 2, 2005 adopted guidelines for Town Board Advisory Committees; and

**WHEREAS**, guideline #1 states that each committee will consist of no less than seven and no more than nine members, and

**WHEREAS**, a vacancy presently exists on the Dark Skies Advisory Committee.

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board hereby appoints Barbara Lebkeucher to serve on the Dark Skies Advisory Committee.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall hereby forward a copy of this resolution to Barbara Lebkeucher, PO Box 645, Jamesport NY 11947, and members of the Dark Skies Advisory Committee.

**THE VOTE**

DUNLEAVY  YES \_\_\_ NO BARTUNEK  YES \_\_\_ NO

BLASS  YES \_\_\_ NO DENSIESKI  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED



April 17, 2007

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR A TOWN BOARD COORDINATOR

RESOLUTION # 3<sup>352</sup>

COUNCILMAN BARTUNEK

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

resolution, which was seconded by \_\_\_\_\_ COUNCILMAN DUNLEAVY \_\_\_\_\_.

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the April 26, 2007 issue of The News Review.

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

The Vote

Dunleavy <del>Yes</del> No	Bartunek <del>Yes</del> No
Blass <del>Yes</del> No	Densieski <del>Yes</del> No
Cardinale <del>Yes</del> No	

THE RESOLUTION ~~X~~ WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of Town Board Coordinator. Applications are to be submitted to the Accounting Office, Riverhead Town Hall, 552 East Main Street, Riverhead, NY. No applications will be accepted after 4:00pm on May 11, 2007. EOE

BY ORDER OF:

THE RIVERHEAD TOWN BOARD

BARBARA GRATTAN, TOWN CLERK

TOWN OF RIVERHEAD

Adopted

Resolution # 353

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH RIVERHEAD LITTLE LEAGUE**

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

**WHEREAS**, Riverhead Little League, a not-for-profit organization, provides recreational programs open to the Town's general public albeit limited to certain age groups and has worked with the Riverhead Town Recreation Department to develop and promote recreational programs for the youth of the Town and events for participation of members of the Riverhead Community; and

**WHEREAS**, Riverhead Little League wishes to utilize the baseball fields and shed located at Stotzky Memorial Park located at Columbus Avenue and Pulaski Street, Riverhead, New York 11901, for the purpose of running practices, games, and tournaments and a concession stand during little league events; and

**WHEREAS**, all monies made from such concession sales will go directly to the Riverhead Little League's not-for-profit organization for use in the purchase of uniforms, equipment, supplies and other various expenses involved in the operation of Riverhead Little League; and

**WHEREAS**, Riverhead Little League seeks permission from the Town to utilize said shed for the purpose of running a concession stand from April 21, 2007 to July 30, 2007.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached License Agreement with Riverhead Little League; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Riverhead Little League, the Riverhead Recreation Department, the Office of Accounting and the Office of the Town Attorney.

DUNLEAVY  YES \_\_\_ NO    BARTUNEK  YES \_\_\_ NO  
BLASS  YES \_\_\_ NO    DENSIESKI  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED DULY ADOPTED

## LICENSE

License ("License"), made as of the        day of April, 2007, by and between the Riverhead Little League, ("Licensee"), a Not-For-Profit-Organization, P.O. Box 469, Calverton, New York, 11933. and Town of Riverhead, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York, 11901 and

## WITNESSETH

WHEREAS, Riverhead Little League provides recreational programs open to the Town's general public albeit limited to certain age groups and has worked with Riverhead Town Recreation Department to development and promote recreation programs for the youth of the Town and events for participation of members of the Riverhead Community,

WHEREAS, the Town of Riverhead seeks to promote the health, safety and well being of its youth and supports the efforts of the Riverhead Little League to promote recreational activities for children and young adults,

WHEREAS, the Riverhead Little League wishes to utilize Stotsky Memorial Park located at Columbus Avenue & Pulaski Street, Riverhead, New York 11901 ("The Licensed Premises") and the shed located at Stotsky Park for the purpose of hosting Little League practices, games, and tournaments and running a concession stand during Little League events described above; and

WHEREAS, all monies made from such concession sales will go directly to the Riverhead Little League's Not-For-Profit Organization for use in the purchase of uniforms, equipment, supplies and other various expenses involved in the operation of Riverhead Little League; and

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

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

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed Premises, including the shed located on the licensed premises for storage of equipment and as and for a concession stand subject the restrictions set forth in paragraph four below.

2. Term of the License. The term of this License (the "term") shall commence on April 21, 2007 and shall end on July 30, 2007.

3. Condition of the License Premises. Licensee is familiar with the licensed premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without any representations or warranties.

4. Restrictions related to Concession Stand. The Licensee shall not be permitted to sell, distribute, offer any alcoholic beverages on the subject premises. The Licensee shall offer for sale only those items which

do not require a permit from the Suffolk County Department of Health, to wit: canned sodas, canned or bottled water, package snacks foods (i.e. potato chips, pretzels, popcorn) and beverages, and wrapped and sealed candies, except the Licensee may offer for sale hamburgers, frankfurters, and other “non hazardous foods” which requires limited preparation as defined by the Standards of the Suffolk County Department of Health for the administration of Section 760-1390 of Article 13 of the Suffolk County Sanitary Code subject to obtaining the requisite Vendors Temporary Food Service Permit by the Suffolk County Department of Health Services Bureau of Public Health Protection and notification to the Licensor of the intent to sell such item, together with a copy of the Temporary Permit prior to the sale of any such items. Note, it is the responsibility of the Licensee to file all necessary applications, “Organizer’s Application for Temporary Permit” and “Vendors Temporary Food Service Application” with the Suffolk County Department of Health Services at least fourteen days prior to the scheduled event and supply any equipment or devices as may be required by the Suffolk County Department of Health Services.

5. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead as “Additional

Insured” to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents, representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as “additional insured”.

6. Repair, Maintenance and Inventory of License Premises.

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

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

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

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

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

Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to Post Office Box 469, Calverton, New York 11933.

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

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

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

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
Philip J. Cardinale, Supervisor

RIVERHEAD LITTLE LEAGUE

By: \_\_\_\_\_  
Anthony Sammartano, President

04/17/2007

TOWN OF RIVERHEAD

# Tabled

Resolution # 354

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (§108-3. Definitions. and §108-64.6. Farm Stands)**

Councilman Bartunek offered the following resolution, was seconded by 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" of the Riverhead Town Code once in the April 26, 2007 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 Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department, the Town Attorney Investigation Unit and the Office of the Town Attorney.

THE VOTE

DUNLEAVY  YES  NO    BARTUNEK  YES  NO

BLASS  YES  NO    DENSIESKI  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

TownBrdShare\$onTorserv1:farmstand

T-

# Tabled

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 1st day of May, 2007 at 7:25 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 I  
**General Provisions**

**§108-3. Definitions; word usage.**

B. For the purpose of this chapter, certain terms and words are herewith defined as follows:

FARM STAND – A building or structure greater than 100 square feet in area designed to house the direct marketing of locally produced agricultural products, enhanced agricultural products and handmade crafts. Roadside “pick-your own” operations and crop mazes are considered to be farm stands. The minimum lot area supporting a farm stand shall be 80,000 sq. ft. for any new farm stand constructed after the date of adoption of this local law.

Chapter 108  
Zoning  
Article XIII  
**Supplementary Use Regulations**

**§108-64.6. Farm Stands.**

- A. No building permit or use permit shall be issued for a farm stand prior to the approval of a farm stand plan by resolution of the Town of Riverhead Town Planning Board.
- B. For farms stands with a floor area of 1,000 square feet or greater, a farm stand plan shall consist of the following:
- (1) A topographic survey of the premises at a (five) 5 foot contour showing all existing structures, buildings, hard surfaces, curbs, drainage structures, fences, landscaped areas and open area attractions.

- (2) The location of all proposed structures, buildings, hard surfaces, curbs, drainage structures, fences, landscaped areas open area attractions.
- (3) Off street parking stalls of either pervious or impervious surfaces, exclusive of driveways and turn-arounds, pursuant to the following schedule:
- (a) The equivalent of one 10x20 ft. stall per 200 sq. ft. of retail sales area or display area with a minimum of two (2) stalls.
  - (b) For all outdoor agricultural attractions or "pick your own" growing areas up to (two) 2 acres there must be a minimum of ten 10 x 20 ft. parking stalls provided (or the equivalent of 20,000 sq. ft. of parking area). For outdoor agricultural attractions and "pick your own" growing areas in excess of two acres, there shall be four (4 ) additional 10x20 ft. parking stalls provided (or the equivalent of 800 sq. ft of parking area) for each additional acre. This requirement shall be prorated for properties of less than 3 acres in size.
  - (c) All parking areas at "pick your own" growing areas shall be constructed such that parking area is within an area having a minimum of a twenty (20) foot depth when measured from the property line adjacent to the road frontage.
- (4) Defined ingress and egress for driveways serving parking areas designed to physically restrict and channel motor vehicle movements with a maximum of two (2) access driveways each being a minimum of forty (40) feet in width per lot improved with a farm stand.
- (5) Proposed buildings conforming to the following yards:
- (a) Front yard – (fifty) 50 feet
  - (b) Rear yard – (fifty) 50 feet
  - (c) Side yard – (fifty) 50 feet
- C. A farm stand plan for farm stands of 999 square feet or less of retail sales area shall consist of a scaled drawing at one (1) inch per 200 feet as well as B(2), (3) and (5) above.
- D. No seasonal signs advertising produce or attractions shall be located as to limit visibility or sight distance.
- E. All existing farm stands shall secure a farm stand permit within twelve (12) months of the effective date of this amendment. Farmstands that pre-exist the date of adoption of this local law shall be entitled to seek relief from the dimensional requirements set forth herein by making application to the Zoning Board of Appeals. Such applications shall not be required to receive a denial from the Building Department prior to making application to the Zoning Board of Appeals. The Zoning Board of Appeals shall have original jurisdiction in these instances.

Comment:

April 17, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 355

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 12 ENTITLED "COASTAL EROSION HAZARD AREAS" OF THE RIVERHEAD TOWN CODE**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 12 entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code, once in the **April 26, 2007** issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; the Conservation Advisory Council, the Town Attorney Investigation Unit and the Office of the Town Attorney.

**THE VOTE**

DUNLEAVY  YES \_\_\_ NO    BARTUNEK  YES \_\_\_ NO  
BLASS  YES \_\_\_ NO    DENSIESKI  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 on the 16<sup>th</sup> day of May, 2007, at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend **Chapter 12** of the Riverhead Town Code entitled, "**Coastal Erosion Hazard areas**" as follows:

§ 12-6 Definitions.

GROSS FLOOR AREA – The sum of the horizontal areas of all floors of a building including interior and exterior balconies, mezzanines and attached decks and porches. Horizontal floor dimensions are to be measured from the exterior faces of the walls of each such floor or from the center line of party walls with any adjoining building.

GROUND AREA COVERAGE – The horizontal area of a structure's footprint.

~~MAJOR ADDITION~~ — ~~An addition to a structure resulting in an increase of 25% or greater in the ground area coverage of the structure, other than an erosion protection structure or a pier, dock or wharf. The increase will be calculated as the ground area coverage to be added, including any additions previously constructed under a coastal erosion management permit, divided by the ground area coverage of the existing structure, as defined in "existing structure."~~

MEAN HIGH WATER – The approximate average high water level for a given body of water at a given location, determined by reference to hydrological information concerning water levels or other appropriate tests.

~~REGULATED ACTIVITY~~ — ~~The construction, modification, restoration or placement of a structure or major addition to a structure or any action or use of land which materially alters the condition of land, including grading, excavating, dumping, mining, dredging, filling or other disturbance of soil or any activity which alters or disturbs the existing natural protective features, which includes trimming and clearing of vegetation. "Regulated activity" does not include routine agricultural operations involving cultivation and harvesting or the implementation of practices recommended in a soil and water conservation plan, as defined in § 3(12) of the Soil and Water Conservation Districts Law, provided that such agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. "Regulated activity" does not include the restoration of a preexisting, nonconforming structure which is damaged or destroyed by events not related to coastal flooding or erosion.~~

RESTORATION — The in kind in place reconstruction of a structure without modification, of a structure, the cost of which equals or exceeds 50% of the estimated full replacement cost of the structure at the time of restoration. Without modification shall mean reconstruction to pre-existing dimensions of gross floor area and ground area coverage. Modifications may be allowed, however, if they do not exceed those preexisting dimensions and are intended to mitigate impacts to natural protective features and other natural resources. Modifications,

~~however, may be allowed if they do not exceed preexisting size limits and are intended to mitigate impacts to natural protective features and other natural resources.~~

UNREGULATED ACTIVITY — Excepted activities that are not regulated by this chapter include but are not limited to: docks, piers, wharves or structures built on floats, columns, open timber piles or other similar openwork supports with a top surface area of less than 200 square feet ~~or~~ and which are removed in the fall of each year; normal beach grooming or cleanup; maintenance of structures when normal and customary and/or in compliance with an approved maintenance program; planting vegetation and sand fencing so as to stabilize or entrap sand in primary dune and secondary dune areas in order to maintain or increase the height and width of dunes; routine agricultural operations, including cultivation or harvesting, and the implementation of practices recommended in a soil and water conservation plan as defined in § 3(12) of the Soil and Water Conservation Districts Law; provided, however, that agricultural operations and implementation of practices will not be construed to include any activity that involves the construction or placement of a structure. ~~In addition, the restoration (as defined in this chapter) of a preexisting, nonconforming structure damaged or destroyed by events not related to coastal flooding or erosion is considered an unregulated activity.~~

#### § 12-13 Dune Area Restrictions.

A.

~~(5) Nonmajor additions to existing structures are allowed on primary dunes pursuant to a coastal erosion management permit and subject to permit conditions concerning the location, design and potential impact of the structure on the primary dune. New construction, modification or restoration of walkways or stairways done in accordance with conditions of a coastal erosion management permit.~~

B.

~~(3) Nonmajor additions to existing structures are allowed on secondary dunes pursuant to a coastal erosion management permit. New construction, modification or restoration of walkways or stairways done in accordance with conditions of a coastal erosion management permit.~~

#### § 12-14 Bluff Area Restrictions.

B.

~~(4) Nonmajor additions to existing structures pursuant to a coastal erosion management permit. Restoration, as defined herein, of pre-existing structures pursuant to a coastal erosion management permit provided the cost of the restoration is less than 50% of the estimated full replacement cost of the structure at the time of restoration.~~

#### § 12-27 Fees for permits and appeals.

A. \$90. 100.

D. Construction or modification of docks, piers or wharves:

(1) ~~\$70.~~ 100.

(2) ~~\$100.~~ 200.

(3) ~~\$50.~~ 100.

**DATED: April 17, 2007**

Riverhead, New York

BY ORDER OF THE TOWN BOARD

OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution #56

AUTHORIZES THE RELEASE OF SECURITY FOR RIVERHEAD BUILDING SUPPLY CORP.

COUNCILMAN BARTUNEK

offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by

WHEREAS, Riverhead Building Supply Corp. posted security (Check #247955 dated April 11, 2006) in the amount of One Thousand Two Hundred Fifty Dollars (\$1,250) representing the 5% bond as per approved site plan Resolution #105 dated April 11, 2006, for work at 1093 Pulaski Street, Riverhead, New York, further described as Suffolk County Tax Map Number 0600-125.-2-3.5, 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, the Planning Department is satisfied with site requirements 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 security in the sum of One Thousand Two Hundred Fifty Dollars (\$1,250); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Riverhead Building Supply Corp., Attention: Mr. Richard Case, 1093 Pulaski Street, Riverhead, New York 11901; the Building Department; the Accounting Department and the Town Attorney's Office.

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Therefore Duly Adopted

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 357

**RATIFIES THE AUTHORIZATION OF THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (TRANSFER OF DEVELOPMENT RIGHTS (§108-322. Commercial site plan administration))**

COUNCILMAN DUNLEAVY

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

COUNCILMAN DENSIESKI

**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 12, 2007 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 Zoning Board of Appeals; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 1st day of May, 2007 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE LXII  
Transfer of Development Rights**

**§ 108-332. Commercial site plan administration.**

A. The ~~Town Board~~ agency responsible for commercial site plan approval shall be the administrator for application of preservation certificates on commercial site plan application as follows:

- (1) In the event that preservation credit certificates are to be applied to commercial development as set forth in this chapter, the agency responsible for commercial site plan approval ~~Town Board~~ shall have the authority to vary the development standards set forth in this chapter; including but not limited to parking, floor area ratio and lot coverage requirements. The agency responsible for commercial site plan approval ~~Town Board~~ shall utilize the standards set forth in ~~276~~ § 267-b of the Town Law of the State of New York in determining whether to vary development standards as set forth herein.
- (2) Section 108-332 is adopted pursuant to the Municipal Home Rule Law of the State of New York and is expressly intended to supersede the provisions of Town Law ~~276~~ §267-b and §108-76 of the Town Code of the Town of Riverhead.

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

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

April 17, 2007

Adopted

**TOWN OF RIVERHEAD**

**AWARDS BID FOR WATER SERVICE MATERIALS  
FOR USE IN THE RIVERHEAD WATER DISTRICT**

**RESOLUTION # 358**

\_\_\_\_\_ **COUNCILMAN DENSIESKI** \_\_\_\_\_ offered the following resolution, which was seconded by \_\_\_\_\_ **COUNCILWOMAN BLASS** \_\_\_\_\_:

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for water service materials; and

**WHEREAS**, bids were received, opened and read aloud on the 28<sup>th</sup> day of March, 2007, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid for be and is hereby awarded as follows:

**VENDOR**

**ITEM #'S**

Blackman Plumbing Supply Co., Inc. 23, 24, 29, 94, 95, 96, 98, 99, 123, 124, 125, 126, 127, 128, 143, 144, 145, 146, 173, 176, 180, 181, 183, 199, 200, 205, 206, 207, 208, 209, 210, 211, 214

Joseph G. Pollard Co., Inc. 22, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 86, 87, 88, 89, 118, 119, 120, 121, 122, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 165, 166, 169, 170, 171, 172, 174, 175, 177, 178, 179, 182, 184, 185, 186, 187, 188, 189, 190, 192, 193, 194, 195, 197, 198, 201, 202, 216, 217, 218, 219, 220

T.Mina Supply, Inc. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14A-14F, 15A-15F, 16A-16D, 17A-17D, 18A-18D, 19A-19B, 20A-20B, 21A-21B, 25, 26, 27, 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57,

58, 59, 60, 61, 62, 63, 64, 65, 78, 79, 80, 81, 82,  
83, 84, 85, 90, 91, 92, 93, 100, 101, 102, 103,  
104, 105, 106, 107, 108, 109, 110, 111, 112,  
113, 114, 115, 116, 117, 158, 159, 160, 164,  
167, 212, 213

USA Bluebook

97, 168, 191, 196, 203, 204

and be it further

**RESOLVED**, that the Town Board hereby authorizes the Town Clerk to return any and all bid bonds, if said bid bonds have been received in connection with the above; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Blackman Plumbing Supply, Inc., 2700 Route 112, Medford, New York, 11763; Joseph G. Pollard Co., Inc., 200 Atlantis Avenue, New Hyde Park, New York, 11040; T. Mina Supply, Inc., 168 Long Island Avenue, Holtsville, New York, 11742; the Riverhead Water, District and the Purchasing Department.

**THE VOTE**

Dunleavy Yes  No

Bartunek Yes  No

Blass Yes  No

Densieski Yes  No

Cardinale Yes  No

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

Z: Lynn, Water District

April 17, 2007

Adopted

**TOWN OF RIVERHEAD**

Resolution # 359

**Classifies Action and Refers Special Permit Petition  
of Captain Hawkins House (400 Restoration Realty, LLC)  
to the Planning Board**

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

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Jeffrey Hallock pursuant to Article XXVIA. of the Riverhead Town Code for the use of the renovated third floor of an existing Country Inn as habitable space for overnight occupancy on a 2.9ac. parcel zoned Rural Corridor (RLC); such property more particularly described as SCTM 0600-69-2-10, and

**WHEREAS**, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c)(7) as the construction or expansion of a non residential facility involving less than 4,000sq.ft. gross floor area and not involving a zone change or use variance, and

**WHEREAS**, pursuant to 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency SEQR responsibilities end with this designation with no significance determination being necessary, and

**WHEREAS**, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares the special permit petition of Captain Hawkins House to be a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

**THE VOTE**

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution #360

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER THE ADDITION OF A NEW CHAPTER 111 TO THE RIVERHEAD TOWN CODE ENTITLED, "YOUTH BUREAU"**

COUNCILMAN BARTUNEK

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

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice once in the April 26, 2007 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 to consider the addition of a new Chapter 111 to the Riverhead Town Code entitled, "Youth Bureau", 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 Donna Lyczkowski, Riverhead Youth Bureau; the Office of the Supervisor and the Office of the Town Attorney.

THE VOTE  
Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 1st day of May, 2007 at 7:30 o'clock p.m. to consider a local law to consider the addition of a new Chapter 111 to the Riverhead Town Code entitled, "Youth Bureau" as follows:

**Chapter 111**

**YOUTH BUREAU**

**§111-1. Definitions.**

For the purposes of this chapter, the following words and phrases shall be given the meanings indicated herein:

YOUTH — Any person under 21 years of age.

YOUTH SERVICE PROJECT — Any plan or organized activity, other than a recreation project, which has for its purpose the detection, prevention or treatment of delinquency of youth or other services directed toward youth development, and which is operated by or under the direction of the Town of Riverhead or any governmental subdivision or agency thereof.

**§111-2. Youth Bureau created.**

There is hereby created the Youth Bureau of the Town of Riverhead which shall be comprised of a Youth Bureau Board of Directors (hereinafter referred to as the "Board") and Director (hereinafter referred to as the "Director").

**§111-3. Director.**

The Director shall be the principal officer and administrative head of the Youth Bureau. The Director shall be appointed by the Town Board and shall be in the competitive class of the Civil Service.

#### **§111-4. Duties of Director.**

The Director shall be responsible for the administration of the Youth Bureau and shall be responsible for all projects conducted by the Youth Bureau, including but not limited to those projects related to the counseling and guidance of youth, and the public relations, agency coordination, and business activities of the Youth Bureau with the support and guidance of the Town Board and Youth Bureau Board of Directors. The Director shall be responsible for the preparation of the annual budget of the Youth Bureau.

#### **§111-5. Youth Board.**

##### **A. Composition.**

The Board shall be comprised of from 10-25 members at the discretion of the Town Board. The members of the Board shall be appointed by the Town Board and serve without compensation. Lay citizens shall comprise at least 50% of the total membership of the Board and be representative of the community both demographically and geographically, and may include citizens from business law enforcement, government, education, human services, religious entities, public relations, finance, and at least four youths. Public officials may comprise the remainder of the Board's membership and shall include representatives of disciplines directly concerned with the welfare of youth.

##### **B. Powers and duties.**

The Board shall be an advisory body and shall cooperate with the Director on the following programs and functions:

- (1) The development of effective policies and programs for the prevention and control of delinquency and crime by youth.
- (2) The encouragement of closer cooperation between employers, labor, schools, churches, recreational agencies, state and local employment programs, service clubs and other public and private agencies, so as to stimulate employment for youth on the basis of community planning
- (3) The review and analysis of federal, state or county grants, or grants from private individuals, corporations or associations, for the purpose of applying for such funds and thereafter allocating such funds to specific youth programs.
- (4) The review, analysis and implementation of plans for the creation or expansion of youth programs.

- (5) The compliance with all laws and rules and regulations adopted by the State of New York with reference to the advancement of youth, including but not limited to the Youth Commission Law of the Executive Law Editor's Note: See Article 19-A, Youth Commission, of the New York State Executive Law and the General Municipal Law of New York State.
- (6) The gathering, compilation and analysis of statistical records and data, including those that reflect the incidence and trends of delinquency and youthful crime, and the promulgation of guidelines and recommendations for the needs of youth.
- (7) The formulation and adoption of rules and bylaws governing the activities of the Board.
- (8) The implementation of educational programs related to the problems of youth and the correction thereof.
- (9) The performance of such other duties relative to the effective implementation of the intent of this chapter as may from time to time be requested by the Town Board.

C. Terms of appointment

- (1) One-half of the total number of Youth Board members first appointed by the Town Board shall be appointed for a term of one year from the date of their appointments. The remaining 1/2 of the total number of Youth Board members shall be appointed for a term of two years from the date of their appointments.
- (2) The successors to all Youth Board positions shall be appointed for a term of two years after the expiration of their predecessors.
- (3) No member may continue to serve on the Youth Board beyond the expiration of his term unless reappointed for a successive two-year term by the Town Board.

D. Removal of Youth Board members

- (1) Members of the Youth Board may be removed for cause by the Town Board.
- (2) In the event that any Youth Board member is absent from three regularly scheduled, consecutive Youth Board meetings, without

previously advising the Director or Youth Board Chairperson of his intended absence, such member shall be removed from the Youth Board.

- Underscore represents addition(s)

Dated: Riverhead, New York  
April 17, 2007

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

April 17, 2007

Adopted

**TOWN OF RIVERHEAD**

**AUTHORIZES TOWN CLERK TO REPUBLISH & REPOST  
NOTICE TO BIDDERS FOR CALCIUM HYPOCHLORITE TABS  
FOR USE BY THE RIVERHEAD WATER DISTRICT**

**RESOLUTION # 361**

COUNCILMAN DUNLEAVY \_\_\_\_\_ offered the following resolution, which was  
seconded by COUNCILMAN DENSIESKI \_\_\_\_\_:

WHEREAS, the Town Board of the Town of Riverhead authorized the publishing and posting of a notice to bidders for calcium hypochlorite tablets to be opened and read aloud on the 9<sup>th</sup> day of April, 2007, at 11:05 a.m.; and

WHEREAS, no bids were received on the date and at the time prescribed in the notice to bidders.

NOW, THEREFORE, BE IT RESOLVED, that the Town Clerk be and is hereby authorized to republish and repost the attached Notice to Bidders for calcium hypochlorite tablets to be used by the Riverhead Water District; and be it further

RESOLVED, that the Town Clerk is authorized to forward a certified copy of this resolution to the Riverhead Water District and the Purchasing Department.

**THE VOTE**

Dunleavy Yes  No       Bartunek Yes  No   
Blass Yes  No       Densieski Yes  No   
Cardinale Yes  No

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

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **CALCIUM HYPOCHLORITE TABLETS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, on **May 8, 2007** until **11:00 a.m.**

Bid Specifications and/or Plans 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**. Click on "Bid Requests" and follow the instructions.

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 addressed to: **TOWN CLERK, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK, 11901**, and bear the designation **BIDS FOR CALCIUM HYPOCHLORITE TABLETS - BID #07-21-RWD.**

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

Barbara Grattan, Town Clerk

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 362

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 52 ENTITLED, "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE (§52-6. Application for building permit.)**

COUNCILMAN DENSIESKI

offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice once in the April 26, 2007 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 52 entitled, "Building Construction" 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 Building Department; the Zoning Board of Appeals and the Office of the Town Attorney.

THE VOTE

Dunleavy  yes \_\_\_ no \_\_\_ Bartunek  yes \_\_\_ no \_\_\_  
Blass  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_

THE RESOLUTION  WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 16th day of May, 2007 at 7:10 o'clock p.m. to consider a local law amending Chapter 52 "Building Construction" of the Riverhead Town Code as follows:

Chapter 52  
BUILDING CONSTRUCTION

**§52-6. Application for building permit.**

J. The Building Department may approve, disapprove or approve with modification the application for a building permit based upon the standards provided for in this chapter.

(3) Consistent with the provisions of Chapter 86, the Electrical Inspector shall interpret electrical permit applications for single family dwelling units and/or their accessory structures which propose the installation of more than one electric meters as being in conflict with the provisions of the Town Code of the Town of Riverhead. Therefore, electrical permit applications proposing the installation of two or more electric meters for single family dwelling units and/or their accessory structures shall be denied by the Electrical Inspector. Applicants may seek relief from the denial of such applications based upon this interpretation from the Zoning Board of Appeals.

- Underscore represents addition(s)

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

TOWN OF RIVERHEAD

Adopted

Resolution # 363

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

COUNCILWOMAN BLASS

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

COUNCILMAN BARTUNEK

which was seconded by \_\_\_\_\_:

**WHEREAS**, that the Town Clerk is hereby authorized to post and publish the attached public notice of proposed local law entitled, "Local Law to Change the Term of the Town Supervisor from 2 Years to 4 Years", once in the April 26, 2007 issue of the News Review, the newspaper for this purpose, and to post same on the signboard in Town Hall.

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Suffolk County Board of Elections, Office of the Supervisor and the Office of the Town Attorney.

THE VOTE

Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 16th day of May, 2007 at 7:05p.m. at the Senior Center Human Resource Center, 60 Shade Tree Lane, Aquebogue, New York, to consider a proposed local law to increase the term of Office of the Town Supervisor from two years to four years as follows:

- Section 1.           The term of office of the Town Supervisor shall be 4 years.
- Section 2.           This local law shall supersede section Twenty-Four of the Town Law, insofar as it is inconsistent with such section.
- Section 3.           A proposition for the approval of this local law shall be submitted to the electors of the Town of Riverhead at the general election to be held in November, Two Thousand and Seven, and this local law shall become operative only if approved by the affirmative vote of a majority of the qualified electors voting upon such proposition.
- Section 4.           If this local law is approved by the affirmative vote of a majority of the qualified electors of the Town voting thereon at said general election. This local law shall become and be effective immediately.

Copies of said proposed local law are available at the Office of the Town Clerk to any interested persons during regular business hours.

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

## SAMPLE LOCAL LAW

Town of Riverhead

A Local Law Increasing the Term of Office of the 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 be submitted for approval of the qualified voters of the Town of Riverhead at the biennial town election to be held November 6, 2007. 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 2007, entitled a Local Law Increasing the Term of Office of Town Supervisor from Two to Four Years be approved?”

Section 4. SUPERSESSON: This local law shall supersede Town Law, §24 relating to the term 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.

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution #364

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

COUNCILMAN BARTUNEK

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

which was seconded by COUNCILMAN DUNLEAVY \_\_\_\_\_:

**WHEREAS**, that the Town Clerk is hereby authorized to post and publish the attached public notice of proposed local law entitled, "Local Law to Change the Term of the Town Clerk from 2 Years to 4 Years", once in the April 26, 2007 issue of the News Review, the newspaper for this purpose, and to post same on the signboard in Town Hall

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Suffolk County Board of Elections.

THE VOTE

Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no

Blass  yes \_\_\_ no Densieski  yes \_\_\_ no

Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT

THEREFORE DULY ADOPTED

## PUBLIC NOTICE

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 16<sup>th</sup> day of May 2007 at 7:25 pm at Senior Center Human Resource Center, 60 Shade Tree Lane, Aquebogue, New York, to consider a proposed local law to create Chapter 10B of the Riverhead Town Code entitled, "Term of Office of Town Clerk" as follows:

### SAMPLE LOCAL LAW

Town of Riverhead

Local Law No. \_\_\_\_\_ the year 2007.

A Local Law Increasing the Term of Office of the Town Clerk 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 Clerk 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 6, 2007. 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 2007, entitled a Local Law Increasing the Term of Office of Town Clerk from Two to Four Years be approved?”

Section 4. SUPERSESSION: This local law shall supersede Town Law, §24 relating to the term of office of Town Clerk 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.

Adopted

April 17, 2007

TOWN OF RIVERHEAD

Resolution # 365

**SCHEDULING A PUBLIC HEARING TO DETERMINE WHETHER THE COUNTY OF SUFFOLK'S FUELING FACILITY AT INDIAN ISLAND GOLF COURSE, LOCATED ON RIVERSIDE DRIVE, RIVERHEAD, NEW YORK, MUST COMPLY WITH THE TOWN CODE OF THE TOWN OF RIVERHEAD.**

COUNCILMAN DUNLEAVY

\_\_\_\_\_ offered the following resolution, was seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_:

**BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby determines to hold a public hearing on May 1, 2007 at 7:35 o'clock in the evening of that day to hear all interested persons with regard to whether the construction and siting of the fueling facility at Indian Island Golf Course, located on Riverside Drive, Riverhead, New York must comply with the Town Code of the Town of Riverhead.

**RESOLVED**, that the Town Clerk is hereby directed to publish the attached notice of public hearing as follows:

a. in the *News Review*, the official newspaper of the Town of Riverhead on Thursday, April 26, 2007;

b. by mailing a copy of the notice, by certified mail, return receipt requested, to the Suffolk County Attorney, with offices at 100 Veterans Memorial Highway, Hauppauge, New York, 11788 by April 19, 2007; and

c. by mailing a copy of the notice, by certified mail, return receipt requested, to Assistant Suffolk County Attorney, John R. Petrowski, at 100 Veterans Memorial Highway, Hauppauge, New York, 11788 by April 19, 2007; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., P.O. Box 389, 456 Griffing Avenue, Riverhead, New York, 11901; and the Town Attorney.

This resolution was prepared by Phil Siegel, of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, special counsel to the Town Board of the Town of Riverhead.

THE VOTE  
Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held before the Town Board of the Town of Riverhead on May 1, 2007, at 7:35 o'clock in the evening of that day at Town Hall, 200 Howell Street, Riverhead, New York, to hear all interested persons with regard to whether the construction and siting of the fueling facility at Indian Island Golf Course, located on Riverside Drive, Riverhead, New York must comply with the Town Code of the Town of Riverhead.

Dated: Riverhead, New York  
April 17, 2007

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

April 17, 2007

TOWN OF RIVERHEAD

Resolution # 366

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS**  
**(Property Owners: Louis Carraciolo and Ottavia Caracciolo)**

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

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for the sale of development rights from Louis Caracciolo and Ottavia Caracciolo on approximately 20.4 acres of their agricultural lands located on Herricks Lane, Riverhead, New York, at \$90,000.00 per acre, further described as Suffolk County Tax Map #0600-009.00-01.00-p/o 006.006 and 0600-022.00-03.00-p/o 004.000, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said development rights, and

**WHEREAS**, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty percent (30%) undivided interest in and to the premises, as tenants in common,

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of development rights from the subject property in an amount not to exceed ninety thousand dollars (\$90,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Louis Caracciolo and Ottavia Caracciolo, c/o Charles R. Cuddy, Esq., 445 Griffing Avenue, Riverhead, New York 11901; the Farmland Select Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

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

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

April 17, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 367

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS**  
**(Property Owners: Frederick Reeve and Lois Reeve)**

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

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for the sale of development rights from Frederick Reeve and Lois Reeve on approximately 21.10 acres of their agricultural lands located on the west side of Pier Avenue, Riverhead, New York, at \$90,000.00 per acre, further described as Suffolk County Tax Map #0600-008.00-02.00-p/o 012.004 and 012.005, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said development rights, and

**WHEREAS**, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty percent (30%) undivided interest in and to the premises, as tenants in common,

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of development rights from the subject property in an amount not to exceed ninety thousand dollars (\$90,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Frederick Reeve and Lois Reeve c/o Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Post Office Box 779, Riverhead, New York 11901; the Farmland Select Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

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

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

April 17, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 368

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS**  
**(Property Owners: Austin Warner and Jeanne Warner)**

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

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for the sale of development rights from Austin Warner and Jeanne Warner on approximately 60 acres of their agricultural lands located on Sound Avenue, Riverhead, New York, at \$90,000.00 per acre, further described as Suffolk County Tax Map #0600-041.00-02.00-p/o 002.004, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said development rights, and

**WHEREAS**, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty percent (30%) undivided interest in and to the premises, as tenants in common,

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of development rights from the subject property in an amount not to exceed ninety thousand dollars (\$90,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Austin Warner and Jeanne Warner, 2649 Sound Avenue, Riverhead, New York 11901; the Farmland Select Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

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

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

April 17, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 369

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS**  
**(Property Owners: Helen Zilnicki**

**COUNCILMAN DUNLEAVY**

\_\_\_\_\_ offered the following resolution, was seconded  
by **COUNCILMAN DENSIESKI** \_\_\_\_\_ :

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for the sale of development rights from Helen Zilnicki on approximately 70.7 acres of their agricultural lands located on Sound Avenue, Riverhead, New York, at \$90,000.00 per acre, further described as Suffolk County Tax Map #0600-043.00-01.00-p/o 003.000, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said development rights, and

**WHEREAS**, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty percent (30%) undivided interest in and to the premises, as tenants in common,

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

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of development rights from the subject property in an amount not to exceed ninety thousand dollars (\$90,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Helen Zilnicki, 3675 Sound Avenue, Riverhead, New York 11901; the Farmland Select Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

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

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

April 17, 2007

TOWN OF RIVERHEAD

Resolution # 370

**ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS**  
**(Property Owners: Phillip Anthony Schmitt and Debroah Schmitt and Stanley Zilnicki and Kathy Zilnicki)**

COUNCILMAN DENSIESKI

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

by COUNCILWOMAN BLASS :

**WHEREAS**, the Riverhead Farmland Preservation Committee (“the Committee”) has received an offer for the sale of development rights from Phillip Anthony Schmitt and Debroah Schmitt and Stanley Zilnicki and Kathy Zilnicki on approximately 10.0 acres of their agricultural lands located on Roanoke Avenue, Riverhead, New York, at \$90,000.00 per acre, further described as Suffolk County Tax Map #0600-042.00-02.00-p/o 002.001, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said development rights, and

**WHEREAS**, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty

percent (30%) undivided interest in and to the premises, as tenants in common,

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Phillip Anthony Schmitt and Debroah Schmitt and Stanley Zilnicki and Kathy Zilnicki pursuant to Chapter 14 and Chapter 44, Section 44-5B(2) of the Code of the Town of Riverhead, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of development rights from the subject property in an amount not to exceed ninety thousand dollars (\$90,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Phillip Anthony Schmitt and Debroah Schmitt, 2552 Roanoke Avenue, Riverhead, New York 11901; Stanley Zilnicki and Kathy Zilnicki, 1096 Ostrander Avenue, Riverhead, new York 11901; the Farmland Select Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

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

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

April 17, 2007

# Adopted

## TOWN OF RIVERHEAD

Resolution # 371

### ADOPTS A LOCAL LAW AMENDING CHAPTER 107 ENTITLED "TIDAL AND FRESHWATER WETLANDS" OF THE RIVERHEAD TOWN CODE

Councilman Bartunek offered the following resolution, which was seconded by  
COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to post and publish public notice to all interested persons to consider a local law amending Chapter 107 entitled, "Tidal and Freshwater Wetlands" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of April, 2007, at 2:05 p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard, were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 107 "Tidal and Freshwater Wetlands" 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 shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; Conservation Advisory Council, Town Attorney Investigation Unit and the Office of the Town Attorney.

#### THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED.

TOWN OF RIVERHEAD  
PUBLIC NOTICE

TOWN OF RIVERHEAD  
NOTICE OF ADOPTION

PLEASE TAKE NOTICE that The Town Board of the Town of Riverhead adopted a local law amending Chapter 107 entitled, "Tidal and Freshwater Wetlands" of the Riverhead Town Code at a regular meeting held on April 17, 2007.

A copy of the text of the adopted local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, beginning April 18, 2007, between the hours of 8:30 AM and 4:30 PM, Monday through Friday.

DATED: April 17, 2007  
Riverhead, New York  
BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA GRATTAN, TOWN CLERK

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

## Chapter 107: TIDAL AND FRESHWATER WETLANDS

### § 107-3. Definitions.

#### CLEARING –

A. As applied to the act of clearing: the act of removing trees or any part thereof, brush, or other vegetation and/or groundcover from land, whether by any means, including but not limited to digging, scraping, cutting, brush hogging, bulldozing, burning, chemical removal or by any form of mechanical actions. As used herein, the term "ground cover" shall include naturally occurring under story vegetation (e.g. low bush blueberry or huckleberry) as well as leaf litter and other organic detritus.

B. As applied to an area of land: all land which has been altered from its natural state by the removal of trees, brush, or other vegetation and/or groundcover, As used herein, the term "natural state" shall mean and refer to the natural condition of land without substantial alteration by human activity.

ECOLOGICALLY SENSITIVE AREAS – Those areas with one or more of the following characteristics:

- A. High biological productivity and/or relatively intact natural processes. Examples include wetlands, creeks and areas within bays and harbors, and near shore areas of widgeon grass and eelgrass.
- B. High quality breeding or habitat value to wildlife or plants.
- C. Habitat that supports New York State protected species (endangered, threatened, rare).
- D. Areas identified in the regional or local plans as having exceptional aesthetic or scenic quality.
- E. Areas Immediately adjacent to (A) (B) or (C). Changes in characteristics of these adjacent areas caused by direct or indirect activity can significantly impact the integrity of target systems.

FRESHWATER WETLANDS — Lands and waters as indicated on, but not limited to, the Freshwater Wetlands Map for Suffolk County promulgated by the Department of Environmental Conservation pursuant to the Freshwater Wetlands Act and the Riverhead Freshwater Wetlands Inventory (1979), as may be amended from time to time, which contain any or all of the following:

- A. Lands and submerged lands commonly called "marshes," "swamps," "sloughs," "bogs," "streams" (whether natural or altered), and "flats" supporting aquatic or semiaquatic vegetation of the following types:
  - (1) Wetland trees, which depend upon seasonal or permanent flooding or sufficiently water-logged soils to give them a competitive advantage over other trees; including, among others, red maple (*Acer rubrum*), willows (*Salix* spp.), tupelo (*Nyssa sylvatica*), black spruce (*Picea mariana*), swamp white oak (*Quercus bicolor*), ~~red~~ green ash (*Fraxinus pennsylvanica*), black ash (*Fraxinus nigra*), silver maple (*Acer saccharinum*), American elm (*Ulmus americana*) and larch (*Larix laricina*);
  - (2) Wetland shrubs, which depend upon seasonal or permanent flooding or sufficiently

water-logged soils to give them a competitive advantage over other shrubs; including, among others, alder (*Alnus* spp.), buttonbush (*Cephalanthus occidentalis*), bog rosemary (*Andromeda glaucophylla*), dogwoods (*Cornus* spp.), and leatherleaf (*Chamaedaphne calyculata*); swamp azalea (*Rhododendron viscosum*); sweet pepperbush (*Clethra alnifolia*); spice bush (*Lindera benzoin*);

- (3) Emergent vegetation; including, among others, cattails (*Typha* spp.), pickerelweed (*Pontederia cordata*), bulrushes (*Scirpus* spp.), arrow arum (*Peltandra virginica*), arrowheads (*Sagittaria* spp.), reed (*Phragmites communisaustralis*), wildrice (*Zizania aquatica*), bur-reeds (*Sparganium* spp.), purple loosestrife (*Lythrum salicaria*), swamp loosestrife (*Decodon verticillatus*) and water plantain (*Alisma plantago-aquatica*); sedges (*Carex* spp.).

- (8) Submergent vegetation; including, among others, pondweed (*Potamogeton* spp.), naiads (*Najas* spp.), bladderworts (*Utricularia* spp.), wild celery (*Vallisneria americana*), coontail (*Ceratophyllum demersum*), water milfoils (*Myriophyllum* spp.), muskgrass (*Chara* spp.), stonewort (*Nitella* spp.), waterweeds (*Elodea* spp.), and water smartweed (*Polygonum amphibium*);

INVASIVE VEGETATION – vegetation that possesses both of the following traits:

- A. Non-native (or alien) to the ecosystem under consideration.  
B. Capable of moving aggressively into a habitat and monopolizing resources such as light, nutrients, water and space to the detriment of other species.

LOT AREA – The total horizontal area contained within and enclosed by the outer boundary lines of any lot; “lot area” shall not include that portion of a lot which contains a tidal or freshwater wetland as defined herein.

NATIVE VEGETATION – Vegetation comprised of plant species which are indigenous to Long Island and that, under ordinary circumstances have proved to be locally noninvasive, and which reasonably can be expected to naturally occur on a site.

**NATURAL DRAINAGE SYSTEM** — Consists of those uplands and watercourses, including but not limited to those tidal wetlands designated on the New York State Department of Environmental Control Official Tidal Wetlands Map, freshwater wetlands designated on the Freshwater Wetlands Map for Suffolk County and the Riverhead Freshwater Wetlands Inventory (1979), as amended from time to time. Such lands and waters may include but are not limited to all uplands exhibiting 15% or greater slopes, all fresh, salt or brackish water, swamps, bogs, marshes, streams, vernal ponds, ponds and lakes, whether intermittently or permanently saturated or covered by ground, surface or tidal waters.

**TIDAL WETLANDS or WETLANDS** — Any lands delineated as tidal wetlands on the Tidal Wetlands Map of Riverhead promulgated by the New York State Department of Environmental Conservation. Such lands shall comprise the following classifications as delineated on such map:

- F. **FORMERLY CONNECTED TIDAL WETLANDS** — The tidal wetlands zone, designated FC on the tidal Wetlands Map for Riverhead, in which normal tidal flow is restricted by man-made causes. Typical tidal wetland plant species may exist in such areas although they may be infiltrated with common reed (*Phragmites sp-australis*).

**WATERCOURSES** — All permanent or intermittent water bodies other than tidal waters

including freshwater streams, marshes, swamps, bogs, vernal ponds, ponds and lakes.

#### § 107-4. Regulated areas.

It shall be unlawful for any person, without obtaining a written permit issued by the Town of Riverhead, to:

- A. Place or deposit, or permit to be placed or deposited, debris, fill or any materials, including structures, into or within 150 feet of the boundary of any ~~tidal waters, tidal wetlands~~, freshwater wetlands, natural or altered drainage systems, or other watercourses, or within 300' of the boundary of any tidal water or tidal wetlands.
- B. Dig, dredge, clear any vegetation or in any other way alter or remove any material in or within 150 feet of any ~~tidal waters, tidal wetlands~~, freshwater wetlands, natural or altered drainage systems, or other watercourses, or within 300' of the boundary of any tidal water or tidal wetlands.
- C. Plant, seed, cultivate or maintain, with the use of fertilizer or pesticide, any lands other than those exempted under Section 107-5B(6), unless the occupier of the land maintains a natural buffer of at least 75 feet from any tidal water, tidal wetlands, freshwater wetlands, natural or altered drainage systems, or other watercourses.
- D. Construct groins, docks, bulkheads, dwellings, roads, or other nonaccessory use structures in or within 150 feet of the boundary of any ~~tidal waters, tidal wetlands~~, freshwater wetlands, natural or altered drainage systems, or other watercourses, or within 300' of the boundary of any tidal water or tidal wetlands.
- E. Build, create, or install any new cesspool, septic tank, leaching field or other in-ground sewage or other waste disposal or storage system, including any pipe, conduit or other part thereof, or any aboveground or in-ground holding tank for any liquid other than water, upon, under, or within 150 feet of the boundary of ~~any tidal waters, tidal wetlands~~, freshwater wetlands, natural or altered drainage systems, or other watercourses, or within 300' of the boundary of any tidal water or tidal wetlands.

#### § 107-6. Application for permit.

- A. All applicants for a permit to do any of the acts regulated or permitted by §§ 107-4 and 107-5 shall present an original and three copies of the permit application, together with other required information, to the office of the Town Conservation Advisory Council. An application fee of \$100 is to be paid to the Town Clerk. All applications and copies thereof must be accompanied by or included the following information: **[Amended 11-8-2006 by L.L. No. 43-2006]**

(7) In the case of an application for a permit to clear native vegetation under section 107-4, the application must contain:

- (a) The location of all existing and proposed buildings, structures, utility lines, sewers, water and storm drains, easements, roads, trails, right-of-way and utilities on the property or within one-hundred fifty (150) feet of the boundary of a freshwater wetland or three hundred (300) feet within a boundary of a tidal wetland.
- (b) The location of all existing and proposed impervious surfaces such as driveways, sidewalks, etc. on the property.
- (c) The location and types of all existing and proposed vegetation and shrub

masses, as well as all trees with a diameter of six (6) inches or more within the property. This section should include a detailed description of the clearing proposed, and diagrams of native vegetation cover on the property before and after the proposed clearing.

- (d) The location of all ecologically sensitive areas, including critical wildlife habitat and a listing of wildlife species that utilize the habitat.
- (e) The locations of bluff line or primary dune crest, if applicable.
- (f) The flood zone designation according to FEMA, if applicable.

D. All applications for building permits, proposed subdivision maps or any development within 150 feet of the boundary of ~~tidal waters, tidal wetlands~~, freshwater wetlands, natural or altered drainage systems, or other watercourses, or within 300' of the boundary of any tidal water or tidal wetlands shall be reviewed by the Town Conservation Advisory Council. The Council shall file its report with the Town Board as provided in § 107-7B.

#### **§ 107-7. Procedure for issuance of permit; display of permit; inspections.**

A. The Director of ~~the Planning Department~~ shall retain the original permit application for his/her files and distribute one copy each to the Town Board, the Conservation Advisory Council and all other involved agencies.

#### **§ 107—7.1 Standards for Issuance of Permit to Clear Native Vegetation**

A. The Conservation Advisory Council shall use the following criteria when considering a permit under section 107-7 to clear native vegetation unless the applicant demonstrates that the proposed clearing:

- (1) Will not result in net loss of wetland functions and values; and
- (2) Will not adversely affect the conservation of fish or wildlife or their habitats, or adversely affect recreational fisheries or their habitats; and
- (3) Will not adversely impact protected species or their habitat; and
- (4) Incorporates into the design, alternatives and modifications to avoid or mitigate impacts to native vegetation; and
- (5) Complies fully with the preservation and restoration priorities of Chapter 104 of the Riverhead Town Code.
- (6) Includes all reasonable mitigation measures to ensure that native vegetation and/or its benefits will not be adversely affected.
- (7) Storm water runoff shall not be diverted so as to impact existing or natural altered drainage systems, create flooding, cause erosion or cause the need for additional drainage facilities on other private or public real property.

B. Nothing shall preclude the Town from requiring reasonable measures to avoid, minimize or mitigate adverse impacts to native vegetation created by the proposed use or activity as it deems necessary to implement the intent of this chapter.

4/17/07

Not Adopted

TOWN OF RIVERHEAD

Resolution # 372

**ADOPTS A LOCAL LAW AMENDING CHAPTER 52 ENTITLED, "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE (52-22. Safe and Code Compliant Construction)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

**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 52 entitled, "Building Construction" (52-22. Safe and Code Compliant Construction) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 17th day of January, 2007 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 52 "Building Construction", of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the 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 authorized to forward a certified copy of this resolution to the Riverhead Building Department; Code Enforcement and the Office of the Town Attorney.

**THE VOTE**

Dunleavy \_\_\_ yes  no Bartunek  yes \_\_\_ no  
 Blass \_\_\_ yes  no Densieski \_\_\_ yes  no  
 Cardinale  yes \_\_\_ no

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 52 entitled, "Building Construction" of the Riverhead Town Code at its regular meeting held on April 17, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 52**

**BUILDING CONSTRUCTION**

§52-22. Safe and Code Compliant Construction

- A. This section shall be applicable only to applications for building permits for the construction of commercial buildings of at least 100,000 square feet filed on or after the effective date of this amendment.
- B. Prior to the issuance of a building permit for such projects, the applicant shall demonstrate that any general contractor, contractor or subcontractor for such project must have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State commissioner of Labor in accordance with Article 23 of the New York Labor Law.
- C. The determination of compliance with this section shall be made and certified by the Town Engineer. An aggrieved party may appeal such determination in an Article 78 proceeding to the Supreme Court, Suffolk County filed within thirty (30) days of filing of the determination by the Director with the Town Clerk or mailing of such determination to the applicant, whichever is later.
- D. It is the intent of the Town Board to exercise its municipal home rule powers to supercede any inconsistent provisions of state law, with specific reference to the time periods to commence legal action set forth in CPLR 217(1) or any other inconsistent provision of state law with respect to the subject matter of this code provision.

- Underscore represents addition(s)

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

4/17/07

↑  
**Tabled**

TOWN OF RIVERHEAD

Resolution # 373

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING"  
OF THE RIVERHEAD TOWN CODE  
(Agriculture Protection Zoning Use District (APZ))**

COUNCILMAN DUNLEAVY

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

COUNCILMAN DENSIESKI :

**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 20th day of March, 2007 at 7:10 o'clock p.m. at the Riley Avenue Elementary School, Riley Avenue, Calverton, 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 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 authorized to forward a certified 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**  
Dunleavy ✓ yes \_\_\_ no Bartunek ✓ yes \_\_\_ no  
Blass ✓ yes \_\_\_ no Densieski ✓ yes \_\_\_ no  
Cardinale ✓ yes \_\_\_ no  
**THE RESOLUTION WAS**  **WAS NOT**  
**THEREFORE DULY ADOPTED**

**Tabled**

**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 17, 2007. **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)**

**§ 108-26.1. 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:

- A. In order to better preserve agricultural vistas, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25.
- B. The cluster subdivision plat must locate and arrange the residential lots so as to protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use.
- C. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- D. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- E. The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.
- F. The cluster subdivision tract must demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.
- G. ~~The Planning Board shall not cluster lots in order to create golf courses,~~

~~playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.~~

G. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:

- (i) The yield shall be fifty percent (50%) of the yield allowed in the applicable zoning use district.
- (ii) Cluster subdivisions shall be limited to attached 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.
- (iii) All residential units shall be restricted to owners of the age of 55 years or older.

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

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

4/17/07

Tabled

TOWN OF RIVERHEAD

Resolution # 374

**ADOPTS A LOCAL LAW PROVIDING FOR RULES AND REGULATIONS FOR USE OF THE RUNWAY AT CALVERTON EXECUTIVE AIRPARK**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law providing for rules and regulations for use of the runway at Calverton Executive Airpark; and

**WHEREAS**, a public hearing was held on the 6th day of March, 2007 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law providing for rules and regulations for use of the runway at Calverton Executive Airpark 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 be and is hereby authorized to forward a certified copy of this resolution to the Office of the Supervisor; the Office of Community Development Agency; Police Chief David Hegermiller and the Office of the Town Attorney.

THE VOTE

Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no

Blass  yes \_\_\_ no Densieski  yes \_\_\_ no

Cardinale  yes \_\_\_ no

THE RESOLUTION \_\_\_ WAS  WAS NOT THEREFORE DULY ADOPTED

Tabled

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law providing for rules and regulations for use of the runway at Calverton Executive Airpark at its regular meeting held on April 17, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

*Rules and Regulations  
Calverton Executive Airpark  
FAA Airport Identifier – K3C8*

THESE RULES AND INSTRUCTIONS ARE NOT INTENDED TO PRE-EMPT THE RESPONSIBILITIES OF THE PILOT-IN-COMMAND FOR SAFE AIRCRAFT OPERATION NOR ARE THEY INTENDED TO CONFLICT WITH INSTRUCTIONS FROM AIR TRAFFIC CONTROL OR THOSE WHICH ARE THE EXCLUSIVE AUTHORITY OF THE FAA.

Pilots permitted to use the runway at Calverton will make every attempt to stay as far from the depicted noise sensitive areas as possible and abide by these simple rules. Your cooperation will ultimately create a more aviation friendly community and is greatly appreciated by your neighbors on the ground.

**HOURS OF OPERATION** – 7:00am to dusk (runway lights are not operational).

**RUNWAY DESIGNATION** – Runway 14/32 is the operational runway at Calverton and is the only runway/landing zone approved for fixed wing operations at EPCAL. Helicopters may also use taxiways as required, see attached diagram.

**RUNWAY 14** – is a LEFT traffic pattern heading  
SOUTH

**RUNWAY 32** – is a LEFT traffic pattern heading  
NORTH

**TRAFFIC PATTERN ALTITUDE** – 1000 ft. AGL for small piston aircraft and 1500 ft. AGL for larger piston/turbo prop and jet aircraft; 600 ft. for helicopters.

**GROUND MAINTENANCE ENGINE RUNS** – Permitted between 8:00am and 7:00pm weekdays, 9:00am and 3:00pm weekends, and prohibited on Sundays

**GROSS WEIGHT LIMITS** – 100,000 lbs. maximum; (any deviation requires prior approval, additional fee may be required).

**USE OF REVERSE THRUST SHOULD BE KEPT TO A MINIMUM**

**PROHIBITED ACTIVITIES** on the runway, taxiways, aircraft parking ramps, pads, fields, parking lots, or landing areas of any kind within EPCAL are as follows:

PRACTICE EMERGENCY PROCEDURES  
TOUCH & GO'S,  
MULTIPLE PRACTICE APPROACHES WITH A "GO-  
AROUND"  
PROCEDURE/NON-TOUCHDOWN  
STOP AND GO'S OR ANY VARIATION THEREOF  
RUNWAY INTERSECTION DEPARTURES

## BACK TAXIING ON THE RUNWAY

### ***ARRIVAL PROCEDURES***

All aircraft arriving to runway 32 and 14 will use standard FAA recommended procedures for non-towered airports as outlined in current FAA regulations including but not limited to the FAR's (Federal Aviation Regulations) and the AIM (Airmen's Information Manual).

1. Avoid noise sensitive areas, (see attached diagram).
2. Fly as tight a pattern as practical to keep noise as close to the airpark as possible. Descend to the runway at low power settings and with as few power changes as possible.
3. If possible, do not adjust propeller control for flat pitch on the downwind leg but instead wait until short final. This practice not only provides a quieter approach but also reduces stress on the engine and the propeller governor.
4. Avoid low-level high-power approaches which not only create high noise impacts but also limit options in the event of an engine failure.

## **JET AIRCRAFT**

### **DEPARTURE PROCEDURES**

Operators are to avoid noise sensitive areas and to use best rate of climb practices to 2500 ft AGL before turning on course, (see attached diagram). Use aircraft specific or current NBAA departure procedures which suggest:

1. Climb at maximum practicable rate at  $V_{2+20}$  KIAS to 500 ft MSL with takeoff flap setting. (Use best angle of climb ( $V_x$ ) for smaller aircraft).
2. At 500 ft MSL, reduce to a quiet climb power setting while maintaining 1000 FPM maximum climb rate and  $V_{2+20}$  KIAS until reaching 1000 ft MSL.
3. At 1000 ft MSL, accelerate to final segment speed ( $V_{fs}$ ) and retract flaps. Maintain quiet climb power 1000 FPM climb rate and airspeed not to exceed 190 KIAS until reaching 3000 ft MSL.
4. At 3000 ft MSL and above, resume normal climb schedule with gradual application of climb power.
5. Observe all airspeed limitations and ATC instructions.

RW 14 –SE'erly Fly runway heading, climb straight out, do not turn on course until 1.5 miles past the end of the runway, south of the Long Island Expressway.

RW 32 – NW'erly Fly runway heading, north of the Airpark boundary (Route 25), remain east of the Calverton VOR on departure to avoid the Calverton National Cemetery and continue climb o 2500 ft MSL before turning on course.

***SINGLE AND MULTI ENGINE FIXED WING AIRCRAFT – VFR  
DEPARTURE PROCEDURES***

1. Avoid noise sensitive areas,(see attached diagram).
2. On takeoff, use best angle of climb procedures.
3. If consistent with safety, make appropriate power reductions at 500 ft.

RW 14 – SE'erly Fly runway heading, climb straight out, do not turn on course until 1.5 miles past the end of the runway, (South of the Long Island Expressway).

RW 32 – NW'erly Fly runway heading North of the airpark boundary (Route 25), remain East of the Calverton VOR on departure to avoid the Calverton National Cemetery and continue climb to 1500 ft MSL before turning on course.

***HELICOPTER DEPARTURE PROCEDURES – VFR***  
(see attached diagram)

Departing in a Southerly direction – Avoid flying over and near noise sensitive areas. Fly 180 Degrees if possible, climbing to 1000 ft as soon as practical–Turns on course east or west should be made south of the Long Island Expressway.

Departing in a Northerly direction – Avoid flying over and near noise sensitive areas. After attaining 1000 ft. turn on course.

Pilots approaching the Airpark from the South to Runway 32 are to remain 1.5 miles to the south of the approach end of the runway prior to turning to final. Stay clear of noise sensitive areas, (see attached diagram).

Pilots approaching the Airpark from the North to Runway 14 are to remain 1.5 miles to the north of the approach end of the runway prior to turning to final. Stay clear of noise sensitive areas, (see attached diagram).

FAA - Federal Aviation Administration      AGL – Above Ground  
Level  
FAR - Federal Aviation Regulations      ATC – Air Traffic  
Control  
AIM - Airman’s Informational Manual

Dated: Riverhead, New York  
April 17, 2007

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

**BARBARA GRATTAN, Town Clerk**

4/17/07

TOWN OF RIVERHEAD

Adopted

Resolution # 375

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

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

**WHEREAS**, on April 4, 2007, the Jamesport Fire Department 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 10, 2007 through Sunday, July 14, 2007 between the hours of 5:00 p.m. and 12:00 midnight; and

**WHEREAS**, the Jamesport Fire Department 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 Fire Department 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 Fire Department 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 10, 2007 through Sunday, July 14, 2007 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

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

**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 be and is hereby authorized to forward a certified copy of this resolution to the Jamesport Fire Department, Attn: Sean McCabe, P.O. Box 78, Jamesport, New York, 11947; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department; Kenneth Testa, P.E.; Mark Kwasna, Highway Superintendent; Code Enforcement and the Office of the Town Attorney.

4/17/07

Adopted

TOWN OF RIVERHEAD

Resolution # 376

**APPROVES CHAPTER 90 APPLICATION OF CHURCH OF THE HARVEST**

COUNCILMAN BARTUNEK

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

COUNCILMAN DUNLEAVY :  
\_\_\_\_\_ :

**WHEREAS**, on April 2, 2007, Church of the Harvest had submitted a Chapter 90 Application for the purpose of conducting a "Community Appreciation Day", to include food, music, and games, to take place at the East End Arts Council at 133 East Main Street, Riverhead, New York on July 14, 2007, between the hours of 10:00 a.m. and 5:00 p.m., having a rain date of July 28, 2007; and

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of the Church of the Harvest to conduct a "Community Appreciation Day", to include food, music, and games, to take place at the East End Arts Council at 133 East Main Street, Riverhead, New York on July 14, 2007, between the hours of 10:00 a.m. and 5:00 p.m., having a rain date of July 28, 2007, is hereby approved; and be it further

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; 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 this approval is subject to a fire safety inspection by the Town Fire Marshal 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-event" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Church of the Harvest, P.O. Box 1086, Riverhead, New York, 11901; the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

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

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

4/17/07

TOWN OF RIVERHEAD

Adopted

Resolution # 377

**APPROVES CHAPTER 90 APPLICATION OF THE HALLOCKVILLE INC.  
(REVOLUTIONARY WAR ENCAMPMENT)**

COUNCILMAN DUNLEAVY

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

COUNCILMAN DENSIESKI

\_\_\_\_\_ :

**WHEREAS**, on May 28, 2007, Hallockville Inc. had submitted a Chapter 90 Application for the purpose of conducting a "Revolutionary War Encampment" to be held at the Hallockville Museum Farm and Folklife Center at 6038 Sound Avenue, Riverhead, New York, on Friday, May 18, 2007 to commence at 3:00 p.m. (regiment staying overnight in their tents) and on Saturday, May 19, 2007 between the hours of 9:00 a.m. and 3:00 p.m.; and

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

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

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

**RESOLVED**, that the Chapter 90 Application of the Hallockville Museum Farm and Folklife Center for the purpose of conducting a "Revolutionary War Encampment" to be held at the Hallockville Museum Farm and Folklife Center at 6038 Sound Avenue, Riverhead, New York, on Friday, May 18, 2007 to commence at 3:00 p.m. (regiment staying overnight in their tents) and on Saturday, May 19, 2007 between the hours of 9:00 a.m. and 3:00 p.m. is hereby approved; and be it further

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

**RESOLVED**, that this approval is subject to a fire safety inspection by the Town Fire Marshal 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 to ensure compliance with the New York State Fire Code; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; 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 the Town Clerk is hereby authorized to forward a certified copy of this resolution to Hallockville Inc.; the Riverhead Fire Marshal; the Office of the Town Attorney and the Riverhead Police Department.

THE VOTE  
Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no  
THE RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

Withdrawn

4/17/07

TOWN OF RIVERHEAD

Resolution # 378

**APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.  
(HOFFMAN WEDDING)**

**COUNCILMAN DENSIESKI**

offered the following resolution, was seconded by

**COUNCILWOMAN BLASS** :

**WHEREAS**, on March 28, 2007, Hallockville Inc. had submitted a Chapter 90 Application for the purpose of conducting a wedding having approximately 250 guests in attendance to be held at the Hallockville Museum Farm and Folklife Center at 6038 Sound Avenue, Jamesport, New York, between the hours of 5:00 p.m. and 11:00 p.m. on Saturday, May 26, 2007; and

**WHEREAS**, Hallockville Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617; and

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

**WHEREAS**, due to it's not-for-profit status, Hallockville Inc. has requested the Chapter 90 Application fee for this event be waived; 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 Hallockville Inc. for the purpose of conducting a wedding having approximately 250 guests in attendance to be held at the Hallockville Museum Farm and Folklife Center at 6038 Sound Avenue, Jamesport, New York, between the hours of 5:00 pm. and 11:00 p.m. on Saturday, May 26, 2007, is hereby approved; and be it further

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; 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 a fire safety inspection by the Town Fire Marshal is required prior to the commencement of this event. 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 Clerk is hereby authorized to forward a certified copy of this resolution to the Hallockville Museum Farm and Folklife Center, 6038 Sound Avenue, Jamesport, New York 11947; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE  
Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski \_\_\_ yes \_\_\_ no  
Cardinale \_\_\_ yes \_\_\_ no  
THE RESOLUTION \_\_\_ WAS  WAS NOT  
THEREFORE DULY ADOPTED

*Withdrawn*

04/17/07

Adopted

TOWN OF RIVERHEAD

Resolution #379

**GRANTS IMPORTATION PERMIT AS PROVIDED BY CHAPTER 62 TO RICHMOND RIVERHEAD REALTY LLC- STOP & SHOP**

**COUNCILWOMAN BLASS**

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

which was seconded by **COUNCILMAN BARTUNEK** \_\_\_\_\_:

**WHEREAS**, Richmond Riverhead Realty LLC owners of the of the subject property located at Old Country Road, Route 58, Riverhead, NY, Suffolk County tax map number, 600-119.-1-19.1, and

**WHEREAS**, the owners have petitioned the Town Board for site plan approval to allow the importation of 26,238 cu yards of soils for the construction of a supermarket as depicted on a site plan prepared by Bohler Engineering, P.C. dated July 24, 2006, and

**WHEREAS**, the owner has applied to the Building Inspector and the Town Board for an importation permit pursuant to Chapter 62 of the Town Code of the Town of Riverhead; to commence site work at the subject property in accordance with their approved site plan as provided by Resolution #786 dated August 15, 2006 and

**WHEREAS**, the applicant's engineer, Bohler Engineering, P.C., has submitted an importation/grading plan indicating a total of 26,238 cubic yards of soil to be imported, and such material will be supported by a manifest from the owners and approved by the Town of Riverhead Engineer and Building Department, and

**WHEREAS**, the Town Board has reviewed the application for an importation permit and has determined same is in compliance with the requirements of Chapter 62 in all respects, and

**NOW, THEREFORE, BE IT**

**RESOLVED**, that based upon the foregoing, the Town Board hereby grants the importation permit requested by the applicant, such permit authorizing the importation of not more than 26,238 total cubic yards of soils in accordance with the permit application and calculations of Bohler Engineering, P.C. and be it further,

**RESOLVED**, the Building Department is hereby authorized to accept fees in the amount of \$ 52,476 dollars representing \$2.00 per cubic yard for the

soils to be imported and which shall be imported as set forth in the attached letter, be it further,

**RESOLVED**, that the importation permit is conditioned upon specified hours of operation, between the hours of 7:00 a.m. and 5:00 p.m. Monday through Saturday only, be it further,

**RESOLVED**, the applicant grants permission to the Town of Riverhead to randomly oversee the importation of said soils and to enter the site to perform soil boring tests, if necessary, during the construction of the said project, be it further,

**RESOLVED**, the owner is responsible for all expenses incurred by the Town of Riverhead to enforce all of the provisions of this permit and the Riverhead Town Code, and be it further,

**RESOLVED**, that upon conclusion of the importation operations that the applicant's engineer will provide certification to the building department confirming the total amount of soils imported onto the property, and be it further

**RESOLVED**, that all other provisions of Chapter 62 being hereby waived pursuant to Chapter 62.5, and be it further,

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Richmond Riverhead Realty LLC, 7 Essex Green Drive, Suite 56, Peabody, MA 01960, the Riverhead Planning Department, The Riverhead Accounting Department, The Riverhead Town Engineer, and the Riverhead Building Department.

### THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

This Resolution Is  Is Not   
Declared Duly Adopted

## Richmond Riverhead Realty LLC

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c/o The Richmond Company, Inc.  
23 Concord Street  
Wilmington, Massachusetts 01887  
(978) 988-3900

April 12, 2007

TOWN OF RIVERHEAD  
BUILDING DEPARTMENT  
201 Howell Avenue  
Riverhead, New York 11901

Attention: Sharon E. Klos, Building Permits Coordinator

Subject: Documentation of Source of Fill Material and Site Contractor  
Land Clearing / Excavation / Importation Permit  
Stop & Shop Supermarket Development Project / 1615 Old Country Road  
Town of Riverhead, Long Island, New York

Dear Ms. Klos:

On behalf of Richmond Riverhead Realty LLC, the landowner and applicant for the above-referenced Land Clearing / Excavation / Importation Permit, I am pleased to provide the following confirmation of the source of the fill material and identity of the site contractor for the site grading activities that will occur in conjunction with the development of our Stop & Shop Supermarket at 1615 Old Country Road.

It is my understanding that now that your final technical and administrative review is complete, this information is required in support of a resolution that will be offered for consideration by the Town Board on Tuesday, April 17, 2007, to grant final authorization for the issuance of said permit.

This will confirm that the primary fill material for our project will be imported directly from the site of the ongoing construction of the P.C. Richard & Son retail project, located only 0.10 miles due west of our property, at 1685 Old Country Road, in Riverhead. Smaller quantities of material will be imported from other sites to be identified by our project contractor on the East End, and gravel and other minor contributory materials will be sourced from supply yards of the site contractor. We can also confirm that no uncertified concrete aggregate and no uncertified re-processed materials will be utilized.

It is also important to also confirm that our geotechnical contractor, Soil Mechanics Environmental Services, of Seaford, will be on site during the conduct of fill and grading activities, to formally certify the quality and proper placement and compaction of all material, on our behalf.

The general contractor for our project is J. Petrocelli Contracting, Inc. of Ronkonkoma. The site sub-contractor for our project is Darr Construction of Bayport. Although it is a coincidence, Darr is also the site contractor for the P.C. Richard & Sons project, so efficient coordination between the sites is assured.

If you or any of the members of the Town Board have any further questions with respect to either this correspondence or the project in general, please feel free to contact me.

Very truly yours,



David J. Armanetti, The Richmond Company, Inc.  
On Behalf of Richmond Riverhead Realty LLC

Cc: Dawn Thomas, Esq. – Town Attorney (via Facsimile)

# Adopted

RESOLUTION # 380 ABSTRACT #07-14 April 5, 2007 (TBM 04/017/07)				
COUNCILMAN BARTUNEK offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME		CD-04/03/07	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	3,500,000.00	49,340.82	3,549,340.82
POLICE ATHLETIC LEAGUE	4	15,000.00	614.00	15,614.00
TEEN CENTER	5	7,500.00		7,500.00
RECREATION PROGRAM FUND	6	35,000.00	1,045.00	36,045.00
CHILD CARE CENTER BUILDING FUN	9	9,000.00	100.00	9,100.00
TOWN BOARD SPECIAL PROGRAM	24	18,000.00		18,000.00
SR SITE COUNCIL	27	28,000.00		28,000.00
ECONOMIC DEV ZONE	30	16,500.00		16,500.00
RECREATION YOUTH COMMITTEE	31	1,500.00		1,500.00
HIGHWAY FUND	111	135,000.00	19,410.40	154,410.40
WATER DISTRICT	112		2,567.00	2,567.00
REPAIR & MAINTENANCE	113	565,000.00		565,000.00
RIVERHEAD SEWER DISTRICT FUND	114	2,650,000.00		2,650,000.00
REFUSE & GARBAGE DISTRICT	115	695,000.00		695,000.00
STREET LIGHTING DISTRICT	116	80,000.00	1,277.09	81,277.09
PUBLIC PARKING DISTRICT	117	105,000.00		105,000.00
BUSINESS IMPROVEMENT DISTRICT	118	80,000.00		80,000.00
AMBULANCE DISTRICT	120	66,000.00		66,000.00
EAST CREEK DOCKING FACILITY	122	150,000.00		150,000.00
CALVERTON SEWER DIST	124	165,000.00		165,000.00
RIVERHEAD SCAVENGER WASTE DIST	128	40,000.00	250.00	40,250.00
SEWER DISTRICT FUND	130	165,000.00		165,000.00
WORKERS' COMPENSATION FUND	173	1,450,000.00	5,135.56	1,455,135.56
RISK RETENTION FUND	175		11,564.70	11,564.70
REVOLVING LOAN PROGRAM	178	55,000.00		55,000.00
RESIDENTAL REHAB LOAN PROGRAM	179	19,000.00		19,000.00
CDBG	181	10,000.00		10,000.00
UDC WORKING	182	10,000.00		10,000.00
RESTORE GRANT PROGRAM	184	25,000.00	75.24	25,075.24
PUBLIC PARKING DISTRICT DEBT	381	35,000.00		35,000.00
SEWER DISTRICTS DEBT SERVICE	382	85,000.00	3,675.00	88,675.00
WATER DEBT SERVICE	383	50,000.00		50,000.00
GENERAL FUND DEBT SERVICE	384	7,200,000.00		7,200,000.00
SCAVENGER DEBT SERVICE	385	110,000.00		110,000.00
SUFFOLK THEATER DEBT SERVICE	386	110,000.00		110,000.00
TOWN HALL CAPITAL PROJECTS	406		26,379.70	26,379.70
800 SERIES CAPITAL PROJECTS	408	20,000.00		20,000.00
TWO BEARS CAPITAL PROJECTS	440	35,000.00		35,000.00
YOUTH SERVICES	452	10,000.00		10,000.00
EISEP	454	120,000.00		120,000.00
MUNICIPAL GARAGE FUND	626		1,048.17	1,048.17
TRUST & AGENCY	735		15.00	15.00
SPECIAL TRUST	736	780,000.00		780,000.00
COMMUNITY PRESERVATION FUND	737	3,200,000.00	226.20	3,200,226.20
CDA-CALVERTON	914	450,000.00		450,000.00
COMMUNITY DEVELOPMENT AGENCY	915	70,000.00		70,000.00
TOTAL ALL FUNDS		22,370,500.00	122,723.88	22,493,223.88

### THE VOTE

Dunleavy  yes \_\_\_ no Bartunek  yes \_\_\_ no  
 Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
 Cardinale  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT  
 THEREFORE DULY ADOPTED

RESOLUTION # 380 ABSTRACT #07-15 April 12, 2007 (TBM 04/17/07)				
COUNCILMAN BARTUNEK offered the following Resolution which was seconded by				
COUNCILMAN DUNLEAVY				
FUND NAME		CD-None	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		772,193.17	772,193.17
RECREATION PROGRAM FUND	6		4,812.03	4,812.03
CHILD CARE CENTER BUILDING FUN	9		49.99	49.99
SENIOR CITIZEN DAY CARE CENTER	27		1,133.90	1,133.90
ECONOMIC DEVELOPMENT ZONE FUND	30		2,909.80	2,909.80
RECREATION YOUTH COMMITTEE FUN	31		500.00	500.00
HIGHWAY FUND	111		66,457.93	66,457.93
WATER DISTRICT	112		95,156.70	95,156.70
RIVERHEAD SEWER DISTRICT	114		72,227.34	72,227.34
REFUSE & GARBAGE COLLECTION DI	115		5,233.63	5,233.63
STREET LIGHTING DISTRICT	116		41,037.78	41,037.78
PUBLIC PARKING DISTRICT	117		2,949.23	2,949.23
BUSINESS IMPROVEMENT DISTRICT	118		218.23	218.23
AMBULANCE DISTRICT	120		2,903.01	2,903.01
EAST CREEK DOCKING FACILITY FU	122		311.39	311.39
CALVERTON SEWER DISTRICT	124		5,118.88	5,118.88
RIVERHEAD SCAVANGER WASTE DIST	128		22,673.52	22,673.52
WORKERS' COMPENSATION FUND	173		1,626.38	1,626.38
CDBG CONSORTIUM ACOUNT	181		613.30	613.30
SEWER DISTRICTS DEBT SERVICE	382		76.09	76.09
GENERAL FUND DEBT SERVICE	384		31,823.91	31,823.91
TOWN HALL CAPITAL PROJECTS	406		8,208.86	8,208.86
YOUTH SERVICES CAP PROJECT	452		4,482.28	4,482.28
SENIORS HELP SENIORS CAP PROJE	453		2,447.89	2,447.89
MUNICIPAL GARAGE FUND	626		20,148.27	20,148.27
TRUST & AGENCY	735		1,267,056.26	1,267,056.26
COMMUNITY PRESERVATION FUND	737		391.01	391.01
CALVERTON PARK - C.D.A.	914		25.17	25.17
COMMUNITY DEVELOPMENT AGENCY	915		75,000.00	75,000.00
TOTAL ALL FUNDS			2,507,785.95	2,507,785.95

THE VOTE

Dunleavy \_\_\_ yes \_\_\_ no    Bartunek \_\_\_ yes \_\_\_ no  
 Blass \_\_\_ yes \_\_\_ no    Densieski \_\_\_ yes \_\_\_ no  
 Cardinale \_\_\_ yes \_\_\_ no

THE RESOLUTION \_\_\_ WAS \_\_\_ WAS NOT  
 THEREFORE DULY ADOPTED