

RESOLUTION LIST

July 15, 2014

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- Res. #512** Authorizes Highway Superintendent to Attend 2014 APWA International Public Works Congress & Exposition
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- Res. #527** Adopts a Local Law Amending Chapter 14 Entitled “Community Preservation” of the Riverhead Town Code
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- Res. #529** Authorizes the Law Firm of Anthony B. Tohill, P.C. to Acts as Special Counsel and Authorizes the Supervisor to Execute a Retainer Agreement
- Res. #530** Adopts a Local Law to Add a Chapter 38 Entitled “Smoking” of the Riverhead Town Code
- Res. #531** Amends the Membership Status of Members of the Riverhead Farmland Preservation Committee
- Res. #532** Authorizes Town Clerk to Publish and Post Public Notice and Calls for Public Hearing
- Res. #533** Authorizes the Supervisor to Execute an Agreement with Ry-Lecia Corp. d/b/a American Recreational Products Regarding the Purchase of Playground Equipment at Nadel Drive Park
- Res. #534** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” (108-3 Definitions – Commercial Solar Energy Production System)
- Res. #535** Authorizes the Supervisor to Execute a License Agreement with the East End Arts Council and Martha Clara Vineyards
- Res. #536** Waives Rules and Regulations for Use of Runway at Calverton Executive Airport
- Res. #537** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law For the Addition of a New Chapter 98A Entitled “Drop-Off Bins” of the Riverhead Town Code
- Res. #538** Pays Bills

07.15.14
140510

ADOPTED

TOWN OF RIVERHEAD

Resolution # 510

**AUTHORIZES THE SUPERVISOR TO EXECUTE GRANT EXTENSION FOR THE
NEW YORK STATE DEPARTMENT OF TRANSPORTATION SAFE ROUTES TO
SCHOOLS PROJECT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, The Community Development Department applied for and received an award of \$474,000 from New York State Department of Transportation to support Safe Routes to Schools (see attached extension to contract); and

WHEREAS, the agreement with the New York State Department of Transportation for the Safe Routes to Schools Project expired May 31, 2014; and

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute the Supplemental Agreement #1 No-Cost Time Extension extending the date of expiration from May 31, 2014 to May 31, 2015 with NYSDOT subject to review and approval by the Town Attorney; and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

NO-COST TIME EXTENSION OF LOCAL/MISCELLANEOUS CONTRACT

NOTE: If there is a current Federal-Aid (FA) Authorization period from: MM/DD/YYYY to MM/DD/YYYY in the FA project description, a modified FA Authorization must be requested/submitted immediately.

DATE: 06/26/2014

CONTRACT #:D032107

PIN 0759.49 SA#01

PROJECT: Safe Routes to School

In the County of _____ Town of Riverhead

Municipality/Sponsor _____ Suffolk County

Office Address _____ Town Hall, 200 Howell Avenue, Riverhead, NY 11901

Original Contract Period From: 06/22/2009 to 05/31/2014

Current Completion Date: 05/31/2014

Requested Extended Contract Completion Date: 05/31/2015

If applicable, Current Federal-Aid Authorization Period From: MM/DD/YYYY to MM/DD/YYYY

Reason (s) for extension:

Attach additional sheet if necessary To allow for additional time to complete project and submit
paperwork for reimbursement.

Agreed to by _____ Date _____

Municipality/Sponsor

STATE OF NEW YORK)

)ss.:

COUNTY OF)

On this _____ day of _____, 20__ before me personally came _____ to me known, who, being by me duly sworn did depose and say that he/she resides at _____; that he/she is the _____ of the Municipal/Sponsor Corporation described in and which executed the above instrument; (except New York City) that it was executed by order of the _____ of said Municipal/Sponsor Corporation; and that he signed his name thereto by like order.

Notary Public

Recommended by _____ Date _____

NYSDOT Project Manager

Approved by _____ Date _____

NYSDOT Contract Management Bureau

07.15.14
140511

ADOPTED

TOWN OF RIVERHEAD

Resolution # 511

AUTHORIZING REMOVAL OF FIXED ASSET RECORDS FROM SYSTEM

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, after a thorough review by the Department listed below, the following items have been deemed broken or unusable and need to be removed from the Town of Riverhead’s system, and given to Property Room.com for crushing. The Municipal Garage hereby requests that the Town Board authorize the removal of these records from the Fixed Asset system.

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

<u>DEPT</u>	<u>FIXED ASSET #</u>	<u>VIN #</u>	<u>DESCRIPTION</u>
Police	164139	2FAHP71V98X164139	2008 Ford Crown Victoria
Police	164140	2FAHP71V58X164140	2008 Ford Crown Victoria

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 512

**AUTHORIZES HIGHWAY SUPERINTENDENT TO ATTEND
2014 APWA INTERNATIONAL PUBLIC WORKS CONGRESS & EXPOSITION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the 2014 APWA International Public Works Congress & Exposition is being held August 16-19, 2014 in Toronto, Canada; and

WHEREAS, the 2014 APWA International Public Works Congress & Exposition offers classes and seminars, including but not limited to, Emergency Management ; Environment/Sustainability; and Utility and Public Right of Way; and

WHEREAS, the Highway Superintendent's attendance and participation at the 2014 APWA International Public Works Congress & Exposition will aid him in the performance in his powers and duties and in the administration of the Highway Department; and

WHEREAS, the cost of the 2014 APWA International Public Works Congress & Exposition shall not to exceed \$2,515.00 including registration, travel, lodging and meals and all such costs shall be fully receipted upon his return and all pertinent receipts and documents will be submitted to the Office of Accounting for reimbursement; and

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does authorize the Highway Superintendent to attend the 2014 APWA International Public Works Congress & Exposition and costs may not exceed \$2,515.00 including registration, travel, lodging and meals, and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140513

ADOPTED

TOWN OF RIVERHEAD

Resolution # 513

INCREASES THE RATE OF PAY OF PART-TIME POLICE OFFICERS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, THE HOURLY RATE OF THE FOLLOWING PART-TIME POLICE OFFICERS OF THE TOWN OF RIVERHEAD ARE INCREASED EFFECTIVE JULY 1, 2014 AS FOLLOWS:

Christian Hickey	\$21.00
John Hinton	\$21.00
Shawn Hubbard	\$21.00
Christopher Pendzick	\$21.00
Patrick Sheridan	\$21.00
Ryan Figueroa	\$21.00
Luigi Luigini	\$21.00

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 514

**ACCEPTS HIGHWAY SUPERINTENDENT'S PERSONNEL REPORT & REQUEST
FOR TOWN BOARD RESOLUTION TO EFFECTUATE PERSONNEL REQUEST**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, pursuant to Town Law § 64(1), the Town Board has general management and control of the finances of the Town; and

WHEREAS, pursuant to Town Law § 64(3), the Town Board has general management and control of Town property; and

WHEREAS, pursuant to Town Law § 20 and except as otherwise provided by law, the Town Board has the responsibility to employ such persons as the Town Board deems necessary for the proper conduct of the affairs of the Town; and

WHEREAS, pursuant to Town Law § 27, the Town Board shall fix, from time to time, the salaries of all officers, officials and employees of said town, whether elected or appointed, and determine when the same shall be payable; and

WHEREAS, pursuant to Highway Law § 140(4), the Highway Superintendent shall employ such persons as may be necessary for the maintenance and repair of Town highways and removal of obstructions caused by snow and provide for the supervision over such employees, subject to the provisions of law recited above and, including but not limited to, available appropriations for such purpose, any applicable civil service requirements (see e.g. Civil Service Law § 75), and any applicable collective bargaining agreement provisions; and

WHEREAS, the Highway Superintendent filed a Personnel Report and Request for Town Board Resolution to Effectuate Personnel Request, to wit: appoint Eric Shaw to the position of Automotive Equipment Operator; and

WHEREAS, the Highway Superintendent's report stated that said appointment is necessary for the repair and maintenance of Town highways.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board accepts the Highway Superintendent's Personnel Report and Request Town Board Resolution to Effectuate Personnel Request, to wit: pursuant to a successfully completed background check, to ratify the appointment of Eric Shaw to the position of Automotive Equipment Operatoreffective July 14, 2014as found on Group6, Step 3A of the Operational and Technical Salary Schedule of the CSEA contract; and be it further

RESOLVED, that the Personnel Officer and Financial Administrator are hereby directed to take such action to effectuate this personnel matter on behalf of the Highway Superintendent; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Highway Superintendent, Personnel Officer, Financial Administrator and Town Attorney's Office; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen – ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Not
Thereupon Duly Declared To Be NOT ADOPTED

07.15.14
140515

NOT ADOPTED

TOWN OF RIVERHEAD

Resolution # 515

RATIFIES THE APPOINTMENT OF A CUSTODIAL WORKER I TO THE BUILDINGS AND GROUNDS DIVISION OF THE TOWN ENGINEER'S DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a vacancy for a Custodial Worker I exists in the Buildings and Grounds Division of the Town Engineer's department; and

WHEREAS, in accordance with Article 12, Section 3 of the CSEA contract, this vacancy was duly posted, Job Posting #5, and interviews of all responding employees were conducted; and

WHEREAS, in accordance with Article 12, Section 3, three or more qualified employees submitted their names for consideration for this vacancy, necessitating an appointment of one of the qualified employees.

NOW, THEREFORE, BE IT RESOLVED, that upon the recommendation of the Personnel Committee, this Town Board hereby ratifies the appointment of George Mottern to the position of Custodial Worker I effective July 14, 2014 at the salary established on the CSEA Operational and Technical Salary Schedule, Group 1, Step 16.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen – ABSENT

Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Not
Thereupon Duly Declared To Be NOT ADOPTED

TOWN OF RIVERHEAD

Resolution # 516

RATIFIES THE APPOINTMENT OF A TEMPORARY COOK TO THE SENIORS CENTER

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a temporary Cook is needed at the Seniors Center to substitute for an existing staff member who has transferred to another department; and

WHEREAS, in 2011 candidate Melissa Muller worked at the Riverhead Town Seniors Center in a similar capacity and the Department Head has made a recommendation to appoint her to this temporary position.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby ratifies the appointment of Melissa Muller to the position of temporary Cook effective July 14, 2014 at the hourly rate of \$16.90.

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen – ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Not
Thereupon Duly Declared To Be NOT ADOPTED

TOWN OF RIVERHEAD

Resolution # 517

Classifies Action, Declares Lead Agency and Determines Environmental Significance on Special Permit of R&K Precision Autoworks, Inc. and Calls Public Hearing

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from James V. DeLucca as authorized agent to R&K Precision Autoworks, Inc. pursuant to Article XXVIA and Section 108-51A. of the Riverhead Town Code, to reconstruct a 1,216sq.ft. portion of an existing auto repair facility in kind and in place adjacent to 1,812sq.ft. to remain, to construct a 2,980sq.ft. addition and to also obtain approval on another 301sq.ft. addition previously constructed: the intent being an expansion of a preexisting, nonconforming use requiring special permission for the facility located on on a 0.5ac. parcel zoned Business CR and more particularly described as SCTM 0600-42-1-19, and

WHEREAS, the petition is identical to one made in 2011 which was granted by Town Board Resolution #907 dated 12/6/11 and conditioned against any body and fender work but which was allowed to lapse beyond its two year authority, and

WHEREAS, an Environmental Assessment Form and supporting documentation were submitted as part of the instant petition, and

WHEREAS, the Riverhead Planning Department has reviewed the application materials and has prepared a SEQR report identifying the petition as a Type II action pursuant to 6NYCRR Part 617.5(c)(7) as expansion of a non residential facility by less than 4,000sq.ft. gfa and not requiring a zone change or use variance as well as issues pertaining to the considerations and determinations of special permits, 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 applicant was directed to seek the prerequisite relief necessary for the Town Board to act upon the prior petition and the Zoning Board of Appeals issued all identified variances by Appeal No. 11-21 dated 5/26/11 with the applicant keeping their determination current by Appeal No. 13-43 dated 11/14/13, and

WHEREAS, the Town Board desires to proceed with the requisite public hearing,
now

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of R&K Precision Autoworks, Inc. which it classifies as a Type II action for the purposes of SEQR compliance, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant's agent James V. DeLucca 12 Linda Lane East Riverhead, NY 11901 and is directed to publish and post the following notice of public hearing in the July 24, 2014 issue of the Riverhead News Review, and

BE IT FURTHER RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on the 5th day of August 2014 at 2:05 o'clock PM to consider the special use permit of R&K Precision Autoworks, Inc pursuant to Article XXVIA and Section 108-51A.

of the Riverhead Town Code to reconstruct a 1,216sq.ft. portion of an existing auto repair facility in kind and in place adjacent to 1,812sq.ft. to remain, to construct a 2,980sq.ft. addition and to also obtain approval on another 301sq.ft. addition previously constructed; the intent being an expansion of a preexisting, nonconforming use requiring special permission for the facility on a 0.5ac. parcel zoned Business CR; such property located at 3241 Sound Avenue Riverhead, New York and more particularly described as SCTM 0600-42-1-19.

Dated: Riverhead, New York
July 15, 2014

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

DIANE M. WILHELM, TOWN CLERK

07.15.14
140518

ADOPTED

TOWN OF RIVERHEAD

Resolution #518

AWARDS BID FOR LUBRICANTS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for LUBRICANTS for the Town of Riverhead and;

WHEREAS, 5 bids were received and opened at 11:00 am on June 12, 2014, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for LUBRICANTS for the Town of Riverhead be and hereby is, awarded to APPLE AUTOMOTIVE DISCOUNT CENTER; BIL-LO INDUSTRIES; and BLACK BEAR CO., INC. for the prices on the attached pages;

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

<u>Bid</u>	<u>Quantity</u>	<u>Product</u>	<u>Vendor</u>	<u>Vendor</u>	<u>Vendor</u>
<u>Item</u>					
			BLACK BEAR	APPLE	BI-LO
					\$588.88
1	2	55 gallon drum of transmission fluid Mercon V			
2	2	120 lbs. keg of gear oil 80w/90		\$135.30	
3	15	55 gallon drum hydraulic oil			\$ 283.80
4	2000	gallons 15 W 40 engine oil			\$13540.00
	5	55 gallon drum of permanent antifreeze & summer coolant	\$426.25		
6	2	120 lbs keg Super Chassis Grease (Red)		\$198.00	
7	2	55 gallon drum All Purpose Trans& Torque Fluid		\$363.00	
8	2	120 lbs. keg of synthetic gear oil 80w/140		\$357.50	

ALL ABOVE PRICES ARE "EACH"

07.15.14
140519

ADOPTED

TOWN OF RIVERHEAD

Resolution # 519

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT
WITH HAMPTON JITNEY, INC. FOR STAGING OF BUSES**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, due to the potential LIRR strike, LIRR commuters as a result of the strike will need to find alternate transportation between eastern Long Island and Manhattan; and

WHEREAS, as a result of increased ridership from the stranded LIRR commuters, Hampton Jitney anticipates that there will be the need for additional buses for existing Hampton Jitney routes from eastern Long Island to Manhattan and from Manhattan to eastern Long Island; and

WHEREAS, the construction of the facility on Edwards Avenue, Calverton by the Hampton Jitney will not be completed before the potential LIRR strike as early as July 20, 2014; and

WHEREAS, Hampton Jitney, Inc. ("Hampton Jitney") as part of its contingency plan, stated that it would need approximately two (2) acres of paved area for staging of additional buses to serve current routes to and from Manhattan; and

WHEREAS, in order to give assistance to its residents and those from surrounding towns who will be impacted by the LIRR strike, the Town of Riverhead has offered to make available the Armory on Route 58, Riverhead, New York; and

WHEREAS, Hampton Jitney has inspected the Armory and found that it would be appropriate for its needs for staging of additional coach buses to serve current routes to and from Manhattan; and

WHEREAS, Town Board wishes to grant a short term license to Hampton Jitney for use of the Armory, County Road 58, Riverhead, for a term commencing on July 19, 2014 and continuing until August 31, 2014 with option for renewal to allow for the staging of up to fifteen (15) coach buses.

NOW THEREFORE BE IT RESOLVED, that the Town Board, be and hereby, authorizes the Supervisor to execute a License Agreement subject to approval by the

Town Attorney with Hampton Jitney for use of the Armory, County Road 58, Riverhead, New York 11901 for a term commencing on July 19, 2014 and continuing until August 31, 2014 with option for renewal; and be it further

RESOLVED, that Town Clerk the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Hampton Jitney, 195 County Road 39A, Suite 6, Southampton, New York 11948; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

7.15.14
140520

ADOPTED

TOWN OF RIVERHEAD

Resolution # 520

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR CHARTER COACH

TRANSPORTATION (REBID)

FOR THE TOWN OF RIVERHEAD

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for CHARTER COACH TRANSPORTATION(REBID) for the Town of Riverhead and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 24TH, 2014 issue of the News Review.

NOW , THEREFORE BE IT, RESOLVED, that all Town Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of CHARTER COACH TRANSPORTATION 2014 (REBID) for the use in the Town of Riverhead, Riverhead, New York will be received at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 2:00 pm on AUGUST 25TH, 2014 at which time they will be publicly opened and read aloud.

Specifications may be examined and/or obtained on JULY 24TH, 2014 on the Town of Riverhead website at www.townofriverheadny.gov, click on bid requests.

Each proposal must be submitted on the form provided in sealed envelope clearly marked CHARTER COACH TRANSPORTATION 2014. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

07.15.14
140521

ADOPTED

TOWN OF RIVERHEAD

Resolution # 521

AWARDS BID FOR 2014 FERTILIZER & LAWN CHEMICALS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for **2014 FERTILIZER & LAWN CHEMICALS** for the Town of Riverhead and;

WHEREAS, 2 bids were received and opened at 11:10 am on JUNE 12, 2014 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for **2014 FERTILIZER & LAWN CHEMICALS** for the Town of Riverhead be and hereby is, awarded to **ALL PRO HORTICULTURE; JOHN DEERE LANDSCAPES & ISLAND BIO-GREENS** for prices on the attached pages.

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
2014 FERTILIZER AND LAWN CHEMICAL BID

ITEM	DESCRIPTION	ALL PRO	JOHN DEERE	ISLAND BIO-GREENS
1	GRASS SEED 30% FINE FESCUE, 40% PENTIUM P. RYE, 30% GOLDRUSH, KTY BLUE	\$1.61#		
2	RAZOR PRO-GAL 2X2.5 GAL CASE**		\$91.24	
3	ROUNDUP – GAL – 2X2.5 GAL CASE**		\$91.24	
4	BAYLETON 1% G-11.25 LB BAG		40.48 25# BAG	
5	PELLETIZED LIME 40 LB BAG	\$4.70		
6	PEAT MOSS 3.8 CU FT. BALE		\$9.15	
7	SCOTTS 19-0-7 26% SCU .9% PENDIMETHALIN CRABGRASS CONTROL 46 LB BAG **		\$16.91	
8	SCOTTS 18-0-9 29% SCU WEED & FEED 48 LB BAG **	\$19.00 40# BAG		
9	ANDERSONS 15-0-5 W/ 2% MERIT 50 LB BAG **		\$22.00	
10	24-0-11 40% PSCU 50 LB BAG	\$15.95		
11	4-2-3 BIOBASIC ORGANIC 50 LB BAG		\$25.55	
12	ROOTS 15-3-8 ORGANIC 50 LB BAG			\$31.00
13	STARTER 10-20-10 50 LB BAG		\$16.00	
14	ACCLAIM EXTRA 2.5 GAL CONTAINER **		\$495.00	
15	WATER SOLUBLE 20-20-20 25 LB BAG	\$29.00		
16	OSMACOTE 15-9-12 5-6 MONTHS 40 LB BAG **		\$22.30	
17	TURFACE PRO LEAGUE SOIL CONDITIONER (REC. DEPT.)	\$13.95 BAG		
18	GUIDE LIME IN 50# BAGS (REC.)		\$5.09	
19	MOUND CLAY BLOCKS (304/PALLET)		\$564.92	
20	TURFACE RED MOUND CLAY (50#BAG)	\$17.25		

21	PHC TERRA SORB MED.GRADE HYDRUGEL 1# JAR	\$11.50#		
22	PHC TERRA SORB MED. GRADE HYDROGEL 1# JAR	\$11.50#		
23	TREFLAN WEED PREVENTION 25# BAGS		\$23.00 40# BAGS	

07.15.14
140522

ADOPTED

TOWN OF RIVERHEAD

Resolution # 522

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR PRINTING (REBID)
FOR THE TOWN OF RIVERHEAD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for PRINTING for the Town of Riverhead and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 24TH, 2014 issue of the News Review.

NOW , THEREFORE BE IT, RESOLVED, that all Town Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the purchase of **PRINTING**(REBID) for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until **2:05 pm on AUGUST 25TH, 2014** at which time they will be publicly opened and read aloud.

Bid packets including specifications may be examined and/or obtained on **JULY 24TH, 2014** on the Town's website at www.townofriverheadny.gov click on bid requests.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked **PRINTING REBID**. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

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

Diane M. Wilhelm, Town Clerk

07.15.14
140523

ADOPTED

TOWN OF RIVERHEAD

Resolution # 523

**RATIFIES THE APPOINTMENT OF A CALL-IN PARK ATTENDANT TO THE
RECREATION DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a Park Attendant II is needed by the Riverhead Town Recreation Department for work at the Town parks,

NOW THEREFORE BE IT RESOLVED, that effective July 3rd, 2014 this Town Board hereby appoints Sarah Freeborn to the position of Call-in Park Attendant II, Level 1, to be paid the rate of \$9.75 per hour and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140524

ADOPTED

TOWN OF RIVERHEAD

Resolution # 524

**RATIFIES THE APPOINTMENT OF A SEASONAL SUMMER RECREATION AIDE
LEVEL I TO THE RECREATION DEPARTMENT SAILING PROGRAM**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Seasonal Summer Recreation Aide I, Level 1 is needed by the Riverhead Town Recreation Department.

NOW THEREFORE BE IT RESOLVED, that effective June 30th through and including September 15, 2014 this Town Board hereby ratifies the appointment of Vanessa Hettesheimer to the position of Seasonal Summer Recreation Aide I, Level 1 to be paid the rate of \$9.00 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140525

ADOPTED

TOWN OF RIVERHEAD

Resolution # 525

**RATIFIES THE APPOINTMENT OF A RECREATION SPECIALIST TO THE
RECREATION DEPARTMENT SAILING PROGRAM**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a Recreation Specialist is needed by the Riverhead Town Recreation Department.

NOW THEREFORE BE IT RESOLVED, that effective July 7th this Town Board hereby ratifies the appointment of Marisa Sannino to the position of Recreation Specialist-Sailing Level 1 to be paid the rate of \$20.00 per hour to the Recreation Department and

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140526

ADOPTED

TOWN OF RIVERHEAD

Resolution # 526

**APPOINTS MEMBERS TO THE
SENIOR CITIZEN ADVISORY COUNCIL**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Town Board adopted Resolution # 265 of April 15, 2014 re-establishing the Senior Citizen Advisory Council; and

WHEREAS, such Resolution #265 allows the Riverhead Town Board to appoint the members of the Senior Citizen Advisory Council.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board does hereby appoint without compensation: Sister Margaret Smyth as a member to the Senior Citizen Advisory Council and Carissa Willis, Town Board Coordinator, as Secretary of the Senior Citizen Advisory Council; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Sister Margaret Smyth and Carissa Willis; and

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140527

ADOPTED

TOWN OF RIVERHEAD

Resolution # 527

**ADOPTS A LOCAL LAW AMENDING CHAPTER 14 ENTITLED
"COMMUNITY PRESERVATION" OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which 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 14 entitled "Community Preservation" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 1st day of July, 2014 at 2:20 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 14 entitled "Community Preservation" 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 all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared 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 14 entitled "Community Preservation", of the Riverhead Town Code at its meeting held on July 15, 2014. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 14

COMMUNITY PRESERVATION

ARTICLE V. Acquisition and Use of Open Spaces, Parks and Park Preserves

§ 14-40. Open Space/Park Preserve Committee.

The Town of Riverhead Open Space/Park Preserve Committee shall consist of ~~seven~~ five members from the community at large appointed by the Town Board for staggered two-year terms, plus two non-voting advisory members, one member ~~including five~~ representatives ~~from the community at large, and one representative~~ each from the Recreation Committee and one member from the Conservation Advisory Council. A Chairperson and Vice Chairperson of the Committee shall be elected from the members of the Committee for a term of one year. No Committee member shall succeed himself/herself as Chairperson/Vice Chairperson more than three consecutive terms.

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

Dated: Riverhead, New York
July 15, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

07.15.14
140528

ADOPTED

TOWN OF RIVERHEAD

Resolution # 528

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
"ZONING" OF THE CODE OF THE TOWN OF RIVERHEAD
(108-3 Definitions – Greenhouses)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 17th day of June, 2014 at 7:20 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 108 entitled "Zoning" of the Riverhead Town Code, amending section 108-3, at its regular meeting held on July 15, 2014.

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

CHAPTER 108

Zoning

§ 108-3. Definitions; word usage.

~~GREENHOUSE, COMMERCIAL~~

~~A structure utilized for seed germination, plant propagation, hardening off or forcing or maintenance of a controlled climate to sustain plant growth otherwise not possible in natural out-of-door surroundings. The retail or wholesale sales of such products raised on premises is permitted, except that sale of live or fresh products not raised or produced on premises shall not be permitted. The sale of other products produced or otherwise prepared or manufactured off premises shall be prohibited.~~

~~GREENHOUSE, PRIVATE~~

~~An accessory building or structure subordinate to a dwelling, not exceeding 500 square feet in area, intended and used solely for the private enjoyment of the residents thereof.~~

~~GREENHOUSE, TEMPORARY~~

~~A structure which, regardless of its size, shall be constructed with no permanent foundations and built in conformance with the National Greenhouse Manufacturers Association standards. The plastic covering shall be removed from the temporary greenhouses within 12 months of the last agricultural productions.~~

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

Dated: Riverhead, New York
July 15, 2014

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

DIANE M. WILHELM, Town Clerk

07.15.14
140529

ADOPTED

TOWN OF RIVERHEAD

Resolution # 529

AUTHORIZES THE LAW FIRM OF ANTHONY B. TOHILL, P.C. TO ACTS AS SPECIAL COUNSEL AND AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by Resolution No. 841, adopted on December 9, 2014, the Town Board of the Town of Riverhead authorized legal action to be commenced by the Town Attorney against property described as 1350 Main Road, Jamesport; which premises is also known as SCTM # 0600-068.00-01.00-020.000; and

WHEREAS, legal action was commenced by the Town Attorney in the Supreme Court, Suffolk County under Index Number 11-31919; and

WHEREAS, the Office of the Town Attorney, has requested that the Town Board authorize the retention of the Law Firm of Anthony B. Tohill, P.C. to be substituted as counsel; and

WHEREAS, the Law Firm of Anthony B. Tohill, P.C. has indicated it willingness to take the assignment at the hourly rate of \$175.00 per hour as set by the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints Law Firm of Anthony B. Tohill, P.C. to act as legal counsel in connection with the aforementioned matter and authorizes the Supervisor to execute a Retainer Agreement in a form approved by the Town Attorney; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Anthony B. Tohill, P.C. , 12 First Street, Riverhead, New York 11901.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140530

ADOPTED

TOWN OF RIVERHEAD

Resolution# 530

**ADOPTS A LOCAL LAW TO ADD A CHAPTER 38 ENTITLED
"SMOKING" OF THE RIVERHEAD TOWN CODE**

Councilwoman Giglio offered the following resolution,

which 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 the addition of Chapter 38 entitled, "Smoking" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 1st day of July, 2014 at 2:05 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law adding Chapter 38 entitled, "Smoking" of the Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law a new Chapter 38 Entitled "Smoking" of the Riverhead Town Code, at its regular meeting held on July 15, 2014.

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

CHAPTER 38

SMOKING

§ 38- 1 Legislative Intent.

- A. This Legislature hereby finds and determines that human health is seriously threatened by exposure to environmental tobacco smoke (ETC) and that recent findings by the Federal Environmental Protections Agency (EPA) make clear that ETS, or secondhand smoke, is a human carcinogen responsible for 3,000 lung cancer deaths each year in nonsmokers.
- B. This Legislature also finds and determines that although smoking is prohibited in Town facilities within the Town of Riverhead, people seeking access to these facilities can still be exposed to secondhand smoke as they seek to enter such public buildings. The Town of Riverhead declares and finds it to be in the public's interest to provide for regulation of certain conduct in public places by protecting smoking and tobacco use by persons at a non-designated areas. The odor from smoking tobacco products and litter caused by improper disposal of cigarette butts in public areas can significantly reduce the enjoyment of healthy and wholesome environment free of smoking related pollution. By prohibiting smoking at public areas, the Town desires to promote and enhance the healthy and wholesome environment and its safe enjoyment by all individuals, especially children.
- C. Smoking and tobacco use are not prohibited in areas specifically designated and suitably equipped for that purpose.

§ 38- 2 Definitions.

As used in this chapter the following terms, phrase, words, and their derivatives shall have the meanings given:

TOBACCO USE – includes smoking and the chewing of tobacco.

SMOKING – to inhale or exhale the smoke of burning tobacco or tobacco substitute and also to carry burning tobacco or tobacco substitute in the form of a cigarette, cigar, or any other smoke-producing product or device, including pipes.

§ 38- 3 Smoking and Tobacco Use Prohibited.

- A. It shall be a violation of this chapter for any person to smoke or carry lighted cigarettes or other smoking devices, including but not limited to cigars, cigarettos, pipes, and the like, in Town of Riverhead parks, recreation areas, playgrounds, and beaches. Such conduct is prohibited except where conspicuously designated “Smoking Permitted” or otherwise.
- B. Smoking is prohibited within a fifty (50’) foot radius of all entrances to all Town buildings and facilities within the Town of Riverhead which are either owned or leased by the Town of Riverhead and which are designated as accessible by the public.
- C. The Town further determines and declares that all Town of Riverhead owned parks, playgrounds, and recreational areas shall be designated “Tobacco-Free Zones”.
- D. Except as otherwise provided in this code, smoking and or tobacco use in areas designated as “Smoking Permitted” are not to be considered conduct in violation of this chapter.

§ 38- 4 Penalties for offenses.

A person who commits or permits any acts in violation of any provisions of this chapter shall be deemed to have committed an offense against this chapter and shall be liable for such violation and the penalty therefore, and shall upon conviction thereof, be subject to a fine or penalty of not less than fifty \$50.00 dollars and not more than one hundred (\$100.00) dollars.

§ 38- 5 Severability.

If any clause, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm,

partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

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

Dated: Riverhead, New York
July 15, 2014

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

DIANE M. WILHELM, Town Clerk

07.15.14
140531

ADOPTED

TOWN OF RIVERHEAD

Resolution # 531

**AMENDS THE MEMBERSHIP STATUS OF MEMBERS OF THE
RIVERHEAD FARMLAND PRESERVATION COMMITTEE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on October 14, 1997, the Town Board of the Town of Riverhead adopted Local Law No. 14-1997, known and cited as the "Agricultural Lands Preservation Law of the Town of Riverhead" for the purpose of preserving prime agricultural land and maintenance of a viable agricultural industry in the Town of Riverhead; and

WHEREAS, such local law provided for the creation of a Farmland Preservation Committee, its composition and its authority; and

WHEREAS, such local law empowers the Town Board to appoint seven (7) members consisting of four (4) members of the agricultural community actively engaged in ownership and/or operation of a farm within the Town, two (2) at-large members, and a member of the Riverhead Planning Board; and

WHEREAS, Charlie Scheer was first appointed to the Farmland Preservation Committee as an agriculture representative by resolution #47 adopted on January 18, 2005 and has served in that capacity from January 18, 2005 to date; and

WHEREAS, Rodney Anderson was first appointed to the Farmland Preservation Committee to fill a vacant position as a member at-large by resolution #25 adopted on January 2, 2013 and has served in that capacity from January 2, 2013 to date;

WHEREAS, the Town Board wishes to amend the membership status of Charlie Scheer from agriculture representative to a member at-large with the existing term expiration of January 15, 2015, and amend the membership status of Rodney Anderson from member at-large to agriculture representative with the existing term expiration of January 15, 2015.

NOW, THEREFORE, BE IT RESOLVED, the Town Board hereby amends the membership status of Charlie Scheer to a member at-large and Rodney Anderson to agriculture representative with the existing term expiration for both of January 15, 2015; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Charlie Scheer, Rodney Anderson and the Farmland Preservation Committee; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140532

ADOPTED

TOWN OF RIVERHEAD

Resolution #532

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE
AND CALLS FOR PUBLIC HEARING**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice once in the July 24, 2014 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, for a public hearing pursuant to Chapter 86 entitled, "Rental Dwelling Units" of the Riverhead Town Code consider the appeal of Kathleen Johannsen regarding rental of premises at 22 West Street, South Jamesport, New York, which premises is also known as SCTM # 0600-092-3-21; and be it further

RESOLVED, the Town Clerk is hereby authorized to forward a certified copy of this Resolution to the Charles R. Cuddy, Esq., 445 Griffing Avenue, Riverhead, New York 11901, the Riverhead Town Supervisor, and Town Attorney; and be it further

RESOLVED, all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of August, 2014 at 2:10 o'clock p.m. to consider the appeal by Kathleen Johannsento the revocation of the rental permit regarding real property located at 22 West Street, South Jamesport, New York; which real property is also known and designated as SCTM # 0600-092.00-03.00-021.000.

Dated: Riverhead, New York
July 15, 2014

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

DIANE M. WILHELM, Town Clerk

07.15.14
140533

ADOPTED

TOWN OF RIVERHEAD

Resolution # 533

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH RY-LECIA CORP. D/B/A AMERICAN RECREATIONAL PRODUCTS REGARDING THE PURCHASE OF PLAYGROUND EQUIPMENT AT NADEL DRIVE PARK

Councilwoman Giglio offered the following resolution,
which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead Recreation Superintendent wishes to purchase playground equipment for recreational use at the Nadel Drive Park; and

WHEREAS, New York State General Municipal Law section 103(16) permits political subdivisions, such as the Town of Riverhead, “to make purchases of apparatus, materials, equipment or supplies, ... as may be required by such county, political subdivision or district therein through the use of a contract let by the United States of America or any agency thereof, any state or any other county or political subdivision or district therein if such contract was let in a manner that constitutes competitive bidding consistent with state law and made available for use by other governmental entities”; and

WHEREAS, the Town of Islip purportedly competitively bid and let a contract with Ry-Lecia Corp. d/b/a American Recreational Products, proposal number 1213-52A, on or about February 11, 2014, for a period of one year with a renewal option to November 19, 2015, as authorized vendor of Burke playground equipment, purportedly in a manner consistent with the requirements of NYS General Municipal Law section 103(16), regarding Burke Premier playground equipment or equivalent; 2014 catalog basics discount: 2.5%; other playground equipment catalog discount: 7%; installation discount: 38% of catalog list price; and

WHEREAS, the Town of Riverhead Recreation Superintendent wishes to utilize the Town of Islip competitively bid contract proposal number 1213-52A as awarded to Ry-Lecia Corp. d/b/a American Recreational Products regarding the purchase and installation of designated Burke playground equipment at the Nadel Drive Park as delineated in the attached contract by piggy-backing” off of Town of Islip contract proposal number 1213-52A pursuant to the pertinent terms and conditions of said awarded contract; and

WHEREAS, the Town of Riverhead Recreation Superintendent contacted the Financial Administrator to ascertain if there existed funds available to make such a

purchase and installation of designated playground equipment as delineated in the attached contract in the maximum amount of \$60,100.57; and

WHEREAS, the Financial Administrator confirmed that there existed available funds in the Parks & Recreation Department budget for the purchase and installation of the designated Burke playground equipment at the Nadel Drive Park in the maximum amount of \$60,100.57.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the purchase and installation of designated Burke playground equipment as delineated in the attached contract for installation at the Nadel Drive Park in the maximum amount of \$60,100.57 and the Supervisor's execution of same, pursuant to the authority of NYS General Municipal Law section 103(16) and pursuant to the pertinent terms and conditions contained within Town of Islip contract proposal number 1213-52A as awarded to Ry-Lecia Corp. d/b/a American Recreational Products; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute any documents and/or affix his signature on a Purchase Requisition to effectuate the purchase described above; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of _____, 2014, between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Ry-Lecia Corp. d/b/a American Recreational Products, a corporation existing under the laws of the State of New York with a principal place of business at 1535 Locust Avenue, Bohemia, New York, 11716 (hereinafter referred to as "Consultant").

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

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the *Schedule A* attached hereto and made a part hereof within 30 (thirty) days of contract execution. In the event of a conflict between the terms of this Agreement and the attached *Schedule A*, the terms of this Agreement shall control. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. PAYMENT

For these services, Town will pay Consultant at the rates set forth in the attached schedule in the maximum amount of \$60,100.57. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached *Schedule A*. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached *Schedule A*. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

3. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this

Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

5. PUBLICITY

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

6. ASSIGNMENT AND SUBCONTRACTING

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

7. TERMINATION

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

8. RECORDS

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

9. CHANGES

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

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Esq.,

200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to _____ [name and address].

11. COMPLIANCE WITH LAWS

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

12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance with policy limits of at least \$2,000,000.00 per occurrence/in the aggregate. Such certificate of insurance, including proper endorsement, shall name the "Town of Riverhead" as additional insured and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

13. CONFLICT OF INTEREST

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

14. DISCLOSURE

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

15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Town and Consultant agree that this Agreement and any attached schedules or exhibits shall be governed by, and construed in accordance with, the laws of the State of New York, without regard to conflict of laws principles. Town and Consultant further agree that Suffolk County, New York, is the proper location for venue and all jurisdictional purposes, including but not limited to personal and in rem jurisdiction. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with its terms.

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

By: Sean M. Walter, Town Supervisor
TOWN OF RIVERHEAD

DATE:

DATE:

**AMERICAN RECREATIONAL
PRODUCTS**
1535 LOCUST AVENUE
BOHEMIA, NY 11716
(631) 244-0011
(631) 750-2624 (FAX)

SCHEDULE "A"

Date	#
5/22/2014	9772

Name / Address

TOWN OF RIVERHEAD
200 HOWELL AVE
RIVERHEAD, NY 11901

P.O. No.	Terms	FOB	AR JOB NUMBER

Item	Description	Qty	Cost	Total
	----NADEL DRIVE PARK ----			
550-0157	VOLITO SWING AGES 2-12 USE ZONE 30' x 27'	1	4,999.00	4,999.00
550-0135	5" OD ARCH SWING 8' H, 5" OD TOP RAIL USE ZONE 32' x 24'	1	2,009.00	2,009.00
550-0136	5' OD ADD A BAY ARCH SWING 8' H, 5" OD TOP RAIL	1	1,349.00	1,349.00
550-0112	MOLDED RUBBER STRAP SWING SEAT FOR 8' TOP RAIL (PAIR)	1	155.00	155.00
550-0100	MOLDED RUBBER TOT SWING SEAT - FOR 7' OR 8' TOP RAIL (PAIR)	1	282.00	282.00
DISCOUNT	TOWN OF ISLIP CONTRACT 1213-52A (2.5% BASICS)		-219.85	-219.85
119-78867-2	NUCLEUS PLAY STRUCTURE AGES 5-12		35,270.00	35,270.00
DISCOUNT	TOWN OF ISLIP CONTRACT 1213-52A (7% STRUCTURES)		-2,468.90	-2,468.90
INSTALLATION	INSTALLATION OF PLAY STRUCTURE, 2 BAY ARCH SWING AND VOLITO SWING THROUGH SOIL - TOWN OF ISLIP CONTRACT 1213-52A (38% ON THE LIST PRICE)		16,744.32	16,744.32
FRT	DELIVERY TO INSTALLERS LOCATION 11951 - NO CHARGE		0.00	0.00
OFFLOADING	OFF-LOADING OF PLAYGROUND EQUIPMENT AT INSTALLERS LOCATION		938.00	938.00
CARTING	DISPOSAL OF PLAYGROUND PACKING DEBRIS		938.00	938.00
ADDINS	***QUOTE IS VALID FOR 30 DAYS ***ANY FEES INCURRED FOR ADDITIONAL INSURED SHOULD THEY BE REQUIRED WILL BE THE RESPONSIBILITY OF RIVERHEAD PARKS AND RECREATION ***SURFACING IS REQUIRED UNDER ALL PLAY EQUIPMENT LISTED - SURFACING TO BE PROVIDED ON SEPARATE QUOTE		105.00	105.00
We look forward to doing business with you.			Total	\$60,100.57



119-78867-2

May 21, 2014
2014 Pricing

Proposal Prepared for:

Ray Coyne
Riverhead Parks and Recreation
200 Howell Avenue
Riverhead, NY 11901
Phone: 631-727-5744

Project Location:

Nadel Drive Park
Nadel Drive
Riverhead, NY 11901

Proposal Prepared by:

American Recreational Products
1535 Locust Avenue
Bohemia, NY 11716
Phone: 631-244-0011
Fax: 631-750-2624
bob@americanrecreational.com;

danielle@americanrecreational.com

Robert Brown
Phone: 631-244-0011
Fax: 631-750-2624
bob@americanrecreational.com

Component No.	Description	Qty	Weight	Ext. Weight	Price	Ext. Price
Burke Basics						
550-0100	TOT SEAT, 7' & 8' PAIR, STD ...	1	23	23	\$282	\$282
550-0112	BELT SEAT, 8' PAIR, STD CHAIN	1	20	20	\$155	\$155
550-0135	5" OD ARCH SWING	1	366	366	\$2,009	\$2,009
550-0136	5" OD ARCH SWING ADD-ON	1	223	223	\$1,349	\$1,349
550-0157	VOLITO	1	409	409	\$4,999	\$4,999
List Price: \$8,794						
Nucleus						
270-0130	SQUARE PLATFORM	2	106	212	\$864	\$1,728
270-0136	SPLIT SQUARE PLATFORM	1	103	103	\$1,038	\$1,038
270-0193	CLUBHOUSE OFFSET ENCLOSURE, R...	1	36	36	\$479	\$479
270-0266	CENTER MOUNT ENCLOSURE	1	43	43	\$387	\$387
370-0763	ODYSSEY DECK LINK	2	40	80	\$622	\$1,244
370-0782	CLUBHOUSE SUSPENSION ROPE LINK	1	105	105	\$2,399	\$2,399
370-1580	NATURE PLAY TRANSFER STUMP 48"	1	591	591	\$5,189	\$5,189
470-0507	ROCK'N ROLL SLIDE, 40" - 48"	1	107	107	\$1,153	\$1,153
470-0570	VIPER II RL 64-72	1	360	360	\$4,257	\$4,257
470-0620	TRIPLE PETAL POST TOPPER	2	96	192	\$1,078	\$2,156
470-0624	CLUBHOUSE TILT ROOF	1	168	168	\$1,999	\$1,999
470-0625	CLUBHOUSE RETREAT ROOF	1	182	182	\$2,199	\$2,199
570-0702	CUSTOM PANEL 22 WITH COUNTER	1	40	40	\$571	\$571
570-0717	RAINDROPS ACTIVITY PANEL	1	8	8	\$425	\$425
570-0782	CLUBHOUSE FULL BOARD PANEL	3	35	105	\$599	\$1,797
600-0104	NPPS SUPERVISION SAFETY KIT	1	3	3	\$0	\$0
670-0098	MODULAR HARDWARE, NUCLEUS	1	5	5	\$0	\$0
670-0099	INSTALLATION KIT, INTENSITY	1	2	2	\$0	\$0
670-0103	MAINTENANCE KIT, INTENSITY	1	0	0	\$0	\$0
670-0161	POST, SWAGED ROOF 5" OD X 171"	2	90	180	\$336	\$672
670-0162	POST, SWAGED ROOF 5" OD X 197"	7	103	721	\$393	\$2,751
670-0168	POST ASSEMBLY 5" OD X 158"	1	84	84	\$336	\$336
670-0399	POST, SWAGED ROOF 5" OD X 206"	1	103	103	\$410	\$410
List Price: \$31,190						



119-78867-2

May 21, 2014

2014 Pricing

RockIt

560-0540	ROCKIT END PANEL	1	48	48	\$862	\$862
560-0541	ROCKIT OFFSET PANEL	1	83	83	\$1,293	\$1,293
560-0542	ROCKIT CURVED PANEL	1	79	79	\$1,293	\$1,293
660-0136	ROCKIT Z POST 88 3/4"	1	28	28	\$193	\$193
660-0137	ROCKIT ATTACHMENT POST 55 1/2"	1	13	13	\$117	\$117
660-0138	ROCKIT ATTACHMENT POST 79 1/2"	2	18	36	\$161	\$322

List Price: \$4,080

Total User Capacity: 66
Total Weight: 4,758 lbs.
With Packaging (+15%): 5,472 lbs.



Design Summary

American Recreational Products is very pleased to present this proposal for consideration for the Nadel Drive Park located in Riverhead. BCI Burke Company, LLC has been providing recreational playground equipment for over 90 years and has developed the right mix of world-class capabilities to meet the initial and continuing needs of Riverhead Parks and Recreation. We believe our proposal will meet or exceed your project's requirements and will deliver the greatest value to you.

The following is a summary of some of the key elements of our proposal:

- Project Name: Nadel Drive Park
- Project Number: 119-78867-2
- User Capacity: 66
- Age Groups: Ages 5-12 years
- Dimensions: 38' 6" x 94' 1"
- Designer Name: Fred Krause

American Recreational Products has developed a custom playground configuration based on the requirements as they have been presented for the Nadel Drive Park playground project. Our custom design will provide a safe and affordable playground environment that is aesthetically pleasing, full of fun for all users and uniquely satisfies your specific requirements. In addition, proposal # 119-78867-2 has been designed with a focus on safety, and is fully compliant with ASTM F1487 and CPSC playground safety standards.

We invite you to review this proposal for the Nadel Drive Park playground project and to contact us with any questions that you may have.

Thank you in advance for giving us the opportunity to make this project a success.

REINVENTING PLAY™

1-800-266-1250 • www.bciburke.com

AMERICAN
RECREATIONAL PRODUCTS
SALES • SERVICE
RECREATION
By the Library of Alexandria

Proposal 119-78867-2



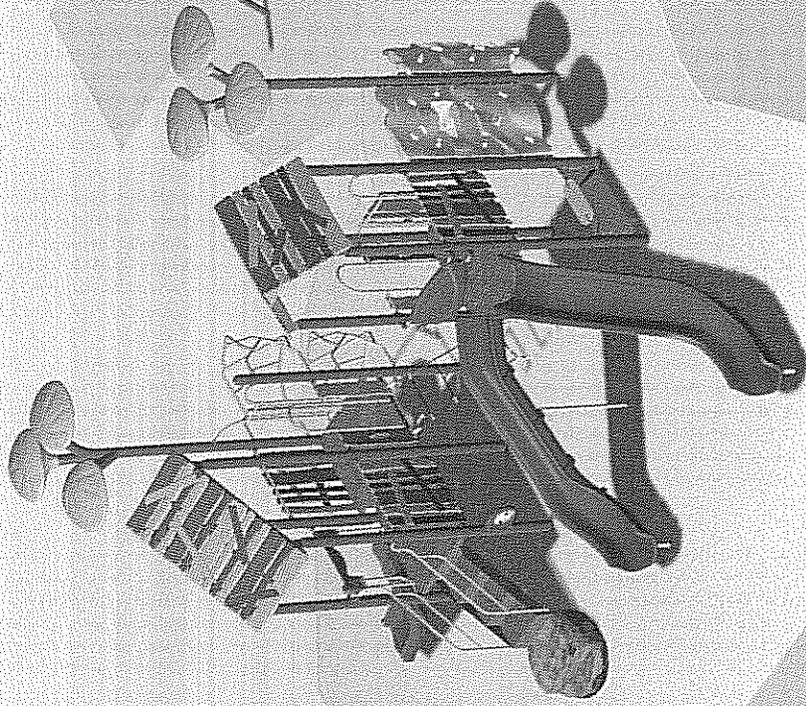
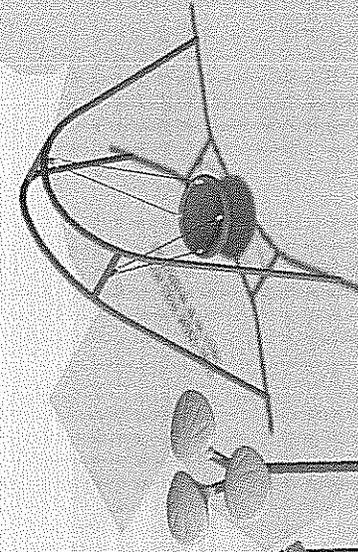
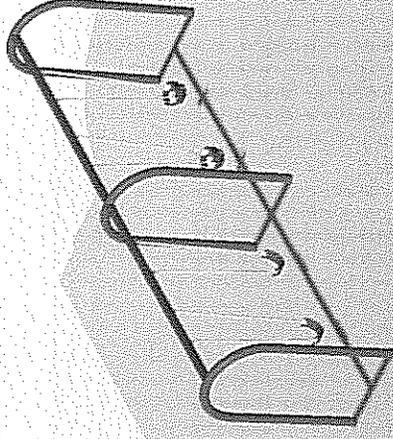
Burke
Play Equipment

Nadol Drive Park

Proposal # 119-78867-2

Nadel Drive Park

American Recreational Products



INFORMATION
MINIMUM FALL ZONE
SURFACED WITH
RESILIENT MATERIAL
AREA

2382 SQ.FT.

PERIMETER
321 FT.

STRUCTURE SIZE

38' 6" x 94' 1"

STRUCTURE IS DESIGNED
FOR CHILDREN AGES:

- 6-23 MONTH OLDS
- 2-5 YEAR OLDS
- 5-12 YEAR OLDS
- 13 + YEAR OLDS

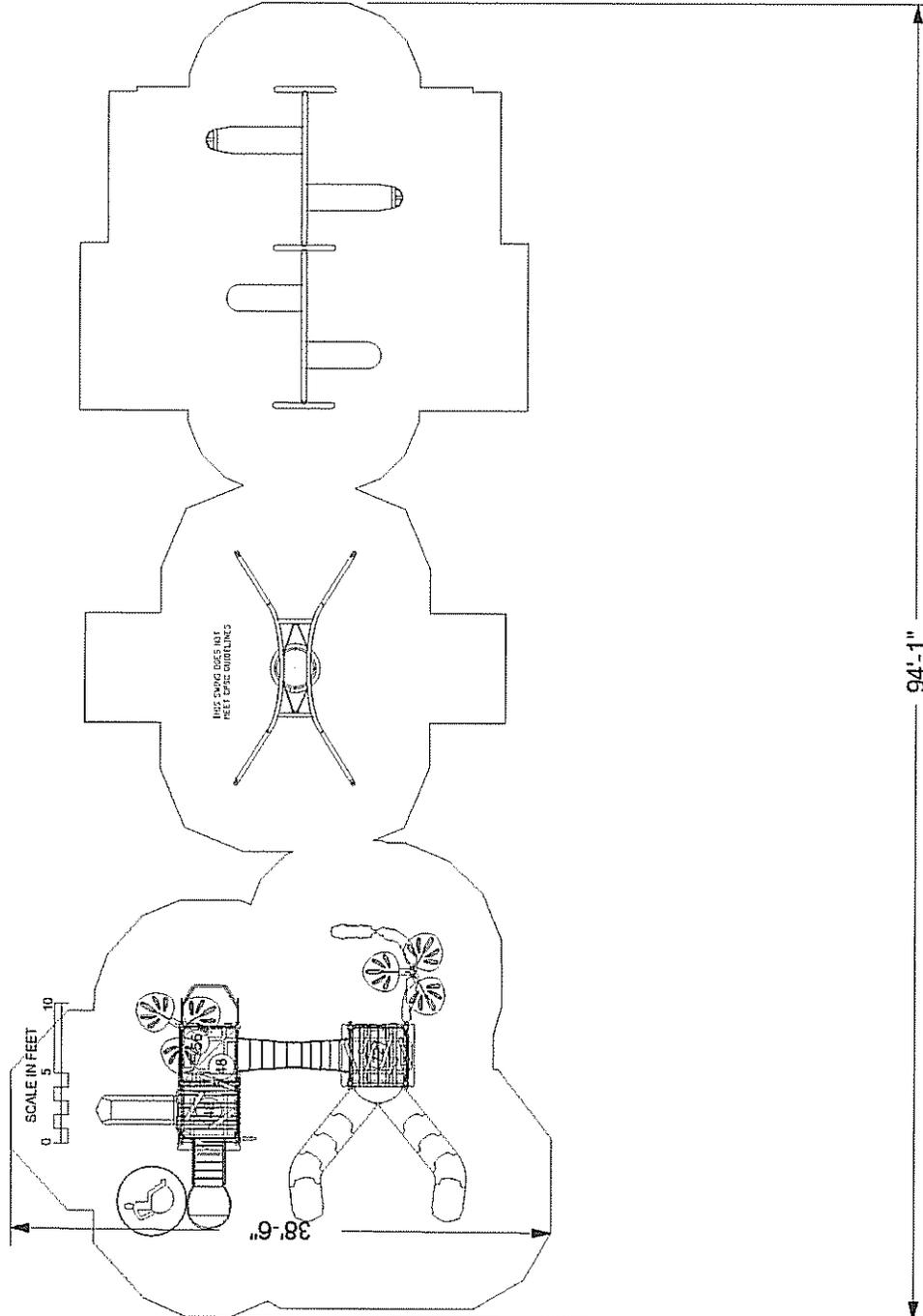


To verify product certification,
visit www.ipema.org

The play components identified
in this plan are IPEMA
certified. The use and layout of
these components conform to the
requirements of ASTM F1487.
To verify product certification,
visit www.ipema.org

The space requirements shown
here are to ASTM standards.
Requirements for other standards
may be different.

The use and layout of play
components identified in this plan
conform to the CPSC guidelines.



WARNING!

ACCESSIBLE SAFETY SURFACING MATERIAL IS REQUIRED BENEATH
AND AROUND THIS EQUIPMENT.
FOR SLIDE FALL ZONE SURFACING AREA SEE CPSC's Handbook for
Public Playground Safety.
PLATFORM HEIGHTS ARE IN INCHES ABOVE RESILIENT MATERIAL.

ADA ACCESSIBILITY GUIDELINE (ADAAG CONFORMANCE)

NUMBER OF PLAY EVENTS	15	RECD: 0
NUMBER OF ELAVATED PLAY EVENTS	0	RECD: 0
NUMBER OF ELAVATED PLAY EVENTS ACCESSIBLE BY RAMP	PROVIDED: 0	RECD: -1
NUMBER OF ELAVATED PLAY EVENTS ACCESSIBLE BY TRANSFER SYSTEM	PROVIDED: -1	RECD: 3
NUMBER OF ELAVATED PLAY EVENTS ACCESSIBLE BY RAMP OR TRANSFER SYSTEM	PROVIDED: 0	RECD: 2
NUMBER OF GROUND LEVEL PLAY EVENTS	PROVIDED: 9	RECD: 2
NUMBER OF TYPES OF GROUND LEVEL PLAY EVENTS	PROVIDED: 4	RECD: 2



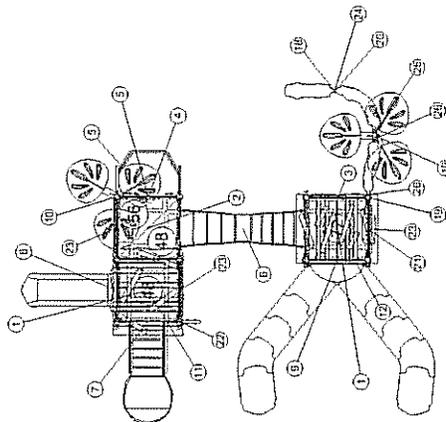
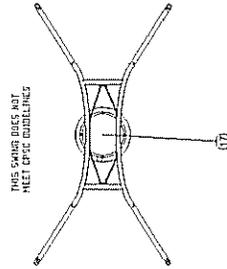
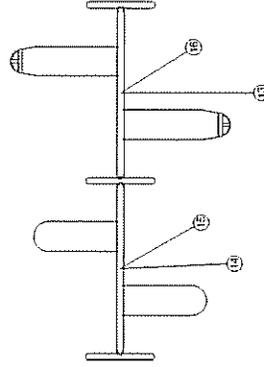
SERIES: Basics, Nucleus
SITE PLAN
DRAWN BY: Fred Krause

Nadel Drive Park
Nadel Drive
Riverhead, NY 11901

American Recreational Products
119-78867-2

May 21, 2014

ITEM	COMP	DESCRIPTION
1	270-0130	SQUARE PLATFORM
2	270-0136	SPLIT SQUARE PLATFORM
3	270-0193	CLUBHOUSE OFFSET ENCLOSURE
4	270-0266	CENTER MOUNT ENCLOSURE
5	370-0763	ODYSSEY DECK LINK
6	370-0782	CLUBHOUSE SUSPENSION ROPI
7	370-1560	NATURE PLAY TRANSFER STUM
8	470-0507	ROCKN ROLL SLIDE, 40" - 48"
9	470-0570	VIPER II RL 64-72
10	470-0620	TRIPLE PETAL POST TOPPER
11	470-0624	CLUBHOUSE TILT ROOF
12	470-0625	CLUBHOUSE RETREAT ROOF
13	550-0100	TOT SEAT, 7' & 8' PAIR, STD CH
14	550-0112	BELT SEAT, 6' PAIR, STD CHMIN
15	550-0135	5' CD ARCH SWING
16	550-0136	5' OD ARCH SWING ADD-ON
17	550-0157	VOLUTO
18	560-0540	ROCKIT END PANEL
19	560-0541	ROCKIT OFFSET PANEL
20	560-0542	ROCKIT CURVED PANEL
21	570-0702	CUSTOM PANEL 22 WITH COUNT
22	570-0717	RAINDROPS ACTIVITY PANEL
23	570-0782	CLUBHOUSE FULL BOARD PANE
24	660-0136	ROCKIT Z POST 88 3/4"
25	660-0137	ROCKIT ATTACHMENT POST 55"
26	660-0138	ROCKIT ATTACHMENT POST 79"



May 21, 2014

SERIES: Basics, Nucleus
 COMPONENT PLAN
 DRAWN BY: Fred Krause

Nadel Drive Park
 Nadel Drive
 Riverhead, NY 11901

American Recreational Products
 119-78867-2

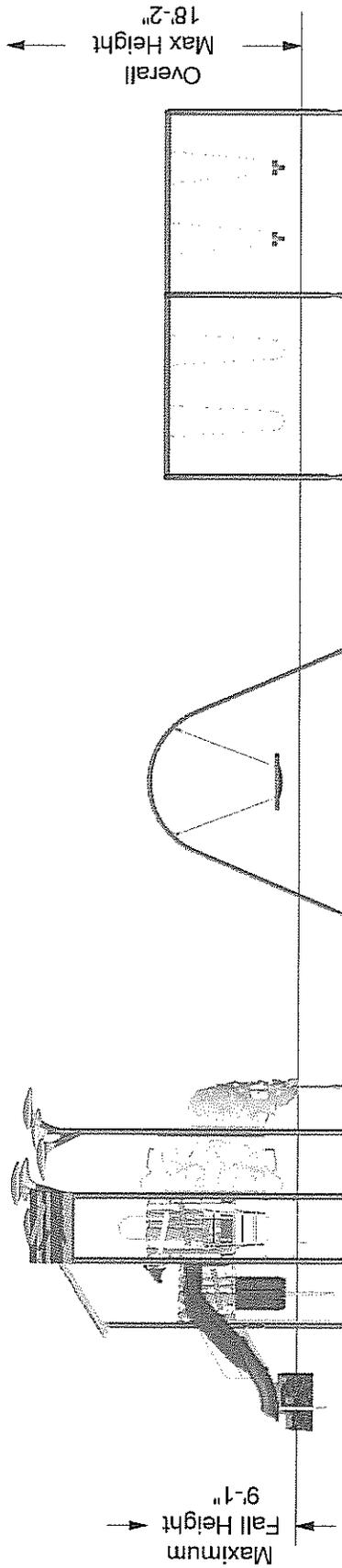


SERIES: Basics, Nucleus
ELEVATION PLAN
DRAWN BY: Fred Krause

Nadel Drive Park
Nadel Drive
Riverhead, NY 11901

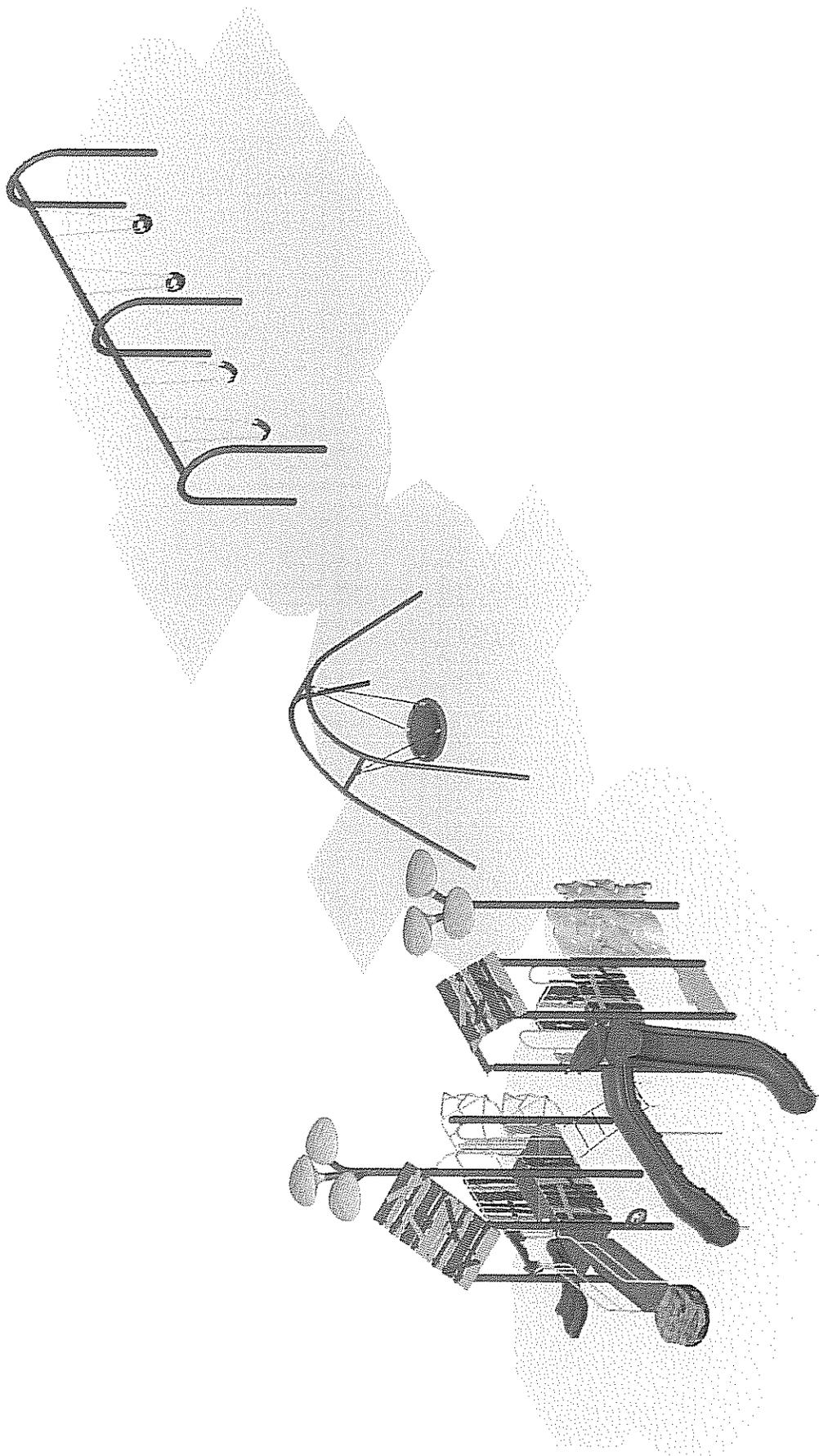
American Recreational Products
119-78867-2

BCI Burke Company, LLC PO Box 549 Fond du Lac, Wisconsin 54936-0549 Telephone 920-921-9220



The protective surfacing for this design must accommodate the critical fall height.

May 21, 2014



May 21, 2014

SERIES: Basics, Nucleus
ISOMETRIC PLAN
DRAWN BY: Fred Krause

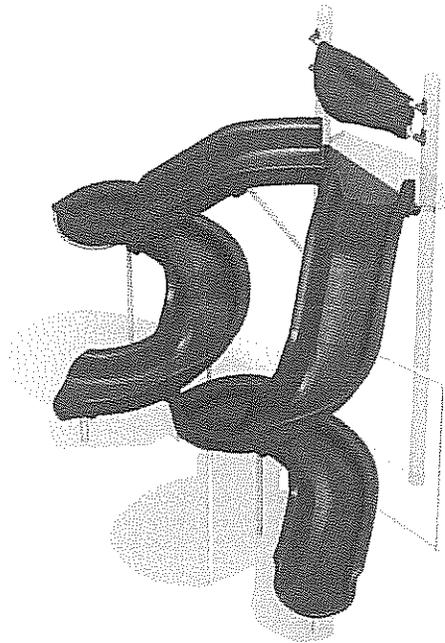
Nadel Drive Park
Nadel Drive
Riverhead, NY 11901

American Recreational Products
119-78867-2



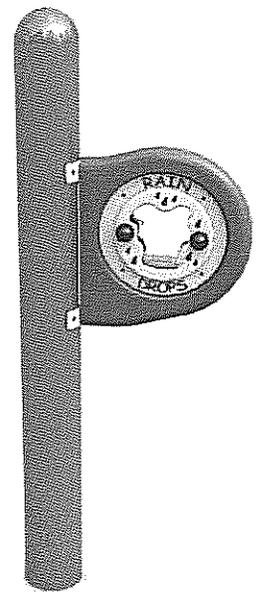
FEATURED PLAY EVENTS

For Proposal # 119-78867-2



Viper Slide

The Viper Slide can't be tamed, but kids love trying! Viper's exciting twisty and fast serpentine action is guaranteed to generate incredible high-energy fun and safe, healthy play.



Rain Drops Activity Panel

Interactive play events provide opportunities for social interaction while increasing coordination and adding additional sensory stimulation to the playground.

REINVENTING PLAY™

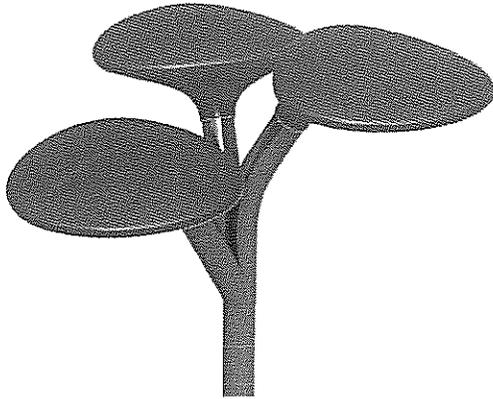
1-800-266-1250 • www.bcburke.com

*Image(s) may not represent the specific products in this proposal.



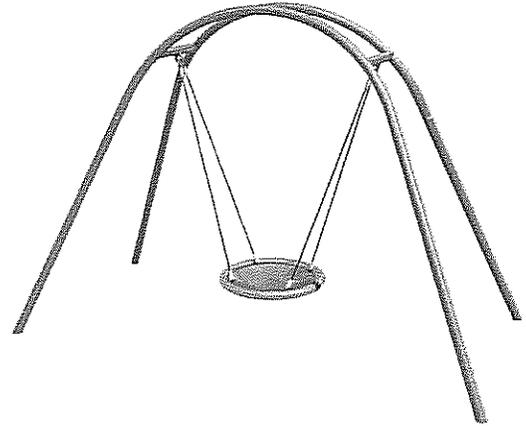
FEATURED Play EVENTS

For Proposal # 119-78867-2



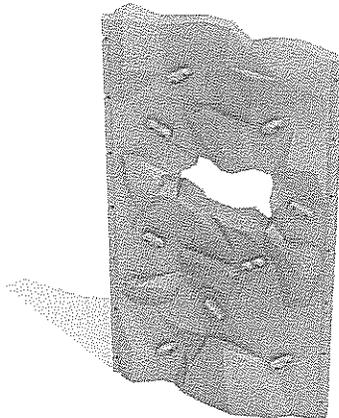
Triple Petal Post Topper

Post Toppers are a fun way to provide a finishing touch to any playground structure. Place one, two, three or more of these post toppers on your structure to create an aesthetic appeal or a fun, imaginative play concept.



Volito

Kids love to swing and with Volito, the whole group can swing together. The large disc-like seat is perfect for children of all abilities to interact and develop improved balance and posture.



RockIt Offset Panel

RockIt creates the thrill, excitement and challenge of rock climbing in a realistic, yet safe, playground environment. Kids love a challenge, and RockIt challenges them with options to go around, through or over the mountain!

REINVENTING PLAY™

1-800-266-1250 • www.bcburke.com

*Image(s) may not represent the specific products in this proposal.



BCI BURKE GENERATIONS WARRANTY™ The Longest and Strongest warranty in the industry

BCI Burke Company, LLC ("Burke") warrants that all standard products are warranted to be free from defects in materials and workmanship, under normal use and service, for a period of one (1) year from the date of invoice.

We stand behind our products.

In addition, the following products are warranted, under normal use and service from the date of invoice as follows:

- One Hundred (100) Year Limited Warranty on aluminum and steel upright posts (including Intensity®, Voltage™, Nucleus™ and Little Buddies®) against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on KoreKnect® clamps against structural failure due to corrosion, deterioration or workmanship.
- One Hundred (100) Year Limited Warranty on Hardware (nuts, bolts, washers)
- One Hundred (100) Year Limited Warranty on bolt-through fastening and clamp systems (Voltage™, Intensity®, Nucleus™ and Little Buddies®).
- Twenty-Five (25) Year Limited Warranty on spring assemblies and aluminum cast animals.
- Fifteen (15) Year Limited Warranty on main structure platforms and decks, metal roofs, table tops, bench tops, railings, loops and rungs.
- Fifteen (15) Year Limited Warranty on all plastic components including StoneBorders against structural failure due to materials or workmanship.
- Ten (10) Year Limited Warranty on ShadePlay Canopies fabric, threads, and cables against degradation, cracking or material breakdown resulting from ultra-violet exposure, natural deterioration or manufacturing defects. This warranty is limited to the design loads as stated in the specifications.
- Ten (10) Year Limited Warranty on NaturePlay® Boulders and GFRc products against structural failure due to natural deterioration or workmanship. Natural wear, which may occur with any concrete product with age, is excluded from this warranty
- Ten (10) Year Limited Warranty on Full Color Custom Signage against manufacturing defects that cause delamination or degradation of the sign. Full Color Custom Signs also carry a two (2) year warranty against premature fading of the print and graphics on the signs.
- Five (5) Year Limited Warranty on Intensity® cables against premature wear due to natural deterioration or manufacturing defects.
- Five (5) Year Limited Warranty on swing seats and hangers; Kid Koaster® Trolleys and other moving parts against structural failure due to materials or workmanship.
- Three (3) Year Limited Warranty on electronic panel speakers, sound chips and circuit boards against electronic failure caused by manufacturing defects.

The warranty stated above is valid only if the equipment is erected in conformity with the layout plan and/or installation instructions furnished by BCI Burke Company, LLC using approved parts; have been maintained and inspected in accordance with BCI Burke Company, LLC instructions. Burke's liability and your exclusive remedy hereunder will be limited to repair or replacement of those parts found in Burke's reasonable judgment to be defective. Any claim made within the above stated warranty periods must be made promptly after discovery of the defect. A part is covered only for the original warranty period of the applicable part. Replacement parts carry the applicable warranty from the date of shipment of the replacement from Burke. After the expiration of the warranty period, you must pay for all parts, transportation and service charges.

Burke reserves the right to accept or reject any claim in whole or in part. Burke will not accept the return of any product without its prior written approval. Burke will assume transportation charges for shipment of the returned product if it is returned in strict compliance with Burke's written instructions.

THE FOREGOING WARRANTIES ARE EXCLUSIVE AND IN LIEU OF ANY OTHER WARRANTY, EXPRESS OR IMPLIED, INCLUDING BUT NOT LIMITED TO ANY IMPLIED WARRANTY OR MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE. IF THE FOREGOING DISCLAIMER OF ADDITIONAL WARRANTIES IS NOT GIVEN FULL FORCE AND EFFECT, ANY RESULTING ADDITIONAL WARRANTY SHALL BE LIMITED IN DURATION TO THE EXPRESS WARRANTIES AND BE OTHERWISE SUBJECT TO AND LIMITED BY THE TERMS OF BURKE'S PRODUCT WARRANTY. SOME STATES DO NOT ALLOW THE EXCLUSION OF CERTAIN IMPLIED WARRANTIES, SO THE ABOVE LIMITATION MAY NOT APPLY TO YOU.

Warranty Exclusions: The above stated warranties do not cover: "cosmetic" defects, such as scratches, dents, marring, or fading; damage due to incorrect installation, vandalism, misuse, accident, wear and tear from normal use, exposure to extreme weather; immersion in salt or chlorine water, unauthorized repair or modification, abnormal use, lack of maintenance, or other cause not within Burke's control; and

Limitation of Remedies: Burke is not liable for consequential or incidental damages, including but not limited to labor costs or lost profits resulting from the use of or inability to use the products or from the products being incorporated in or becoming a component of any other product. If, after a reasonable number of repeated efforts, Burke is unable to repair or replace a defective or nonconforming product, Burke shall have the option to accept return of the product, or part thereof, if such does not substantially impair its value, and return the purchase price as the buyer's entire and exclusive remedy. Without limiting the generality of the foregoing, Burke will not be responsible for labor costs involved in the removal of products or the installation of replacement products. Some states do not allow the exclusion of incidental damages, so the above exclusion may not apply to you.

TERMS OF SALE

Pricing: Prices published in this catalog are in USD, are approximate and do not include shipping & handling, surfacing, installation nor applicable taxes. All prices are subject to change without notice. Contact your Burke representative for current pricing. Payments are to be made in USD.

Weights: Weights are approximate and may vary with actual orders.

Installation: All equipment is shipped unassembled. For a list of factory-certified installers in your area, please contact your Burke representative.

Specifications: Product specifications in this catalog were correct at the time of publication. However, product improvements are ongoing at Burke, and we reserve the right to change or discontinue specifications without notice.

Loss or Damage in Transit: A signed bill of lading is our receipt from a carrier that our shipment to you was complete and in good condition upon arrival.

Before you sign, please check the Bill of Lading carefully when the shipment arrives to make sure nothing is missing and there are no damages.

Once the shipment leaves our plant, we are no longer responsible for any damage, loss or shortage.

For more information regarding the warranty, call Customer Service at 920-921-9220 or 1-800-356-2070. 01/2014

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07.15.14
140534

ADOPTED

TOWN OF RIVERHEAD

Resolution #534

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

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" once in the July 24, 2014 issue of the News-Review Newspaper, 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 and the Town Attorney.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 5th day of August, 2014 at 2:05 o'clock p.m. to consider a local law to amend chapter 108 of the Riverhead Town Code entitled "Zoning" as follows:

CHAPTER 108

ZONING

§108-3 Definitions.

Commercial Solar Energy Production System - an arrangement or combination of components installed upon land that utilize solar radiation to produce energy designed to provide electricity for on-site or off-site use pursuant to a power purchase agreement.

§108-54 Municipal Buildings, hospitals, public utility buildings and structures.

- B. **Public utility** buildings and structures shall be permitted in all districts when approved by special permit of the Town Board upon a finding upon a finding by the Board that adequate buffers exist to minimize impacts upon adjacent parcels and taking into account, among other things, the existing and permitted uses in the surrounding community. Commercial Solar Energy Production System shall not be permitted in any district except those districts as provided in Article XL of this Chapter.

Article XL Commercial Solar Energy Production Systems

§108-208 Purpose.

It is the intention of the Town Board of the Town of Riverhead as part of its goal to limit dependence on imported fossil energy, and decrease greenhouse gas emissions to permit commercial solar energy production systems in the Industrial zoning use districts to minimize impacts to residents and scenic viewsheds important to the community.

Commercial solar energy production systems shall be allowed as permitted use in the Light Industrial (LI) Zoning Use District, Industrial A (IA) Zoning Use District, Industrial B District (General Industry) and the Planned Industrial Park (PIP) District. Commercial solar energy production systems shall be allowed with special permit approval in the Industrial C (IC) Zoning Use District.

§108-209 Use regulations.

Commercial Solar Energy Production System shall be permitted as a permitted use or as allowed with special permit approval as provided in section 108-208. In addition to the requirements set forth in this Chapter, all such permitted and special permit uses shall be subject to the following criteria and subject to site plan approval by the Planning Board:

- (a) The commercial solar energy system shall be on a parcel of not less than five (5) acres.
- (b) All ground-mounted panels shall not exceed the height of eight (8') feet.
- (c) All mechanical equipment of commercial solar energy system, including any structure for batteries or storage cells, are completely enclosed by a minimum eight (8) foot high fence with a self-locking gate.
- (d) Notwithstanding any requirement in Sections 108-49, 108-136, 108-231, 108-275 and 108-279 of this Chapter, the total surface area of all ground-mounted and freestanding solar collectors, including solar photovoltaic cells, panels, and arrays, shall not exceed 80% of the total parcel area.
- (e) The installation of a vegetated perimeter buffer to provide year round screening of the system from adjacent properties.
- (f) All solar energy production systems are designed and located in order to prevent reflective glare toward any habitable buildings as well as streets and rights-of-way.
- (g) All on-site utility and transmission lines are, to the extent feasible, placed underground.
- (h) The installation of a clearly visible warning sign concerning voltage must be placed at the base of all pad-mounted transformers and substations.
- (i) The system is designed and situated to be compatible with the existing uses on adjacent and nearby properties.
- (j) In approving a special exception, the Planning Board may waive or modify any of the above criteria if it finds that there is no detriment to public health, safety and welfare.
- (k) Any special permit approval granted under this article shall have a term of twenty years, commencing from the grant of the special permit, which may be extended for additional five-year terms upon application to the Town Board.
- (1) Decommissioning/Removal:
 - (i) Any commercial solar energy production system that is not operated for a continuous period of 24 months shall be deemed abandoned. At that time, the owner of the commercial solar energy production system or the owner of the property where the commercial solar energy production system is located shall remove all components thereof within 90 days of such deemed abandonment or will be in violation of this

section. In the case of a commercial solar energy production system on preexisting structures, this provision shall apply to the commercial solar energy production system only. If the commercial solar energy production system is not removed within said 90 days, the Building Inspectors may give the owner notice that unless the removal is accomplished within 30 days, the Town will cause the removal at the owner's expense. All costs and expenses incurred by the Town in connection with any proceeding or any work done for the removal of a commercial solar energy production system shall be assessed against the land on which such commercial solar energy production system is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner of the system and the owner of the property upon which the system is located shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid together with a statement identifying the property in connection with which the expenses were incurred and the owner of the system and the owner of the property upon which the system is located, with the Assessors, who shall, in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as are provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

(ii) This section is enacted pursuant to Section 10 of the Municipal Home Rule Law to promote the public health, safety and general welfare of Town citizens through removal provisions to ensure the proper decommissioning of commercial solar energy production systems within the entire Town. The removal reduction provision of this chapter shall supersede any inconsistent portions of the Town Law Section 64(5-3) and govern the subject of removal of commercial solar energy production systems in this chapter.

§108-210 Decommissioning Plan, Fee schedule for commercial solar energy site plan applications.

A. All applications for a commercial solar energy system shall be accompanied by a Decommissioning Plan to be implemented upon abandonment and/or in conjunction with removal of the commercial solar energy system. Before beginning any decommissioning activities, the applicant must submit a performance bond in a form and amount satisfactory to the Town Attorney, which shall be based upon an estimate approved by the Town's Consulting Engineer or Town Engineer, assuring the availability of adequate funds to restore the site to a useful, non-hazardous condition in accordance with the Decommissioning Plan. Prior to removal of commercial solar energy system, a permit for removal activities shall be obtained from the building department. The Decommissioning Plan shall include the following provisions:

(1) Restoration of the surface grade and soil after removal of aboveground structures and equipment.

- (2) Restoration of soil areas with native seed mixes, and/or plant species suitable to the area, which shall not include any invasive species.
- (3) Retention of access roads, fences, gates or buildings or buffer plantings, as required at the discretion of the Town.
- (4) Restoration of the site for agricultural crops or forest resource land, as applicable.
- (5) The disposal of all solid and hazardous waste shall be in accordance with all local, state, and federal waste disposal regulations.
- (6) An applicant of a commercial solar energy system comprising more than ten (10) acres shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the Town must remove the installation and remediate the landscape, in the amount and form deemed to be reasonable by the Township Engineer. Such surety will not be required for Municipal or State owned facilities. The applicant of the facility shall submit a fully inclusive estimate of the cost associated with removal, prepared by a Professional Engineer.

B. Notwithstanding Article XXVI of this Chapter, the fee for new site plan applications for commercial solar energy production systems shall be a flat fee of \$3,000.00 and the fee for an amendment to a site plan application for commercial solar energy production systems shall be \$2,000.00.

SEVERABILITY

If any clause, sentence, paragraph, section, or part of this Local Law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect the validity of this law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

EFFECTIVE DATE

This Local Law shall take effect immediately upon filing with the Secretary of State as provided by law.

Dated: July 15, 2014

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
Diane M. Wilhelm, Town Clerk

**TOWN OF RIVERHEAD
Resolution # 535**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT
WITH THE EAST END ARTS COUNCIL AND MARTHA CLARA VINEYARDS**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the East End Arts Council, in association with Martha Clara Vineyards, wishes to participate in the Artist Kick Start Program event on August 8, 2014; and

WHEREAS, Martha Clara Vineyards wishes to provide taste-tasting of its wine products in the promotion of the Artist Kick Start program on August 8, 2014, by utilizing the interior space of the Carriage House located on the grounds of 133 East Main Street, Riverhead, for such stated activity; and

WHEREAS, the East End Arts Council rents the real property and buildings located at 133 East Main Street, Riverhead, from the Town of Riverhead and requires the consent and permission from the Town of Riverhead to permit such stated activity.

NOW THEREFORE BE IT RESOLVED that in the interests of economic promotion in the downtown Riverhead area, the Town of Riverhead authorizes Martha Clara Vineyards to conduct taste-tasting of its wine products on August 8, 2014, in promotion of the Artist Kick Start Program event, to be facilitated by the East End Arts Council, upon terms and conditions stated in the attached license agreement.

NOW THEREFORE BE IT RESOLVED that the town supervisor is authorized to execute the attached agreement with the East End Arts Council and Martha Clara Vineyards.

BE IT FURTHER RESOLVED THAT all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Was Not
Thereupon Duly Declared Adopted

LICENSE AGREEMENT

This License Agreement (hereinafter "License"), made as of the 1st day of July, 2014, by and between the Town of Riverhead with offices at 200 Howell Avenue, Riverhead, New York, 11901, The East End Arts Council, 133 East Main Street, Riverhead, New York, 11901 (collectively "Licensor") and Martha Clara Vineyards, 6025 Sound Avenue, Riverhead, New York, 11901 ("Licensee").

WITNESSETH

WHEREAS, Martha Clara Vineyards wishes to utilize a portion of interior space in the Carriage House at 133 East Main Street, Riverhead, New York, 11901, (hereinafter "Licensed Premises") for the purpose of conducting taste-tasting of wine products (hereinafter "authorized activity"); and

WHEREAS, Licensor wishes to grant the Licensee the right to utilize the Licensed Premises for the authorized activity;

NOW, THEREFORE, in consideration of the mutual agreements herein contained including a license fee of \$ 1.00, 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 in an area to be solely defined by Licensor for the authorized activity.
2. Term of the License. The term of this License (the "term") shall be limited to Friday, August 8, 2014. Licensor reserves the unilateral right to terminate the term of this license at any time and for any reason upon immediate notice, which may be verbal or otherwise.
3. Authorized Hours of Operation:
4:00 p.m. to 9:30 p.m.
4. Condition of the Licensed 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 reliance upon any representations or warranties of or made by Licensor or anyone else.
5. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability and

alcohol consumption liability insurance in the amount of not less than \$1,000,000 per occurrence and \$2,000,000 in the aggregate by a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance including proof of proper endorsement regarding the designated additional insured, namely the "Town of Riverhead" and "East End Arts Council" as "Additional Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and The East End Arts Council and their respective officers, employees, agents, representatives and officials harmless from any and all loss, claim, actions, costs 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 of Riverhead or the East End Arts Council or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead and other Licensors 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 or other Licensors, 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 or other Licensors 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. License Fee. In consideration of the type of use to which the Licensee intends to conduct at the premises, the Licensee shall pay the Town of Riverhead a one-time license fee of \$ 1.00 for use of the Licensed Premises for the authorized activity which fee shall be immediately due and payable.

7. Municipal Approvals: As a condition of this License, Licensee agrees to comply with all applicable federal, state, county and local laws, rules, regulations, permits and licenses, including conditions and terms therein, including but not

limited to New York State Liquor Authority rules and regulations and applicable Winery and Manufacturer's licenses, for the authorized activity. Licensee represents and warrants that Licensee possesses all municipal approvals, licenses, and permits regarding the Licensee's intended and authorized use of the Licensed Premises.

8. Repair, Maintenance and Inventory of License Premises.

- a) Licensee, at its sole expense, agrees to maintain the Licensed Premises free of trash and debris and to return the premises back to its original condition following completion of the license term.
- b) Licensee shall not alter the Licensed Premises without the prior permission of the Licensor.

9. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the use of the Licensed 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 without the express and written consent of the Licensor.

10. Miscellaneous: (a) 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.

IN WITNESS WHEREOF, Licensors and Licensee do hereby execute this License as of the date and year last written

below.

Lisensor:

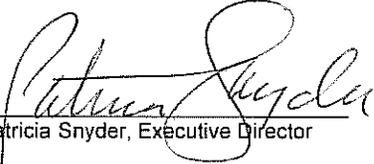
TOWN OF RIVERHEAD

By: Sean M. Walter, Town Supervisor

Date: _____

Licensors:

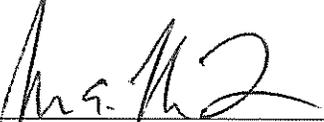
EAST END ARTS COUNCIL


By: Patricia Snyder, Executive Director

Date: 7-3-14

Licensee:

MARTHA CLARA VINEYARDS


By: Juan Eduardo Micieli-Martinez
Winemaker and General Manager

Date: 7/2/14

07.15.14
140536

ADOPTED

TOWN OF RIVERHEAD

RESOLUTION # 536

**WAIVES RULES AND REGULATIONS FOR USE OF RUNWAY AT
CALVERTON EXECUTIVE AIRPORT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the 103rd Rescue Squadron was established in 2004 by the Air Force Special Operations Command as an unit of the New York Air National Guard 106th Rescue Wing which is stationed at the Francis S. Gabreski Air National Guard Base, Westhampton Beach, New York; and

WHEREAS, the 103rd Rescue Squadron consists of pararescue and support personnel, utilizing the HH-60 Pave Hawk helicopters of the 101st Rescue Squadron and the HC-130P Hercules transports of the 102nd Rescue Squadron; and

WHEREAS, the 103rd Rescue Squadron as part of their ongoing training makes use of the active runway under separate agreement with Altitude Express, Inc. doing business as Skydive Long Island at Calverton ("Skydive"); and

WHEREAS, the 103rd Rescue Squadron as part of their continued training must remain proficient in night operations; and

WHEREAS, the increase in use of the Francis S. Gabreski airspace by civilian aircraft during the summer months renders it impossible for the National Guard Base 103rd Rescue Squadron to carry out a sufficient number of desired night ops; and

WHEREAS, the 103rd Rescue Squadron has requested that it able to use the active runway as part of their current agreement with Skydive to jump once a week, weekday nights only with up to a max of four flights a night; and

WHEREAS, by Resolution # 374, adopted on April 19, 2007, the Town Board of the Town of Riverhead established Rules and Regulations for Use of the active runway at EPCAL which limited hour of operation from 7:00 am to dusk; and

WHEREAS, to provide assistance to the 103rd Rescue Squadron and our men and women in the armed services, the Town Board wishes to waive enforcement of the

established Rules and Regulations for Use of the active runway at EPCAL and allow for the 103rd Rescue Squadron in conjunction to jump once a week, weekday nights with up to a max of four flights a night effective July 16, 2014 and continuing to September 15, 2014.

NOW THEREFORE BE IT RESOLVED, for the reason set forth above, the Town Board hereby authorizes the waiver of Rules and Regulations for Use of the active runway at EPCAL which limit operation until dusk and grants approval to the 103rd Rescue Squadron to jump once a week, weekday nights with up to a max of four flights effective July 16, 2014 and continuing to September 30, 2014 subject to the proper waivers and indemnification; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Altitude Express Inc., 400 David Court, Calverton, New York 11933, and The 103rd Rescue Squadron, Francis S. Gabreski Air National Guard Base, Westhampton Beach, New York 11948 Attn: Jules Roy; and be it further

RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

07.15.14
140537

ADOPTED

**TOWN OF RIVERHEAD
Resolution # 537**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW FOR THE ADDITION OF A NEW CHAPTER 98A
ENTITLED "DROP-OFF BINS" OF THE RIVERHEAD TOWN CODE**

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

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law for the addition of a new Chapter 98A entitled, "Drop-Off Bins" of the Riverhead Town Code once in the July 24, 2014 issue of the News-Review Newspaper, 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 all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of August, 2014 at 2:15 o'clock p.m. to consider the addition of a new Chapter 98A entitled "Drop-Off Bins" of the Riverhead Town Code.

**CHAPTER 98A
Zoning
Drop-Off Bins**

§ 98A-1. Legislative intent.

In protecting the health, safety and welfare of persons in the Town of Riverhead, the Town Board, by the enactment of this chapter and its subsequent amendments, provides for the proper permitting, maintenance and storage with regard to drop-off bins stored within the areas set aside in shopping centers and other retail, service, office and public assembly spaces within the Town and to further ensure that all drop-off bins do not become a potential problem with regard to visual blight , traffic or pedestrian safety. By enforcing this chapter, the Town will upgrade the appearance of such spaces and enhance the quality of our suburban life, as well as protect our environment.

§ 98A-2. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT - Any person, business entity or corporation that applies to the town for an approval to store or place a drop-off bin upon a premise pursuant to the provisions of this chapter.

CODE - Code of the Town of Riverhead.

DROP-OFF BINS - Freestanding receptacles, sometimes referred to as "drop-off boxes," "collection containers," "bins," "depositories," "clothing bin", etc., which are generally metal in composition, with a depository drawer or chute, placed on any property or premise for the purpose of receiving clothing, shoes, household items and the like from the public for donation, not-for-profit, charitable or other purposes.

LANDSCAPED AREAS - Any area on or about the premises described herein, including parking lot islands, which is used for the placement of landscaping, such as shrubbery, trees, grass and flowers.

OWNER - Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title or deed to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or

administrator of the estate of such person if ordered to take possession of real property by a court.

PERSON - An individual, partnership, association, firm, company, corporation, organization or other entity.

PERMITEE - Any person who has received a drop-off bin permit.

PREMISES - A lot, plot or parcel of land, easement or public way, including any structures thereon.

PROPERTY - see "premise".

PUBLIC WAY - Any area of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use.

QUALIFIED APPLICANT - Any exempt entity as qualified under IRS Code § 501(C)(3).

REGISTRANT - Any person, business entity or corporation that applies to the town and has obtained an approval to store or place a drop-off bin upon a premise pursuant to the provisions of this chapter.

TOWN - Town of Riverhead.

§ 98A-3. Permit required.

A. Permit required. It shall be unlawful for any person, business entity or corporation except for the Town of Riverhead or other municipal agency to maintain, place or store or cause to be maintained, placed or store a drop-off bin upon any premise without having first obtained a permit issued by the Building Department.

§ 98-A-4. Requirements for Drop-Off Bins.

- (1) The responsibility for compliance with this chapter is with the owner, registrant or managing agent, as well as any person which places or stores a drop-off bin within the Town.
- (2) Only charitable organizations which are recognized pursuant to IRS /Code § 501(c)(3) shall be permitted to apply for and obtain a drop-off bin permit.
- (3) Drop-off bins as defined in § 98A-2 above are only permitted in the Destination Retail (DRC), and Business Center (BC) Zoning Districts within the Town.

Notwithstanding the foregoing, drop-off bins shall be allowed on any premises containing a church, temple, house of worship or other religious institution, regardless of the zoning district in which it is located.

- (4) There shall be a limit of no more than two (2) drop-off bins on any tax map lot.
- (5) No drop-off bin shall cover a ground surface area greater than five (5) feet by five (5) feet nor be higher than six (6) feet in height.
- (6) Drop-off bins shall be located such that each bin shall be located at least fifty (50) feet off the front property line and at least twenty-five (25) feet off any side yard property line.
- (7) Each drop-off bin shall contain the name, principal address and telephone number of the owner of the drop-off bin. The lettering shall be at least two inches high.
- (8) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow the stockpiling of any donated items, goods or wares outside of any drop-off bin located within the Town.
- (9) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow storage and or placement of any drop-off bin within any landscaped area, public way, or in parking spaces..
- (10) It shall be unlawful for any person, owner, registrant or managing agent as defined in this chapter to cause or allow storage and or placement of drop-off bins that interfere with any approved site plan pursuant to chapter 108 of this code with specific regard to traffic flow or parking areas.
- (11) In the event that the ownership of a drop-off bin for which a drop off bin permit is issued is transferred, the new owner shall register the drop-off bin within 30 days of the closing of title pursuant to the requirements set forth in this chapter. Any drop-off bin permit issued under this chapter is not transferable upon owners. If the drop-off bin is not registered as required by this chapter there will be a presumption that said premise is being utilized without a valid drop-off bin permit in violation of this chapter.

§ 98A-5. Application for a drop-off bin, Permit fees.

A. Application Requirements. An application for placement or storage of a drop-off bin shall be made in writing to the Building Department on a form provided therefor and approved by the Town Building and Planning Administrator. The application shall include the following:

- (1) The street address and Tax Map designation (section, block and lot or lots) of the premises intended for the placement or storage of a drop-off bin.
- (2) A copy of the most recent deed and real property tax bill, confirming the ownership of record of the premise for which a drop-off bin permit is being sought.
- (3) The name and permanent address and telephone number of the applicant.
- (4) If the applicant is not the owner of the premise as defined in this chapter, each application for a drop-off bin permit shall be accompanied by an affidavit, signed by each owner of the premise sworn to under oath which authorizes the applicant or registrant to store a drop-off bin upon his or her premise. Said form shall also contain the owner's name, permanent address, and telephone number.
- (5) An approved site plan depicting the location of the drop-off bin, or if there is no approved site plan depicting the drop-off bin, the applicant shall submit a survey depicting the proposed location of the drop-off bin. For the purposes of this section, any site plan review may be waived, provided the drop-off bin meets all requirements set forth in this chapter
- (6) Each application shall be executed by and sworn to under oath by the owner of the premise for which the drop-off bin is proposed to be placed.
- (7) In addition, the applicant shall also submit a copy of the IRS Code section 501(C)(3) exemption.

B. Issuance.

(1) In order to approve the issuance of drop-off bin permit the Town Building and Planning Administrator must determine that the proposed location of the drop-off bin complies with all the provisions of this chapter and that the proposed location does not interfere with the flow of pedestrian and/or vehicular traffic on the subject premises.

(2) A drop-off bin permit (sticker) shall be issued by the Building Department for each drop-off bin being permitted and shall indicate the following:

(a) The drop-off bin permit number.

(b) The name(s) and telephone number(s) of the registrant.

C. Posting. A drop-off bin permit (sticker) issued by the Building Department shall be affixed prior to placement or storage to each and every drop-off bin used by the permit holder or registrant for the collection and storage of new or used goods or wares.

(1) The permit sticker shall be at all times legible and placed on the same side of the drop-off bin as the chute used for the deposit of the goods or wares.

(2) In addition to the foregoing subsections (1) above, all provisions of New York State General Business Law § 399-bbb relating to the required posting and marking of information relating to the identification and provenance of the drop-off bin must be complied with.

§ 98A-6. Fees, term and renewal.

A. Fees. Any application fee shall be set by the Town Board by resolution.

B. Term. The term of the drop-off bin permit shall be for a term of one calendar year.

C. Renewal. Application for the renewal of a drop-off bin permit shall be filed no later than 30 days prior to its expiration. The application shall be verified and shall set forth the information listed in § 98A-5 of this chapter. Forms for the renewal application shall be supplied by the Building Department and shall be requested by the applicant or owner within 30 days of expiration of his or her permit.

§ 98A-6. Compliance.

All Drop-off bins in use before the effective date of this chapter shall be in compliance with said specifications set forth within six months of the effective date of this chapter.

§ 98A-7. Penalties for offenses; continuing offenses.

A. Any person, owner, occupant or registrant as defined in this chapter which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

(1) By a fine of not less than \$500 and not exceeding \$2,500 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.

(2) By a fine of not less than \$2,500 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.

(3) By a fine of not less than \$5,000 nor more than \$10,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

B. Each week's continued violation shall constitute a separate additional violation.

C. Impounding of illegal drop-off bin.

- (1) Any drop-off bin which is illegally present on any property within the Town of Riverhead is subject to being impounded by the Town of Riverhead without notice to the owner of the drop-off bin or property owner.
- (2) Any drop-off bin which is impounded is subject to a fee of \$250.00 for transportation of said drop-off bin and a fee of \$250.00 per day for storage for each day of impounding.
- (3) Ten days after notification to the proper owner that the drop-off bin has been impounded said drop-off bin in shall be forfeited to the Town of Riverhead and used sold or destroyed at the sole discretion of the Town of Riverhead.

- Underscore represents addition(s)

Dated: Riverhead, New York
July 15, 2014

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution# 538

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-26 July 10, 2014 (TBM 7/15/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	1,396,998.91	1,396,998.91
RECREATION PROGRAM FUND	6	27,176.14	27,176.14
HIGHWAY FUND	111	125,458.63	125,458.63
WATER DISTRICT	112	186,900.81	186,900.81
RIVERHEAD SEWER DISTRICT	114	50,762.00	50,762.00
REFUSE & GARBAGE COLLECTION DIST	115	8,871.84	8,871.84
STREET LIGHTING DISTRICT	116	47,942.04	47,942.04
PUBLIC PARKING DISTRICT	117	2,516.55	2,516.55
AMBULANCE DISTRICT	120	1,448.46	1,448.46
EAST CREEK DOCKING FACILITY FUND	122	2,180.16	2,180.16
CALVERTON SEWER DISTRICT	124	1,101.98	1,101.98
RIVERHEAD SCAVENGER WASTE DIST	128	29,901.37	29,901.37
CDBG	181	78.47	78.47
GENERAL TOWN DEBT SERVICE	384	175.00	175.00
TOWN HALL CAPITAL PROJECTS	406	9,755.56	9,755.56
RIVERHEAD SEWER CAPITAL PROJECTS	414	50,585.23	50,585.23
CALVERTON SEWER CAPITAL PROJECTS	424	5,586.45	5,586.45
TRUST & AGENCY	735	1,345,962.56	1,345,962.56
CALVERTON PARK - C.D.A.	914	971.59	971.59
TOTAL ALL FUNDS		3,294,373.75	3,294,373.75

THE VOTE

Giglio Yes No Gabrielsen - ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted