

RESOLUTION LIST

NOVEMBER 1, 2016

- Res. #801 Capital Project Closure #42051**
- Res. #802 General Fund – Police Budget Adjustment**
- Res. #803 Accepts the Resignation of a Homemaker (Adrienne Dillingham)**
- Res. #804 Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing for a Special Permit for Country Wood Village (Gendot Associates, Inc.)**
- Res. #805 Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing for a Special Permit Application Known as S-Power Calverton Submitted by VHB Engineering on Parts of 2 Parcels Located on the South Side of the Middle Country Road, West of Peconic Avenue, Calverton, NY Described as SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1**
- Res. #806 Authorizes Attendance at the Association of Towns 2016 Personnel Management School**
- Res. #807 Adopts a Local Law Amending Chapter 301 Entitled, “Zoning and Land Development” of the Riverhead Town Code**
- Res. #808 Adopts a Local Law to Amend the Town of Riverhead Community Preservation Fund Project Plan to Include Water Quality Improvement Projects**
- Res. #809 Adopts a Local Law to Override the Tax Levy Limit Established by and Set Forth in Article Two §3-c of the General Municipal Law**
- Res. #810 Ratifies Authorization of Co-Sponsorship of “2016 Halloween Fest” on Saturday, October 29, 2016, 2:00 P.M. to 7:30 P.M., Rain Date: Sunday, October 30, 2016, 2:00 P.M. to 7:30 P.M., with the Riverhead Business Improvement District Management Association, Inc., Along Main Street, Between Griffing Avenue and Union Avenue**
- Res. #811 Calverton Park Community Development Budget Adjustment**
- Res. #812 Adopts a Local Law to Amend Chapter 103 Entitled “Town Officers and Employees” of the Code of the Town of Riverhead**

- Res. #813** Adopts a Local Law to Amend Chapter 105 Entitled “Boards, Commissions and Councils” of the Code of the Town of Riverhead
- Res. #814** Adopts a Local Law to Amend Chapter 219 Entitled “Coastal Erosion Hazard Areas” of the Code of the Town of Riverhead
- Res. #815** Adopts a Local Law to Amend Chapter 301 Entitled “Zoning and Land Development” of the Code of the Town of Riverhead
- Res. #816** Authorizes Supervisor to Execute Agreement with Riverhead Soccer Club for Training and Referee Services for Town of Riverhead Police Athletic League Girls and Boys Soccer Program for 2016 Calendar Year
- Res. #817** Approves Petition for Extension of the Riverhead Parking District Made by J. Petrocelli Development Associates (Preston House)
- Res. #818** Grants Special Permit Application of J. Petrocelli Development Associates (Preston House)
- Res. #819** Approves Preliminary Site Plan Application of J. Petrocelli Development Associates (Preston House)
- Res. #820** Appoints the Law Firm of Sinnreich, Kosakoff & Messina LLP to Act as Special Counsel, Nunc Pro Tunc in the Matter of Traditional Links LLC v. Riverhead Town Assessors
- Res. #821** Appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP to Act as Special Counsel to Represent the Town of Riverhead Zoning Board of Appeals in an Article 78 Proceeding
- Res. #822** Authorizes the Supervisor to Execute Professional Services Agreement with Lockwood, Kessler & Bartlett, Inc. for Engineering Services for South Jamesport Avenue Road and Drainage Improvements
- Res. #823** Sets Date and Time of Town of Riverhead’s 17th Annual Bonfire and Holiday Celebration
- Res. #824** Pays Bills

TOWN OF RIVERHEAD

Resolution # 801

CAPITAL PROJECT CLOSURE #42051

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Capital Project #42051, Maurice Goldman Open Space is considered complete; and

RESOLVED, that the Town Board hereby authorizes the Accounting Department to close Capital Project #42051, and modify the budget by which \$5,998.62 is to be refunded to the Community Preservation Fund.

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

RESOLVED, 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 802

GENERAL FUND – POLICE

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Sheriff Vincent F. DeMarco from the County of Suffolk, Office of the Sheriff, has allocated funds for the east end law enforcement departments to purchase a tele-conference system for public safety needs; and

WHEREAS, the Sheriff has agreed to reimburse each east end law enforcement department for their purchase of this equipment.

WHEREAS, the Chief of Police is requesting a transfer of funds to begin the procurement process for the installation of the teleconference system.

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

		<u>FROM</u>	<u>TO</u>
001.031200.541500	Automotive Repairs	22,882.48	
001.031200.524223	Telephoto and Conference Equipment		22,882.48

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

RESOLVED, 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

Hubbard	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Giglio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Walter	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 803

ACCEPTS THE RESIGNATION OF A HOMEMAKER

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Town has received written notification from Adrienne Dillingham, a Homemaker at the Riverhead Town Seniors Center, giving notice of her intent to resign effective October 14, 2016.

RESOLVED, that this Town Board hereby accepts the resignation of Adrienne Dillingham.

BE IT FURTHER RESOLVED, 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 804

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST NOTICE FOR A PUBLIC HEARING FOR A SPECIAL PERMIT FOR COUNTRY WOOD VILLAGE (GENDOT ASSOCIATES, INC.)

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Board has received an application for special permit from Gendot Associates, Inc., for the establishment of a retirement community complex of 16 condominium units including conversion of an existing single-family house into a retirement community unit and for construction of 15 more retirement community units (14 attached units in sets of two and one detached unit) upon real property of approximately 3.67 acres located at 450 Middle Rd, Riverhead, New York, also identified as SCTM # 0600-82-04-221.12, in the Residence RC Zoning District (Retirement Community) zoning district; and

WHEREAS, a public hearing is required for all special permit applications in accordance with §301-311 C; and

WHEREAS, the Planning Department has reviewed the application and finds the proposed special permit to be an Unlisted action pursuant to 6NYCRR Part 617 with coordinated review optional and unnecessary; and

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of public hearing once in the November 10, 2016 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause the applicant to be post on the subject property the sign board of the Town; and be it further

RESOLVED, the Town Clerk shall provide a certified copy of this resolution to the applicant, Gerald Simone, Gendot Associates, Inc., P. O. Box 534, Wading River, NY 11792 and the applicant's attorney, Charles R. Cuddy, Esq., P. O. Box 1547, Riverhead, NY 11901, so that a copy may be included within the required mailings of all properties within 500 feet of the subject parcel; and be it further

RESOLVED, 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was 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 6th day of December, 2016 at 2:05 o'clock p.m. to consider a special permit application of Gendot Associates, Inc., for the establishment of a retirement community complex of 16 condominium units including conversion of an existing single-family house into a retirement community unit and for construction of 15 more retirement community units (14 attached units in sets of two and one detached unit) upon real property of approximately 3.67 acres located at 450 Middle Rd, Riverhead, New York, also identified as SCTM # 0600-82-04-221.12, in the Residence RC Zoning District (Retirement Community) zoning district;

Dated: November 1, 2016
Riverhead, New York

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

TOWN OF RIVERHEAD

Resolution # 805

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST NOTICE FOR A PUBLIC HEARING FOR A SPECIAL PERMIT APPLICATION KNOWN AS SPOWER CALVERTON SUBMITTED BY VHB ENGINEERING ON PARTS OF 2 PARCELS LOCATED ON THE SOUTH SIDE OF THE MIDDLE COUNTRY ROAD, WEST OF PECONIC AVENUE, CALVERTON, NY DESCRIBED AS SCTM Nos. 600-116-1-7.2 & 600-98-1-21.1

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board is in receipt of a special permit application from sPower c/o VHB Engineering for the construction of a 20 megawatt solar photovoltaic energy facility; and

WHEREAS, the solar farm will occupy (+/-) 34.85 acres of a proposed (+/-) 109.9 acre parcel located on the South side of Middle Country Road, west of Peconic Avenue described as Suffolk County Tax Map numbers 600-116-1-7.2 & 600-98-1-21.1; and

WHEREAS, the subject parcels are zoned Industrial C (Ind C); and

WHEREAS, the proposed action is allowed by special permit within the Industrial C Zoning Use District; and

WHEREAS, the project includes installation of a number of solar panels, five concrete pads containing electrical equipment, an access road, drainage reserve features, and a tie-in line to an existing solar photovoltaic energy facility; and

WHEREAS, the Riverhead Planning Department identified the petition for Site Plan approval as a Type I action pursuant to 6NYCRR Part 617.4(b)(6)(i) mandating coordinated SEQRA review with involved agencies; and

WHEREAS, the Planning Department has received and analyzed the full EAF and other project documentation provided by the applicant and has prepared a SEQRA report outlining the action's potential for environmental impact; and

WHEREAS, that by Resolution #2016-0087 adopted by the Riverhead Planning Board on September 1, 2016 has declared the site plan application of sPower Calverton to be a Type I action pursuant to 6NYCRR Part 617.4(b)(6)(i) and further directing the Planning Department to circulate a request for the Planning Board to be the Lead Agency in the project's SEQR review. Now,

THEREFORE, BE IT RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of public hearing once in the November, 10, 2016

issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose;

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, sPower, 2180 South 1300 East, Suite 600, Salt Lake City, UT 84106-2749, Garrett Gray-Weber Law Group, 290 Broadhollow Road, Suite 200E, Melville, NY, 11747 and VHB Engineering, c/o Courtney Riley, 100 Motor Parkway, Suite 135, Hauppauge, NY 11788; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 15th day of November, 2016 at 7:10 o'clock p.m. to consider an application for special permit from sPower, c/o/ VHB for the construction of a 20 megawatt solar photovoltaic energy facility located south of Middle Country Road, west of Peconic Avenue, Calverton, NY on a proposed (+/-) 109.9 acre parcel described as Suffolk County Tax Map numbers 600-116-1-7.2 & 600-98-1-21.1.

Dated: Riverhead, New York
November 1, 2016
BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 806

**AUTHORIZES ATTENDANCE AT THE ASSOCIATION OF TOWNS
2016 PERSONNEL MANAGEMENT SCHOOL**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Association of Towns is conducting a 2016 Personnel Management School, Friday, November 18, 2016 in Albany, NY; and

WHEREAS, there is a discount for registering prior to October 31st, 2016; and

WHEREAS, the Town Supervisor has requested authorization for the Chief of Staff to attend said conference.

NOW, THEREFORE BE IT, RESOLVED, the Town Board authorizes the Chief of Staff to attend the Association of Town's 2016 Personnel Management School, in Albany, NY; and be it further

RESOLVED, that all related expenses incurred shall not exceed a total cost of \$490.00 (expenses to include fees for registration, meals, lodging and other travel costs such as tolls and gas) shall be reimbursed upon his return and in accordance with the Town's Travel and Conference Policy; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 807

ADOPTS A LOCAL LAW AMENDING CHAPTER 301 ENTITLED, "ZONING AND LAND DEVELOPMENT" OF THE RIVERHEAD TOWN CODE

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

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 301 entitled "Zoning and Land Development" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 18th day of October 2016 at 7:05 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Planning Department was directed to prepare a SEQRA Full Environmental Assessment Form Parts 1, 2 and 3, dated July 28, 2016 in compliance with 6NYCRR Part 617 which resulted in classifying the proposed action as Unlisted without the need for coordinated review.

NOW THEREFORE BE IT RESOLVED, that the Town Board declares itself Lead Agency and determines that the proposed local law amending Chapter 301 entitled "Zoning and Land Development" of the Riverhead Town Code does not have the potential for adverse impacts on the environment; and be it further

RESOLVED, that the Town Board, as Lead Agency has issued a negative declaration under SEQRA; and be it further

RESOLVED, that a local law amending Chapter 301 entitled "Zoning and Land Development" 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

Hubbard Yes No Giglio Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was 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 301 entitled "Zoning and Land Development", of the Riverhead Town Code at its meeting held on November 1, 2016. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 301: Zoning and Land Development
Article LIII: Subdivision Regulations

§301-284. Declaration of policy.

A. By the authority of the resolution of the Town Board of the Town of Riverhead adopted on January 28, 1948, and amended on September 19, 1978, pursuant to the provisions of Article 16 of the Town Law of the State of New York, the Planning Board of the Town of Riverhead is authorized and empowered to approve plats showing lots, blocks or sites, with or without streets or highways, and to approve preliminary plats within that part of the Town outside the limits of any incorporated city or village. The Planning Board is further authorized and empowered to approve the development of plats already filed in the office of the Suffolk County Clerk or Register of Suffolk County if such plats are entirely or partially undeveloped. It is declared to be the policy of the Planning Board to consider land subdivision plats as part of a plan for the orderly, efficient and economical development of the Town. This means, among other things, that land to be subdivided shall be of such character that it can be used safely for building purposes without danger to health or peril from fire, flood or other menace; that proper provision shall be made for drainage, water supply, sewerage and other needed improvements; that all proposed lots shall be as laid out and of such size as to be in harmony with the development pattern of the neighboring properties; that the proposed streets shall compose a convenient system conforming to the Official Map, if such exists, and shall be properly related to the proposals shown on the Master Plan, if such exists, and shall be of such width, grade and location as to accommodate the prospective traffic, to facilitate fire protection and to provide access of fire-fighting equipment to buildings; and that proper provision shall be made for open spaces for parks and playgrounds. In order that land subdivisions may be made in accordance with this policy, this Article, which shall be known as and which may be cited as the "Town of Riverhead Land Subdivision Regulations," has been adopted by the Planning Board and approved by the Town Board.

B. Notwithstanding the provision above, the Town Board shall be vested with such identical powers and authority as bestowed upon the Planning Board with respect to review and approval of plats showing lots, blocks and sites, be it related to major, minor or industrial subdivision of land, located within urban renewal designated areas pursuant to Article 15 of the General Municipal Law filed on or after the effective date of the adoption of this provision. To the extent the Town Board acts as the agency reviewing subdivision pursuant to this article of the Town Code, references to the "Planning Board" in connection with subdivision review shall be interpreted to mean the "Town Board." This provision, 301-284 (B) is adopted pursuant to the statutory authority/supersession provisions set forth Municipal Home Rule Law and is consistent with Article 15 and 15-A of the General Municipal Law and Chapter 423 of the Laws of 2013. It expressly supersedes any provisions of the Town Code of the Town of

Riverhead and Articles 4 and 16 of Town Law of the State of New York, including §§ 271, 276, 277, 278 and 279.

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

Dated: Riverhead, New York
November 1, 2016

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

TOWN OF RIVERHEAD

Resolution # 808

**ADOPTS A LOCAL LAW TO AMEND THE TOWN OF RIVERHEAD
COMMUNITY PRESERVATION FUND PROJECT PLAN TO INCLUDE WATER
QUALITY IMPROVEMENT PROJECTS**

Councilman Hubbard 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 adopting "A Local Law to amend Community Preservation Fund Project Plan to include Project Plan for Water Quality Improvement Projects; and

WHEREAS, a public hearing was held on the 4th day of October 2016 at 2:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

WHEREAS, the Planning Department was directed to prepare a SEQRA Full Environmental Assessment Form Parts 1, 2 and 3, dated October 27, 2016 in compliance with 6NYCRR Part 617 which resulted in classifying the proposed action as Unlisted without the need for coordinated review.

NOW THEREFORE BE IT RESOLVED, that the Town Board declares itself Lead Agency and determines that the proposed local law amending Town of Riverhead Community Preservation Fund Project Plan to include a Project Plan for Water Quality Improvement Projects does not have the potential for adverse impacts on the environment; and be it further

RESOLVED, that the Town Board, as Lead Agency has issued a negative declaration under SEQRA; and be it further

RESOLVED, that a Local Law to amend the Town of Riverhead Community Preservation Fund Project Plan to include Water Quality Improvement Projects 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 to amend the Town of Riverhead Community Preservation Fund Project Plan to include a Project Plan for Water Quality Improvement Projects at its meeting held on November 1, 2016. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

LOCAL LAW NO. OF 2016

A LOCAL LAW

Town of Riverhead Amendment to Community Preservation Fund Project Plan to include a “Project Plan for Water Quality Improvement Projects”

In 2015, the State Legislature approved and the governor signed into law, Chapter 551 of the Laws of 2015, amending the Town Law in relation to the Peconic Bay Community Preservation Fund and Chapter 114 of the Laws of 1998 amending the Town Law and other laws relating to authorizing certain towns in the Peconic Bay Region to establish Community Preservation Funds to extend the 2% real estate transfer tax from December 31, 2030 to December 31, 2050 and creating a new category of eligible funding for water quality improvement projects including but not limited to: wastewater treatment; aquatic habitat restoration; and pollution prevention.

For the reasons set forth below, the Town of Riverhead seeks to amend the Community Preservation Fund Project Plan to identify and include the following water quality improvement projects: (1) residential septic system rebate and incentive program and (2) agricultural stewardship program rebate and incentive plan, as eligible for funding pursuant and subject to Town Law 64-e. Notwithstanding the above, prior to funding, in whole or in part, of a water quality improvement project, the financial report must demonstrate that the expenditure of funds for a water quality improvement project(s) is such that the community preservation fund shall maintain a minimum fund balance of fifteen percent (15%) of the current years debt service payment plus the total outstanding principal and interest at the beginning of such the year of expenditure for such project. The report and project description shall be subject to public hearing and approved by resolution of the Town Board.

SEPTIC SYSTEM REBATE AND INCENTIVE PROGRAM

Suffolk County has suffered a dramatic decline in the health of ground and surface waters and negative trends in the quality of drinking water. Pollution has caused harmful algal blooms/brown tide which increases nitrification, impairs water bodies, impairs rivers, closes beaches and impacts the shellfish industry. The challenges facing Suffolk County and New York State include protecting coastal communities, reducing island vulnerability to extreme weather events and strengthening wastewater infrastructure.

The New York State Department of Environmental Conservation has identified nitrogen from wastewater as undermining our natural defenses and reported that

cesspools, septic systems and sewage treatment plants cause eutrophication, resulting in lower water oxygen levels and persistent algal blooms.

The majority of homes in Suffolk County and Town of Riverhead are unsewered. The waste that seeps into groundwater through septic systems threatens the long-term quality of our drinking water and the bays that are central to the tourism and fishing industries. The Town of Riverhead seeks to enact a septic systems rebate program which allows for rebates associated with the voluntary upgrade, repair, or replacement of existing septic systems that comply with the Suffolk County Department of Health Services regulations, and which results in the sought-after-goal of further reducing or removing nitrates in the groundwater.

Based upon the above and pursuant to Town Law 64-e and subject to additional funding requirements above, the Town, as and for its project plan, seeks to undertake a septic system rebate and incentive plan.

The septic system rebate and incentive plan shall be made available to any person, estate, trust, beneficiaries of an estate or trust, partnership, or member of a limited-liability corporation, or a corporation or other legal entity which owns residential property shall be eligible for the rebate those costs associated with the upgrade (defined herein) of an existing sanitary system, including, but not limited to, costs for labor, materials, and site restoration. Such costs shall not include financing or interest charges. The upgrade of the sanitary system must result in the further denitrification of groundwater, and must be in compliance with all state and local laws and codes and approved by Town of Riverhead Building Department and Suffolk County Department of Health Services.

An applicant must submit a septic system upgrade notification form to the Town Building Department. Said form shall set forth the location, installation detail, and description of the upgrade of the septic system and shall include a certified estimate from the contractor who will perform said upgrade. The applicant must submit a certification from Suffolk County Department of Health Services identifying that the applicant's existing system was a substandard sanitary system and that the upgrades are in compliance with the requirements of the Suffolk County Department of Health Services. Upon review and approval of said form, the Town Building Department shall issue the applicant a conditional approval. Said conditional approval shall serve to encumber the rebate monies attributable to the applicant's upgrade for a period of six months. Within said time, the applicant must complete the upgrade as described below in order to receive the rebate monies. A conditional approval may be extended for a period of up to sixty (60) days upon good cause shown and at the discretion of the Town Building and Planning Administrator.

Upon completing said upgrade, the applicant must submit the following to the Building Department for review and approval:

- (a) The contractor shall provide a notarized certification that the system has been installed in compliance with all approvals and that the system is fully operational;
- (b) The applicant must provide a notarized statement that the upgraded sanitary system shall be maintained in proper operating condition from the date of installation;
- (c) A voucher or receipt showing the actual cost the applicant paid for said upgrade;

Funds are available for disbursements of up to 50% of the cost of said upgrade, but in no case shall said disbursements exceed \$5,000.

AGRICULTURAL STEWARDSHIP PROGRAM REBATE AND INCENTIVE PROGRAM

In addition to the goals related to improvement of residential septic systems, the Town of Riverhead, which is located in the agricultural belt of Suffolk County, seeks to support efforts to reduce ground water contaminates, nitrogen and crop protectants associated with agricultural operations.

New York State approved an Agricultural Environmental Management Program for nitrogen and pesticide reduction for Long Island agriculture.

The County of Suffolk, together with the input and assistance of Cornell Cooperative Extension, Suffolk County Soil & Water District, Natural Resources Conservation Services, American Farmland Trust, Long Island Farm Bureau, Peconic Estuary Program, New York State Department of Environmental Conservation, Suffolk County Water Authority, Suffolk County Planning Department, and Suffolk County Department of Health Services Department established an Agricultural Stewardship Program to fulfill the requirements of the State Agricultural Environmental Management Program.

Based upon the above and pursuant to Town Law 64-e and subject to additional funding requirements above, the Town, as and for its project plan, seeks to undertake an agricultural stewardship program rebate and incentive plan for projects that meet the standards under the Agricultural Environmental Management Program.

The agricultural stewardship program rebate and incentive plan shall be made available to any person, estate, trust, beneficiaries of an estate or trust, partnership, or member of a limited-liability corporation, or a corporation or other legal entity which owns agricultural land wherein the land has been in active agricultural production for a minimum of two years. This applicant shall be eligible for the rebate those costs associated with the agricultural stewardship program including, but not limited to, costs for labor, materials, and site restoration necessary for implementation of the project. Such costs shall not include financing or interest charges. The goal of the project must be implement best management practices associated with agricultural operations, and must be in compliance with all state and local laws and codes and approved by Town of Riverhead Agricultural Advisory Committee and Town of Riverhead Building Department.

An applicant must submit a recommendation that the project meets the standards and/or qualifications as best management practice by Cornell Cooperative Extension and/or Suffolk County Soil and Water Conservation District and as stated above, that the project purpose is to reduce ground water contaminates, nitrogen and pesticides associated with agricultural operations. The project plan shall set forth the location, detail, and description of the best management practices to be installed and/or incorporated into the existing agricultural operation. Upon review and approval of said form, the Town Building Department shall issue the applicant a conditional approval. Said conditional approval shall serve to encumber the rebate monies attributable to the applicant's upgrade for a period of six months or if such time frame extends beyond the six month period a statement from Cornell Cooperative Extension and Suffolk County Soil Conservation detailing the time required to implement such plan. Within said time,

the applicant must complete the upgrade as described below in order to receive the rebate monies. A conditional approval may be extended for a period of up to sixty (60) days upon good cause shown and at the discretion of the Agricultural Advisory Committee, Town Building and Planning Administrator.

Upon completion of all tasks necessary to implement the project plan, the applicant must submit the following to the Building Department for review and approval:

- (a) The application shall provide a notarized certification that the project plan was implemented in compliance with all approvals;
- (b) The applicant must provide a notarized statement that the project plan shall continue to be utilized and/or maintained from the date of implementation;
- (c) A voucher or receipt showing the actual cost the applicant paid for said project plan; Funds are available for disbursements of up to 50% of the cost of the implementation of the project plan, but in no case shall said disbursements \$5,000.

Notwithstanding the above, the Town may contribute funding for the development, testing, monitoring be it research, on-farm demonstrations, technical assistance engineering or construction, related to both design/writing and implementation of the plan, i.e. evaluation and development of best management practices for controlled release nitrogen fertilizers in vegetable crop; improving nitrogen fertilizer best management practices and grower adoption of nitrogen use efficiency and controlled release nitrogen fertilizer; evaluating mustard cover crops as a biological alternative to fumigation in vegetable and small fruit production to manage soil-borne plants.

Dated: Riverhead, New York
November 1, 2016

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

TOWN OF RIVERHEAD

Resolution # 809

**ADOPTS A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY
AND SET FORTH IN ARTICLE TWO §3-c OF THE GENERAL MUNICIPAL LAW**

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 adopting a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c; and

WHEREAS, a public hearing was held on the 18th day of October 2016 at 7:00 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a Local Law to Override the Tax Levy Limit established in General Municipal Law §3-c 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 to Override the Tax Levy Limit established by and set forth in General Municipal Law §3-c at its meeting held on November 1, 2016. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED BY AND SET FORTH IN GENERAL MUNICIPAL LAW § 3-c

Section 1. Legislative Intent

It is the intent of this Local Law to allow the Town of Riverhead to override the limit on the amount of real property taxes that may be levied by the Town of Riverhead, Suffolk County, New York pursuant to General Municipal Law § 3-c and to allow the Town of Riverhead, Suffolk County, New York to adopt a town budget for town purposes and any other special or improvement districts governed by the town board for the fiscal year 2017 that requires a real property tax levy in excess of the “tax levy limit” as defined by General Municipal Law § 3-c.

The Town of Riverhead is dependent upon the real property tax to fund town services and the Town does not have the authority to raise sales taxes or income taxes. The non-property tax revenues, sales taxes and New York State Aid to Municipality (“AIM”) payments are subject to market fluctuations and the ability of federal, state and local governments to share revenue with the Town of Riverhead. While the Town of Riverhead has made significant efforts to reduce spending in an effort to avoid piercing the tax levy limit, the decline in revenue and depletion of available fund balance reserves in the general fund, together with the potential increase in costs to provide town services and fund town operations for 2017 will likely require adoption of a budget in excess of the tax levy limit.

Section 2. Authority

This local law adopted pursuant General Municipal Law § 3-c (5) which expressly authorizes a local government’s governing body to override the tax levy limit by the adoption of a local law approved by a vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Riverhead, County of Suffolk, is hereby authorized to adopt a budget for the fiscal year 2017 that requires a real property tax levy in excess of the limit established by and set forth in General Municipal Law § 3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or

invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

This local law shall take effect immediately upon filing with the Secretary of State.

Dated: Riverhead, New York
November 1, 2016

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

TOWN OF RIVERHEAD

Resolution # 810

**RATIFIES AUTHORIZATION OF CO-SPONSORSHIP OF “2016 HALLOWEEN FEST”
ON SATURDAY, OCTOBER 29, 2016, 2:00 P.M. to 7:30 P.M., RAIN DATE: SUNDAY,
OCTOBER 30, 2016, 2:00 P.M. to 7:30 P.M., WITH THE RIVERHEAD BUSINESS
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., ALONG MAIN
STREET, BETWEEN GRIFFING AVENUE AND UNION AVENUE**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead enacted a local law pursuant to Town Board Resolution no. 222 of 1991 thereby establishing the Town of Riverhead Business Improvement District which is governed by the Riverhead Town Board; and

WHEREAS, upon the recommendation of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), the Town of Riverhead Business Improvement District wishes to co-sponsor with BIDMA the 2016 Halloween Fest, on Saturday, October 29, 2016, 2:00 P.M. to 7:30 P.M., Rain Date: Sunday, October 30, 2016, along Main Street, between Griffing Avenue and Union Avenue; and

WHEREAS, the Riverhead Business Improvement District Management Association, Inc., pursuant to contract, needs the consent and approval of the Town of Riverhead Business Improvement District to facilitate Town of Riverhead Business Improvement District-related events.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Business Improvement District shall co-sponsor with the Riverhead Business Improvement District Management Association, Inc., a street festival entitled “2016 Halloween Fest” on Saturday, October 29, 2016, 2:00 P.M., to 7:30 P.M., Rain Date: Sunday, October 30, 2016, 2:00 P.M. to 7:30 P.M., along Main Street, between Griffing Avenue and Union Avenue, comprised of Halloween Trick-Or-Treating, costume parade, family activities, including face-painting, mummy wrap, pumpkin carving, music, juggling and aerial performer activities; and be it further

RESOLVED, the Riverhead Business Improvement District Management Association, Inc., is authorized to expend a maximum of \$7,000.00 regarding this event absent additional expenditure approval from the Town of Riverhead Business Improvement District; and be it further

RESOLVED, each participating vendor shall execute a license agreement in a form to be approved by the Town Attorney’s Office; and be it further

RESOLVED, each participating vendor shall procure a liability insurance policy for the subject activity naming the Town of Riverhead Business Improvement District,

Town of Riverhead, and the Riverhead Business Improvement District Management Association, Inc., as “additional insured(s)” on a primary and non-contributory basis, with policy limits of at least \$1,000,000 per occurrence/\$2,000,000 aggregate; and it be further

RESOLVED, that the Riverhead Business Improvement District Management Association, Inc., shall provide a copy of the BIDMA board approval resolution regarding this event and all documentation regarding valid and proper expenditures for this event, in a timely manner, to the Riverhead Town Accounting Department; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 811

CALVERTON PARK
COMMUNITY DEVELOPMENT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, a budget adjustment is needed for Professional Fees at EPCAL.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby authorized to establish the following budget adjustment and transfer of funds from the Fund Balance:

	<u>FROM</u>	<u>TO</u>
914.000000.499999 Fund Balance	22,000	
914.069800.543900 Miscellaneous Consultants		6,000
914.069800.543300 Professional Services Attorney Fees		16,000

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Town Attorney and the Accounting and Building Departments.

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

Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 812

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 103 ENTITLED
"TOWN OFFICERS AND EMPLOYEES" OF THE CODE OF THE TOWN OF
RIVERHEAD**

Councilman Hubbard 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 103 entitled, "Town Officers and Employees " of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 4th day of October, 2016 at 2:10 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; and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c) (20) & (27) as routine or continuing administration and management and the adoption of policies in connection therewith; 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.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself to be the lead agency for purposes of the amendment of Chapter 103 entitled, "Town Officers and Employees" of the Town Code and hereby classifies same to be a Type II action for purposes of SEQR compliance; and be it further

RESOLVED, that the local law amending Chapter 103 entitled, "Town Officers and Employees" of the Town Code, be and 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 103 entitled " Town Officers and Employees" of the Riverhead Town Code, at its regular meeting held on November 1, 2016.

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

CHAPTER 103

Town Officers and Employees

Article V: Zoning Officer

§ 103-22. Building and Planning Administrator; ~~Planning Director.~~

The Town Building and Planning Administrator ~~and the Planning Director~~ of the Town of Riverhead shall be vested with authority to make, issue and render determinations regarding compliance with the provisions of Chapter 301, Zoning and Land Development, for site plan, special permit and subdivision applications; however, the Town Building and Planning Administrator ~~Director of Planning~~ shall not have authority as granted to authorized issuing officers as set forth in § 107-1 of the Town Code. Nothing hereinabove shall be deemed to diminish or restrict the performance of such duties as are vested in and imposed upon the Town Building and Planning Administrator ~~Planning Director~~ or such officers or persons under the supervision of the Town Building and Planning Administrator ~~Planning Director~~.

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

Dated: Riverhead, New York
November 1, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 813

ADOPTS A LOCAL LAW TO AMEND CHAPTER 105 ENTITLED "BOARDS, COMMISSIONS AND COUNCILS" OF THE CODE OF THE TOWN OF RIVERHEAD

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 105 entitled, "Boards, Commissions and Councils" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 4th day of October, 2016 at 2:10 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; and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c) (20) & (27) as routine or continuing administration and management and the adoption of policies in connection therewith; 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.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself to be the lead agency for purposes of the amendment of Chapter entitled, "Boards, Commissions and Councils" of the Town Code and hereby classifies same to be a Type II action for purposes of SEQR compliance; and be it further

RESOLVED, that the local law amending Chapter 105 entitled, "Boards, Commissions and Councils" of the Town Code, be and 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 105 entitled "Boards, Commissions and Councils" of the Riverhead Town Code, at its regular meeting held on November 1, 2016.

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

CHAPTER 105

Boards, Commissions and Councils

Article I: Accessory Apartment Committee

§ 105-1. Purpose, findings; standards.

C. Standards

(4) Accessory apartment size. The minimum area for an accessory apartment shall be 300 square feet and a maximum of 650 square feet. The accessory apartment shall not exceed 40% of the area of the principal dwelling. For preexisting apartments seeking to comply with the Code provisions set forth in this article, the Accessory Apartment Committee, comprised of the Town Building and Planning Administrator, ~~Planning Director~~ or his/her designee and the Chief Building Inspector or his/her designee, may review, approve, approve with conditions, or deny accessory apartments that exceed 650 square feet, up to a maximum of 850 square feet, provided that the accessory apartment does not exceed 40% of the area of the principal dwelling of which the apartment is accessory. In no event may there be more than one bedroom per accessory apartment.

§ 105-4. Composition of Committee; issuance of permits; additional requirements.

A. The Accessory Apartment Committee shall consist of the Town Building and Planning Administrator, ~~Planning Director~~ or his/her designee and the Chief Building Inspector or his/her designee.

Article III: Architectural Review Board

§ 105-10. Establishment; membership; terms; vacancies; removal.

A. There is hereby created an Architectural Review Board, which shall act as an advisory body to the Town Board for the purpose of site plan review, sign permit applications submitted pursuant to Chapter 301, Article XLVIII, Signs, of the Code of the Town of Riverhead and dumpster enclosure applications pursuant to § 245-8 of the Code of the Town of Riverhead. Said Architectural Review Board shall consist of five members who shall be appointed by the Town Board on the recommendation of the Town Building and Planning Administrator or the Chief Building Inspector ~~Planning~~

~~Director~~. Insofar as practicable, all members of the Board shall be competent in matters of design and interested in the design review and development of the Town of Riverhead. Three members shall be architects, designers or landscape architects. One shall be a licensed architect.

B. Members shall be appointed for terms of service of three years. In order to provide continuity, one of the first five appointees shall serve for one year, two shall serve for two years, and the remaining two shall serve for the full three-year term. Members may serve more than one term, and each member shall serve until the appointment of a successor.

C. In the event of a vacancy occurring during the term of a member of the Architectural Review Board, the Town Board shall make an appointment to complete the unexpired term of such member.

D. Removal shall be on the recommendation of the Town Building and Planning Administrator or the Chief Building Inspector ~~Planning Director~~, acted upon as a resolution of the Town Board, and only for good cause. Action without good faith or in contravention to the intent of this article and Chapter **209**, Architectural Review, shall constitute such cause.

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

Dated: Riverhead, New York
September 7, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 814

ADOPTS A LOCAL LAW TO AMEND CHAPTER 219 ENTITLED "COASTAL EROSION HAZARD AREAS" OF THE CODE OF THE TOWN OF RIVERHEAD

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

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 219 entitled, "Coastal Erosion Hazard Areas" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 4th day of October, 2016 at 2:10 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; and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c) (20) & (27) as routine or continuing administration and management and the adoption of policies in connection therewith; 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.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself to be the lead agency for purposes of the amendment of Chapter entitled, "Coastal Erosion Hazard Areas" of the Town Code and hereby classifies same to be a Type II action for purposes of SEQR compliance; and be it further

RESOLVED, that the local law amending Chapter 219 entitled, "Coastal Erosion Hazard Areas" of the Town Code, be and 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 219 entitled "Coastal Erosion Hazard Areas" of the Riverhead Town Code, at its regular meeting held on November 1, 2016.

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

CHAPTER 219

Coastal Erosion Hazard Areas

§ 219-27. Coastal Erosion Management Permit.

A coastal erosion management permit will be issued for regulated activities which comply with the general standards, restrictions and requirements of the applicable sections of this chapter, provided that the following are adhered to:

F. When an application is made for a coastal erosion management permit, a variance thereto or other form of approval required by this chapter and such activity is subject to other permit, variance, hearing or application procedures required by another federal, state or local regulatory agency pursuant to any federal, state or local law or ordinance, the Town Building and Planning Administrator or the Chief Building Inspector ~~Planning Director~~ shall, at the request of the applicant, consolidate and coordinate the application, permit, variance and hearing procedures as required by each regulatory agency into a single, comprehensive hearing and review procedure. However, nothing contained in this section shall be deemed to limit or restrict any regulatory agencies which are properly a party to such a consolidated review proceeding from the independent exercise of such discretionary authority with respect to the issuance, denial or modification of such permits, variances or other forms of approval as they may have been granted by law.

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

Dated: Riverhead, New York
November 1, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 815

ADOPTS A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "ZONING AND LAND DEVELOPMENT" OF THE CODE OF THE TOWN OF RIVERHEAD

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

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 301 entitled, "Zoning and Land Development" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 4th day of October, 2016 at 2:10 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; and\

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c) (20) & (27) as routine or continuing administration and management and the adoption of policies in connection therewith; 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.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself to be the lead agency for purposes of the amendment of Chapter entitled, "Zoning and Land Development" of the Town Code and hereby classifies same to be a Type II action for purposes of SEQR compliance; and be it further

RESOLVED, that the local law amending Chapter 301 entitled, "Zoning and Land Development" of the Town Code, be and 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was 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 301 entitled "Zoning and Land Development" of the Riverhead Town Code, at its regular meeting held on November 1, 2016.

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

CHAPTER 301

Zoning and Land Development

Article I: Title, Purpose, Definitions and Interpretation

§ 301-3. Definitions; word usage.

PLANNING AND ZONING ADMINSTRATOR

The Town of Riverhead Building and Planning Administrator and Chief Building Inspector ~~Planning Director~~.

Part 3. Supplementary Regulations

Article XLIX. Exterior Lighting

§ 301-263. Procedure to determine compliance.

- A. All applications for site plan review, use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location of each existing and proposed outdoor light fixture, and luminaire distribution, type, lamp source type, wattage, mounting height, hours of operation, lumen output, and illuminance levels in ten-foot grids in order to verify that lighting conforms to the provisions of this article. The Town Building and Planning Administrator and Chief Building Inspector ~~Planning Director~~ may waive the requirement for illuminance level information only, if the Town Engineer finds that the illuminance levels conform to this article. For all other exterior lights which must conform to the requirements of this Article XLIX, an application shall be made to the Planning Board showing location, luminaire and bulb type, height, hours of operation, lumen output and illuminance levels. Applications for subdivision approval regarding lighting plans must be submitted to both the Planning Department and Engineering Department.

Part 4: Subdivision and Land Development

Article LVI: Site Plan Review

§ 301-303. General Requirements.

E. Certificates of occupancy. No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and an as-built survey, including without limitation the location of all buildings, structures, curb cuts, and other required improvements (e.g., berms, buffer areas), has been submitted to the Town Building and Planning Administrator ~~Planning Director~~ or his ~~duly authorized representative~~ the Chief Building Inspector. Any significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or the site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the Planning Board. The Town Building and Planning Administrator or the Chief Building Inspector ~~Planning Director~~ shall determine the significance of any such change.

§ 301-305. Application procedure; fees.

(3) Inactive site plan applications. Site plan applications which remain incomplete and/or for which the applicant initiates no activity for a period in excess of one year may be deemed withdrawn by the Town Building and Planning Administrator or the Chief Building Inspector ~~Planning Director~~, or his ~~designee~~, provided that at least 30 days' prior written notice is given to the applicant informing said applicant of the Town Building and Planning Administrator or the Chief Building Inspector's ~~Planning Director's~~ intent to deem the application withdrawn. If an application is inactive for more than two years, it shall be deemed withdrawn.

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

Dated: Riverhead, New York
November 1, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 816

AUTHORIZES SUPERVISOR TO EXECUTE AGREEMENT WITH RIVERHEAD SOCCER CLUB FOR TRAINING AND REFEREE SERVICES FOR TOWN OF RIVERHEAD POLICE ATHLETIC LEAGUE GIRLS AND BOYS SOCCER PROGRAM FOR 2016 CALENDAR YEAR

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead Police Athletic League is a non-profit organization that provides organized sports programs, activities, and education for children ages 5-13 designed with the intent of giving children healthy social and behavioral skills and the goal to reduce their susceptibility to gang involvement, alcohol and drug use and delinquency; and

WHEREAS, the Riverhead Soccer Club provides professional officials and trainers to provide instruction and to referee games; and

WHEREAS, the Riverhead Soccer Club has offered to provide trainers to provide instruction/training to participants in the PAL Soccer Program and provide professional officials to referee games for the 2016 Girls and Boys Soccer Programs offered to girls and boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League.

NOW THEREFORE BE IT RESOLVED, that the Town Board authorizes the Supervisor to enter into an agreement with the Riverhead Soccer Club, in substantially the same form as annexed hereto, for training and referee services for the 2016 Girls and Boys Soccer Programs as part of and affiliated with the Town of Riverhead Police Athletic League in an amount not to exceed \$8,190.00; and be it further

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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**AGREEMENT BETWEEN TOWN OF RIVERHEAD ON BEHALF OF
TOWN OF RIVERHEAD POLICE ATHLETIC LEAGUE AND
RIVERHEAD SOCCER CLUB**

THIS AGREEMENT made and entered into this ____ day of November, 2016, by and between the Town of Riverhead, a municipal corporation duly existing under the laws of the State of New York, (hereinafter referred to as the "Town"), with its principal place of business located at 200 Howell Avenue, Riverhead, NY and the Riverhead Soccer Club, having an address at 47 Jakes Lane, Calverton, NY 11933.

WHEREAS, the Town of Riverhead Police Athletic League is a non-profit organization that provides organized sports programs, activities, and education for children ages 5-13 designed with the intent of giving children healthy social and behavioral skills and the goal to reduce their susceptibility to gang involvement, alcohol and drug use and delinquency; and

WHEREAS, the Riverhead Soccer Club provides professional officials and trainers to provide instruction and to referee games; and,

WHEREAS, the Riverhead Soccer Club has offered to provide professional trainers for instruction/training to participants in the PAL Soccer Program and provide professional officials to referee games for the 2016 Girls and Boys Soccer Programs offered to girls and boys in Riverhead that are part of and affiliated with the Town of Riverhead Police Athletic League; and

WHEREAS, by Resolution # _____ adopted on November 1, 2016, the Town Board authorized the Supervisor to enter into an agreement with Riverhead Soccer Club for training and referee services for 2016 Girls and Boys Soccer programs as part of and affiliated with the Town of Riverhead Police Athletic League in an amount not to exceed \$8,190.00.

NOW THEREFORE, in consideration of the mutual covenants and agreements herein, the parties agree as follows:

SECTION 1. Purpose:

The purpose of this Agreement is to contract with Riverhead Soccer Club to provide and arrange for officiating services for the girls and boys soccer programs offered as part of and affiliated with the Town of Riverhead Police Athletic League to increase the public health, safety, and quality of life for the youth of the Town of Riverhead. The extent of the Town's payment for services hereunder to Riverhead Soccer Club is intended to provide social and recreational programs and services that enable youth, especially from poor or otherwise disadvantaged family backgrounds, to participate in these healthy and productive programs to reduce crime and increase youth opportunities for productive activities within the community.

SECTION 2. Scope of Work:

Riverhead Soccer Club shall provide and arrange for officiating services for the 2016 Girls and Boys Soccer Programs offered to the youth of Riverhead as part of and affiliated with the Town of Riverhead Police Athletic League.

SECTION 3. Duration of Contract:

The term of this agreement shall commence on September 13, 2016 and expire at the end of the 2016 Town of Riverhead Police Athletic League Girls and Boys Soccer season.

SECTION 4. Consideration:

As consideration for the services provided, as specified in Paragraph 2, the Town will reimburse or provide *payment the Riverhead Soccer Club for a sum of money not to exceed \$8,190.00 for 2016 Girls and Boys Soccer Programs to provide and arrange for officiating services for said program(s) that are part of and affiliated with the Town of Riverhead Police Athletic League during the contract period. Riverhead Soccer Club may submit vouchers seeking payment or reimbursement for monies spent on officiating services on a biweekly or monthly basis during the contract period. *To the extent that Riverhead Soccer Club seeks payment prior to completion of officiating services, Riverhead Soccer Club shall be required to provide the Town with documentation to substantiate costs related to such services within 60 days. It is agree and understood that consideration is limited to payment or reimbursement of monies/costs related to officiating services and no additional costs, charges, or fees are permitted under this agreement.

SECTION 5. Relationship:

The Town and Riverhead Soccer Club intend that an independent contractual relationship be created by this contract. The Riverhead Soccer Club is not considered to be an employee of the Town for any purpose and neither the Riverhead Soccer Club nor any employee of the Riverhead Soccer Club shall be entitled to any of the benefits the Town provides for the Town's employees, including, but no limited to, health insurance, sick or annual leave, or workers compensation. The Riverhead Soccer Club specifically represents and stipulates that the Riverhead Soccer Club is engaged in the business of providing the services set forth in this contract, whether or not for profit, and that the Riverhead Soccer Club is fully registered and legally authorized to conduct such business, and pays all necessary taxes and assessments levied against such business. The terms of this agreement are not intended to create any duties, obligations or liabilities to any third parties. Neither party intends this agreement to create any third-party beneficiaries to this agreement.

SECTION 6. Suspension, Termination, and Close Out:

If the Riverhead Soccer Club fails to comply with the terms and conditions of this contract, the Town may pursue such remedies as are legally available, including, but not limited to, the suspension or termination of this contract.

SECTION 7. Changes, Amendment, Modifications:

The Town and Riverhead Soccer Club may, agree from time to time, to change or modify the Scope of Work to be performed hereunder. Any such change, amendment or modification shall be in writing and signed by all parties.

SECTION 8. Assignability:

The Riverhead Soccer Club shall not assign any interest on this contract and shall not transfer any interest on the contract without prior written consent of the Town.

SECTION 9. Reports and Information:

The Riverhead Soccer Club, at such times as and in such form as the Town may require, shall furnish the Town such periodic reports, including an accounting for the expenditures of Town funds, as it may request pertaining to the work of services undertaken pursuant to the contract, the costs and obligations incurred or to be incurred in connection therewith, and any other matters covered by this contract.

SECTION 10. Liability and Indemnification:

The Riverhead Soccer Club agrees to hold the Town harmless and shall indemnify and defend all claims, demands, or suits of law or equity arising from the negligent or intentionally wrongful actions or omissions of the Riverhead Soccer Club or the Riverhead Soccer Club officials or agents in providing the services called for under this agreement.

SECTION 11. Severability:

If any portion of this Agreement is held to be invalid or unenforceable for any reason, such holding shall not affect the validity or enforceability of any of the remaining portion.

IN WITNESS WHEREOF, the Town and the Riverhead Soccer Club have executed this contract agreement as of the date and year last written below:

TOWN OF RIVERHEAD:

Sean M. Walter, Supervisor

Date

Attest:

Town Clerk

Town Attorney

RIVERHEAD SOCCER CLUB

Riverhead Soccer Club President

Date

TOWN OF RIVERHEAD

Resolution # 817

**APPROVES PETITION FOR EXTENSION OF THE RIVERHEAD PARKING DISTRICT
MADE BY J. PETROCELLI DEVELOPMENT ASSOCIATES
(Preston House)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a petition has been submitted by J. Petrocelli Development Associates, a partnership, to the Riverhead Town Board, as governing body of the Town of Riverhead Public Parking District No. 1 (sometimes the "District"), for an extension of the District to include a parcel of real property designated by SCTM 0600-129.00-03.00-013.000, which parcel is also known as 428 East Main Street, Riverhead, New York; and

WHEREAS, pursuant to Town Law Section 206-a, the Town Board can determine that all expenses of the District, including all extensions heretofore or hereafter established, shall be a charge against the entire area of the District as extended on an ad valorem basis; and

WHEREAS, by J. Petrocelli Development Associates proposes to convert the existing two story dwelling known as the "Preston House" into a restaurant and construct an additional five story building to be used as a boutique hotel with twenty (20) rooms at its own cost, expense, which proposal does not contemplate the acquisition of any further land; and

WHEREAS, the petition by J. Petrocelli Development Associates did include an estimate of the assessment in the event the Preston House is used as a restaurant and the 20 room boutique hotel is constructed; and

WHEREAS, due publication and posting of the notice for a public hearing, the Town Board of the Town of Riverhead, as governing body of the Riverhead Parking District, held a public hearing on May 17, 2016, at 7:10 pm. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested person wishing to be heard on the matter of the petition of the J. Petrocelli Development Associates for an extension of the Parking District to include SCTM 0600-129-3-13 and to determine whether all the property and property owners within the District and the extension are benefited thereby and whether all the property and property owners benefited are included within the limits of the proposed extension and whether the proposed extension is in the public interest, and

WHEREAS, after hearing the oral presentation made by the petitioner, comments from other interested parties and having received a written submission from the petitioner that included, among other things, letters of support from the Business Improvement District and Jerry Dicecco; the public hearing was closed with the stipulation that further written comments would be accepted until May 27, 2016; and

WHEREAS, the Town Board assumed SEQRA Lead Agency status by Resolution 593 which was adopted August 16, 2016 with no objections; and

WHEREAS, the petitioner submitted an Expanded Environmental Assessment Form (EEAF) dated September, 2016 prepared by Nelson, Pope & Voorhis, LLP, which included an extensive analysis of parking space needs; and

WHEREAS, the EEAF was assessed and determined to provide mitigating measures and by Resolution # 781 adopted on October 18, 2016, the Town Board, as Lead Agency determined that an Environmental Impact Statement need not be prepared and issued a SEQRA negative declaration; and

WHEREAS, no further written comments was received by close of business on May 27, 2016.

NOW, THEREFORE, BE IT RESOLVED, that

- a. Pursuant to Town Law Section 206-a, the Town Board determines that all expenses of the District, including all extensions heretofore or hereafter established, shall be a charge against the entire area of the District as extended on an ad valorem basis;
- b. Determines that all the property and property owners within the District and the extension are benefited thereby and that all the property and property owners benefited are included within the limits of the proposed extension and that the proposed extension is in the public interest;
- c. The Town of Riverhead Public Parking Improvement District #1 is hereby extended to include the real property designated as 428 East Main Street, Riverhead, New York (SCTM #0600-129.00-03.00-013.000).

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached notice of adoption once in the November 10, 2016 edition of The News Review and post same on the signboard at Town Hall, and be it further

RESOLVED, that the Town GIS consultant amend the map of the Town of Riverhead Public Parking District No. 1 to include a parcel of real property designated by SCTM 0600-129.00-03.00-013.000, which parcel is also known as 428 East Main Street, Riverhead, New York; and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to the Assessors Office, Eric J. Russo, Esq., Van Brunt, Juzwiak & Russo, P.C., 140 Main Street, Sayville, New York 11782, the Planning Board, Engineering Department, and Town Attorney; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead, as the governing body of the Riverhead Parking District, hereby authorizes the extension of the Riverhead Parking District to include parcel of real property designated by SCTM 0600-129.00-03.00-013.000, which parcel is also known as 428 East Main Street, Riverhead, New York.

Dated: Riverhead, New York
November 1, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 818

**GRANTS SPECIAL PERMIT APPLICATION OF
J. PETROCELLI DEVELOPMENT ASSOCIATES (Preston House)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, an application was submitted by J. Petrocelli Development Associates/Joseph Petrocelli (Preston House) to the Town Board for a special permit pursuant to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located toward the rear yard of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 (the "Subject Property"); and

WHEREAS, the applicant has made an application for variance relief and appeared before the ZBA on June 23, 2016 with regard to Appeal No. 16-39; and

WHEREAS, the Town Board assumed SEQRA Lead Agency status by Resolution 593 which was adopted August 16, 2016 with no objections; and

WHEREAS, by Resolution # 781 adopted on October 18, 2016, the Town Board, as Lead Agency determined that an Environmental Impact Statement need not be prepared and issued a SEQRA negative declaration; and

WHEREAS, the ZBA on October 27, 2016 did grant the requested relief for variance; and

WHEREAS, pursuant to the aforementioned resolution, the Town Board called for a public hearing to be held on October 4th, 2016 at 2:20 pm; and

WHEREAS, a public hearing on the matter was held at the above stated date and time at which time the applicant gave testimony relating to the proposed use of the property as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units; and

WHEREAS, at the public hearing held on the matter, the applicant's attorney, Eric J. Russo offered testimony relating to the proposed use of the property; and

WHEREAS, at the public hearing all documents and testimony provided to the Town on August 16, 2016 and on September 20, 2016 were incorporated and deemed part of the record on October 4, 2016; and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and recommendation; and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the recommendation of the Suffolk County Planning Commission, the testimony offered during the October 4, 2016 meeting, the testimony given at the public hearings, the presentations made by the applicant's attorney as well as all relevant planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED, in the matter of the special permit petition of Preston House, the Town Board of the Town of Riverhead hereby finds the following:

- (i) The site is particularly suitable for the location of the use in the community;
- (ii) The lot area is sufficient for the proposed uses;
- (iii) Access facilities are adequate for the motor vehicle turning movements to be generated;
- (iv) Adequate provisions will be made for the collection and disposal of both storm water and sanitary waste;
- (v) Adequate provisions have been made for the collection and disposal of solid wastes; and be it further

RESOLVED, that that the Town Board hereby finds:

- (i) that the applicant did demonstrate that the proposed uses, to wit: to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located toward the rear yard of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 is compatible with permitted uses within the DC-1 District and/or consistent with or compatible with existing permitted uses immediately adjacent to the subject property and in close proximity to the subject property;
- (ii) that applicant did demonstrate that the proposed use, to wit: a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel, will not negatively impact or hinder the appropriate development and use of adjacent land and buildings;
- (iii) that applicant failed to demonstrate that the proposed use, to wit: a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel, is in harmony with the appropriate and orderly development of the zoning district and community; and

RESOLVED, that based upon the foregoing, the Town Board of the Town of Riverhead, be and hereby grants the application for a special permit of Preston House to allow the establishment of a two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located toward the rear yard of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13; and, be it further

RESOLVED, that such special permit is approved subject to the following conditions:

1. That the applicant address or otherwise satisfy the 22 items identified in NYSDOT letter dated January 22, 2016 and obtain NYSDOT plan approval for the project including the installation of a traffic signal on E. Main St. and Ostrander Ave. or an

automatically activated, illuminated [illumination in pavement] crosswalk prior to final site plan approval;

2. That the applicant obtains a permit from the New York State Department of Transportation for work within the right-of-way of State Road 25 prior to the issuance of a building permit and that all the work required by NYSDOT is completed to the satisfaction of the NYSDOT prior to issuance of a temporary or permanent Certificate of Occupancy;
3. That the applicant obtain a permit from the Highway Department of Town of Riverhead for work within the right-of-way of Ostrander Avenue including the new apron and replacing the concrete sidewalk to 2nd St. and installing the crosswalk to the opposite site of Ostrander Ave. at 2nd St. as requested by the Highway Superintendent prior to the issuance of a building permit;
4. That building elevations showing the glass on the front (south) side of the hotel building will be non-reflective glass as recommended by the Architectural Review Board and that elevations will be submitted for review by the Architectural Review Board and receive a recommendation of approval from that Board prior to issuance of a Building Permit;
5. That deliveries & pick-ups (of food, linens, etc.) associated with the hotel and restaurant businesses shall take place between 9 am and 5 pm and will be so scheduled not to conflict with peak check-in and check-out times for the hotel, so the U-shaped driveway is kept unobstructed for patrons;
6. That amplified outdoor music will be prohibited.
7. That building elevations have a minimum height clearance of 10.5 ft. as required by the Riverhead Ambulance where the driveway is located under the building; and be it further

RESOLVED, that such special permit is approved subject to the condition that the special permit use shall commence within three (3) years as tolled from the date of this resolution; and be it further

RESOLVED, that copies of this resolution be forwarded to the Planning Department, Town Attorney, Building Department, Preston House, 155 Griffing Avenue, Riverhead, New York 11901 and Eric J. Russo, Esq., Van Brunt, Juzwiak & Russo, P.C., 140 Main Street, Sayville, New York 11782; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 819

**APPROVES PRELIMINARY SITE PLAN APPLICATION OF
J. PETROCELLI DEVELOPMENT ASSOCIATES (PRESTON HOUSE)**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Town Board is in receipt of an Application for Site Plan approval from J. Petrocelli Development Associates/Joseph Petrocelli to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located to the rear of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 (the "Subject Property"); and

WHEREAS, the Planning Department has reviewed the four-page preliminary site plan consisting of a Landscape & Alignment Plan, a Grading & Drainage Plan, a Water Supply & Sewage Disposal Plan and an Existing Conditions Map, last revised September 14, 2016 prepared by Thomas C. Wolpert, P. E. and Howard W. Young, L. S., of Young & Young and floor plans (pages A2.1 to A2.5) and building elevations (pages A3.1 to A3.4) dated June 16, 2016, prepared by Andrew Vincent Giambertone, R. A.; and

WHEREAS, the project received a recommendation of preliminary approval from the Architectural Review Board for the proposed building elevations and materials subject to the mirrored glass on the front façade of the hotel facing E. Main Street being replaced with non-reflective glass and final construction drawings being submitted to the Architectural Review Board before final approval; and

WHEREAS, the applicant has made an application for variance relief and appeared before the ZBA on June 23, 2016 with regard to Appeal No. 16-39; and

WHEREAS, the Town Board assumed SEQRA Lead Agency status by Resolution 593 which was adopted August 16, 2016 with no objections; and

WHEREAS, the applicant submitted an Expanded Environmental Assessment Form (EEAF) dated September, 2016 prepared by Nelson, Pope & Voorhis, LLP, which included an extensive analysis of parking space needs; and

WHEREAS, by Resolution # 781 adopted on October 18, 2016, the Town Board, as Lead Agency determined that an Environmental Impact Statement need not be prepared and issued a SEQRA negative declaration; and

WHEREAS, the ZBA on October 27, 2016 did grant the requested relief for the area variance requested regarding Appeal No. 16-39; and

WHEREAS, pursuant to the aforementioned resolution, the Town Board called for a public hearing to be held on October 4th, 2016 at 2:20 pm; and

WHEREAS, a public hearing on the matter was held at the above stated date; and

WHEREAS, at the public hearing held on the matter, the applicant's attorney, Eric J. Russo offered testimony relating to the proposed use of the property; and

WHEREAS, the matter was referred to the Suffolk County Planning Commission for its report and it was determined to be a matter of local jurisdiction; and

WHEREAS, the preliminary site plan review fee, as required by Section 301-305G(1) of the Code of the Town of Riverhead has been received as per check #14511 dated November 11, 2015;

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the testimony offered during the October 4, 2016 meeting, the sworn testimony given at the public hearings, as well as all relevant planning, zoning and environmental information.

NOW, THEREFORE, BE IT RESOLVED, the four-page preliminary site plan consisting of a Landscape & Alignment Plan, a Grading & Drainage Plan, a Water Supply & Sewage Disposal Plan and an Existing Conditions Map, last revised September 14, 2016, prepared by Thomas C. Wolpert, P. E., and Howard W. Young, L. S., of Young & Young and floor plans (pages A2.1 to A2.5) and building elevations (pages A3.1 to A3.4) dated June 16, 2016, prepared by Andrew Vincent Giambertone, R. A., to convert an existing two-story building for use as a restaurant with a bar, having a seating capacity of 206 seats and to construct a separate five (5) story hotel with 20 units located to the rear of the restaurant/bar facility, all upon real property known and designated as 428 East Main Street, Riverhead; which premises is also known as SCTM No. 600-129-03-13 is hereby approved by the Town Board with the following conditions:

1. That the applicant address or otherwise satisfy the 22 items identified in NYSDOT letter dated January 22, 2016 and obtain NYSDOT plan approval for the project including the installation of a traffic signal at E. Main St. and Ostrander Ave. or an automatically activated, illuminated [illumination in pavement] crosswalk at the crosswalk at the intersection of E. Main St. and Ostrander Ave. prior to final site plan approval;
2. That the applicant obtains a permit from the New York State Department of Transportation for work within the right-of-way of State Road 25 prior to the issuance of a building permit and that all the work required by NYSDOT is completed to the satisfaction of the NYSDOT prior to issuance of a temporary or permanent Certificate of Occupancy;
3. That the applicant obtain a permit from the Highway Department of Town of Riverhead for work within the right-of-way of Ostrander Avenue including the new apron and replacing the concrete sidewalk to 2nd St. and installing the crosswalk to the opposite site of Ostrander Ave. at 2nd St. as requested by the Highway Superintendent prior to the issuance of a building permit;

4. That all construction in the Ostrander Ave. right-of-way is completed by the applicant to the satisfaction of the Highway Department Superintendent prior to the issuance of a temporary or permanent Certificate of Occupancy;
5. That building elevations showing the glass on the front (south) side of the hotel building will be non-reflective glass as recommended by the Architectural Review Board will be submitted for review by the Architectural Review Board and receive a recommendation of approval from that Board prior to issuance of a Building Permit;
6. That deliveries & pick-ups (of food, linens, etc.) associated with the hotel and restaurant businesses shall take place between 9 am and 5 pm and will be so scheduled not to conflict with peak check-in and check-out times for the hotel, so the U-shaped driveway is kept unobstructed for patrons;
7. That amplified outdoor music will be prohibited.
8. That all Riverhead Sewer District and Riverhead Water District requirements be met and that all fees and charges be paid prior to the issuance of a Certificate of Occupancy;
9. That no site work shall begin nor Building Permit shall be issued until a Town Board resolution for Final Site Plan Approval is approved and any conditions of the Final Site Plan Approval resolution are fulfilled and the mylar plans (site plans, floor plans, and elevations) are signed;
10. That an application for final site plan approval including an updated 2-page site plan application, any additional site plan fees applicable, and six (6) sets of revised site plans, floor plans, and building elevation plans of a maximum size of 24 by 36 inches must be submitted for Final Site Plan Approval and shall include the following:
 - i. Any revisions required after review of the site plan last dated September 14, 2016 by the Town's consulting engineer;
 - iii. Revisions required in the Fire Marshal memo dated October 28, 2016 including confirmation that there is at least a minimum height clearance of 10.5 ft. as required by the Riverhead Ambulance where the driveway is located under the building;
 - iv. The Town Board Certification box on each page of the plans (site plans, elevations and floor plans);
 - v. The color of the gate inserts which face the street on the dumpster enclosure must be provided on the site plan;
 - vii. That the remaining 25% (\$447.40) of the site plan fee is paid;
 - viii. That the six (6) proposed Sycamore Maple street trees are replaced on the site plan and in the planting schedule with eight (8) "wire friendly" Japanese snowbell (*Styrax japonica*) trees (one to

be shown on E. Main St. and seven to be shown on Ostrander Ave.);

- ix. That the floor plans and the elevations shall be a maximum of 24 by 36 in. as required by 301-306B; and be it further

RESOLVED, that pursuant to §301-305 B(6)(b) of the Code of the Town of Riverhead, this preliminary approval shall be valid for one year from the date of approval; and be it further

RESOLVED, that copies of this resolution be forwarded to the Planning Department; Town Attorney; Building Department; the Town Engineer; the Fire Marshall; the Water District Superintendent; the Sewer District Superintendent; the Town's consulting engineer; the Architectural Review Board; Joseph Pertrocelli, Joseph Petrocelli Development Associates, 100 Comac St., Ronkonkoma, NY 11779; Young & Young, 400 Ostrander Ave., Riverhead, NY 11901; and Eric J. Russo, Esq., Van Brunt, Juzwiak & Russo, P.C., 140 Main Street, Sayville, New York 11782; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 820

**APPOINTS THE LAW FIRM OF SINNREICH, KOSAKOFF & MESSINA LLP
TO ACT AS SPECIAL COUNSEL, NUNC PRO TUNC IN THE
MATTER OF TRADITIONAL LINKS LLC V. RIVERHEAD TOWN ASSESSORS**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Assessors have been named defendants in various actions commenced by Traditional Links LLC; and

WHEREAS, the Town Board, on advice of special counsel, has determined that it would be appropriate to engage the services of trial counsel in these matters.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby retains Law Firm of Sinnreich, Kosakoff and Messina, LLP, nunc pro tunc, to act as its expert in connection with the above mentioned litigation; and be it further

RESOLVED, that the Town Board hereby ratifies retention of the Law Firm of Law Firm of Sinnreich, Kosakoff and Messina, LLP and the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Scott DeSimone, P.C., LLP, 41780 Route 25, P.O. Box 233, Peconic, New York 11958-0233 and Sinnreich, Kosakoff And Messina, LLP, 267 Carleton Avenue, Suite 301, Central Islip, New York 11722; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 821

APPOINTS THE LAW FIRM OF SMITH, FINKELSTEIN, LUNDBERG, ISLER AND YAKABOSKI, LLP TO ACT AS SPECIAL COUNSEL TO REPRESENT THE TOWN OF RIVERHEAD ZONING BOARD OF APPEALS IN AN ARTICLE 78 PROCEEDING

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead Zoning Board of Appeals (ZBA) was named as a respondent in a proceeding bearing the caption "*In the Matter of the Application of William F. Andes, Jr., et al v. Zoning Board of Appeals of the Town of Riverhead, et al.*, Suffolk County Index No. 08742-2016; and

WHEREAS, the Town Board wishes to retain outside counsel to represent the ZBA in the proceeding, and

WHEREAS, the Town Board has determined that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP is qualified and should be retained to a counsel for the ZBA in this proceeding as they were previously assisting the ZBA on the matter that is subject of the proceeding when it was pending before them and are familiar with the matter.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby appoints the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP to act as legal counsel in connection with the aforementioned matter, and authorizes the Supervisor to execute a Retainer Agreement acceptable to the Town Attorney and sign any and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Smith, Finkelstein, Lundberg, Isler, and Yakaboski, LLP; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 822

AUTHORIZES THE SUPERVISOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH LOCKWOOD, KESSLER & BARTLETT, INC. FOR ENGINEERING SERVICES FOR SOUTH JAMESPORT AVENUE ROAD AND DRAINAGE IMPROVEMENTS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Board, through meetings and communications with the Highway Department of the Town of Riverhead, has been made aware of a drainage problem on South Jamesport Avenue, Jamesport, New York; and

WHEREAS, the Highway Department of the Town of Riverhead requested and received a proposal for professional engineering services associated with developing a plan to reduce the occurrence of flooding located on South Jamesport Avenue; and

WHEREAS, the Highway Department of the Town of Riverhead recommends that the Town retain the services of Lockwood, Kessler & Bartlett, Inc. to perform the engineering services necessary to alleviate flooding on South Jamesport Avenue.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute a Professional Services Agreement with Lockwood, Kessler & Bartlett, Inc. to proceed with professional engineering services for South Jamesport Avenue drainage improvements in the amount not to exceed Seven Thousand Dollars & 00/100 (\$7,000.00), in substantially the same form as annexed hereto, and be it further;

RESOLVED, that the Office of the Financial Administrator shall, by separate resolution, seek authority to establish the requisite budget and provide the Highway Department with such documentation regarding said budget; and be it further

RESOLVED, Town Clerk is hereby directed to forward a copy of this resolution to Lockwood, Kessler & Bartlett, Inc., 1 Ariel Way, Syosset, New York 11791; Town Highway Department, Town Accounting Department and the Office of the Town Attorney; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ of November, 2016 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 Lockwood, Kessler & Bartlett, Inc. a corporation existing under the laws of the State of New York with a principal place of business at 1 Aerial Way, Syosset, NY 11791 (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 below as an independent contractor and not as an employee of Town. Consultant shall provide engineering and surveying services associated with development of a plan to alleviate flooding on South Jamesport Avenue in Jamesport, New York. Consultant shall design an efficient drainage solution for this location. The proposed swales shall be shaped in accordance with AASHTO Roadside Design Manual, so that guiderails are not required adjacent to the roadway. The design plans shall be prepared so that the Town Highway Department can obtain a Grant and complete the project. Professional engineering services shall include the following:

1. Inspect the work zone traffic methods throughout the project duration.
2. Locate low points on the east and west side of the roadway for six (6) drainage structures.
3. Inspection of pavement saw cutting for two lateral crossings (concrete pavement w/ asphalt overlay)
4. Inspect the removal of concrete/asphalt pavements.
5. Inspect the excavation/removal of existing piping and installation of four (4) basins over the existing mainline piping on the west side of the roadway and repair of existing pipe at the new basin locations.
6. Inspect the casting and grate installations at all basins.
7. Inspect the excavation/installation/backfilling compaction of 2 (2) 33' +/- LF of 12: HDPE laterals.
8. Inspect the full depth (9") asphalt pavement patch over the two (2) lateral crossings.
9. Inspect the removal and mainline pipe repair of three (3) 6; dia. Plastic sewer pipe drop inlet pipes.
10. Inspect the pavement restoration oat all basins.
11. Inspect the removal and replacement of one (1) 30; wide driveway apron that's intruding into the flowing on the east side of the road approx. 150' north of White Birth Ct.
12. Inspect the milling of the easterly flowline to mainline water drainage to the two (2) new lateral basins installed on the east side of the roadway.
13. Inspect the repair of concrete curbing and disturbed asphalt pavement as required.
14. Provide One (1) Resident Engineer for Construction Inspection and Construction Management.

2. TERM OF AGREEMENT

The Agreement shall commence when this Professional Service Agreement is executed and will finish when services are completed.

3. PAYMENT

For these services, Town of Riverhead will pay Consultant a fee not to exceed \$7,000.00 for the services described in Paragraph One above. (See attached Quote) Note, the Town may require the submission of documentation, including time records for performance based contracts solely for the purposes of verification of completion of the project or a portion of the project and request that Consultant provide same and shall not convert the performance contract to an hourly rate contract. The Town shall not have any liability for any other expenses or costs incurred by Consultant unless identified by in the provisions of this agreement. As time is of the essence, the Consultant shall begin work upon execution of the agreement and seek to complete same as expeditiously as possible. The Consultant will not exceed the amount indicated for the services included in the Scope of Services without prior written approval of the Town Board and Consultant shall only perform additional work at the Town's request pursuant to Paragraph Nine herein.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under, this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees to assign 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 document, 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: Office of Town Attorney, 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Lockwood, Kessler & Bartlett, Inc., 1 Aerial Way, Syosset, NY 11791.

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 or technical discipline.

12. INSURANCE, INDEMNITY AND LIABILITY

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

13. CONFLICT OF INTEREST

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

14. DISCLOSURE

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

15. DISPUTES

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

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

By: Sean M. Walter, Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901

By:
Lockwood, Kessler & Bartlett, Inc.
1 Ariel Way
Syosset, NY 11791

TOWN OF RIVERHEAD

Resolution # 823

SETS DATE AND TIME OF TOWN OF RIVERHEAD'S 17TH ANNUAL BONFIRE AND HOLIDAY CELEBRATION

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Riverhead Town Board and the Riverhead Business Improvement District believe in promoting community events in Downtown Riverhead; and

WHEREAS, the Town of Riverhead Bonfire and Holiday Celebration is free of charge and open to all; and

WHEREAS, the Town of Riverhead Bonfire and Holiday Celebration has historically been on the second Saturday of December, though as not to interfere with previously scheduled local events, the Bonfire Committee has determined that it is ideal to celebrate this event on the first Saturday in December this year.

NOW, THEREFORE, BE IT RESOLVED, that the Seventeenth Annual Town of Riverhead Bonfire and Holiday Celebration will be held on the Peconic Riverfront in downtown Riverhead at 4:00 p.m. on December 3rd, 2016 with a rain date of December 4th; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Business Improvement District, the Engineering Department, the Town Board, the Chief of Police, the Town Clerk, the Highway Superintendent, and the Chief of the Riverhead Fire Department; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 824

PAYS BILLS

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

ABSTRACT #16-22 October 26, 2016 (TBM 11/01/16)			
Fund Name	Fund	Ckrun	Grand Totals
GENERAL FUND	1	1,030,423.65	1,030,423.65
POLICE ATHLETIC LEAGUE	4	230.00	230.00
RECREATION PROGRAM FUND	6	4,934.13	4,934.13
HIGHWAY FUND	111	119,170.32	119,170.32
WATER DISTRICT	112	254,109.15	254,109.15
RIVERHEAD SEWER DISTRICT	114	123,992.99	123,992.99
REFUSE & GARBAGE COLLECTION DI	115	737.00	737.00
STREET LIGHTING DISTRICT	116	32,546.24	32,546.24
PUBLIC PARKING DISTRICT	117	4,045.28	4,045.28
AMBULANCE DISTRICT	120	3,448.53	3,448.53
EAST CREEK DOCKING FACILITY FU	122	2,120.17	2,120.17
CALVERTON SEWER DISTRICT	124	10,600.37	10,600.37
RIVERHEAD SCAVENGER WASTE DIST	128	47,717.80	47,717.80
WORKERS' COMPENSATION FUND	173	4,384.20	4,384.20
CDBG CONSORTIUM ACCOUNT	181	63.56	63.56
TOWN HALL CAPITAL PROJECTS	406	57,199.00	57,199.00
RIVERHEAD SEWER CAPITAL PROJEC	414	32,744.42	32,744.42
TRUST & AGENCY	735	476,973.92	476,973.92
CALVERTON PARK - C.D.A.	914	7,431.25	7,431.25
TOTAL ALL FUNDS		2,212,871.98	2,212,871.98

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted