

**TOWN BOARD MEETING  
AGENDA  
PHILIP CARDINALE, Supervisor  
February 22<sup>nd</sup>, 2006**

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

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

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

**ELECTED OFFICIALS**

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

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

**DEPARTMENT HEADS**

**John J. Hansen  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
Ray Coyne  
Judy Doll  
John Reeve  
Michael Reichel  
Gary Pendzick**

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

**PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:**  
**REGULAR TOWN BOARD MEETING:**

- #149 A Resolution Authorizing, Subject to Permissive Referendum, the Purchase of Dump Trucks for the Highway Department in and for the Town of Riverhead, Suffolk County, New York, at a Maximum Estimated Cost of \$440,000, and Authorizing the Issuance of \$440,000 Bonds of said Town to Pay the Cost thereof.
- #150 Landfill Reclamation Project Budget Adjustment
- #151 '05 West Lane Rd Imp Project Budget Adjustment
- #152 '05 Pulaski Street St. Rd Imp. Project Budget Adjustment
- #153 '05 Recreation Imp Cap Project Budget Adjustment
- #154 Amends TBR 03-213
- #155 Order Calling Public Hearing-Replacement of the Belt Filter Press -RSD
- #156 Order Calling Public Hearing-RSD-Later Sewer Main-Best Western Hotel Complex
- #157 Approves Request for Leave of Absence
- #158 Ratifies Appointment of Part Time Clerk in the Nutrition Department (K. Westwood)
- #159 Appoints Member to the Riverhead Farmland Preservation Committee (K. Massoud)
- #160 Accepts the Resignation of a Public Safety Dispatcher (W. Fleming)
- #161 Authorizing Compromise and Settlement of Tax Certiorari Proceedings Against Town of Riverhead

- #162 Authorizes Supervisor to Execute Contract with Araiys Design for Calverton Park Recreation Project
- #163 Classifies Action and Declares Lead Agency and Refers Special Permit Petition of Kar-McVeigh, LLC (Jamesport Manor Inn) to the Planning Board
- #164 Amends Site Plan of Sunken Ponds Estates Inc.
- #165 Approves Amended Site Plan of Liz Strebel
- #166 Approves Site Plan of Zenith Building
- #167 Accepts 5% Certificate of Deposit of Maryann Diliberto
- #168 Adopts a Local Law to Amend Chapter 95 Entitled, "Taxation" of the Riverhead Town Code (Exemptions Granted; Veterans)
- #169 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (108-97- Major Subdivisions)
- #170 Adopts a Local Law to Amend Chapter 95 Entitled, "Taxation" of the Riverhead Town Code (Un-Remarried Spouses of Members of Volunteer Fire Companies or Volunteer Ambulance Services Killed in the Line of Duty)
- #171 Authorizes the Supervisor to Execute a License Agreement with AEROS Cultured Oyster Company to Allow the Installation of a Floating Upweller System (FLUPSY) in East Creek
- #172 Authorizes the Supervisor to Execute a License Agreement with Twin Fork Oyster to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creek
- #173 Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 14

Entitled, "Community Preservation" of the Riverhead  
Town Code

- #174 Authorizes Town Clerk to Post and publish Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 108 (Zoning) of the Riverhead Town Code (Supplementary Use Regulations)
- #175 Authorization to Publish Advertisement for Remediation and/or Restoration of Town Hall Facilities
- #176 Authorization to Submit Application for 2005 New York State Shared Municipal Services Incentive Grant Program Funding for Creation of Coordinated Rail and Bus Network in the East End of Long Island within the Five Eastern Towns of Suffolk County
- #177 Authorizes the Supervisor to Execute Agreement between Town of Riverhead and Thomas P. Parris (Entertainment/Music- Senior Center)
- #178 Authorization to Publish Advertisement for Outboard Motor Boat Engines
- #179 Authorization to Junk Fixed Assets
- #180 Adopts a Finding Statement and Authorizes Town Clerk to Publish and Post Notice of Public Hearing for Certain Zoning Amendments at EPCAL-Light Industrial Zoning Use District and the Calverton Office Complex Zoning Use District
- #181 Pays Bills

02/22/06

# Adopted

1146336.01

Resolution # 149

43219-2-2

## BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 22nd day of February, 2006, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, there were

**PRESENT:**  
Supervisor Philip Cardinale  
Councilman John Dunleavy  
Councilman George Bartunek  
Councilwoman Barbara Blass  
Councilman Edward Densieski

**ALSO PRESENT;**  
Town Clerk Barbara Grattan  
Town Attorney Dawn Thomas

**ABSENT:**

The following resolution was offered by COUNCILMAN DUNLEAVY, who moved its adoption, seconded by COUNCILWOMAN BLASS, to-wit:

BOND RESOLUTION DATED FEBRUARY 22, 2006.

A RESOLUTION AUTHORIZING, **SUBJECT TO PERMISSIVE REFERENDUM**, THE PURCHASE OF DUMP TRUCKS FOR THE HIGHWAY DEPARTMENT IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$440,000, AND AUTHORIZING THE ISSUANCE OF \$440,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The class of objects or purposes of paying the cost of the purchase of dump trucks for the Highway Department, of the Town of Riverhead, Suffolk County, New York, including incidental equipment and expenses in connection therewith, each item of which is \$30,000 or over, is hereby authorized, subject to permissive referendum, at a maximum estimated cost of \$440,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$440,000 bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid class of objects or purposes is fifteen years, pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will exceed five years.

Section 4. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in

such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 5. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. There shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 6. All other matters, except as provided herein relating to such bonds, including determining whether to issue such bonds having substantially level or declining annual debt service and all matters related thereto, prescribing whether manual or facsimile signatures shall appear on said bonds, prescribing the method for the recording of ownership of said bonds, appointing the fiscal agent or agents for said bonds, providing for the printing and delivery of said bonds (and if said bonds are to be executed in the name of the Town by the facsimile signature of the Supervisor, providing for the manual countersignature of a fiscal agent or of a designated official of the Town), the date, denominations, maturities and interest payment dates, place or places of payment, and also including the consolidation with other issues, shall be determined by the Supervisor. Such bonds shall contain substantially the recital of validity clause provided for in section 52.00 of the Local Finance Law and shall otherwise be in such form and contain such recitals in addition to those required by section 52.00 of the Local Finance Law, as the Supervisor shall determine.

Section 7. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150 - 2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the News Review, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

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

FEBRUARY 22, 2006

# Adopted

TOWN OF RIVERHEAD

LANDFILL RECLAMATION PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 150

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

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

		<u>FROM</u>	<u>TO</u>
406.081600.547900.80002	Contingency	370,000	
406.081600.543500.80002	Engineering Expense	1,297,000	
406.081600.523023.80002	Land Reclamation Exp		1,667,000

**THE VOTE**

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

# Adopted

FEBRUARY 22, 2006

TOWN OF RIVERHEAD

'05 WEST LANE RD IMP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 151

COUNCILMAN DENSIESKI

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

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45093	Serial Bond Proceeds	3,100	
406.051100.541301.45093	Road Paving Exp		3,100

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

# Adopted

FEBRUARY 22, 2006

TOWN OF RIVERHEAD

'05 PULASKI ST RD IMP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 152

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45087	Serial Bond Proceeds	29,000	
406.051100.541301.45087	Road Paving Exp		29,000

**THE VOTE**

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

February 22, 2006

Adopted

TOWN OF RIVERHEAD

'05 RECREATION IMP CAP PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 153

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

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

	<u>FROM</u>	<u>TO</u>
406.095031.481900.70055    Transfer for Park & Rec	10,000	
406.072300.523018.70055    Decorative Riverfront Pilings		10,000

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

February 22, 2006

# Adopted

**TOWN OF RIVERHEAD**

**AMENDS TBR 03-213**

**RESOLUTION #154**

**COUNCILMAN DUNLEAVY**

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

**BE IT RESOLVED**, that the Town Board hereby amends Town Board Resolution 03-213 to be in an amount not to exceed Twenty eight Million eight hundred ninety four thousand two hundred seventy four dollars and fifty cents (\$28,894,274.50); and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this to Grimes Contracting Co., Inc, Ken Testa, Frank Isler, Young & Young and the Office of Accounting.

**THE VOTE**

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

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

2/22/06

**Adopted**

**TOWN OF RIVERHEAD  
ORDER CALLING PUBLIC HEARING  
REPLACEMENT OF THE BELT FILTER PRESS  
RIVERHEAD SEWER DISTRICT**

Adopted \_\_\_\_\_

Resolution # 155

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

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Sewer District, by H2M, consulting engineers to the Riverhead Water District, by letter dated February 10, 2006, that there is a need to replace the existing belt filter press, and

WHEREAS, the maximum amount proposed to be expended for said replacement is \$750,000, with said funds for the replacing to be allocated and charged as the cost of increasing and improving the facilities of the District and shall be borne by the entire District to be paid from existing funds, and

WHEREAS, it is necessary that a public hearing be held on the question of the increase and improvement of the facilities of the entirety of said District as described above, in accordance with the provisions of Section 202-b of the Town Law,

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, as follows:

1. A public hearing will be held at the Riley Avenue School, Riley Avenue, Calverton, in said Town, on the 21st day of March, 2006, at 7:10 p.m. on the question of the increase and improvement of the facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published in the March 9, 2006, edition of The News Review, the newspaper hereby designated as the official newspaper for this purpose, and

also to cause a copy thereof to be posted on the sign board of the town, such publication and posting to be made not less than ten nor more than twenty days before the date designated for the public hearing..

3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality review Act, the implementation of which, as proposed, will not result in any significant environmental effects.

4. The notice of public hearing shall be in substantially the following form:

### NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Riverhead Sewer District pursuant to Section 202-b of the Town Law. The object of such hearing will be the increase and improvement of the Riverhead Sewer District regarding the replacing of the existing belt filter press . All persons wishing to be heard should be present at Riley Avenue School, Riley Avenue, Calverton, New York, on March 21, 2006, at 7:10 p.m. The estimated cost of the project is \$750,000 to be paid from existing district funds.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, NY  
February 22, 2006

BY ORDER OF THE TOWN BOARD OF  
THE TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

Section 5. This order shall take effect immediately.

And be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Superintendent Reichel, H2M, Accounting Department, and Frank Isler, Esq.

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

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

2/22/06

# Adopted

TOWN OF RIVERHEAD

ORDER CALLING PUBLIC HEARING  
RIVERHEAD SEWER DISTRICT  
LATERAL SEWER MAIN  
BEST WESTERN HOTEL COMPLEX

Resolution # 156

Adopted \_\_\_\_\_

Councilperson COUNCILMAN BARTUNEK offered the following resolution which was seconded by Councilperson COUNCILMAN DENSIESKI,

WHEREAS, by letter and report dated August 1, 2005, H2M, consulting engineers to the Riverhead Sewer District, did prepare a report detailing the necessary measures and costs associated with modifying the existing sanitary wastewater collection facilities of the Riverhead Sewer District to accommodate the connection of the proposed Best Western Hotel Complex, and

WHEREAS, the location of the site for the proposed hotel complex is located within the boundaries of the Riverhead Sewer District and encompasses approximately 10 acres, and

WHEREAS, the Sewer District's existing gravity sewers do not extend to the boundaries of the hotel properties and it is the responsibility of the applicant to provide for the necessary facilities that are required to service the applicant,, and

WHEREAS, the costs for the extension of the district's facilities, the on-site collection and transmission system and the payment of Sewer District key money are the sole responsibility of the property owner (applicant) and

WHEREAS, the applicant's cost to connect to the sewer system is estimated to be approximately \$363,000, with key money in the amount of \$265,850, for a total cost to connect to the sewer system is estimated to be approximately \$628,850, and

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the proposed lateral water main of the Riverhead Sewer District as described above,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board will hold a public hearing on the 21st day of March, 2006, at 7:05 p.m. at the Riley Avenue School, Riley Avenue, Calverton, New York, to hear all

interested persons with regard to the proposed lateral sewer main of Best Western Hotel Complex, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the March 9, 2006, edition of The News Review, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Michael Reichel, Frank Isler, Esq., the applicant, and H2M.

BY ORDER OF THE RIVERHEAD  
TOWN BOARD  
BARBARA GRATTAN  
TOWN CLERK

Dated: February 22, 2006  
Riverhead, NY 11901

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

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

2/22/2006

# Adopted

## TOWN OF RIVERHEAD

Resolution # 157

### APPROVES REQUEST FOR LEAVE OF ABSENCE

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

**WHEREAS**, Beth Morris, a Senior Neighborhood Aide, has requested a 90 day, non-paid leave of absence from the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that Beth Morris' request for a non-paid leave of absence from February 20, 2006 to May 20, 2006 is here by approved subject to the following condition(s):

(1) To facilitate the proper functioning of the Town offices, the employee shall submit written notice to the Town Supervisor of her intent to return to work, resign, retire or other relief at least thirty (30) days prior to the expiration of the leave of absence, and

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

### THE VOTE

Dunleavy  Yes \_\_\_ No     Bartunek  Yes \_\_\_ No  
Blass  Yes \_\_\_ No     Densieski  Yes \_\_\_ No  
Cardinale  Yes \_\_\_ No

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

Adopted

February 22, 2006

TOWN OF RIVERHEAD

Resolution # 158

RATIFIES APPOINTMENT OF PART TIME CLERK  
IN THE NUTRITION DEPARTMENT

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

**WHEREAS**, due to the vacancy in the Nutrition Department for the position of Part Time Clerk; and

**WHEREAS**, this position was duly posted (posting #25); and

**WHEREAS**, it is the recommendation of the Personnel Committee that Karen Westwood be appointed to said position.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby ratify the appointment of Karen Westwood effective February 22, 2005 to the position of Part Time Clerk at an hourly rate of \$ 13.75.

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

**THE VOTE**

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

TOWN OF RIVERHEAD

Adopted

Resolution # 159

APPOINTS MEMBER TO THE RIVERHEAD FARMLAND PRESERVATION COMMITTEE

Councilwoman Blass offered the following resolution, which was seconded by, COUNCILMAN DENSIESKI

WHEREAS, the Riverhead Town Board adopted Local Law 14-1997 designated to conserve agricultural land of the Town; and

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

WHEREAS, such local law empowers the Town Board to appoint members of the Farmland Preservation Committee; and

WHEREAS, the Town Board desires to appoint Kareem Massoud to fill the late Jake Rottkamp's unexpired term,

NOW THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby appoints the following individual to the Farmland Preservation Committee:

Kareem Massoud 5 months (Agricultural Representative) for the balance of Jake Rottkamp's unexpired term of 2 years ending June 1, 2006)

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this Resolution to Kareem Massoud, members of the Riverhead Farmland Preservation Committee, the Riverhead Planning Department, the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Dunleavy [checked] yes \_\_\_ no Bartunek [checked] yes \_\_\_ no
Blass [checked] yes \_\_\_ no Densieski [checked] yes \_\_\_ no
Cardinale [checked] yes \_\_\_ no

THE RESOLUTION [checked] WAS \_\_\_ WAS NOT THEREFORE DULY ADOPTED

February 22, 2006

# Adopted

## TOWN OF RIVERHEAD

Resolution # 160

### ACCEPTS THE RESIGNATION OF A PUBLIC SAFETY DISPATCHER

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

**WHEREAS**, Chief of Police David J. Hegermiller has received a letter of resignation submitted by William Fleming, from the position of Public Safety Dispatcher, effective February 1, 2006.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the letter of resignation submitted by William Fleming; and

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

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

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

2/22/06

# Adopted

## TOWN OF RIVERHEAD

Resolution # 161

### AUTHORIZING COMPROMISE AND SETTLEMENT OF TAX CERTIORARI PROCEEDINGS AGAINST TOWN OF RIVERHEAD

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**WHEREAS**, tax certiorari proceedings were commenced against the Town of Riverhead by certain petitioners seeking reductions in the assessment for certain properties for various tax years as more fully set forth in the attached schedule; and

**WHEREAS**, Scott DeSimone, Special Counsel to the Town of Riverhead Board of Assessors has recommended settlement of these proceedings as set forth in the attached schedule; and

**WHEREAS**, the proposed settlements implementing reductions in assessment appear to be just, reasonable, and in the best interests of the Town of Riverhead;

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby authorizes Special Counsel and the Board of Assessors to procure any papers necessary to effectuate such settlements and execute the same; and be it further

**RESOLVED**, the Town Clerk be and is hereby directed to forward a copy of this resolution to the Board of Assessors, the Town Attorney and Scott DeSimone, Special Counsel.

#### THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

<u>CASE NAME &amp; TAX MAP NO.</u>	<u>TAX YEARS</u>	<u>ORIGINAL A/V</u>	<u>PROPOSED NEW A/V</u>
Taco Bell of America 600-102-3-1.1	2001/02	161,100	146,100
	2002/03	161,100	121,100
	2003/04	161,100	111,100
	2004/05	161,100	101,100
	2005/06	161,100	86,100
KFC US Properties, Inc. 600-108-4-11.3	2001/02	165,000	165,000
	2002/03	165,000	165,000
	2003/04	165,000	158,200
	2004/05	165,000	145,000
	2005/06	165,000	125,000
ADF Pizza I, LLC 600-102-3-1.1	2001/02	115,000	115,000
	2002/03	115,000	115,000
	2003/04	115,000	112,500
	2004/05	115,000	103,000
	2005/06	115,000	87,500

Adopted

2/22/06

Town of Riverhead  
Resolution 162

Authorizes Supervisor to Execute Contract with Araiys Design for Calverton Park  
Recreation Project

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

**WHEREAS**, the Town of Riverhead undertook a competitive selection process for the selection of a consultant for the design and engineering of a 62 acre (actual surveyed acreage is 65.8452) recreational facility at the Calverton Enterprise Park; and

**WHEREAS**, the Town selected the firm Araiys Design which, in conjunction with RMS Engineering, Inc. and CFS Engineering, PE, and architectural firm Beatty Harvey & Associates, has completed the conceptual design of a project which the Recreation Advisory Committee and Riverhead Town Board have approved for Phase I (A, B, and C) bidding and construction; and

**WHEREAS**, a budget has been established by town board resolution and a bond authorization has been adopted providing for the expenditure of funds for this project;

**NOW THEREFORE, BE IT RESOLVED**, that the town board hereby authorizes the Supervisor to execute the attached professional services agreement with Ariays Design

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Tim Rumph, Araiys Design, 38 Nugent St., Southampton, NY 11968, Jack Hansen, Ray Coyne, Ken Testa, Andrea Lohneiss, and the Recreation Advisory Committee.

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



SITE PLANNERS  
AGAWAM STUDIO

38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
(631) 283-1131 FAX 283-6677

February 8, 2006

Ms. Andrea Lohneiss, Director  
Community Development Agency  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: **Phase A, Phase B & Phase C**  
**Calverton Enterprise Park**  
**Engineering and Design Consultant**  
**SCTM# 600-135-1-7.33**

Dear Ms. Lohneiss:

As per your request, the following is a proposal for Landscape Architecture, Engineering and Architectural Design services, for the development of "Phase A, Phase B and Phase C" for the 65.8-acre community recreational park in Calverton, Town of Riverhead.

### SCOPE OF PROJECT

The project consists of a new park with multiple phases. An overall Master Plan has been prepared by Araiys Design, L.A., P.C.. and a *phased* approach to the implementation of the Master Plan has been agreed upon by the Town of Riverhead. The first three phases are referred to as Phase A, Phase B & Phase C, as depicted on The Conceptual Plan revision dated, July 19, 2005 and labeled "PH-1". The project includes the basic infrastructure, multi-purpose field complex, the softball complex and parking, (2) entrance service roads, storage building, restroom facilities and all of the related infrastructure deemed necessary to be constructed.

At this time, the client wishes to move forward with the project.

February 8, 2006

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### SCOPE OF SERVICES

Araiys Design, L.A., P.C., has formed a Design Team for the project consisting of Beatty Harvey & Associates, Architects (BHA), RMS Engineering, Inc. (RMS) and CFS Engineering, PE. (CFS). Araiys Design Landscape Architects will lead the team and provide Landscape Architecture Services, while BHA will provide Architectural Design, RMS will analyze and provide Civil Engineering services and CFS will provide Electrical Lighting needs.

Based upon the above mentioned background information, the Design Team will provide the following professional services:

#### Design Development

**Construction Plans, Details & Specifications:** We shall prepare construction plans, which will depict the layout of the improvements, as depicted on the Conceptual Plan revision dated, July 19, 2005 and labeled "PH-1". The work includes the construction of the east and west entrance road, parking areas, grading and drainage and preparation and seeding of the area for four (4) softball fields, the preparation and seeding of the four (4) multi-purpose field and any other site amenities which shall be deemed necessary. These plans shall be drawn to 1/4 scale or greater to insure proper construction information. These plans will depict the proposed location, identity and quantity of all above mentioned site amenities and utilities as well as all dimensioning and layout information for bidding and construction purposes.

We shall prepare the necessary plans, details and specifications for the following site amenities. These details and specifications will include sufficient information and documentation for bidding, installation and construction purposes.

- Preparation of EAF Part I & Part II
- Mobilization & Demolition Plans, Details & Specifications
- Site Plan Development Plans, Details & Specifications
- Entrance Roadway & Parking Plans, Details & Specifications
- Location of Proposed and Existing Buildings Plans, Details & Specifications
- Grading & Drainage Plans, Details & Specifications
- Planting/Seeding Plans, Details & Specifications
- Walkway Plans, Details & Specifications
- Athletic Field Plans, Details & Specifications
- Site Furniture Plans, Details & Specifications
- Backstop/Fence Plans, Details & Specifications
- Site Irrigation Plans, Details & Specifications
- Septic System Plans; Details & Specifications
- Water Distribution System Design Plans, Details & Specifications
- Storm Water Pollution Prevention Plans, Details & Specifications
- Maintenance Building Plans, Details & Specifications
- Toilet Facility Building Plans, Details & Specifications
- Electrical Lighting Plans (Road, Parking, Ball Field, Toilet, Storage Building),  
Details & Specifications
- NYS DOT Curb Cut Applications and Permits

There may be other plans, details and specifications which may be necessary for the successful completion of project



SITE PLANNERS  
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38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
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Construction Documents

We will provide the necessary drawings, details and specifications for inclusion in the construction documents for the project. We will coordinate with the Town of Riverhead Community Development Agency and the Town Engineers for the preparation and issuance of bid documents, format, wage rates, etc. that may be specific to the Town of Riverhead.

Construction Services

**Bidding & Review:** We shall prepare the Bid documents in final form and, upon approval of the Town Board for the bid issuance, will provide in PDF Format to the Town of Riverhead Purchasing Department for issuance. One hard copy shall be provided to the Town Clerk, one hard copy shall be provided to the Engineering Department, and two hard copies shall be provided to the Community Development Department. Once the bids have been received, we shall review them with the client and provide a bid award recommendation letter with tabulation. If necessary, references will be contacted to verify responsibility of the contractor.

**Scheduling:** We shall prepare a construction schedule to determine the proper program for the successful completion of the project. We shall coordinate the construction schedule process with the Town of Riverhead or designee to facilitate the implementation of the construction plans. We will review the construction progress and modify the construction schedule as necessary in coordination with the Town of Riverhead or designee.

**Observations:** We shall observe the construction of all the work represented by the above-mentioned plans, details and specifications, not less than once weekly and sufficiently to verify quantities. We will notify the client of any deviations of the approved plans.

**Contractor Requisitions:** We will review the requests for payments from the various contractors in our office for completeness and adherence to approved contract. Once approved for quantity and completeness, if in order, the requisitions will be forwarded to the Town of Riverhead for review and direct payment.

Meetings

We shall attend any meetings at the request of the Town of Riverhead to support the project. We shall provide technical criteria and design data for discussion and review by the Town of Riverhead.

REMUNERATION

The fee for the above mentioned professional services shall be a lump sum or not to exceed amount of ~~\$313,500.00~~ <sup>\$301,992.00</sup>

This lump sum figure is broken down as follows:

Design Development	\$ 181,100.00	<del>\$188,000.00</del>
Construction Documents	\$ 40,457.00	<del>\$42,000.00</del>
Construction Services & Meetings	\$ 80,435.00	<del>\$83,500.00</del>



SITE PLANNERS  
AGAWAM STUDIO

38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
(631) 283-1131 FAX 283-6677

February 8, 2006

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PAYMENT

We will submit monthly requisitions based upon the wage rates attached as Exhibit "A" to this proposal against the above mentioned "not to exceed" lump sum figure. We will provide detailed hourly description for all tasks performed and as they relate to the breakdown mentioned above in Remuneration

INCLUSIONS

The fee mentioned above shall include all out of pocket expenses, office supplies and telephone calls necessary for the successful completion of the project.

EXCLUSIONS

The following items will not be included in the above-mentioned scope of services:

- Permit Fees
- Major Revisions to the Site Plan due to municipal entities review comments
- Environmental Impact Statement, DEIS & FEIS

REIMBURSABLE EXPENSES

The following items will not be included in the above-mentioned scope of services:

- Federal Express Charges
- Plotting & Blue Print Cost for additional sets of plans as requested in writing
- Soil Analysis Test
- Aerial Photography
- Professional Services or Consultants outside of the Design Team

Reimbursable expenses are charged to the client at cost and will be billed once monthly.

ORIGINAL DRAWINGS

Original drawings or other documents prepared by Araiys Design, L.A., P.C. Design Team shall remain the property of same, however, reproducible copies of drawings will be provided upon the client's request in AutoCAD/Electronic format as acceptable to the Town of Riverhead.

GENERAL RELEASE

We hereby grant permission to ARAIYS DESIGN, L.A., P.C. to reference this project both now and in the future both by name, general location and description. We hereby give ARAIYS DESIGN, L.A., P.C. permission to reference any and all materials pertaining to this project. These materials may include, but not limited to newsletters, brochures, and website pages.



SITE PLANNERS  
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38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
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TERMINATION OF CONTRACT

In the event that the client wishes to abandon the project and terminate this Agreement the client shall give seven days prior written notice to Araiys Design, L.A., P.C. for cause. In turn, Araiys Design, L.A., P.C. may terminate this Agreement with seven days prior written notice for cause. If the Agreement is terminated prior to the fulfillment of the items listed under "Scope of Services", Araiys Design, L.A., P.C. shall be reimbursed for time spent of the project up to and including the day we are notified *in writing* to stop work.

ADDITIONAL SERVICES

At the written request of the client, Araiys Design, L.A., P.C. shall provide additional services not mentioned on this proposal to be billed on an hourly basis according to the before mentioned hourly rate schedule.

We appreciate this opportunity to submit our proposal for landscape architectural services. We hope you find it satisfactory by signing at the location below and returning the signed duplicate copy at your earliest convenience. If this proposal is not accepted within thirty days of the date prepared, please consider the proposal withdrawn.

If you have any questions or require additional information, please don't hesitate to contact us.

Sincerely,

**ARAIYS DESIGN, L.A., P.C.**

Timothy A. Rumph, ASLA, R.L.A.  
President

ACCEPTED: \_\_\_\_\_

DATED: \_\_\_\_\_



SITE PLANNERS  
AGAWAM STUDIO

38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
(631) 283-1131 FAX 283-6677

## EXHIBIT A

### RATE SCHEDULE

#### Araiys Design, L.A., P.C.

Principal	\$190.00/hr.
Senior Landscape Architect	\$150.00/hr.
Junior Landscape Architect	\$135.00/hr.
Clerical	\$85.00/hr.

#### Beatty Harvey & Associates, Architects (BH&A)

Partner	\$205/hr
Associate	\$175/hr
Project Manager	\$155/hr
Production/Draftsperson	\$115/hr
Office Support Staff	\$65/hr

#### RMS Engineering, Inc. (RMS)

Principal	\$165/hr
Senior Engineer	\$125/hr
Senior Planner	\$110/hr
Design Engineer	\$110/hr
Engineer Technician	\$90/hr
Inspector	\$90/hr
Draftsperson	\$85/hr
Administrative	\$75/hr

#### CFS Engineering, PE. (CFS)

Principal	\$195/hr
Associates	\$155/hr
Project Manager	\$135/hr
Project Engineer	\$125/hr
CADD Operator	\$100/hr



SITE PLANNERS  
AGAWAM STUDIO

38 NUGENT STREET SOUTHAMPTON, NY 11968

DEVELOPMENT STRATEGISTS  
(631) 283-1131 FAX 283-6677



LANDSCAPE ARCHITECTS  
AGAWAM STUDIO

38 NUGENT STREET, SUITE B, SOUTHAMPTON, NEW YORK 11968

DEVELOPMENT STRATEGISTS  
(631)- 283-1131 FAX (631) 283-6677

## SITE WORK COST ESTIMATE

DATE: 1/23/2006  
 PROJECT: Calverton Enterprise Park Phase A Infrastructure  
 LOCATION: Calverton  
 Town of Riverhead  
 PLAN DATE: PH-1 06/02/2005 ESTIMATOR: CH CHECKER: TAR  
 REV. 01/12/2006

Area	ITEM	QTY.	UNIT	UNIT COST	SUBTOTAL	
<b><u>West Entrance</u></b>						
	Surface	Grading and base	31,438	sq.ft.	\$1.50	\$47,157.00
		Asphalt	31,438	sq.ft.	\$2.50	\$78,595.00
	Curbing		2007	li.ft.	\$10.00	\$20,070.00
	Catch basin		12	EA.	\$1,200.00	\$14,400.00
	Leaching Pool		78	vert.ft.	\$375.00	\$29,250.00
	Trees		39	EA.	\$375.00	\$14,625.00
	Lights		19	EA.	\$3,000.00	\$57,000.00
<b><u>Parking Softball Fields</u></b>						
30	Parking area	grading and base	12,345	sq.ft.	\$1.50	\$18,517.50
		asphalt	12,345	sq.ft.	\$2.50	\$30,862.50
	Curbing		650	li.ft.	\$10.00	\$6,500.00
	Catch basin		2	EA.	\$1,200.00	\$2,400.00
	Leaching Pool	10' Dia.	31	vert.ft.	\$375.00	\$11,625.00
	Landscape *		2,914	sq.ft.	\$2.50	\$7,285.00
	Lights		2	EA.	\$3,000.00	\$6,000.00
42	Parking area	grading and base	28,829	sq.ft.	\$1.50	\$43,243.50
		asphalt	28,829	sq.ft.	\$2.50	\$72,072.50
	Curbing		4,186	li.ft.	\$10.00	\$41,860.00
	Catch basin		4	EA.	\$1,200.00	\$4,800.00
	Leaching Pool		72	vert.ft.	\$375.00	\$27,000.00
	Landscape *		2,594	sq.ft.	\$2.50	\$6,485.00
	Lights		5	EA.	\$3,000.00	\$15,000.00

**Storage Building**

New		2000 sq.ft.	\$125.00	\$250,000.00
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**East Entrance**

Surface	grading and base	47,966 sq.ft.	\$1.50	\$71,949.00
	asphalt	47,966 sq.ft.	\$2.50	\$119,915.00
Curbing		3472 li.ft.	\$10.00	\$34,720.00
Catch basin		18 EA.	\$1,200.00	\$21,600.00
Leaching Pool	10' Dia.	120 vert.ft.	\$375.00	\$45,000.00
Trees		42 EA.	\$375.00	\$15,750.00
Light		14 EA.	\$3,000.00	\$42,000.00
Demolition of ex. structure		382 sq.ft.	\$5.00	\$1,910.00

**Parking Soccer Fields**

Parking area	grading and base	32,210 sq.ft.	\$1.50	\$48,315.00
	asphalt	32,210 sq.ft.	\$2.50	\$80,525.00
Curbing		1,363 li.ft.	\$10.00	\$13,630.00
Catch basin		10 EA.	\$1,200.00	\$12,000.00
Leaching Pool	10' Dia	206 vert.ft.	\$375.00	\$77,250.00

**Restroom**

Quad modular restroom	incl. foundation, water and sanitary system	2 EA.	\$125,000.00	\$250,000.00
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**Utilities**

	\$175,000.00
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Sub-Total:	\$1,814,312.00
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8% Contingency	\$145,144.96
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<u>Sub-Total:</u>	<u>\$1,959,456.96</u>
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8% Soft costs	\$156,756.56
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<b><u>Total:</u></b>	<b><u>\$2,116,213.52</u></b>
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\* Includes grading, seeding, irrigation and planting.

NOTE: This is a preliminary cost estimate to be used as a planning tool for budgetary purposes. Actual construction costs will be determined based on construction drawings, details and specifications.



LANDSCAPE ARCHITECTS  
AGAWAM STUDIO

38 NUGENT STREET, SUITE B, SOUTHAMPTON, NEW YORK 11968

DEVELOPMENT STRATEGISTS  
(631)- 283-1131 FAX (631) 283-6677

## SITE WORK COST ESTIMATE

DATE: 1/23/2006  
 PROJECT: Calverton Enterprise Park Phase B Softball Fields  
 LOCATION: Calverton  
 Town of Riverhead  
 PLAN DATE: PH-1 06/02/2005 ESTIMATOR: CH CHECKER: TAR  
 REV. 01/12/2006

Area	ITEM	QTY.	UNIT	UNIT COST	SUBTOTAL
<b>Softball</b>					
	Ball Field Construction*	4x92,444 sq.ft.	369776 sq.ft.	\$2.00	\$739,552.00
	Catch basin		4 EA.	\$1,200.00	\$4,800.00
	Leaching Pool	10' Dia.	138 vert.ft.	\$375.00	\$51,750.00
	Lights	4x4 Lights	16 EA.	\$37,500.00	\$600,000.00
	Benches		20 EA.	\$500.00	\$10,000.00
	Scoreboards		4 EA.	\$15,000.00	\$60,000.00
	Back Stop Fencing		4 EA.	\$17,000.00	\$68,000.00
	Field Fencing		4000 li.ft.	\$16.00	\$64,000.00
	Landscape**		355492 sq.ft.	\$0.75	\$266,619.00
<b>Path</b>					
	grading and base		33,677 sq.ft.	\$1.00	\$33,677.00
	asphalt		33,677 sq.ft.	\$1.50	\$50,515.50
				Sub-Total:	\$1,948,913.50
				8% Contingency	\$155,913.08
				Sub-Total:	<u>\$2,104,826.58</u>
				8% Soft costs	\$168,386.13
				<b>Total:</b>	<b><u>\$2,273,212.71</u></b>

\* Includes grading, seeding, irrigation, clay infield, and fencing.

\*\* Includes grading and seeding

NOTE: This is a preliminary cost estimate to be used as a planning tool for budgetary purposes. Actual construction costs will be determined based on construction drawings, details and specifications.



LANDSCAPE ARCHITECTS  
AGAWAM STUDIO

38 NUGENT STREET, SUITE B, SOUTHAMPTON, NEW YORK 11968

DEVELOPMENT STRATEGISTS  
(631)- 283-1131 FAX (631) 283-6677

## SITE WORK COST ESTIMATE

DATE: 1/23/2006  
 PROJECT: Calverton Enterprise Park Phase C Soccer Fields  
 LOCATION: Calverton  
 Town of Riverhead  
 PLAN DATE: PH-1 06/02/2005 ESTIMATOR: CH CHECKER: TAR  
 REV. 01/12/2006

Area	ITEM	QTY.	UNIT	UNIT COST	SUBTOTAL	
<b><u>Soccer fields</u></b>						
	Path	grading and base	16,290	sq.ft.	\$1.00	\$16,290.00
		asphalt	16,290	sq.ft.	\$1.50	\$24,435.00
	Fields *	natural turf	340,400	sq.ft.	\$2.00	\$680,800.00
	Landscape**		215,036	sq.ft.	\$0.75	\$161,277.00
					Sub-Total:	\$882,802.00
					8% Contingency	\$70,624.16
					<u>Sub-Total:</u>	<u>\$953,426.16</u>
					8% Soft costs	\$76,274.09
					<b><u>TOTAL:</u></b>	<b><u>\$1,029,700.25</u></b>

\* Includes grading, irrigation and seeding

\*\* Includes grading and seeding

NOTE: This is a preliminary cost estimate to be used as a planning tool for budgetary purposes. Actual construction costs will be determined based on construction drawings, details and specifications.

February 22, 2006

**TOWN OF RIVERHEAD**

Resolution # 163

**Classifies Action, Declares Lead Agency and Refers Special Permit  
Petition of Kar-McVeigh, LLC (Jamesport Manor Inn)  
To the Planning Board**

COUNCILMAN DENSIESKI offered the following resolution which

was seconded by COUNCILMAN BARTUNEK

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Kar-McVeigh, LLC pursuant to Section 108-51A. and Article XXVIA. of the Riverhead Town Code to construct a restaurant and catering facility on a 3.8ac. parcel zoned Agricultural Protection Zone; such property more particularly described as SCTM 0600-47-2-3, and

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

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and recommended it be considered an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated SEQR review is optional and in this case unnecessary, and

**WHEREAS**, the Riverhead Planning Department has also reviewed the project and fashioned a report of its impacts on the natural and social environment, and

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

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declares itself to be the lead agency for the special permit petition of Kar-McVeigh, LLC which it classifies as an Unlisted action for the purposes of SEQR compliance, and

**BE IT FURTHER**

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

**THE VOTE**

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

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

February 22nd, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 164

AMENDS SITE PLAN OF SUNKEN POND ESTATES INC.

COUNCILMAN BARTUNEK offered the following resolution,  
COUNCILMAN DENSIESKI  
which was seconded by \_\_\_\_\_.

WHEREAS, by Resolution #1237, dated December 30<sup>th</sup>, 1999, the Riverhead Town Board did approve the amended site plan of Sunken Pond Estates, Inc. for construction of condominiums on real property located at Middle Road, Riverhead, New York, known and designated as real property more particularly described as Suffolk County Tax Map No. 0600-64-02-7.49; and

WHEREAS, Brian Fullerton, Agent for Sunken Pond Estates, Inc., has requested that a modification of said site plan be approved in regard to amending the parking stalls (26) from land banked to asphalt and eliminating approximately 190 linear feet of fence; and

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

WHEREAS, this Town Board has reviewed the modification aforementioned.

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited as per Check Number 2005-9464 of the Office of the Financial Administrator.

NOW, THEREFORE BE IT

RESOLVED, that the Town Board of the Town of Riverhead approves the amended site plan as prepared by Young and Young, LS and dated October 3<sup>rd</sup>, 2005; and

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Brian Fullerton, Agent for Sunken Pond Estates, PO Box 1442, Riverhead, New York 11901, the Riverhead Planning Department, Building Department, Town Engineer, Assessors Office and Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION  WAS \_\_\_ WAS NOT

THEREFORE DULY ADOPTED

February 22nd, 2006

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 165

**APPROVES AMENDED SITE PLAN OF LIZ STREBEL**

COUNCILMAN DENSIESKI

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

which was seconded by COUNCILWOMAN BLASS.

WHEREAS, by Resolution #676, adopted on June 3<sup>rd</sup>, 2003 by the Riverhead Town Board, the Riverhead Town Board did approve the site plan Liz Strebel to allow the construction of a two story retail building, located upon real property located at East Main Street, Riverhead, New York, 11901 known and designated as Suffolk Tax Map Number 0600-128-6-78; and

WHEREAS, Liz Strebel has requested that a modification of said site plan be approved by the Riverhead Town Board; and

WHEREAS, the Planning Department has reviewed the site plan dated January 31<sup>st</sup>, 2006, as prepared by Martin Sendlewski, R.A. and elevations dated January 31<sup>st</sup>, 2006 as prepared by Martin Sendlewski, R.A., and has recommended that the Town Board grant such modification; and

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

WHEREAS, the site plan fee, as required by Section 108-131 B (3) of the Code of the Town of Riverhead has been received and deposited per Check Number 164 dated January 31<sup>st</sup>, 2006,

NOW, THEREFORE BE IT

RESOLVED, that no building permit shall issue prior to the granting of a easement by the Town of Riverhead to allow the construction of a spread footing upon lands of the Town of Riverhead;

BE IT FURTHER

RESOLVED, the Town Board of Riverhead does hereby approve the site plan modification of Liz Strebel as prepared by Martin Sendlewski, R.A., site plan dated January 31<sup>st</sup>, 2006 and elevations as prepared by Martin Sendlewski, R.A., dated January 31<sup>st</sup>, 2006.

BE IT FURTHER

RESOLVED, that the Riverhead Town Board re-affirms its original determination of non-significance Pursuant to 6NYCRR Part 617,

BE IT FURTHER

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Liz Strebek, 84 Fern Avenue, Flanders, New York 11901, the Riverhead Planning Department, Building Department, Town Engineer, Assessors' Office and the Office of the Town Attorney.

*Planning Department*

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

February 22nd, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 166

**APPROVES SITE PLAN OF THE ZENITH BUILDING**

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Bartunek:

**WHEREAS**, a revised site plan was submitted by the Zenith Organization to allow the construction of a four (4) story mixed use building with related site improvements, located at 12 McDermott Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-129-4-5.2; and

**WHEREAS**, the Planning Department has reviewed the revised site plan dated February 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and elevations dated February 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and has recommended to the Town Board that such site plan be approved; and

**WHEREAS**, the Consulting Engineer to the Town Board has reviewed the construction and staging plan submitted by the applicant and has concluded that the use of town property (McDermott Street) will be required for construction; and

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

**WHEREAS**, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0322/2006-0104 of the Office of the Financial Administrator of the Town of Riverhead; and

**WHEREAS**, this Town Board has reviewed the site plan and elevations aforementioned.

**NOW, THEREFORE, BE IT**

**THE VOTE**

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

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

**RESOLVED**, that in the matter of the site plan application of the Zenith Organization, the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be Unlisted without a significant impact upon the environment pursuant to 6NYCRR and that an Environmental Impact Statement need not be prepared.

**BE IT FURTHER**

**RESOLVED**, that the site plan and elevations submitted by the Zenith Organization to allow the construction of a four (4) story mixed use building with related site improvements, located at 12 McDermott Street, Riverhead, New York, such site plan dated February 17<sup>th</sup>, 2006, as prepared by Martin Sendlewski, R.A. and elevations dated February 17<sup>th</sup>, 2006 as prepared by Martin Sendlewski, R.A., are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;

8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Zenith Corporation hereby authorizes and consents to the Town of Riverhead to enter premises at 12 McDermott Street, Riverhead, New York, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground, if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That no building permit shall issue prior to the execution of an agreement between the applicant and the Town of Riverhead with respect to the extent and duration of the use of Town property for construction;
16. That all foundation walls and footings shall be constructed within depicted property lines; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Raymond Castronovo, 12 McDermott Street, Riverhead, New

York 11901, the Riverhead Planning Department, Riverhead Building Department,  
Town Attorney and the Town Engineer.

PLANNING DEPT.

## DECLARATION AND COVENANTS

**THIS DECLARATION**, made the \_\_\_\_ day of \_\_\_\_\_, 2006, made by Zenith Corporation, 12 McDermott Street, Riverhead, New York 11901, Declarant:

### WITNESSETH:

**WHEREAS**, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

**WHEREAS**, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

**WHEREAS**, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns, to wit:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
3. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled , "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, hereby authorizes and consents to the Town of Riverhead to enter premises at the 12 McDermott Street, Riverhead, New York 11901 to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground, if feasible;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall pose a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;
15. That no building permit shall issue prior to the execution of an agreement between the applicant and the Town of Riverhead with respect to the extent and duration of the use of Town property for construction;
16. That all foundation walls and footing shall be constructed within depicted property lines.

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

---

ZENITH CORPORATION

State of New York, County of Suffolk) ss.:

On the \_\_\_ day of \_\_\_\_\_ in the year 2006, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

---

Notary Public

TOWN OF RIVERHEAD

Adopted

Resolution # 167

ACCEPTS 5% CERTIFICATE OF DEPOSIT OF MARYANN DILIBERTO

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Maryann Diliberto has posted a Certificate of Deposit #000190072625 from Suffolk County National Bank in the sum of Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750) representing the 5% site plan security bond as noted in the approved site plan dated August 16, 2005 Resolution #831 for work located at 250 Manor Lane, Jamesport, New York Suffolk County Tax Map # 600-47.-2-5.5 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said certificate of deposit and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the certificate of deposit #000190072625 in the sum of Eighteen Thousand Seven Hundred Fifty Dollars (\$18,750) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Maryann Diliberto, 250 Manor Lane, Jamesport, New York 11947, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Is  Is Not   
Declared Duly Adopted

2/22/06

# Adopted

TOWN OF RIVERHEAD

Resolution # 168

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 95 ENTITLED, "TAXATION"**  
**OF THE RIVERHEAD TOWN CODE**  
**(EXEMPTIONS GRANTED; VETERANS)**

COUNCILMAN DENSIESKI \_\_\_\_\_ offered the following resolution,

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

**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 95, entitled "Taxation" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 7th day of February, 2006 at 7:35 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and be it

**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 a copy of the text of the adopted local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Secretary of State, Assessor's Office and the Town Attorney's Office.

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 95 of the Riverhead Town Code entitled, "Taxation" at its regular meeting held on February 22, 2006.

**THE VOTE**

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

**THE RESOLUTION  WAS \_\_\_ WAS \_\_\_  
THEREFORE DULY ADOPTED**

**BE IT ENACTED** by the Town Board of the Town of Riverhead as follows:

**Chapter 95  
TAXATION**

**§ 95-32. Exemptions granted; veterans.**

- A. The maximum exemption allowable to qualifying residential real property exempt from taxation, under § 458-a of the New York State Real Property Tax Law, to the extent of 15% of the assessed value, shall be increased from ~~\$18,000 to \$27,000~~ \$27,000 to \$54,000.
- B. The maximum exemption allowable to veterans who served in a combat theater or zone of operations, as documented by the award of the United States campaign ribbon or service medal, under § 458-a of the New York State Real Property Tax Law, is hereby increased from ~~\$12,000 to \$18,000.~~ \$18,000 to \$36,000.
- C. The maximum exemption allowable as an additional exemption available to a veteran who has received a compensation rating from a New York veterans' organization or the United States Department of Defense because of a service connected disability, is hereby increased from \$90,000 to \$180,000 .
- D. The Town of Riverhead hereby elects to include a Gold Star parent within the definition of "qualified owner" and to include property owned by a Gold Star parent within the definition of "qualifying residential real property," as provided in § 458-a, Subdivision (1)(c) and (d), of the New York State Real Property Tax Law, provided that such property shall be the primary residence of the Gold Star parent. The exemption granted by Subsections A and B of this section are hereby extended to the primary residences of Gold Star parents located within the Town of Riverhead. The real property tax exemption provided to Gold Star parents under § 458-a of the New York Real Property Tax Law is hereby extended to such Gold Star parents to the maximum extent permissible under state law.

Dated: Riverhead, New York  
February 22, 2006

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

**BARBARA GRATTAN, Town Clerk**

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

2/22/06

# Adopted

## TOWN OF RIVERHEAD

Resolution # 169

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF  
THE RIVERHEAD TOWN CODE  
(108-97 – Major Subdivision)**

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

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

**WHEREAS**, a public hearing was held on the 7th day of February, 2006 at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

### THE VOTE

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on February 22, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
ZONING  
ARTICLE XX  
**Subdivision Regulations**

**§ 108-97. Major subdivision.**

**A. Procedure.**

(4) Improvements. After the approval of the final plat, the subdivider shall submit to the Town Board a properly executed performance bond or other security as provided in § 27 of the Town Law, in an amount to be determined by the Planning Board, for review and approval by the Town Board. The performance bond shall run for a period ~~not to exceed~~ of two years with such performance bond or other security to be extended, upon written request, by a one-year term for two-year terms at the discretion of the Town Planning Board in an amount to be determined by the Planning Board for such extension. There shall be a two thousand (\$2,000) dollar fee imposed for each two-year extension granted beyond the initial two-year period. ~~In no instance will the Planning Board provide for additional extensions of the security agreement or performance bond.~~ Nothing herein shall extend the statutory Town Law provisions relating to an exemption from amendments to the zoning ordinance and bulk area requirements beyond the three years set forth in such statute. In the event that any required improvements have not been installed or constructed within the term of the original security agreement or its authorized extension(s), the Town Board will thereupon declare the security agreement to be in default and collect the sum remaining payable thereunder, and upon the receipt of the proceeds thereof, the town shall install such improvements as are covered by such security.

Dated: Riverhead, New York  
February 22, 2006

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

BARBARA GRATTAN, Town Clerk

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

2/22/06

# Adopted

TOWN OF RIVERHEAD

Resolution # 170

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 95 ENTITLED, "TAXATION"  
OF THE RIVERHEAD TOWN CODE  
(UN-REARRIED SPOUSES OF MEMBERS OF VOLUNTEER FIRE  
COMPANIES OR VOLUNTEER AMBULANCE SERVICES KILLED IN THE  
LINE OF DUTY)**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILWOMAN BLASS :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 95, entitled "Taxation" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 7th day of February, 2006 at 7:40 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and be it

**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 a copy of the text of the adopted local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Secretary of State, Assessor's Office and the Town Attorney's Office.

THE VOTE

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 95 of the Riverhead Town Code entitled, "Taxation" at its regular meeting held on February 22, 2006.

**BE IT ENACTED** by the Town Board of the Town of Riverhead as follows:

**Chapter 95  
TAXATION**

**ARTICLE VIII Exemption for Volunteer Fire Fighters and Volunteer Ambulance Workers [Adopted 2-4-2003 by L.L. No. 2-2003]**

**§ ~~95-35~~. Legislative intent.**

This Town Board hereby finds and determines that § 466-c and § 466-f of the New York State Real Property Tax Law allows localities such as the Town of Riverhead to grant exemptions of real property taxes on real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such an enrolled member and spouse residing in a county with a population of more than 1,400,000 and less than 1,500,000.

**§ 95-36. Exemptions granted.**

- A. Qualifying residential real property, under § 466-c the New York State Real Property Tax Law, shall be exempt from taxation to the extent of 10% of the assessed value of such property for city, village, Town, part-Town, special district, county or school district purposes, exclusive of special assessments. **[Amended 11-3-2004 by L.L. No. 50-2004]**
- B. ~~Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service residing in such county unless:~~
- (1) ~~The applicant resides in the city, Town or village which is served by such incorporated fire company or fire department or incorporated voluntary ambulance service; ;~~
  - (2) ~~The property is the primary residence of the applicant; ;~~
  - (3) ~~The property is used exclusively for residential purposes; provided, however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and~~
  - (4) ~~The applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company or fire department as an enrolled member of such incorporated volunteer fire company or fire department for at least five years or the applicant has been certified by the authority having jurisdiction for the incorporated voluntary ambulance service as an enrolled member of such incorporated voluntary~~

ambulance service for at least five years. It shall be the duty and responsibility of the municipality to determine the procedure for certification.

- C. Any enrolled member an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than 20 years of active service and is so certified by the authority having jurisdiction for the incorporated voluntary fire company or fire department or incorporated voluntary ambulance service shall be granted the ten-percent exemption as authorized by this section for the remainder of his or her life, as long as his or her primary residence is located within the Town of Riverhead.
- D. Application for such exemption shall be filed with the Assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the State Board.
- E. Incorporated volunteer fire companies, fire departments and incorporated volunteer ambulance services shall file lists of their enrolled members eligible for the exemption provided by this section with the Assessor or other agency, department or office designated by the municipality offering such exemption on or before the taxable status date on a form as prescribed by the State Board.
- F. No applicant who is a volunteer firefighter or volunteer ambulance worker who, by reason of such status, is receiving any benefit under the provisions of this article on the effective date of the section shall suffer any diminution of such benefit because of the provisions of this section.

**§ 95-37. Applicability.**

This article § 95-36 shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2003.

**§ 95-38 Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty.**

Any local law or ordinance adopted pursuant to sections four hundred sixty-six, four hundred sixty-six-a, four hundred sixty-six-b, four hundred sixty-six-c, four hundred sixty-six-d, or four hundred sixty six-e of the New York State Real Property Tax Law may be amended, or a local law, ordinance or resolution may be adopted to continue any exempted claimed under such statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated volunteer ambulance service, to such deceased enrolled member's un-remarried spouse if such member is killed in the line of duty; provided, however, that:

1. such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated volunteer ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty, and
2. such deceased volunteer had been an enrolled member for at least five years, and

2/22/06

# Adopted

Town of Riverhead

Resolution # 171

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH AEROS CULTURED OYSTER COMPANY TO ALLOW THE INSTALLATION OF A FLOATING UPWELLER SYSTEM (FLUPSY) IN EAST CREEK**

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

**WHEREAS**, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

**WHEREAS**, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

**WHEREAS**, Aeros Cultured Oyster Company (AEROS) is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

**WHEREAS**, Aeros wishes to install three (3) Floating Upweller Systems in East Creek for the purposes of cultivating shellfish; and

**WHEREAS**, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

**WHEREAS**, Aeros has agreed to provide monthly tours of its East Creek facility.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached License Agreement with Aeros Cultured Oyster Company; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Aeros Cultured Oyster Company, P.O. Box 964, Southold, New York, 11974; the Office of the Town Attorney and the Office of Accounting.

Z:\Laura Calarnita\reso\AthFlupsy.res.doc

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

3. such deceased volunteer had been receiving the exemption prior to his or her death.

**§ 95-39. Applicability.**

§ 95-38 shall apply to assessment rolls prepared on the basis of taxable status dates occurring on or after January 1, 2006.

**§ 95-3840 Severability.**

If any clause, sentence, paragraph, subdivision, section, or part of this article or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof; but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this article, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Dated: Riverhead, New York  
February 22, 2006

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

**BARBARA GRATTAN, Town Clerk**

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

LICENSE

License ("License"), made as of the        day of February, 2006, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Aeros Cultured Oyster Company, ("Licensee"), having an address at P.O. Box 964, Southold, New York, 11971, a not for profit corporation.

WITNESSETH

WHEREAS, Aeros Cultured Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seek hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize five (5) FLUPSY tanks at the aforementioned location.

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

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of which is annexed hereto as Exhibit A.

2. Term of the License. The term of this License (the "term") shall commence on January 1, 2006 and shall end on December 31, 2006.

3. Condition of the License Properties. Licensee if familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license properties "as is".

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges to the Town.

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to John J. Hansen, Financial Administrator, at 200 Howell Avenue, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide educational tours of the facility.

6. Insurance. Shall be maintained as per the attached contract and in accordance with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as additional insured.

7. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed properties without the prior permission of the licensor.

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

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

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

Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to PO Box 964, Southold, New York, 11971.

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

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

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

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
PHILIP J. CARDINALE, Supervisor

AEROS CULTURED OYSTER  
COMPANY

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

2/22/06

# Adopted

Town of Riverhead

Resolution # 172

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH TWIN FORK OYSTER TO ALLOW THE INSTALLATION OF FLOATING UPWELLER SYSTEMS (FLUPSY) IN EAST CREEK**

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

**WHEREAS**, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

**WHEREAS**, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

**WHEREAS**, Twin Fork Oyster is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

**WHEREAS**, Twin Fork Oyster wishes to install three (3) Floating Upweller Systems in East Creek for the purposes of cultivating shellfish; and

**WHEREAS**, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

**WHEREAS**, Twin Fork Oyster has agreed to provide monthly tours of its East Creek facility.

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

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Twin Fork Oyster, P.O. Box 139, Jamesport, New York, 11947; the Office of the Town Attorney and the Office of Accounting.

Z:\Laura Calamita\reso\authFlupsy3.reso.doc

THE VOTE

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

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

LICENSE

License ("License"), made as of the        day of March, 2006, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Twin Fork Oyster, ("Licensee"), having an address at P.O. Box 139, Jamesport, New York, 11947, a not for profit corporation.

WITNESSETH

WHEREAS, Twin Fork Oyster Company wishes to utilize a floating Upweller System (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seek hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize three (3) FLUPSY tanks at the aforementioned location.

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

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of which is annexed hereto as Exhibit A.

2. Term of the License. The term of this License (the "term") shall commence on January 1, 2006 and shall end on December 31, 2006.

3. Condition of the License Properties. Licensee if familiar with the licensed premises, has examined same and is aware of defects, if any, in it. Notwithstanding the foregoing, licensee agrees to accept the license properties "as is".

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the license fee of \$50.00 per month for each FLUPSY installed at the Town's site for the term of the license, in full. In addition, licensee agrees to pay metered electric and water charges to the Town.

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to John J. Hansen, Financial Administrator, at 200 Howell Avenue, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide educational tours of the facility.

6. Insurance. Shall be maintained as per the attached contract and in accordance with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as additional insured.

7. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The licensee shall not be permitted to alter the licensed properties without the prior permission of the licensor.

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

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

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

Riverhead, New York. If such notice is directed at the Licensee, it shall be addressed to P.O. Box 139, Jamesport, New York, 11947.

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

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

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

TOWN OF RIVERHEAD

By: \_\_\_\_\_  
PHILIP J. CARDINALE, Supervisor

TWIN FORK OYSTER

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



**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public meeting will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 7<sup>th</sup> day of March, 2006 at 7:30 p.m. o'clock to consider a local law amending Chapter 14 of the Riverhead Town Code entitled, "Community Preservation" as follows:

**Chapter 14  
COMMUNITY PRESERVATION  
ARTICLE V**

**Acquisition and Use of Open Spaces, Parks and Park Preserves**

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

- A. The Town of Riverhead Open Space/Park Preserve Committee shall consist of ~~five~~ seven members appointed by the Town Board for staggered two-year terms including five representatives from the community at large, and one representative each from the Recreation Committee and Conservation Advisory Council.

Dated: Riverhead, New York  
February 22, 2006

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

**BARBARA GRATTAN, Town Clerk**

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

02/22/06

# Adopted

## TOWN OF RIVERHEAD

Resolution # 174

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR  
PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 108  
(ZONING) OF THE RIVERHEAD TOWN CODE (SUPPLEMENTARY USE  
REGULATIONS)**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Supplementary Use Regulations) of the Riverhead Town Code once in the March 2, 2006 issue of News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Town Board, Town Attorney, Building Department; the Riverhead; the Planning Board; Architectural Review Board, the Planning Department.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 21<sup>st</sup> day of March at 7:15 o'clock p.m., at Riley Avenue Elementary School, 374 Riley Avenue, Calverton, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning" (Supplementary Use Regulations) of the Riverhead Town Code as follows:

**ARTICLE XIII Supplementary Use Regulations**

**§ 108-51. Nonconforming buildings and uses. [**

**E.**

Alteration or enlargement of nonconforming structures, generally. A lawfully preexisting nonconforming building or structure or a building or structure which lawfully exists on a nonconforming lot may be enlarged, altered, reconstructed or repaired, provided that the degree of nonconformity is not thereby increased. For the purposes of this subsection, an increase in the degree of nonconformity shall include any increase in the amount of a nonconforming building's or structure's gross floor area which is located within a required setback area, or an increase in any portion of a building or structure located above the maximum height permitted

**E.**

**F.**

Any parcel of land which has been used for a camp or for which a plan for a camp has been filed with the Town Clerk of the Town of Riverhead at the effective date of this chapter but not any amendment thereto and which is held in a single ownership by an organization, such as the Boy Scouts, 4-H Club or other similar recognized civic or fraternal organization, all or a part of which has been used for the purposes of a camp, may continue to be used as a camp although such use does not conform to the regulations of the district in which it is located.

**F.**

**G.**

This chapter shall not apply to any preexisting nonconforming use that has received a special permit to expand said use from the Town Board prior to the effective date hereof.

Dated: Riverhead, New York  
February 22, 2006

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

**BARBARA GRATTAN, Town Clerk**

February 22, 2006

# Adopted

## TOWN OF RIVERHEAD

Resolution # 175

### AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR REMEDICATION AND/OR RESTORATION OF TOWN HALL FACILITIES

**COUNCILMAN DENSIESKI**

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

**COUNCILWOMAN BLASS**

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for REMEDIATION AND/OR RESTORATION OF TOWN HALL FACILITIES and;

BE IT RESOLVED, that the Town Board is hereby authorized to publish and post the attached notice in the March 2, 2006 issue of the News Review and;

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

#### THE VOTE

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

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed bids for the purchase of **REMEDICATION AND/OR RESTORATION OF TOWN HALL FACILITIES** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 am** on **March 17, 2006**.

Bid packets, including specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. through 4:30 a.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com)

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR REMEDIATION AND/OR RESTORATION OF TOWN HALL FACILITIES**.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

# Tabled

February 22, 2006

TOWN OF RIVERHEAD

Resolution No. 176

AUTHORIZATION TO SUBMIT APPLICATION FOR 2005 NEW YORK STATE  
SHARED MUNICIPAL SERVICES INCENTIVE GRANT PROGRAM FUNDING  
FOR CREATION OF COORDINATED RAIL AND BUS NETWORK ON THE  
EAST END OF LONG ISLAND WITHIN THE FIVE EASTERN TOWNS OF  
SUFFOLK COUNTY

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

WHEREAS, the Town of Southampton is considering a grant application to the New York Department of State (NYDOS) for funding for planning and assessment activities associated with creation of a coordinated rail and bus network on the East End of Long Island within the five eastern Towns of Suffolk County (East Hampton, Riverhead, Shelter Island, Southampton and Southold), which would replace existing transit services through the New York State Municipal Services Incentive Grant Program (SMSI) administered by the NYDOS, and

WHEREAS, Southampton's SMSI Proposal represents an initiative to be performed as a partnership with the Towns of East Hampton, Riverhead, Shelter Island and Southold with the Town of Southampton acting as lead agency, with the initiative complimenting the NYDOS SMSI Shared Service Category as defined by 2005 SMSI Program Guidelines, and

WHEREAS, Southampton's SMSI Proposal presents an initiative, which is estimated to cost \$400,000 to complete, for which the total local cash share is ten percent (10%) of total project costs; and for which Individualized Municipality local cash shares shall be based on population figures of the 2000 Census, with each Municipality paying their share based on a pro-rated percentage of costs, and

WHEREAS, Individual Municipality local cash shares are estimated at \$17,650 for Southampton (44.12%), \$7,700 for East Hampton (19.21%), \$7,300 for Riverhead(18.24%), \$900 for Shelter Island (2.27%), and \$6,450 (16.16%) for Southold; resulting in a \$40,000 total local cash share representing 10% of total anticipated project costs, and

WHEREAS, it is intended that a Memorandum of Understanding (intermunicipal agreement) will formally ratify the individual Town's involvement with the Town of Southampton for this project, and

WHEREAS, the Partnership Memorandum of Understanding between the five Eastern Towns is subject to the provisions of Article 18 and Section 119-o of the General Municipal Law of the State of New York, as amended; Applicable Sections of the Administrative Code of Suffolk County; and the provisions of the Anti-discrimination Order of Suffolk County, and

WHEREAS, the five Eastern Towns deems it to be in the public interest and benefit to enter into a partnership in order to complete the planning and assessment activities associated with the creation of a coordinated rail and bus network on the East End of Long Island, and

WHEREAS, the Partnership between the five Eastern Towns shall begin upon signing and shall continue in effect until such time as the project activities have been completed but not later than January 30, 2008, and

WHEREAS, Southampton's SMSI Proposal presents an initiative, which has been found to be consistent with Town, Suffolk County and State of New York regional transportation plans; and is identified in the Town of Southampton's 2004 Transportation Element Update to the Comprehensive Plan, so therefore be it

RESOLVED, that the Town Board adopts this resolution in support of ratifying the Partnership Memorandum of Understanding between the five Eastern Towns of Suffolk County; and be it

FURTHER RESOLVED, that the Town Board also authorizes the expenditure of \$7,300 in capital funding from the 2006-2007 Capital Budgets, representing eighteen point twenty four percent (18.24%) local matching funds for Riverhead's local share of local costs; and be it

FURTHER RESOLVED, that the Town Board hereby authorizes the Supervisor to sign the Partnership Memorandum of Understanding between the Five Eastern Towns of Suffolk County pursuant to the provisions stated in the Partnership Memorandum of Understanding in a form agreed to by the Town Attorney, and be it

FURTHER RESOLVED, that two (2) certified copies of this Resolution be prepared and sent to the Albany office of the New York Department of State to support the Town of Southampton's Application for State Assistance Payments and Southampton Town Supervisor Patrick Heaney; and be it

THE VOTE

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

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

**Tabled**

2/22/06

# Adopted

TOWN OF RIVERHEAD

Resolution # 177

**AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENT BETWEEN TOWN OF RIVERHEAD AND THOMAS P. PARRIS (ENTERTAINMENT/MUSIC – SENIOR CENTER)**

COUNCILMAN BARTUNEK

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute an Agreement (copy attached herewith) between the Town of Riverhead and Thomas P. Parris in connection with the entertainment/music provided in connection with Town of Riverhead senior citizen programs; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Thomas P. Parris, 118 King Road, Rocky Point, New York, 11778; Judy Doll, Senior Center Director; the Office of Accounting and the Office of the Town Attorney.

THE VOTE

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

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

**Agreement**  
**-between-**  
**Town of Riverhead**  
**-and-**

Thomas P. Parris

WHEREAS, the Town of Riverhead, with its principal offices located at 200 Howell Avenue, Riverhead, NY 11901, and Thomas P. Parris residing at 118 King Rd, Rocky Point, wish to enter into an agreement whereby Thomas P. Parris will provide entertainment services to the Town of Riverhead for the Town's Senior Citizen's program.

WHEREAS, the Town of Riverhead requires such services for its monthly special events

NOW, THEREFORE, it is hereby agreed as follows:

1. That Thomas P. Parris agrees to provide entertainment to the Town of Riverhead Senior Citizen program as determined by the project director.
2. That Thomas P. Parris will provide the designated services in a professional, appropriate and timely manner and keep complete accurate books, records, documents and accounts and other evidence pertinent to the performance of this contract. All records must be turned over to the Town of Riverhead Financial Administrator on completion of work described herein and before final payment can be made.
3. The Town of Riverhead shall be responsible to compensate Thomas P. Parris for such services as specified.
4. The term of this agreement shall run from (date) 1/1/06 to 12/31/06 and, Thomas P. Parris will provide administrative services to the program at the rate of \$100 per hour.
5. Thomas P. Parris will be paid by the Town of Riverhead a maximum amount of \$3,000 for the period of Jan., 1, 2006 to Dec, 31, 2006.
6. Thomas P. Parris agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with this agreement and the related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or the negligent acts of Thomas P. Parris and its employees, agents, representatives and concessionaires, of the Property. With respect to any suit or claim by Thomas P. Parris, whether under this indemnification provision or otherwise,

\_\_\_\_\_, for itself, its agents, and their employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town securing compliance with the provision of this indemnification agreement.



Contractor

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**Town of Riverhead**  
By Philip J. Cardinale

# Adopted

FEBRUARY 22, 2006

TOWN OF RIVERHEAD

Resolution # 178

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR  
OUTBOARD MOTOR BOAT ENGINES

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for OUTBOARD MOTOR BOAT ENGINES and;

BE IT RESOLVED, that the Town Board hereby ratified the authorization to publish and post the attached public notice in the February 23, 2006 issue of the News Review and;

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

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of 2- OUTBOARD MOTOR BOAT ENGINES for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until 11:05 a.m. on MARCH 2, 2006.

Bid packets, including Specifications, may be obtained at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m. or on our website at [www.riverheadli.com](http://www.riverheadli.com).

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation BIDS FOR OUTBOARD MOTOR BOAT ENGINES.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

February 22, 2006

TOWN OF RIVERHEAD

Adopted

AUTHORIZATION TO JUNK FIXED ASSETS

RESOLUTION # 179

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

WHEREAS, after careful consideration, the Accounting Department has made a recommendation that this equipment has no residual value and should be junked and taken off the inventory listing. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

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

<u>Tag #</u>	<u>Description</u>
21295	Fax Machine
21515	UPS
22235	Printer
22590	Mouse
23752	UPS
23753	UPS
23755	UPS
23757	UPS
23759	UPS
25428	Mouse

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

February 22, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 180

ADOPTS FINDING STATEMENT AND AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING FOR CERTAIN ZONING AMENDMENTS AT EPCAL - LIGHT INDUSTRIAL ZONING USE DISTRICT AND THE CALVERTON OFFICE COMPLEX ZONING USE DISTRICT

COUNCILWOMAN BLASS

offered the following resolution which

COUNCILMAN BARTUNEK

was seconded by

WHEREAS, by resolution dated September 20, 2005 the Riverhead town Board has accepted a Final Supplemental Generic Environmental Impact Statement upon certain zoning amendments at EPCAL as prepared by Divirka and Bartilucci, P.C. dated September 16, 2005, and

WHEREAS, Divivrka and Bartilucci has prepared a Draft Findings Statement supporting such zoning amendments as required by 6 NYCRR Part 617, and

WHEREAS, the Riverhead Planning Department has prepared zoning text and an amendment to the Zoning Use District Map of the Town of Riverhead providing for the Light Industrial (LI) Zoning Use District and the Calverton Office (CO) District Zoning Use District, and

WHEREAS, the Town Board desires to hold a public hearing upon such zoning amendments at this time, now

THEREFORE BE IT

RESOLVED, that in the matter of certain zoning amendments respecting Town of Riverhead real property at EPCAL, the Riverhead Town Board hereby adopts the aforementioned Findings Statement supporting such zoning amendments, as prepared by Divirka and Bartilucci, P.C. dated February 14, 2006, and

BE IT FURTHER

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

RH/planning

Dunleavy [checked] yes \_\_\_ no Bartunek [checked] yes \_\_\_ no
Blass [checked] yes \_\_\_ no Densieski [checked] yes \_\_\_ no
Cardinale [checked] yes \_\_\_ no

THE RESOLUTION [checked] WAS \_\_\_ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 7th day of March, 2006 at 7:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the adoption of the Light Industrial (LI) Zoning Use District and the Calverton Office (CO) Zoning Use District upon lands of the Town of Riverhead, such real property more particularly described as Suffolk County Tax Map Number 0600-135-1-7.33. A draft of the texts of both districts as well as a depiction of the proposed amendments to the Town of Riverhead Zoning Use District map may be inspected at the office of the Town Clerk beginning February 28, 2006 between the hours of 8:30 AM and 4:30 PM, Monday through Friday.

DATED: February 22, 2006  
Riverhead, New York

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK