

## WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 12:30 p.m. on the 27th day of September, 2007 and do consent to the holding of such meeting for the purpose of:

- Res. #900 Authorizing the Publication of Notice to bidders Seeking Bids on the Youngs Avenue Final Capping Project Once Approval of the Final Capping Project is Received from the New York State Department of Environmental Conservation
- Res. #901 Rescinds Resolution No. 321 and Re-Awards Bid for On-Site Yard Waste Grinding at Youngs Avenue Landfill Site
- Res. #902 Designates Landmark Pursuant to Chapter 73 Entitled “Landmarks Preservation” of the Riverhead Town Code
- Res. #903 2007 Reeves Avenue Road Improvement Project Budget Adoption
- Res. #904 Overhill Road and Dogwood Drive Road Improvement Project Budget Adoption
- Res. #905 Bond Resolution – A Resolution Authorizing the Purchase of Buses for the Nutrition Center, In and for the Town of Riverhead, Suffolk County, New York, at a Maximum Estimated Cost of \$89,000, and Authorizing the Issuance of \$89,000 Bonds of Said Town to Pay the Cost Thereof
- Res. #906 Authorizes the Reinstatement of an Employee
- Res. #907 Authorizes Town Clerk to Publish and Post Notice for Public Hearing Regarding Community Development Block Grant (“CDBG”) 2008 Funds

Dated: Sept. 27, 2007  
Media Notified by  
Supervisor

TOWN BOARD MEMBERS  
of Riverhead, New York

---

Supervisor

---

Councilman

---

Councilwoman

---

Councilman

---

Councilman

Adopted

9/ 27 /07

AUTHORIZING THE PUBLICATION OF NOTICE TO BIDDERS SEEKING BIDS ON THE YOUNGS AVENUE FINAL CAPPING PROJECT ONCE APPROVAL OF THE FINAL CAPPING PLAN IS RECEIVED FROM THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

RESOLUTION # 07- 900

COUNCILWOMAN BLASS

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

COUNCILMAN BARTUNEK

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

WHEREAS, the Town's consultants have submitted a final capping plan for the Youngs Avenue Landfill to the New York State Department of Environmental Conservation; and

WHEREAS, the New York State Department of Environmental Conservation is presently reviewing the submittal; and

WHEREAS, the Town will have to publish a notice to bidders seeking bids on this project once the final plans receive approval from the New York State Department of Environmental Conservation; and

WHEREAS, the Town Board wishes to have the notice ready for publication as soon as possible after receipt of the approval from the New York State Department of Environmental Conservation;

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor is hereby authorized to direct the Town Clerk to publish a notice to bidders in a form substantially similar to that attached hereto in the next available issue of the News Review following date the Town Clerk receives direction from the Supervisor to publish the notice.

RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to Frank A. Isler, Esq., the Town Attorney, and Kenneth Testa, P.E., Town Engineer.

THIS RESOLUTION WAS PREPARED BY FRANK A. ISLER SPECIAL COUNSEL TO THE TOWN BOARD.

THE VOTE

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

THE RESOLUTION WAS  WAS NOT THEREFORE DULY ADOPTED

TOWN OF RIVERHEAD  
NOTICE TO BIDDERS

Sealed proposals for the Cap and Closure of the Youngs Avenue Landfill, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, new York, until 11:00 am on \_\_\_\_\_, 2007 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about \_\_\_\_\_ 2007 at the Office the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A non-refundable fee of \$100.00 will be required for each hard copy of the Contract Documents and Contract Drawings received.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Cap and Closure of Youngs Avenue Landfill" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN CLERK  
Barbara A. Grattan, Town Clerk  
Riverhead, New York 11901

Dated: \_\_\_\_\_, 2007

9/27/07

Adopted

TOWN OF RIVERHEAD  
RESOLUTION # 901

RESCINDS RESOLUTION NO. 321 AND  
RE-AWARDS BID FOR ON-SITE YARD WASTE GRINDING  
AT YOUNGS AVENUE LANDFILL SITE  
COUNCILMAN DENSIESKI

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

WHEREAS, on April 7, 2007 the Riverhead Town Board did adopt Resolution No. 321, entitled "Awards Bid for On Site Yard Waste Grinding at Youngs Avenue Landfill"; and

WHEREAS, six (6) bids were received, opened and read aloud on the 9<sup>th</sup> day of November 2006; and

WHEREAS, the bid was awarded to WHS Materials, Inc.; and

WHEREAS, WHS Materials, Inc. failed to perform the on site yard waste grinding as outlined in the specifications; and

WHEREAS, due to the failure to perform by WHS Materials, Inc. the work authorization and purchase order issued to WHS Materials, Inc. must be rescinded; and

WHEREAS, WHS Materials, Inc. has been notified on two occasions regarding its failure to perform as required by the contract, and

WHEREAS, the New York State Department of Environmental Conservation has assigned a deadline of October 12, 2007 to complete the on site grinding of the existing yard waste pile at the Youngs Avenue facility; and

WHEREAS, due to the impending NYS DEC October 12, 2007 deadline, it is necessary to contract with the successive lowest responsible bidder to complete the on site yard waste grinding by the required deadline.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby rescind Town Board Resolution No. 321 and also rescinds Town of Riverhead Purchase Order No. 07-1473 and be and does hereby award the On Site Yard Waste Grinding at the Youngs Avenue Landfill to Oyster Bay Industries, Inc. as follows:

MOBILIZATION:	\$500.00
DEMOBILIZATION:	\$500.00
DAILY GRINDING:	\$4,200.00/DAY

; and be it further

RESOLVED, that the Town Attorney is directed to notify WHS Materials that the Town's contract has been cancelled based upon failure of WHS Materials to perform thereunder, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Oyster Bay Industries, Inc. 292 Duffy Avenue, Hicksville, NY 11801, and a copy to Kenneth Testa, P.E., John Reeve, Sanitation Superintendent, Dawn Thomas, Town Attorney, Purchasing Department and the Office of Accounting.

**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

2: D. THOMAS

09/27/07

TOWN OF RIVERHEAD

Adopted

Resolution # 902

**DESIGNATES LANDMARK PURSUANT TO CHAPTER 73 ENTITLED  
"LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE**

**COUNCILWOMAN BLASS** offered the following resolution,

which was seconded by **COUNCILMAN DENSIESKI** :

**WHEREAS**, pursuant to Article IV of Chapter 73 of the Riverhead Town Code, a procedure exists for designation of landmarks; and

**WHEREAS**, the Modern Snack Bar Sign has been recognized as a structure to attain landmark status and has submitted the appropriate application to the Landmarks Preservation Commission for consideration; and

**WHEREAS**, proper notice of receipt of this application has been given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel; and

**WHEREAS**, the sign for the Modern Snack Bar was erected on its present site in 1956

**WHEREAS**, this sign is a classic piece of 1950's roadside architecture and a unique piece of Riverhead's culture; and

**WHEREAS**, this sign has become a de facto "landmark" for local residents and more recently has become nationally recognized as the star in a major advertising campaign; and

**WHEREAS**, by resolution dated September 24, 2007 the Landmarks Preservation Commission has recommended that the Town Board designate the Modern Snack Bar Sign as a landmark; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk shall provide a copy of this resolution to Otto Wittmeier, Richard Wines-Landmarks Preservation Commission Chairperson, the Building Department, the Planning Department, the Office of the Town Clerk, and the Office of the Town Attorney

THE VOTE

DUNLEAVY  YES  NO BARTUNEK  YES  NO

BLASS  YES  NO DENSIESKI  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

SEPTEMBER 27, 2007

Adopted

TOWN OF RIVERHEAD

2007 Reeves Ave Road Improvement Project

BUDGET ADOPTION

RESOLUTION # 903

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

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

		<u>FROM</u>	<u>TO</u>
451.053589.492500.45103	State Aid - CHIPS	30,000	
451.051100.541301.45103	Road Repair and Maintenance		30,000

**THE VOTE**

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

SEPTEMBER 27, 2007

Adopted

TOWN OF RIVERHEAD

Overhill Road and Dogwood Drive  
Road Improvement Project

BUDGET ADOPTION

RESOLUTION # 904

COUNCILMAN DUNLEAVY

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

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

		<u>FROM</u>	<u>TO</u>
451.053589.492500.45102	State Aid - CHIPS	175,000	
451.051100.541301.45102	Road Repair and Maintenance		175,000

**THE VOTE**

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

# Adopted

Res. #905

43219-2-16

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

## BOND RESOLUTION (EFFECTIVE IMMEDIATELY)

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, on the 27th day of September, 2007, at 12:30:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, the following were:

PRESENT: Supervisor Cardinale  
Councilman Dunleavy  
Councilman Bartunek  
Councilwoman Blass  
Councilman Densieski

ALSO PRESENT Town Clerk-Barbara Grattan

ABSENT:

The following resolution was offered by Councilman Densieski, who moved its adoption, seconded by Councilman Bartunek, to-wit:

5 yes

BOND RESOLUTION DATED SEPTEMBER 27, 2007.

A RESOLUTION AUTHORIZING THE PURCHASE OF BUSES FOR THE NUTRITION CENTER, IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$89,000, AND AUTHORIZING THE ISSUANCE OF \$89,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The purchase of buses for the Nutrition Center, in and for the Town of Riverhead, Suffolk County, New York, including incidental equipment and expenses in connection therewith, is hereby authorized, at a maximum estimated cost of \$89,000.

Section 2. The plan for the financing of the aforesaid maximum estimated cost is by the issuance of \$89,000 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 five years, pursuant to subdivision 29 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 not exceed five years.**

Section 4. 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 in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. 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 of said Town, 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 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. 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 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. 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 8. 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 class of objects or purposes described herein.

Section 9. This resolution, which takes effect immediately, shall be published in 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.

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.

\* \* \* \* \*

**CERTIFICATION FORM**

STATE OF NEW YORK            )  
  ) ss.:  
COUNTY OF SUFFOLK         )

I, the undersigned Clerk of the Town of Riverhead, in the County of Suffolk, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 27th day of September, 2007.
- 2) That such meeting was a special regular (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERE TO in the following manner:

**PUBLICATION** (here insert newspaper(s) and date(s) of publication)

**POSTING** (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this  
27th day of February, 2007.

\_\_\_\_\_  
Town Clerk

(CORPORATE SEAL)

## LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on September 27, 2007, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,

September 27, 2007.

\_\_\_\_\_  
Town Clerk

Resolution # 905

BOND RESOLUTION DATED SEPTEMBER 27, 2007.

A RESOLUTION AUTHORIZING THE PURCHASE OF BUSES FOR THE NUTRITION CENTER, IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF 89,000, AND AUTHORIZING THE ISSUANCE OF \$89,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

<b>Class of objects or purposes:</b>	Purchase of buses for the Nutrition Center
<b>Period of probable usefulness:</b>	5 years
<b>Maximum estimated cost:</b>	\$89,000
<b>Amount of obligations to be issued:</b>	\$89,000 bonds.

TOWN OF RIVERHEAD

Resolution # 906

# Tabled

**AUTHORIZES THE REINSTATEMENT OF AN EMPLOYEE**

**COUNCILMAN BARTUNEK**

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

**WHEREAS**, the Town Board would like to rescind resolution number 146 adopted on February 21, 2007 suspending a certain employee.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the reinstatement of this employee effective October 15, 2007; and be it further

**RESOLVED**, that the Town Clerk shall provide a copy of this resolution to Richard Zuckerman, Esq., Allen Kranz, Esq and employee.

**THE VOTE**

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

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

9/27/07

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 907

Authorizes Town Clerk to Publish and Post Notice for Public Hearing Regarding Community Development Block Grant ("CDBG") 2008 Funds

COUNCILMAN BARTUNEK

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

which was seconded by \_\_\_\_\_ COUNCILMAN DENSIESKI \_\_\_\_\_.

**WHEREAS**, the Town of Riverhead has an ongoing CDBG Program and plans to prepare an application for CDBG Funds for Fiscal Year 2008; and

**WHEREAS**, the Town wishes to solicit comments from the public with regard to the development of said application; and

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes publishing and posting of the attached public notice of public hearing as a legal advertisement in the Thursday, October 4, 2007, issue of the News Review and to post same on the signboard in Town Hall.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Suffolk County Community Development Director Joseph T. Sanseverino and Community Development Department Director Andrea Lohneiss.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 16<sup>th</sup> day of October, 2007, at 7:35 p.m. at Wading River Congregational Church, Wading River, New York, to hear all interested persons with regard to the development of the Town of Riverhead's Community Development Block Grant Application for Fiscal Year 2008.

Eligible categories for Community Development funding include:

1. Acquisition and demolition of Real Property;
2. Public Facilities and Improvements;
3. Housing Rehabilitation;
4. Historical Preservation;
5. Public Water or Sewer Projects;
6. Removal of Architectural Barriers;
7. Administration Activities.

The hearing will provide citizens of the Town of Riverhead the opportunity to comment upon the development of the proposed application as well as the performance of any active Community Development Block Grant. Further information concerning the Community Development Program can be obtained at Riverhead Town Hall, Community Development Department, 200 Howell Avenue, Riverhead, New York 11901, (631) 727-3200 ext. 287.

A County-wide public hearing will be scheduled at a later date for final review and comments on the overall Community Development Department Program prior to submission to the United State Department of Housing and Urban Development.

Dated: October 4, 2007

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

BARBARA GRATTAN, TOWN CLERK