

**MAY 3, 2011**

**TOWN BOARD RESOLUTION LIST:**

- Res. #314 2011 Chips Reconstruction Road Improvement Project
- Res. #315 Authorizes Release of Developer Money Baiting Hollow Club
- Res. #316 2009 Calverton Rail Capital Project Budget Adjustment
- Res. #317 Authorizes Release of Developer Money Cedar Cove Subdivision
- Res. #318 Pump Out Vessel Budget Adoption
- Res. #319 Stoneleigh Retirement Community-Phase 2 Water Ext. Capital Project
- Res. #320 Unemployment Insurance Reserve Fund Budget Adjustment
- Res. #321 Approved Temporary Sign Permit of Mattituck Lions Club
- Res. #322 Awards Bid-Installation of Water Mains & Appurtenances, Stoneleigh Woods, Phase 2-Riverhead Water District
- Res. #323 Authorizes Town Clerk to Advertise for Bids on 2007 ASV 100HP Track Skid Steer Loader or Equal
- Res. #324 Ratifies the Attendance of Two Police Department Employees to a New York State Marine Law Enforcement and Marine Patrol Vessel Operator Course
- Res. #325 Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852
- Res. #326 Authorizes Repeal of Employees' Retirement Pursuant to Early Retirement Incentive Program Chapter 37, Article IV, for Eligible Full-Time Police Officers who are Members of the Riverhead Police Department Benevolent Association, Inc., (PBA)

- Res. #327 Appoints a Part-time Senior Account Clerk Typist in the Water District
- Res. #328 Accepts the Resignation of a Call-In Detention Attendant
- Res. #329 Appoints Temporary Clerks to the Tax Receiver's Office
- Res. #330 Classifies Action and Declares Lead Agency on Special Permit of Chernoff Realty Medical Building and Calls Public Hearing
- Res. #331 Awards Bid for Diesel Fuel
- Res. #332 Adopts a Local Law for the Addition of Chapter 99 Entitled "Taxicabs and Vehicles for Hire" of the Riverhead Town Code
- Res. #333 Authorizes the Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment to Chapter 101 "Vehicles & Traffic" of the Riverhead Town Code (§101-4. One-way Streets)
- Res. #334 Adopts a Local Law to Amend Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-10. Parking Prohibited.)
- Res. #335 Authorizes the Supervisor to Execute a Stipulation with Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852
- Res. #336 Approves Chapter 90 Application of the American Heart Association (Healing Heart 5K Run/Walk at Martha Clara Vineyard)
- Res. #337 Authorizes the Supervisor to Execute a Pilot Agreement with Concern Riverhead Housing Development Fund Corporation and Concern Riverhead, LLC
- Res. #338 Authorizes the Supervisor to Execute an Agreement with Arrow Security Systems, Inc.

- Res. #339 Ratifies Authorization for Supervisor to Execute a License Agreement with Peacock Productions (Utilize Portions of Town of Riverhead-Edwards Avenue between Triangle Lane & Riley Ave, Fresh Pond Ave, Youngs Ave & Osborne Avenue, Riverhead for “Twist of Fate” series for Weather Channel)
- Res. #340 Authorizes the Supervisor to Execute an Agreement with Simplexgrinnell, LP.
- Res. #341 Approves Chapter 90 Application of the Riverhead Business Improvement District Management Association (Classic Car Cruise Nights)
- Res. #342 Approves Chapter 90 Application of Wading River Shoreham Chamber of Commerce, Inc. (Duck Pond Day)
- Res. #343 Authorizes Acceptance of Employees’ Retirement Pursuant to Early Retirement Incentive Program Chapter 37, Article II, for Eligible Non-Union, Full-Time Employees
- Res. #344 Authorizes Acceptance of Employees’ Retirement Pursuant to Early Retirement Incentive Program Chapter 37, Article III, for Eligible Full-Time Employees who are Members of the Civil Service Employees’ Association, Inc.
- Res. #345 Offers Support to the New York State Legislature in Relation to the Conveyance of Land Formerly Used as an Armory to the Town of Riverhead, County of Suffolk (Senate Bill #S.4404/Assembly Bill #A.6825)
- Res. #346 Approves Chapter 90 Application of Peconic Bay Medical Center (16<sup>th</sup> Annual East End Garden Festival)
- Res. #347 Authorizes the Supervisor to Execute Separate Agreements with Mayann Hand, Olson Perry Sr., Donna Bugdin and Yvonne Chesson Regarding Records Cataloging Services
- Res. #348 Authorizes the Release of Site Plan Security of Le Clos Therese L.P. D/B/A Comtesse Therese (Aquebogue Bistro, Aquebogue)

- Res. #349 Authorizes Supervisor to Execute Amendment to Suffolk County Grant Contract for Grangebél Park Comfort Station Renovation
- Res. #350 Approves Dunn Engineering Associates Rate Schedule
- Res. #351 Ratifies Approval for a Leave of Absence for a Police Officer
- Res. #352 Authorizes Supervisor to Enter into Memorandum of Understanding Between the Town of Riverhead and the Hamptons Collegiate Baseball League, Inc.
- Res. #353 Appoints a Part-time Account Clerk Typist in the Senior Citizen Department
- Res. #354 Pays Bills

**TOWN OF RIVERHEAD**

**Resolution # 314**

**2011 CHIPS RECONSTRUCTION  
ROAD IMPROVEMENT PROJECT**

**BUDGET ADOPTION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, State funds are available through the Consolidated Local Street and Highway Improvement Program (CHIPS), and the Superintendent intends to resurface various Town roads with these funds.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board authorize the Accounting Department to establish the following budget adoption:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
451.053591.492500.45114      CHIPS	225,000	
451.051100.523030.45114      CHIPS - Road Reconstruction Imp		225,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department and the Highway Department.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 315**

**AUTHORIZES RELEASE OF DEVELOPER MONEY**  
**BAITING HOLLOW CLUB**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Rugby Recreational Group, LLC., deposited monies for expansion of the Riverhead Water District, Capital Project 60181, with the Town of Riverhead on March 28, 2007 (H-8704), October 17, 2008 (I-29107) and December 17, 2008 (I-35210) totaling Two Hundred Forty Three Thousand Five Hundred Dollars (\$243,500.00)

**WHEREAS**, Holzmacher, McLendon & Murrell, P.C. (H2M) and the Riverhead Water District has determined that all work for this extension has been completed and the developer is due back a refund of Six Thousand Six Hundred Ninety One Dollars and Fifty Two Cents (\$6,691.52)

**WHEREAS**, that the Town of Riverhead Administration fee should be released to General Town (\$6,999.65) and to the Riverhead Water District (\$5,250.35) in the total amount of Twelve Thousand Two Hundred and Fifty Dollars (\$12,250.00)

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Accounting Department to set up appropriate accounts release said monies in the sum of Six Thousand Six Hundred Ninety One Dollars and Fifty Two Cents (\$6,691.52) to Rugby Recreational Group, LLC.; and Six Thousand Nine Hundred Ninety Nine Dollars and Sixty Five Cents (\$6,999.65) to General Town Administration Fee; and Five Thousand Two Hundred Fifty Dollars and Thirty Five Cents (\$5250.35) to the Water District Administration Fee; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a copy of this Resolution to Rugby Recreational Group, LLC. PO Box 912, Remsenburg, NY 11960; H2M Group, 575 Broad Hollow Road, Melville, NY 11747; Riverhead Water District and the Accounting Department.

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 316**

**2009 CALVERTON RAIL CAPITAL PROJECT**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

	<u>FROM</u>	<u>TO</u>
405.052300.549000.44006    Contingency	145,000	
405.052300.543500.44006    Professional Services - Engineer		145,000

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 317**

**AUTHORIZES RELEASE OF DEVELOPER MONEY**  
**CEDAR COVE SUBDIVISION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Campo Brothers, deposited monies for expansion of the Riverhead Water District, Capital Project 30091, with the Town of Riverhead May 16, 2006 (G-13604 & G-13605) and November 6, 2009 (J-31011) totaling Sixty Thousand Dollars (\$60,000.00)

**WHEREAS**, Holzmacher, McLendon & Murrell, P.C. (H2M) and the Riverhead Water District has determined that all work for this extension has been completed and the developer is due back a refund of Five Thousand Three Hundred Eighteen Dollars and Eighty One Cents (\$5,318.81)

**WHEREAS**, that the Town of Riverhead Administration fee should be released to General Town (\$1,542.78) and to the Riverhead Water District (\$1,157.22) in the total amount of Two Thousand Seven Hundred Dollars (\$2,700.00)

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Accounting Department to set up appropriate accounts and release said monies in the sum of Five Thousand Three Hundred Eighteen Dollars and Eighty One Cents (\$5,318.81) to Campo Brothers; and One Thousand Five Hundred Forty Two Dollars and Seventy Eight Cents (\$1,542.78) to General Town Administration Fee; and One Thousand One Hundred Fifty Seven Dollars and Twenty Two Cents (\$1,157.22) to the Water District Administration Fee; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a copy of this Resolution to Campo Brothers, 1303 Main Street, Suite 1A, Port Jefferson, NY 11777; H2M Group, 575 Broad Hollow Road, Melville, NY 11747; Riverhead Water District and the Accounting Department.

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

05.03.11  
110318

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 318**

**PUMP OUT VESSEL**

**BUDGET ADOPTION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the New York State Environmental Facilities Corporation Clean Vessel Assistance Program has approved a grant award for \$60,000 as well as \$12,080 from Suffolk County and a Town of Riverhead match of 12,080 for a Pump Out Vessel.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board authorize the Accounting Department to make the necessary transfer from the General Fund and establish the following budget adoption:

		<u>FROM</u>	<u>TO</u>
406.095031.481001.44021	Transfer from General Fund	12,080	
406.033397.491200.44021	County Aid	12,080	
406.033397.492300.44021	Environmental State Aid	60,000	
406.031220.542190.44021	Pump-out Boat		84,160

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department, Department of Community Development and the Police Department.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

05.03.2011  
110319

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 319**

**STONELEIGH RETIREMENT COMMUNITY – PHASE 2**  
**WATER EXT. CAPITAL PROJECT**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, \$142,210 has been received by the developer for the installation of water mains and appurtenances on Phase 2 of the Stoneleigh Woods development located off Middle Road in Riverhead;

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

		<u>FROM</u>	<u>TO</u>
412.092705.421050.30105	Developer Fees	142,210	
412.083200.523002.30105	Water Mains/Laterals		110,810
412.083200.524451.30105	Water Meters		16,200
412.083200.549001.30105	Administrative Fees		8,900
412.083200.547900.30105	Contingencies		6,300

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 320**

**UNEMPLOYMENT INSURANCE RESERVE FUND**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Unemployment Insurance Reserve Fund requires additional funds for unanticipated unemployment claims;

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

		<u>FROM</u>	<u>TO</u>
176.095031.481173	Transfer from Workers Comp	50,000	
176.019300.548100	Unemployment Insurance Claims		50,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 321**

**APPROVES TEMPORARY SIGN PERMIT OF MATTITUCK LIONS CLUB**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a temporary sign permit application and sketch were submitted by Joseph Doorhy for Mattituck Lions Club Strawberry Festival for property located at 1880 Old Country Road, Riverhead, New York, also known as SCTM# 119.00-01-001.02, and property located at Sound Avenue, Jamesport, also known as SCTM# 009.00-03-003.00; and

**WHEREAS**, pursuant to Section 108-56 of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

**WHEREAS**, sketch has been approved by three (3) Town Board Members;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Mattituck Lions Club submitted by Joseph Doorhy;

**RESOLVED**, that said temporary sign permit shall commence on June 10, 2011 and expire on June 21, 2011 and the applicant shall remove the affected sign, in its entirety, on or before said date; and be it further

**RESOLVED**, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Joseph Doorhy, 1125 Ole Jule Lane, Mattituck, New York 11952, Code Enforcement Department and Building Department.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 322**

**AWARDS BID – INSTALLATION OF WATER MAINS & APPURTENANCES,  
STONELEIGH WOODS, PHASE 2 – RIVERHEAD WATER DISTRICT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for project known as Stoneleigh Woods, Phase 2, and

**WHEREAS**, all bids received were opened and read aloud on the date and time advertised in the notice, and

**WHEREAS**, H2M Group, consulting engineers to the Riverhead Water District, by attached letter dated April 15, 2011 did recommend that the bid be awarded to Alessio Pipe & Construction Co. at the total bid price of \$110,810.00.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for the installation of water mains and appurtenances for project known as Stoneleigh Woods, Phase 2 for the Riverhead Water District, be and is hereby awarded to:

Alessio Pipe & Construction Co.  
Huntington Station, New York  
Total Bid Amount of \$110,810.00

and be it further

**RESOLVED**, that the Town Clerk forward a certified copy of this resolution to the above named contractor, and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to return to all unsuccessful bidders their respective bid security, and be it further

**RESOLVED**, that the Town Supervisor be and is hereby authorized to execute a contract with Alessio Pipe & Construction Co. for this project when the developer has deposited the required funds, and be it further

**RESOLVED**, that upon completion of fully executed contracts and the filing of

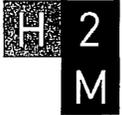
said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security, and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted



architects + engineers

575 Broad Hollow Road tel 631.756.8000  
Melville, NY 11747 fax 631.694.4122

April 15, 2011

Supervisor Sean Walter  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York 11901

Re: Riverhead Water District  
Installation of Water Mains & Appurtenances  
Stoneleigh Woods, Phase 2  
H2M Project No.: RDWD 10-55

Dear Supervisor Walter:

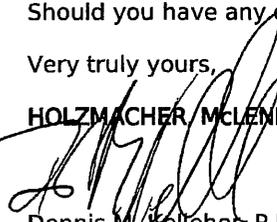
On Thursday April 7, 2011, the Riverhead Water District received bids for the installation of water mains and appurtenances for the above referenced project. Five (5) contractors submitted bids, with the low bid being submitted by Alessio Pipe & Construction Co. of Huntington Station, New York, with a total bid price of \$110,810.00. Please note, the total price includes those items included under Phase 2A – Base Bid as well as Phase 2B – Alternate Base Bid. A copy of the *bid tabulation* is enclosed for your records. Please note that this project is being funded entirely by the developer at no cost to the Town or Water District.

Alessio Pipe & Construction Co. has successfully completed similar projects for various water utilities over the past few years, including several for the Riverhead Water District. Additionally, the bid prices submitted by same, compare to projects similar in size and nature. It is our opinion that Alessio Pipe & Construction Co. is qualified and his bid prices are fair and reasonable. Based on the above information, we recommend that the Town Board award the water main installation project to Alessio Pipe & Construction Co., at a total bid price of \$110,810.00, contingent of the required balance of funds be deposited by the developer with the Town.

Please note, once contracts are executed, the Water District will issue the contractor a Notice to Proceed based on the work included under Phase 2A only. When the site is ready to receive the installations included under Phase 2B, a separate notice to proceed will be issued.

Should you have any questions or comments, please contact this office.

Very truly yours,

  
HOLZMACHER, McLENDON & MURRELL, P.C.

Dennis M. Kelleher, P.E.  
Sr. Vice President

Enclosures:

cc: Town Board  
Richard Ehlers, Esq.  
Supt. Gary Pendzick  
William Rothaar, Financial Administrator

X:\RDWD (Riverhead Water District) - 10810\RDWD1055 - Stoneleigh Woods, Phase 2\Correspondence\Recommendation of Award\_RDWD 1055.docx0054.doc

**TOWN OF RIVERHEAD**

**Resolution # 323**

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS ON A  
2007 ASV 100HP TRACK SKID STEER LOADER OR EQUAL**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for a 2007 ASV 100 hp Track Skid Steer Loader or an approved equal for the use of the Town of Riverhead Highway Department, AND BE IT,

**RESOLVED**, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:00 A.M. on May 16, 2011, AND BE IT FURTHER,

**RESOLVED**, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on May 16, 2011 at 11:00A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "BID ON A 2007 ASV 100HP TRACK SKID STEER LOADER OR AN APPROVED EQUAL".

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## **NOTICE TO BIDDERS**

Sealed bids for a “2007 ASV 100 HP TRACK SKID STEER LOADER OR AN APPROVED EQUAL” for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:00 A.M. on May 16, 2011.

Instructions for bidders, specifications and forms may be obtained on the website at www.riverheadli.com or at the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation “Exceptions to the Specifications”, and attached to the bid form.

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

All bids will be submitted in a sealed envelope bearing the designation “BID on a 2007 ASV 100HP TRACK SKID STEER LOADER OR AN APPROVED EQUAL”.

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

**TOWN OF RIVERHEAD**

**Resolution # 324**

**RATIFIES THE ATTENDANCE OF TWO POLICE DEPARTMENT EMPLOYEES TO A  
NEW YORK STATE MARINE LAW ENFORCEMENT AND MARINE PATROL  
VESSEL OPERATOR COURSE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of two (2) Police Department employees to attend a Marine Law Enforcement and Marine Patrol Vessel Operator Course, being offered by the New York State Office of Parks, Recreation and Historic Preservation, Bureau of Marine Services; and,

**WHEREAS**, the course will be held at Lake George, New York, from May 2 to May 6, 2011.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board hereby ratifies the attendance of two (2) Police Department employees at the aforementioned training course; and,

**BE IT FURTHER RESOLVED**, that the Town Board also authorizes reimbursement of expenses, not to exceed \$200.00, upon proper submission of receipts; and,

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 325**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL  
1000, AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a contractual issue has arisen as a result of the need to fill a part-time position in the Water District; and

**WHEREAS**, the parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the attached stipulation and authorizes the Town Supervisor to execute same; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Town Attorney Robert Kozakiewicz, ESQ., CSEA Unit President Matthew Hattorff, the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## STIPULATION

Made this \_\_\_\_\_ day of May 2011, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garret Place, Commack, New York (CSEA),

WHEREAS, Maureen Lynn is employed as a Senior Account Clerk Typist in the Water District and is a member of Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, Maureen Lynn wishes to retire from her position in the Water District and to resume work as a Senior Account Clerk Typist in a part time capacity without continuing her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, the Town wishes to retain Maureen Lynn as a part time Senior Account Clerk Typist for the time period of May 31, 2011 through May 30, 2012,

NOW, THEREFORE, it is mutually agreed as follows:

1. That this position of part-time Senior Account Clerk Typist shall be exempt from the Union.
2. That should the Town determine to hire a full time Senior Account Clerk Typist should Maureen Lynn leave employment or if the Town determines to

add additional persons in this title, the full time Senior Account Clerk Typist shall be a CSEA position.

3. This stipulation shall not, in any way, constitute "past practice" for the Town of Riverhead or the CSEA and is and shall remain specific to this matter.

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Sean M. Walter, Supervisor

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Matthew E. Hattorff, for CSEA

**TOWN OF RIVERHEAD**

**Resolution # 326**

**AUTHORIZES REPEAL OF EMPLOYEES' RETIREMENT PURSUANT TO EARLY RETIREMENT INCENTIVE PROGRAM CHAPTER 37, ARTICLE IV, FOR ELIGIBLE FULL-TIME POLICE OFFICERS WHO ARE MEMBERS OF THE RIVERHEAD POLICE DEPARTMENT BENEVOLENT ASSOCIATION, INC., (PBA)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board conducted a public hearing on March 1, 2011, to consider a local law to amend Chapter 37 entitled "Retirement" of the Riverhead Town Code; and

**WHEREAS**, the Town Board enacted a local law codified as Chapter 37 (Article IV) in the Riverhead Town Code entitled "Early Retirement Incentive Program For Eligible Full-Time Police Officers Who Are Members Of The Riverhead Police Benevolent Association, Inc., (PBA)" on or about March 15, 2011, pursuant to resolution number 197-2011; and

**WHEREAS**, the Town of Riverhead had reserved the right to establish a minimum percentage of eligibility participation in order to proceed with this program; and

**WHEREAS**, no Town of Riverhead employees proffered their intention of retiring in reliance upon the Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article IV, police officers) during the applicable retirement incentive window which ended on May 2, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead repeals Chapter 37, Article IV, specifically Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article IV, eligible full-time police officers who are members of the Riverhead Police Benevolent Association, Inc.,) due to a lack of interest.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 327**

**APPOINTS A PART-TIME SENIOR ACCOUNT CLERK TYPIST IN THE  
WATER DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby appoints Maureen Lynn to the position of part-time Senior Account Clerk Typist in the Riverhead Water District at an hourly rate of \$30.00 for the time period of May 31, 2011 through May 30, 2012; and

**BE IT FURTHER, RESOLVED** that 1. Lynn's normal work schedule shall be set at 17 hours per week; and 2. Lynn shall receive 42.50 hours of vacation time effective May 31, 2011 to be used as needed or forfeited if unused by May 30, 2012.

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Maureen Lynn, the Water District Superintendent, the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 328**

**ACCEPTS THE RESIGNATION OF A CALL-IN DETENTION ATTENDANT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town has received a letter of resignation from Eileen M. Hattorff, a Call-In Detention Attendant in the Riverhead Town Police Department, indicating her intent to resign effective April 19, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the resignation of Eileen Hattorff.

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Eileen Hattorff, the Chief of Police, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

05.03.2011  
110329

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 329**

**APPOINTS TEMPORARY CLERKS TO THE TAX RECEIVER'S OFFICE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, This Town Board recognizes that the need to provide additional clerical personnel to the Office of the Receiver of Taxes to assist in the processing of tax money.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to completed background investigations, Melissa Messina and Kristina Rowe be and are hereby appointed as temporary clerks effective May 16, 2011 through June 17, 2011 at the hourly rate of \$10.25.

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

**THE VOTE**

Giglio Yes No Gabrielsen Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 330**

**CLASSIFIES ACTION AND DECLARES LEAD AGENCY ON SPECIAL PERMIT OF CHERNOFF REALTY MEDICAL BUILDING AND CALLS PUBLIC HEARING**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Ira Chernoff pursuant to Article XXVIA and Section 108-282B.(1) of the Riverhead Town Code, for the construction of a two story medical office building of 11,130sqft. gross floor area and a 6,000sq.ft. unfinished basement together with related improvements on 1.855ac. of land zoned Rural Corridor (RLC); such property more particularly described as SCTM 0600-85-3-8&12.7, and

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

**WHEREAS**, the Riverhead Planning Department has reviewed these materials and has prepared a SEQR report identifying the petition as an Unlisted action pursuant to 6NYCRR Part 617 and further assessing the project's impacts upon the natural and social environment as well as issues pertaining to the considerations and determinations of special permits, and

**WHEREAS**, the applicant was directed to seek the prerequisite relief necessary for the Town Board to act upon the petition and the Zoning Board of Appeals issued all identified variances by Appeal No. 11-12, dated April 14, 2011, and

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

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Chernoff Realty Medical Building which it classifies as an Unlisted action for the purposes of SEQR compliance, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent and is

directed to publish and post the following notice of public hearing in the May 12, 2011 issue of the Riverhead News Review, and

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on the 18th day of May 2011 at 7:15 o'clock PM to consider the special use permit of the Chernoff Realty Medical Building to construct a two story medical office building of 11,130sqft. gross floor area and a 6,000sq.ft. unfinished basement together with related improvements on 1.855ac. of land zoned Rural Corridor (RLC) pursuant to Article XXVIA and Section 108-282B.(1) of the Riverhead Town Code; such property being located on Main Road (SR25), Aquebogue, New York and more particularly described as SCTM 0600-85-3-8&12.7.

Dated: Riverhead, New York  
May 3, 2010

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

**TOWN OF RIVERHEAD**

**Resolution # 331**

**AWARDS BID FOR DIESEL FUEL**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**WHEREAS**, bids were received and opened at 11:15 am on April 25, 2011, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

**NOW THEREFORE BE IT RESOLVED**, that the bid for DIESEL FUEL for the Town of Riverhead be and hereby is, awarded to QUOGUE SINCLAIR FUEL, INC. FOR PLUS .08 CENTS MARGIN OVER POSTING.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 332**

**ADOPTS A LOCAL LAW FOR THE ADDITION OF CHAPTER 99 ENTITLED  
"TAXICABS AND VEHICLES FOR HIRE" OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law for a proposed addition of Chapter 99 entitled "Taxicabs And Vehicles For Hire" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 20<sup>th</sup> day of April, 2011 at 7:05 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law for the addition of Chapter 99 entitled "Taxicabs And Vehicles For Hire", of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law for the addition of Chapter 99 entitled " Taxicabs And Vehicles For Hire" of the Riverhead Town Code at its regular meeting held on May 3, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**PART II  
GENERAL LEGISLATION  
Chapter 99  
TAXICABS AND VEHICLES FOR HIRE**

**§ 99-1. PURPOSE.**

A. The purpose of this chapter is to regulate the activities of taxicabs and other vehicles for hire in the Town of Riverhead. History has shown that there is a need for investigation and review of the conduct of taxicab drivers and vehicles for hire in order to ensure the health, safety, and welfare of residents and visitors within the Town of Riverhead. Indeed one of the Town Board's highest priorities is to protect the peace and security of our citizens on the highways in our community.

B. Thus, this chapter is intended to enhance the peace and security of our citizens in their homes and neighborhoods; to safeguard consumers against fraud and inferior services; and to prevent congestion and unsafe conditions on the streets and highways of the Town.

**§ 99-2. DEFINITIONS.**

**A. Word usage.**

Words used in the singular in this chapter shall include the plural and vice versa. The word "shall" is always mandatory.

**B. Definitions.**

The following definitions shall govern the interpretation of this chapter unless otherwise expressly defined herein:

BUSINESS - Includes any single act of transporting a passenger or passengers in a motor vehicle for hire or for compensation of any kind upon the public streets, roads and highways within the Town of Riverhead.

BUSINESS LICENSE – Written authorization which permits a person to engage in the business of transportation for hire or to employ others for said purposes.

CRUISING - To travel about the street and roadways at random.

DEPOT – An additional place of business in the area where an owner’s terminal is located.

DRUG TESTING POLICY/RANDOM DRUG TESTING POLICY – A written policy that meets the minimum requirements for the testing of holders of a Commercial Driver’s License for drugs and/or alcohol developed by the U.S. Department of Transportation and Federal Motor Carrier Safety Administration as set forth in the Code of Federal Regulations in 49 CFR Parts 40 and 382.

FARE - A transportation charge or the price of passage or the sum paid or due for conveying a person by taxicab or vehicle for hire.

LIMOUSINE - Any motor vehicle engaged in transportation for hire in connection with funerals, weddings, proms and other events or functions of a similar nature or in connection with general transportation for hire when, at the prior request of the passenger(s), an unmarked livery is used and pickup is made by prior arrangement, whether hired by the hour, by the day or for a fixed fare, and/or so licensed by the New York State Department of Motor Vehicles.

OPERATOR - A natural person who is entitled to obtain in his or her own name proper New York State licensing for the operation of a motor vehicle for the purpose of transportation for hire.

OPERATOR’S PERMIT – Written authorization which permits an operator to engage in the business of transportation for hire within the Town of Riverhead.

OWNER - Includes a person, as defined herein, who is a business owner, principal, director and/or officer of a business, a purchaser under a reserve title contract, conditional sales contract or vendor’s lien agreement and a lessee who is entitled to obtain in his or her own name proper New York State registration of the vehicles engaged in the business of transportation for hire, and/or a person owning or controlling one or more taxicabs or limousines and operating/driving or causing to be operated/driven any such vehicle for hire.

PASSENGER - Includes any person other than the operator/driver who is an occupant of a taxicab or limousine upon the public streets, roads and highways within the Town of Riverhead.

PERSON - Includes natural persons, corporations, partnerships, unincorporated associations or any other organizations of two or more persons.

TAXICAB - Any motor vehicle engaged in the business of transportation for hire, other than a limousine, whether the same is operated from a street stand or subject to calls from a garage.

VEHICLE PERMIT – Written authorization which permits the use of a specific vehicle in the business of transportation for hire within the Town of Riverhead.

TAXI STAND – A public place alongside the curb of a street or elsewhere which has been so designated as reserved exclusively for the use of all taxicabs licensed pursuant to this chapter.

TERMINAL – A fixed base of operation of the owner of the taxicab or limousine.

TOWN - Includes all areas within the Town of Riverhead exclusive of areas wholly within any incorporated village.

TRANSPORTATION FOR HIRE - Includes the transporting of a passenger or passengers in a motor vehicle, for hire or for compensation of any kind, upon the public streets, roads and highways within the Town of Riverhead.

VEHICLE FOR HIRE - Includes any motor vehicle used in the transporting of a passenger or passengers, for hire or for compensation of any kind, upon the public streets, roads and highways within the Town of Riverhead.

ZONE – An area within the Town

### **§ 99-3. EXEMPTIONS.**

The provisions of this chapter shall not apply to vehicles solely owned and operated for the activities set forth herein:

A. Business vehicles engaged in a business other than transportation for hire, wherein said vehicles are used solely for transportation of clients of said business, whether for a fee or not, and are not made available for hire by persons other than clients of the principal business.

B. Hotel vehicles engaged in the transportation of hotel guests only.

C. Club vehicles engaged in the transportation of club members only.

D. Public or private school vehicles engaged in the transportation of school pupils only.

E. Buses as defined by the New York State Vehicle and Traffic Law.

F. Limousines as defined in this chapter.

G. Vehicles for hire engaged in transportation from a point outside the Town of Riverhead to a point within the Town, from a point within the Town to a point outside the Town, or from a point outside the Town to another point outside the Town and passing through the Town of Riverhead.

## **§ 99-4. BUSINESS LICENSE.**

**A. It shall be unlawful for any person to engage in the business of transporting people for hire by a taxicab, from point to point within the confines of the Town of Riverhead, without having first obtained a license to conduct such business from the Town Clerk.**

### **B. Application.**

**(1) To obtain a business license required by this section, or any renewal thereof, a verified application shall be made to the Town Clerk, upon a form to be furnished by the Town Clerk, which application shall set forth the following information:**

**(a) The name and permanent address of the applicant, the applicant's telephone number and social security number. If the applicant is a corporate entity, the name and address of all officers, partners, directors, members, and/or stockholders of the applicant, the applicant's federal tax identification number and telephone number.**

**(b) The make, model, year, seating capacity, vehicle identification number and license plate number of each vehicle to be used in said taxicab business.**

**(c) The registered owner of each vehicle to be used in said taxicab business. No business license shall be issued to any person unless he is the owner of each taxicab operated in his name.**

**(d) The names and addresses of all vehicle operators.**

**(e) The name, address, telephone number and title of the person designated to accept process or other legal notices on behalf of the licensee. The licensee is required to designate an agent who resides in the County of Suffolk for the service of process of any notices set forth in this chapter or for the service of process of a violation of this chapter.**

**(f) Details of any convictions for misdemeanors and felonies, including the nature of the offense for which arrested and ultimately convicted, the date of arrest and conviction, the place where said conviction was had and the sentence imposed.**

**(2) In addition the requirements set forth in subdivision (1) of this section, prior to obtaining a business license required by this section, or any renewal thereof, the business owner shall certify that the business has a written drug testing policy as defined herein.**

### **C. Form.**

**A business license shall state the name and address of the licensee, the date of the issuance and expiration of said business license, and that the licensee is authorized to engage in the business of transportation for hire by the Town of Riverhead.**

**D. Term.**

The term of the business license shall be for a term of one year.

**E. Posting of business license.**

A business license shall be conspicuously posted, in full public view, in the main office of the licensee.

**F. Renewal.**

Application for the renewal of a Business License shall be filed no later than 30 days prior to its expiration. The application shall be verified and shall set forth the information listed in § 99-4(B) of this chapter. Forms for the renewal application shall be supplied by the Town Clerk and shall be requested by the licensee.

**G. Modification.**

Any change in circumstance with regard to the information required hereinabove shall be reported to the Town Clerk within thirty (30) days of occurrence.

**§ 99-5. OPERATOR'S PERMIT.**

A. It shall be unlawful for any person to drive or operate or, as an owner, to allow any person, including the owner, to drive or operate a taxicab or other motor vehicle engaged in transportation for hire, as defined herein, without having first obtained an Operator's Permit to drive or operate a taxicab from the Town Clerk.

**B. Application.**

To obtain a permit required by this section, or any renewal thereof, a verified application shall be made to the Town Clerk, upon a form to be furnished by the Town Clerk, which application shall set forth the following information:

- (1) The name and permanent address of the applicant.
- (2) Any other names ever used by the applicant.
- (3) The applicant's place of residence for the past five-year period.
- (4) The applicant's age, date of birth, color, height, weight, color of eyes, color of hair, place of birth and citizenship.
- (5) Whether or not the applicant has ever been convicted of a crime and, if so, the details of such conviction, including; the offense the applicant was convicted of, the date and court of conviction, and the sentence imposed.
- (6) The applicant's license classification and license number. All applicants must hold the proper license from the State of New York to

operate a taxicab to be issued an Operator's Permit.

### **C. Additional Requirements.**

In addition to a completed application, an applicant must comply with the following requirements in order to be considered for an Operator's Permit.

(1) Photograph. All Operator Permit applications shall be accompanied by four (4) unmounted, unretouched photographs of the applicant, showing head and shoulders, taken within thirty (30) days of the date of the application. Said photographs shall be two by two (2 x 2) inches in size.

(2) Fingerprints. When the application form has been completed, the applicant shall appear at the Riverhead Town Police Department to be fingerprinted. The Chief of Police shall mail a copy of the fingerprints to the Division of Criminal Justice Service, Albany, New York, requesting a fingerprint search. Prior to the fingerprinting the Town Clerk shall secure from the applicant the required fee in the form of a check or money order made payable, as required, to the New York State Division of Criminal Justice Services to be forwarded with such fingerprints. The fee for fingerprinting is in addition to the fees required to be paid to the Town Clerk.

(3) Physicians Statement. The applicant must submit a written statement from a medical doctor licensed to practice medicine in the State of New York stating that the applicant is physically and mentally fit to safely operate a motor vehicle.

(4) Drug Test. The applicant must submit a certification from his employer that he has passed a pre-employment drug test.

(5) Driver's License and Abstract. The applicant must submit a copy of the applicant's New York State driver's license along with a New York State Driver's Abstract detailing the applicant's driving history dated with 10 days of the date of the application is submitted to the Town Clerk.

### **D. Form.**

The permit shall contain the name, address, date of birth, signature and photograph of the applicant. It shall state the dates of issuance and expiration of the permit. In addition there shall be sufficient blank spaces to record any suspension or revocation of the permit.

### **E. Term.**

The term of the permit shall be for one year from date of issuance.

### **F. Posting.**

The permit shall be conspicuously posted and securely fastened on the visor on the driver's side of the taxicab.

### **G. Renewal.**

Application for the renewal of an Operator's Permit shall be filed no later than 30 days prior to its expiration. The application shall be verified on a form furnished by the Town Clerk and shall contain the information required by §§ 99-6(B) and (C) and all their subsections. An applicant requesting to renew an Operator's Permit shall request a renewal form from the Town Clerk either in person or in writing.

### **H. Temporary permit.**

(1) The Town Clerk may issue a temporary permit to an applicant, who is otherwise qualified, pending the investigation of the applicant's application for a full permit.

(2) The holder of a temporary permit shall be subject to all the provisions of this chapter. The duration of a temporary permit shall be thirty (30) days.

(3) No temporary permit may be issued until the applicant has submitted a certification from the applicant's employer that the applicant has passed a pre-employment drug test.

### **I. Modification.**

Any change in circumstance with regard to the information required hereinabove shall be reported in writing to the Town Clerk within thirty (30) days of occurrence.

### **J. Denial of Operator's Permit.**

(1) The Town Clerk shall not issue an Operator's Permit in the following instances:

(a) The applicant has a conviction for any of the offenses:

i. A felony within the last 10 years.

ii. Any crime involving the manufacture, transportation, possession, or sale of illegal drugs as defined by New York Penal Law.

iii. A crime involving the operation of a motor vehicle under the influence of alcohol or drugs.

iv. Any offense that requires the applicant to register as a sex offender.

v. Reckless driving.

vi. Endangering the welfare of a child.

(b). It is determined by the Town Clerk that the applicant made a false, misleading or fraudulent statement in the application for an Operator's Permit.

(c). The applicant has been convicted of offense for violating a

provision of this chapter a minimum of 3 times.

## **§ 99-6. VEHICLE PERMIT.**

A. It shall be unlawful for any person to operate or permit to be operated a taxicab, from point to point within the confines of the Town of Riverhead, without having first obtained therefore a vehicle permit from the Town Clerk. All taxicabs licensed by the Town of Riverhead shall be registered in the State of New York and must have the proper registration and license plates for a taxicab as required by the New York State Department of Motor Vehicles.

### **B. Application.**

(1) To obtain a Vehicle Permit as required by this section, or any renewal thereof, a verified application shall be made to the Town Clerk, which application shall set forth the following information:

(a) The name and resident address of the applicant and the registered owner of the vehicle.

(b) The business address from which the taxicab will be used and the business license under which it will be used.

(c) The make, model, year, seating capacity, vehicle identification number and the license plate number.

(d) If the vehicle has been previously used as a taxicab and where.

(2) In addition to the application, an applicant for a Vehicle Permit shall provide the following:

(a) Proof that the vehicle is properly registered in New York State as required by this section.

(b) A valid certificate of inspection from a business licensed as a New York State Vehicle Inspection Station.

(c) Proof that the vehicle is insured as required by the New York State Department of Motor Vehicles.

### **C. Form.**

The Vehicle Permit shall state the name and address of the registered owner; if the vehicle is leased, the name and address of the party to which it is leased; the seating capacity; the year, make and model; the license plate number; and the business license number under which the taxicab is being operated.

**D. Term.**

The term of the Vehicle Permit shall be for one year from date of issuance.

**E. Posting.**

The Vehicle Permit shall be conspicuously posted and securely fastened on the interior of such vehicle in such a manner as to be readily visible to a passenger in the rear seat.

**F. Identification sticker.**

(1) When issuing a Vehicle Permit, the Town Clerk shall also deliver to a sticker bearing the Vehicle Permit number, the vehicle license plate number and the expiration date of the Vehicle Permit. Each such sticker must be securely affixed to the rear bumper of the vehicle. The sticker is to remain there and shall be kept clearly visible at all times.

(2) Should this sticker become lost, stolen or destroyed through no fault of the owner, the Town Clerk shall issue a duplicate sticker at a fee as set by the Town Board.

**G. Renewal.**

An application for the renewal of a Vehicle Permit shall be filed no later than 30 days prior to expiration. The application shall be verified and shall set forth the information listed in § 99-6(B) of this chapter. Forms for the renewal applications shall be supplied by the Town Clerk and shall be requested by the licensee, in writing or in person no later 45 days prior to the expiration date of the current permit.

**H. Modification.**

Any change in circumstance with regard to the information required hereinabove shall be reported to the Town Clerk within thirty (30) days of occurrence.

**§ 99-7. OPERATOR REGULATIONS.**

It shall be the duty of every Operator of a taxicab to comply with the following:

A. Each Operator shall keep the interior and exterior of his taxicab clean at all times.

B. An Operator must transport all orderly persons upon request, unless already under hire.

C. An Operator must inform the Town Clerk, in writing, of any change in address within seventy-two (72) hours.

D. Operators shall thoroughly search his taxicab for lost or misplaced items after the discharge of each fare.

E. Operators shall inform the Town Clerk, in writing, within twenty-four (24) hours of the loss or theft of the Operator's Permit.

F. Operators shall not transport a greater number of persons than the rated capacity of the taxicab as listed on the Vehicle Permit.

G. After having accepted a person for transportation, an operator must refuse to accept any other passengers without the consent of the person first accepted for transportation.

H. At the request of any passenger, an Operator must enforce no smoking in their vehicle by all occupants, including the driver, during the presence of the passenger making said request.

I. Operators may not use loudspeakers, noisemaking devices, or other attention-seeking devices.

J. Operators may not peddle any goods or property from the vehicle for hire.

K. Operators may not solicit the use of a vehicle for hire in violation of Chapter 99 of the Code of the Town of Riverhead or for any purpose other than transportation for hire.

L. An Operator may not allow any other person to use their Operator Permit.

M. Operators shall maintain a written log of all trips, showing the time and place each passenger engages the taxicab and the time and place he leaves the taxicab, as well as the fare charged. The operator shall deliver a copy of this log to the owner of the taxicab. The log shall be retained by the operator and the owner for a period of one (1) year.

N. No Operator shall engage in the act of cruising as defined in this chapter.

O. An Operator shall not conduct himself in any manner or way that is either dangerous or offensive to the general public.

P. Operator's shall, upon request of a member the Town Attorney Investigation Unit or Town of Riverhead Police Department, produce for inspection their trip log.

Q. Operator's shall be subject to the same requirements as a holder of a commercial driver's license as set forth by the U.S. Department of Transportation and the Federal Motor Carrier Safety Administration with regard to the operation of vehicle and the consumption of alcohol and drugs.

R. Operator's must submit to and pass all alcohol and/or drug tests required by this chapter.

## **§ 99-8. OWNER REGULATIONS.**

It shall be the duty of every owner of a taxicab, as defined in this chapter, to:

A. Inspect and repair all damage or malfunction to or in the vehicle or equipment each week. All said repairs and maintenance to the vehicles shall not be made while the vehicle is on the public street, public way or public place.

B. Not allow the taxicab to be used in business if not in proper working condition.

C. Equip and maintain each taxicab with interior lights, under the control of the driver, which shall fully illuminate the passenger area when a passenger is boarding or alighting from the vehicle.

D. Not allow any person to operate the taxicab without an Operator's Permit as defined by this chapter.

E. Maintain the Operator's log for a period of one (1) year and which must be available for inspection by the Town, upon request, at all times during said period.

F. Report to the Town Clerk the loss or the theft of the Vehicle Permit, in writing, within twenty-four (24) hours.

G. Ensure that all Operators employed by the owner comply with all of sections regarding the duties, requirements and responsibilities of operators contained in this chapter.

H. Develop, implement and follow a written drug testing policy as defined in this chapter.

I. Upon notification that an Operator employed by the Owner has failed a drug test, the Owner must within 24 hours notify the Town Clerk in writing, that the Operator has failed a drug test and is no longer eligible to operate a taxicab in the Town of Riverhead. Notice to the Town Clerk must be sent by Certified Mail.

J. Prevent an Operator from driving any taxicab owned by the Owner upon notification that the Operator has failed a drug test until such time that the Owner is notified by the Town Clerk in writing that the Operator's privilege to drive a taxicab in the Town of Riverhead has been restored.

K. Maintain written records regarding all drug tests administered pursuant to this chapter for a period of three (3) years and produce said records for inspection upon the request of Town Clerk, Town Board, Town Investigative Unit or Town of Riverhead Police Department.

L. Maintain a maintenance log for each vehicle owned by the Owner for a

period of one (1) year and which must be available for inspection by the Town, upon request, at all times during said period.

#### **§ 99-9. LICENSE AND PERMIT SEAL AND RECORD.**

A. Each license and permit issued pursuant to the provisions of this chapter shall be stamped with the Seal of the Town of Riverhead.

B. In addition, the Town Clerk shall keep a record of all licenses and permits issued pursuant to this chapter. Such record shall list the complaints, suspensions and revocations recorded against each licensee and permit holder and such record shall be open to view by the public during regular business hours. Upon receiving any complaint, the Town Clerk shall forward such complaint to the Investigation Unit of the Town Attorney's Office for investigation.

#### **§ 99-10. TRANSFER OR ASSIGNMENT.**

It shall be a violation of this chapter for any person to transfer or assign, or to accept transfer or assignment, of any license or permit issued under this chapter from person to person or from vehicle to vehicle.

#### **§ 99-11. LOSS OF LICENSE OR PERMIT.**

Should any license or permit issued pursuant to this chapter be lost or stolen through no fault of the licensee or permit holder, the Town Clerk shall issue a duplicate license or permit for a fee to be set by the Town Board.

#### **§ 99-12. LOST AND FOUND ARTICLES.**

All property which is lost or misplaced in the taxicab shall be kept at the address listed on the business license under which the taxicab is operated for a period of one month. After this period, if the property is still not claimed, it shall be brought to the Riverhead Town Police Department and a receipt obtained.

#### **§ 99-13. INSPECTION.**

A. Each and every taxicab licensed pursuant to the provisions of this chapter shall be subject to inspection by the Investigative Unit of the Town Attorney's Office. Said inspection shall concern the cleanliness of the taxicab, the required safety equipment, and the proper posting of licenses and other items required by this chapter.

#### **§ 99-14. POLICE INSPECTIONS.**

Nothing in this chapter shall prevent the Riverhead Town Police Department from making further routine inspections.

#### **§ 99-15. REQUEST TO SUBMIT TO TESTING**

A. Any member of the Town Attorney Investigation Unit or the Riverhead Town Police Department may, upon reasonable suspicion that an Operator has consumed drugs or

alcohol in violation of this chapter, the New York Vehicle and Traffic Law and/or the New York Penal Law, request that the Operator to submit to a drug and/or alcohol test.

**§ 99-16. DENIAL, SUSPENSION OR REVOCATION OF LICENSE OR PERMIT.**

A. The Town Clerk shall suspend or revoke a license or permit upon learning of a violation of this chapter. Notice of the revocation or suspension shall be mailed to the licensee or permit holder by registered mail, at the address listed on the license or permit application notifying that the license or permit holder that their license or permit has been suspended or revoked and the reason for such suspension or revocation.

B. Any license or permit holder shall be entitled to a hearing to appeal a denial, suspension or revocation. Any license or permit holder who wants to appeal a denial, or suspension or revocation must notify the Town Clerk in writing that they wish to appeal the denial, suspension or revocation. Said hearing shall be held before the Town Board. The Town Clerk shall notify the license or permit holder of the date, time and place of the hearing, in writing, at least 30 days prior to the hearing. At the close of the hearing, the Town Board may suspend, revoke or uphold the denial of the license or permit or dismiss the charges alleged. The Town Board must state the facts upon which the ruling is based.

C. Failure to comply with the provisions of this chapter shall be seen as sufficient cause for the revocation or suspension of such license or permit.

D. Conviction of a violation of the New York State Vehicle and Traffic Law in a court of competent jurisdiction regarding the equipment or working condition of the taxicab shall be grounds for the suspension or revocation of the Vehicle Permit.

E. The Town Clerk shall suspend any license or permit issued pursuant to this chapter upon learning that the license or permit holder has been charged with any of the offenses listed in section 99-5 (J) (1)(a).

F. The Town Clerk shall revoke any license or permit issued pursuant to this chapter upon learning:

1. that the license or permit holder has been convicted of an offense listed in section 99-5 (J) (1) (a);
2. that an application contained a false, misleading or fraudulent statement,
3. that a license or permit holder has 3 or more convictions for violating provisions of the Riverhead Town Code, or;
4. that an Operator has failed a drug test as defined herein.

## **§ 99-17. VEHICLE REGULATIONS.**

**A. Each vehicle used as a cab, as defined hereinabove, must be equipped with a permanent raised operational dome light affixed to the roof, with "taxi," "taxicab" or the business name imprinted thereon, and must have "taxi" or "taxicab" and the business telephone number permanently affixed to each side of the exterior, not less than four inches in height, and the business name and address must be permanently affixed to the lower portion of the front door, on each side of the exterior, not less than two (2) inches in height.**

**B. The owner of each vehicle shall ensure that the vehicle and its equipment are inspected at least once during each week, the results of which must be noted in the written log maintained for that vehicle. Each vehicle in use must be capable of passing all Town, state and police inspections. Any and all repairs to the vehicle must be recorded in the maintenance log.**

**C. Each vehicle must be kept clean, sanitary, fit, of good appearance and in a safe condition for the transportation of passengers; including repair of all malfunctions and/or damages and must comply with all alterations and/or additions that may be required.**

## **§ 99-18. PASSENGER REGULATIONS, RIGHTS AND COMPLAINTS.**

**A. Issuance. Upon approval of an application for a taxicab license, the Town Clerk shall issue a placard for each vehicle bearing the title: "Passenger Regulations, Rights and Complaints."**

**B. Posting. Owners, at all times, and operators, while in possession of a vehicle, are responsible for keeping said placard conspicuously posted and securely fastened in the interior of each vehicle, in a clear and readable manner.**

**C. Contents. The placard shall set forth the activities by passengers that are prohibited, their rights and where to file complaints, as prescribed by this chapter.**

## **§ 99-19. SURRENDER OF LICENSE OR PERMIT.**

### **A. Disapproval, suspension or revocation.**

**Holders of licenses and/or permits issued pursuant to this chapter must surrender same to the Town Clerk immediately upon demand after the disapproval, suspension or revocation thereof.**

### **B. Sales.**

**Holders of a license issued pursuant to this chapter, must surrender same to the Town Clerk immediately upon, and in no case later than seven (7) days from, the sale or other disposition of a business or any vehicle.**

### **C. State actions.**

**Holders of licenses and/or permits issued pursuant to this chapter must surrender same to the Town Clerk immediately upon, and in no case later than seven (7) days from, suspension or revocation by the State of New York of any relevant license, permit or**

registration.

### **§ 99-20. SALE OF DISPOSITION OF VEHICLE.**

Each person licensed pursuant to this chapter shall, upon the sale or other disposition of a licensed taxicab or limousine, within twenty-four (24) hours, notify the Town Clerk of the sale or other disposition, surrender the taxicab license issued for the vehicle and submit proof that the license plates have been surrendered to the Department of Motor Vehicles.

### **§ 99-21. PROHIBITED ACTIVITIES BY PASSENGERS.**

The activities by passengers set forth herein are unlawful, are therefore prohibited and are the responsibility of the passenger while occupying, engaging or in any way using a vehicle for hire:

**A. Nonpayment.** Passengers must pay the agreed or established fare, as indicated on the schedule of fares posted in the vehicle.

**B. Disorderly conduct.** Passengers must conduct themselves in an orderly manner.

### **§ 99-22. PASSENGER RIGHTS AND COMPLAINTS.**

#### **A. Rights.**

Passengers in vehicles for hire are entitled to quiet, safe, orderly, timely, comfortable transportation, at a price stated on a Schedule of Fares, posted in the vehicle in a clear and readable manner.

#### **B. Complaints.**

Passengers who wish to file complaints regarding poor service, poor vehicle conditions, improper conduct or any other reason should do so by completing a complaint form obtained from the Town Clerk and shall file with the Town Clerk the completed complaint form.

### **§ 99-23. TAXI STANDS**

**A.** The Town Board may, from time to time, by resolution establish stands at such locations upon the streets or other public places of the Town as it deems necessary for the use of the taxicabs operated and driven by the persons licensed pursuant to this chapter and prescribe the number of taxicabs that may occupy the stand at one time; however the Town Board must find that such stands are required by the public convenience and necessity and will not tend to create a traffic hazard.

**B.** All taxi stands may be used by any taxicab licensed pursuant to this chapter and driven by any operator possessing an operator's permit pursuant to this chapter, provided there is a vacant space available therefor.

**C.** No vehicle other than a taxicab, duly licensed pursuant to this chapter shall at any time occupy any space established as a taxicab.

## **§ 99-23. FEES.**

### **A. Regular fees.**

The town board shall set all fees under this chapter by resolution and shall adjust said fees as the Board deems appropriate. The Town Clerk shall collect a fee, for processing the following applications, at the time applications are presented for issuance, replacement, substitution, processing or hearing:

(1) For an Owner's License.

(2) For a Vehicle Permit.

(3) For an Operator's permit.

(4) For processing fingerprints by the New York State Division of Criminal Justice Service at prevailing fee of that agency in the form of check or money order made payable to that agency.

(5) For a Revocation Hearing.

(6) For an appeal of disapproval, suspension hearing or revocation hearing.

### **B. Late fees.**

The Town Clerk shall collect addition fees at the time applications are presented for renewal when said applications are made in excess of thirty (30) days after the expiration date thereof.

### **C. Refunds.**

Fees shall not be refunded in the event that an application is denied.

## **§ 99-24. PENALTIES FOR OFFENSES.**

A. Any person or persons committing an offense against this chapter or any section or provision thereof is guilty of a violation punishable by a fine as indicated herein below or imprisonment for a period not to exceed fifteen (15) days, or by both fine and imprisonment, and each day's continued violation shall constitute a separate offense:

(1) First offense: not more than \$500.00.

(2) Second offense: not more than \$1,500.00 but not less than \$500.00.

(3) Third offense: not less than \$1,000.00, and additionally, revocation of the license and/or permit issued pursuant to this chapter for a minimum of one (1) year, after which reinstatement shall be based on a complete new application process, including fingerprints.

B. In addition to any other remedy provided by law, the Town may bring an injunction proceeding or Supreme Court proceeding to enforce the provisions of this chapter.

C. Notwithstanding conviction for a violation hereunder, and imposition of a fine and/or imprisonment therefor, any license or permit holder shall also be liable for suspension, revocation or future disapproval of any license or permit held by him or her in his or her

own or any business or corporate name for offense against this chapter. The provisions contained in this chapter regarding disapproval, suspension and revocation shall be controlling to effectuate any disapproval, suspension or revocation provided for herein.

**§ 99-25. SEVERABILITY.**

If any part of or provision of this chapter or the application thereof to any person or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which the judgment shall have been rendered and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons or circumstances.

**§ 99-26. WHEN EFFECTIVE.**

A. The provisions of this chapter shall take effect immediately.

B. Notwithstanding the foregoing, Owners and Operators, as defined herein, shall have 6 months to from the date of adoption of this chapter to comply with the requirements of this chapter.

- Underscore represents addition(s)

Dated: Riverhead, New York  
May 3, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 333**

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-4. One-way streets.)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the May 12, 2011 issue of the News-Review newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 18<sup>th</sup> day of May, 2011 at 7:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101  
Vehicles and Traffic  
ARTICLE III  
**Traffic Regulations**

**§ 101-4. One-way streets.**

The streets or portions thereof listed below are hereby designated as one-way streets, and traffic shall travel on such only in the direction indicated:

<b>Street</b>	<b>Direction</b>	<b>Limits</b>
Municipal parking lot roadway between <u>the former</u> West Marine Store and the Riverhead Grill	South	<del>From the entrance to the Peconic River parking area thence northerly to the intersection of Route 25</del>  <u>From its intersection with Route 25 in a southerly direction to its intersection with the Peconic River parking area</u>
Riverfront Drive	<u>North</u> <u>South</u>	<del>From the Peconic River north to the intersection of Route 25</del>  <u>From its intersection with Route 25 in a southwesterly direction to its intersection with McDermott Avenue</u>

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

Dated: Riverhead, New York  
May 3, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 334**

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE**  
**(§101-10. – Parking prohibited.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 20th day of April, 2011 at 7:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on May 3, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 101  
Vehicles and Traffic  
ARTICLE V  
**Parking, Standing and Stopping**

**§ 101-10. Parking prohibited.**

The parking of vehicles is hereby prohibited in the locations as follows:

<b>Name of Street</b>	<b>Side</b>	<b>Location</b>
<u>Remsen Road</u>	<u>North</u>	<u>From a point at its intersection with North Country Road in an easterly direction for a distance of 250 feet</u>

- Underscore represents addition(s)

Dated: Riverhead, New York  
May 3, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 335**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION WITH LOCAL 1000, AFSCME, AFL-CIO, Riverhead unit of the Suffolk Local #852**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a contractual issue has arisen as a result of the need to fill a part-time position in the Senior Citizen Department; and

**WHEREAS**, the parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement.

**NOW, THEREFORE, BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the attached stipulation and authorizes the Town Supervisor to execute same; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Town Attorney, CSEA Unit President Matthew Hattorff, the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## STIPULATION

Made this \_\_\_\_\_ day of May 2011, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garret Place, Commack, New York (CSEA),

WHEREAS, Suzanne McEvoy is employed as an Account Clerk Typist in the Senior Citizen Department and is a member of Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, Suzanne McEvoy wishes to retire from her position in the Senior Citizen Department and to resume work as an Account Clerk Typist in a part time capacity without continuing her membership with Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852, and

WHEREAS, the Town wishes to retain Suzanne McEvoy as a part time Account Clerk Typist for the time period of May 31, 2011 through May 30, 2012,

NOW, THEREFORE, it is mutually agreed as follows:

1. That this position of part-time Account Clerk Typist shall be exempt from the Union.
2. That should the Town determine to hire a full time Account Clerk Typist should Suzanne McEvoy leave employment or if the Town determines to add

additional persons in this title, the full time Account Clerk Typist shall be a CSEA position.

3. This stipulation shall not, in any way, constitute "past practice" for the Town of Riverhead or the CSEA and is and shall remain specific to this matter.

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Sean M. Walter, Supervisor

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Matthew E. Hattorff, for CSEA

**TOWN OF RIVERHEAD**

**Resolution # 336**

**APPROVES CHAPTER 90 APPLICATION OF THE  
AMERICAN HEART ASSOCIATION  
(Healing Heart 5K Run/Walk” at Martha Clara Vineyard)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on March 18, 2011, the American Heart Association submitted a Chapter 90 Application for the purpose of conducting an event entitled “Healing Heart 5K Run/Walk” to be held at Martha Clara Vineyards, 6025 Sound Avenue, Riverhead, New York, on Sunday, May 22, 2011, between the hours of 8:00 a.m. and 2:00 p.m.; and

**WHEREAS**, the American Heart Association has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b), and

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

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

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

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

**RESOLVED**, that the application of the American Heart Association for the purpose of conducting an event entitled “Healing Heart 5K Run/Walk” to be held at Martha Clara Vineyards, 6025 Sound Avenue, Riverhead, New York, on Sunday, May 22, 2011, between the hours of 8:00 a.m. and 2:00 p.m., is hereby approved; and be it

further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that any tent installations, including the obtainment of any necessary tent permits, and any all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the American Heart Association, 125 East Bethpage Road, Suite 100, Plainview, NY, 11803; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

05.03.2011  
110337

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 337**

**AUTHORIZES THE SUPERVISOR TO EXECUTE  
A PILOT AGREEMENT WITH CONCERN RIVERHEAD  
HOUSING DEVELOPMENT FUND CORPORATION  
AND CONCERN RIVERHEAD, LLC**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Riverhead Housing Development Fund Corporation is the nominal fee simple owner and Concern Riverhead, LLC is the beneficial owner of “affordable housing” in the property known as 260 West Main Street, Riverhead, New York and which real property is also known as SCTM # 0600-128.00-03.00-027.000 (the “Project”); and

**WHEREAS**, by correspondence dated January 6, 2011, the NYS Office of Real Property Tax Services determined that the Town may approve a local option under Public Health Finance Law (PHFL) section 577; and

**WHEREAS**, the Town Board finds that the development and operation of the Project as affordable housing is a vital public interest to the Town; and

**WHEREAS**, the Town Board of the Town of Riverhead approves a local option, PHFL section 577 and authorizes the execution of an agreement for payments in lieu of taxes (PILOT).

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a PILOT Agreement between the Town of Riverhead and Riverhead Housing Development Fund Corporation is the nominal fee simple owner and Concern Riverhead, LLC is substantially the form annexed hereto; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Scott DeSimone, Esq., Special Counsel to the Town of Riverhead, James M. Burke, Esq., counsel to Lewis Johs Avallone Aviles, LLP, 425 Broad Hollow Road, Melville, New York 11747, the Financial Administrator, the Board of Assessors and the Tax Receiver; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**AGREEMENT FOR  
PAYMENT IN LIEU OF TAXES**

**THIS AGREEMENT** for payments in lieu of taxes is made as of the \_\_\_ day of \_\_\_\_\_, 2011, by and among the TOWN OF RIVERHEAD (the "Town"), and Concern Riverhead Housing Development Fund Corporation, a New York not-for-profit corporation formed pursuant to Article XI of the Private Housing Finance Law of the State of New York (the "PHFL"), with offices at 260 West Main Street a/k/a 116 & 260 Osborne Avenue, Riverhead, New York ("HDFC") and Concern Riverhead, LLC a New York limited liability company, with offices at 312 Expressway Drive South, P.O. Box 358, Medford, New York (the "Taxpayer") for the making of certain payments in lieu of real property taxes ("PILOT Agreement") by the Taxpayer.

**WITNESSETH:**

**WHEREAS**, the HDFC is the nominal fee simple owner and the Taxpayer is the beneficial owner of "affordable housing" in the property known as 260 West Main Street, Riverhead, NY, ("Project"), in the Town of Riverhead, County of Suffolk and State of New York; the Parcel covered under the terms of this PILOT Agreement as set forth in attached Exhibit B;

**WHEREAS**, the development and operation of the Project as affordable housing is a vital public interest to the Town;

**WHEREAS**, use of the Project for residential use by and for affordable housing by low-income persons with mental disability shall remain consistent throughout the duration of the PILOT Agreement;

**NOW, THEREFORE**, in consideration of the covenants and agreements contained in this PILOT Agreement and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties covenant and agree as follows:

1. Tax Exemption. The parties agree that, HDFC the Taxpayer and the Project qualify for real property tax exemption (specifically not to include sewer, water, garbage or other similar district and local assessments) for the Project in accordance with the provision of Article XI of the PHFL.
2. Obligation of the Taxpayer to Make Payments in Lieu of Taxes. The Town requires that the Taxpayer shall make payments in lieu of real property taxes subject to the terms of this PILOT Agreement, provided, however, that such PILOT payments shall not include special assessments or other district and local assessments which amounts shall be billed and paid separately by the Taxpayer in addition to the Taxpayers PILOT obligations as set forth herein.
3. Requirements of the Taxpayer.
  - a. The construction and development of the Project has been completed in compliance with the reasonable requirements of the Planning Board and Building Department of the Town of Riverhead.

b. The "Pilot Agreement Period" shall mean the period of time commencing on June 1, 2011 (the "Commencement Date") and expiring thirty (30) years from such date, provided, however, that the Pilot Agreement Period shall expire earlier in the event the Project is no longer "affordable housing" (as previously defined).

4. Taxing Authorities and Amounts.

a. Effective on the Commencement Date:

i. The Taxpayer shall make a one (1) time payment in the amount of twenty five thousand dollars (\$25,000.00); and

ii. Continuing each year thereafter throughout the term of the PILOT Agreement Period, the Taxpayer shall make thirty ( 30 ) annual payments in the amount of fifteen thousand dollars (\$15,000.00) in lieu of local and municipal real estate taxes including, but not limited to, town, county, and school taxes for a total payment of four hundred and fifty thousand dollars ( \$450,000.00 ), and any special assessment made or determined prior to the Commencement Date or any new any special assessment made or determined or imposed after the Commencement Date; and

iii. The amount contemplated in above Item 4(a)(ii) does not include amounts for sewer, water, garbage, district or other similar local assessments imposed before or after the Commencement date.

b. Upon the completion of the payments pursuant to Paragraph 4 hereinabove, the Taxpayer and HDFC shall be released from any and all tax arrears including but not limited to Town, County, School taxes and any prior special assessments owed prior to the Commencement Date.

c. At the expiration of the PILOT Agreement Period, this Agreement will cease to have any effect on the taxes due with respect to the property and the property will be taxed in accordance with applicable law.

d. The payments made under this Item 4(a)(ii) shall be made on or before the date the particular tax payment would have been due to the Town and shall be delivered to the following address:

Town of Riverhead  
Receiver of Taxes  
200 Howell Avenue  
Riverhead, NY 11901

5. Defaults in Payment in Lieu of Taxes. In the event the Taxpayer fails to make any PILOT Payments when due, following such applicable grace and cure periods as set forth in Section 7(b) hereof, the amount or amounts not so paid shall be a lien on the Project in the same manner that delinquent real property taxes would be and continue as an obligation to the Taxpayer until fully paid. In addition, the Taxpayer shall pay the appropriate taxing authority's

or authorities' interest and penalties on the unpaid amount or amounts accruing at the same times and at the interest rates as if such amounts were delinquent real property taxes. In addition to any other remedies available to them for the collection of delinquent real property taxes, including, without limitation, *in rem* proceedings, the Town may exercise any other remedies available, and such remedies shall be cumulative and the exercise of any remedy shall not be an action of remedies under law.

6. Effect of Fulfillment of the Requirement. Once having paid the amounts required by this PILOT Agreement when due the Taxpayer shall not be required to pay any real property taxes for which such payments in lieu of taxes have been made, except special district assessments and other special assessments required by law.

7. Events of Default and Termination of Tax Exemption.

a. An event of default ("Event of Default") shall be defined as (1) failure of the Taxpayer to make any payment required under the PILOT Agreement when due, (2) the Taxpayer's failure to provide any notice as required by this PILOT Agreement to the Town, (3) Taxpayer failure to qualify, or continue to qualify, for a real property tax exemption for the Project pursuant to Article XI of the PHFL, (4) the transfer of title or beneficial ownership of any portion of the Project or the Land; provided, however, that a transfer of title or beneficial ownership of any portion of the Project or the Land to Concern for Independent Living or an entity approved as a housing development fund pursuant to Article XI of the PHFL by the Town shall not be an Event of Default, or (5) failure of the Taxpayer to maintain affordable housing as defined above.

b. Upon the occurrence of an Event of Default as defined pursuant to Section 7(a) above, the Taxpayer shall have (i) ten (10) days after the receipt of written Notice from the Town regarding a monetary default or (ii) thirty (30) days after the receipt of such Notice of a non-monetary default, to cure such Event of Default.

c. In the event the Taxpayer has not cured such Event of Default(s) within the time period set forth in this PILOT Agreement, then the exemption from real property taxes described herein shall be deemed to have been terminated as of the immediately preceding taxable status date of the Town's immediately preceding taxable status date.

d. Upon a termination of the exemption from real property taxes set forth in Section 7(c) above, the Taxpayer shall be liable for real property taxes on a pro-rata basis from and after the Town's taxable status date immediately preceding the Event of Default and the statutory lien applicable to such real property taxes shall be deemed in effect as of the lien date normally applicable to such year's real property taxes, unless a separate basis for a real property tax exemption then exists for the benefit of Taxpayer.

e. Any such termination of the real property tax exemption applicable to the Project shall not void the liability of the Taxpayer for any unpaid payments in lieu of taxes required by this PILOT Agreement prior to such termination.

8. Waiver. No failure on the part of the Town to exercise, and no delay on the part of the Town in exercising, any right, power or remedy hereunder shall operate as a waiver thereof,

nor shall any single or partial exercise of such right, power or remedy by the Town preclude any other or further exercise thereof or the exercise of any other right, power or remedy.

9. Modification. Neither this Agreement nor any provision hereof may be amended, modified, waived, discharged or terminated, except by an instrument in writing duly executed and agreed to by the parties hereto.

10. Counterparts. This Agreement may be executed in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

**IN WITNESS WHEREOF**, the Town, HDFC, and the Taxpayer have duly executed this Agreement as of the day and year first written above.

TOWN OF RIVERHEAD

Concern Riverhead, LLC

\_\_\_\_\_  
Name:

Title:

Approved as to content  
for the Town of Riverhead:

\_\_\_\_\_  
Name:

Title:

Concern Riverhead Housing  
Development Fund Corporation

\_\_\_\_\_  
Name:

Title:

Approved as to form  
for the Town of Riverhead:

\_\_\_\_\_  
Name:

Title:

\_\_\_\_\_  
Name:

Title:

**TOWN OF RIVERHEAD**

**Resolution # 338**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
ARROW SECURITY SYSTEMS, INC.,**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead requires continuous fire alarm monitoring and maintenance services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead; and

**WHEREAS**, Arrow Security Systems, Inc., is ready, willing and able to provide fire alarm monitoring and maintenance services as desired by the Town of Riverhead at a cost of \$25.00 per month for fire alarm monitoring services; annual fire alarm inspection and cleaning: \$300.00 and a digital dialer: \$300.00, at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached Agreement with Arrow Security Systems, Inc., regarding fire alarm monitoring and maintenance services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead, at the cost stated above; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Phil Lagravinese, President, Arrow Security Systems, Inc., 37 Tupper Avenue, Medford, New York 11763; the Town Engineering Department; and the Office of the Town Attorney.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2011 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Arrow Security Systems, Inc. a corporation existing under the laws of the State of New York with a principal place of business at 37 Tupper Avenue, Medford, New York 11763 (hereinafter referred to as "Arrow").

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

### 1. SCOPE OF SERVICES

During the term of this Agreement, Arrow shall provide the following services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead, New York 11901:

- a. Fire Alarm Monitoring with daily test: \$25.00 per month.
- b. Annual Fire Alarm Inspection & Cleaning: \$300.00.
- c. Digital Dialer to be purchased by Town: \$350.00.
- d. Service Calls-Arrow shall charge a service fee of \$125.00 per hour for service calls between the hours of 8:00 am to 5:00 pm, Monday to Friday, plus parts capped at a 45% markup. Service calls on Saturday, Sunday, and the holidays of New Year's Day, Martin Luther King's Birthday, President's Day, Memorial Day, Independence Day, Labor Day, Columbus Day, Thanksgiving Day, Christmas Day and hours before 8:00 am and after 5:00 pm weekdays shall incur a service fee of \$150.00 per hour plus parts capped at a 45% markup.

These services are to be rendered by Arrow as an independent contractor and not as an employee of the Town.

### 2. TERM OF AGREEMENT

The Agreement shall commence on May 16, 2011 and shall terminate on December 31, 2011.

### 3. PAYMENT

For the services, Town will pay Arrow at the rates set in paragraph 1 above. The Town shall not have any liability for any other expenses or costs incurred by Arrow except for expenses expressly provided for herein. Arrow shall not incur any expenses in Town's behalf except for those items expressly provided for herein. Invoices for services and reimbursable expenses shall contain the following statement signed by Arrow, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall

reference this Agreement or otherwise be identified in such a manner as Town may reasonable require.

#### 4. RIGHTS TO DOCUMENTS OR DATA

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

#### 5. PUBLICITY

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

#### 6. ASSIGNMENT AND SUBCONTRACTING

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

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party via certified mail, return receipt request. In the event of such termination, Town shall have no further obligation to Arrow except to make any payments which may have become due under this Agreement for services already rendered. Town shall be entitled to receive prorated credit in the form of a refund for payment already made based upon the cancellation date within 30 days of the cancellation date.

#### 8. RECORDS

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

## 9. CHANGES

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

## 10. NOTICES

Any notice shall be considered as having been given to: (i) Town of Riverhead if mailed by certified mail, return receipt requested, to Town of Riverhead, Attention: Daniel P. McCormick, Esq., 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Arrow Security Systems, Inc., Attention: Philip J. Lagravinese, 37 Tupper Avenue, Medford, New York 11763, if mailed by certified mail, return receipt requested.

## 11. COMPLIANCE WITH LAWS

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

## 12. INSURANCE, INDEMNITY AND LIABILITY

Arrow shall carry Comprehensive General Liability Insurance in an amount equal to One Million dollars (\$1,000,000.00) per occurrence and an amount of Two Million dollars (\$2,000,000) in the aggregate. This Agreement is contingent upon Arrow's production and the Town's receipt of a Certificate of Insurance naming the Town of Riverhead as an additional insured as well as a copy of the declaration page of said insurance in the amounts referenced above. Arrow, if applicable, shall also proffer proof it carries Worker's Compensation insurance. Arrow, hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Arrow under this Agreement.

## 13. CONFLICT OF INTEREST

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

## 14. DISCLOSURE

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

## 15. DISPUTES

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

16. The Town agrees to notify Arrow as soon as any unusual operating conditions of the security and fire alarm system occurs. Town and Arrow agree that Arrow shall not be liable for damages sustained by Town's alteration to the security and fire alarm systems nor shall Arrow be liable for damage to said systems caused by unauthorized intrusion, lightning, fire or electrical surge not caused by the actions of Arrow personnel which will be repaired at Town's expense.

17. Arrow agrees to give reasonably prompt service on all emergency calls during the terms of this contract without charge for such service at all times of the day, every day.

18. This Agreement embraces the full understanding between the parties hereto. Except as stated herein, no warranty or guarantee whether expressed or implied is granted or intended.

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

ARROW SECURITY SYSTEMS, INC.  
37 Tupper Avenue  
Medford, NY 11763  
Tel: (631) 289-0767

\_\_\_\_\_  
By: Philip J. Lagravanese  
President

\_\_\_\_\_  
Date

TOWN OF RIVERHEAD  
200 Howell Avenue  
Riverhead, New York 11901  
Tel: (631) 727-3200

\_\_\_\_\_  
By: Sean M. Walter  
Town Supervisor

\_\_\_\_\_  
Date

**TOWN OF RIVERHEAD**

**Resolution # 339**

**RATIFIES AUTHORIZATION FOR THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH PEACOCK PRODUCTIONS**  
**(Utilize portions of Town of Riverhead- Edwards Avenue between Triangle Lane & Riley Ave, Fresh Pond Ave, Youngs Ave & Osborn Avenue, Riverhead for "Twist of of Fate" series for Weather Channel)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute a License Agreement (copy attached herewith) between the Town of Riverhead and Peacock Productions in connection with the utilization of portions of Town of Riverhead- Edwards Avenue between Triangle Lane & Riley Ave, Fresh Pond Ave, Youngs Ave & Osborn Avenue, Riverhead for "Twist of Fate" series for Weather Channel; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Liz Goncalves, Peacock Productions, 30 Rockefeller Plaza, New York, New York, 10112; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## **LICENSE AGREEMENT**

This Contract is made and entered into as of this \_\_\_1<sup>st</sup>\_\_ day of May, 2011, by and between Peacock Productions a division of NBCUniversal Media, LLC, a limited liability company organized under the laws of the State of Delaware , having a principal place of business at 30 Rockefeller Plaza, New York, New York and the Town of Riverhead, a municipal corporation, with offices located at 200 Howell Avenue, Town of Riverhead, County of Suffolk and State of New York:

WHEREAS, Peacock Productions wishes to utilize specified locations located with the Town of Riverhead for the purposes of videotaping for a film production; and

WHEREAS, the Town of Riverhead has agreed to permit the utilization for said production at the following locations:

1. Edwards Avenue between Triangle Lane and Riley Avenue, Calverton, NY
2. 754 Fresh Pond Avenue, Calverton, NY
3. Youngs Avenue and Osborne Avenue, Calverton, NY

WHEREAS, Peacock Productions has agreed to terms under which it will be granted the use of said locations;

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Use of Property: The Town hereby grants Peacock Productions

permission to utilize the aforementioned locations on May 3, 2011 for the aforementioned purposes.

2. **Cleanup:** Peacock Productions agrees to provide cleanup and removal of any debris or props deposited by reason of its actions in connection with the Agreement.

3. **Compliance With Laws:** Peacock Productions, agrees at all times to comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out at the locations.

4. **Compensation:** In exchange for License set forth above for the use of the aforementioned Town locations, Peacock Productions will pay the Town a license fee in the amount of \$200.00. All sums payable by Peacock Productions under this Agreement shall be made on or before May 2, 2011.

5. **Responsibilities of Peacock Productions:** Subject to the terms of this Agreement, Peacock Productions will be responsible for carrying out and shall have exclusive control of all operations associated with the Event and related activities, including without limitation, and shall diligently and continuously engage in such cleanup efforts so that the cleanup will be accomplished as soon as reasonably practicable (but in no event later than two days thereafter). All locations will be restored to the condition that

existed prior to the Event (hereafter, the "restoration") and be completely clean and free of clutter and debris.

6. Insurance and Indemnification: Peacock Productions will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 and automobile liability insurance coverage of not less than \$2,000,000.00 with a company or companies reasonably satisfactory to the Town. Peacock Productions shall provide certificates of the foregoing insurance, showing the Town of Riverhead as additional insureds to the extent of their interest. Finally, Peacock Productions agrees to indemnify and hold harmless the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the Events and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Peacock Productions, and its employees, agents, representatives and concessionaires, of the aforementioned. With respect to any suit or claim by the Town of Riverhead, whether under this indemnification provision or otherwise, Peacock Productions for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town securing compliance with the provision of this indemnification agreement.

7. Successors and Assigns. This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties;

provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

8. Entire Agreement. This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

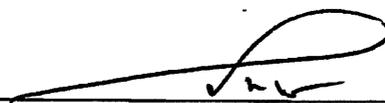
9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, Peacock Productions has caused this instrument to be signed in its corporate name and the Town of Riverhead has caused this instrument to be signed in its municipal name, hereunto duly authorized, as of the day and the year first above written.

PEACOCK PRODUCTIONS

By: 

TOWN OF RIVERHEAD

By:   
Sean M. Walter, Town Supervisor

**TOWN OF RIVERHEAD**

**Resolution # 340**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH  
SIMPLEXGRINNELL, LP.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town of Riverhead requires continuous fire alarm monitoring and maintenance services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead; and

**WHEREAS**, SimplexGrinnell, LP, is ready, willing and able to provide fire alarm monitoring and maintenance services as desired by the Town of Riverhead at a cost of \$685.13 for fire alarm monitoring and maintenance services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to execute the attached Agreement with SimplexGrinnell, LP, regarding fire alarm monitoring and maintenance services at the Riverhead Country Day School, 165 Columbus Avenue, Riverhead, at the cost stated above; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Nancy Russell, 35 Arkay Drive, Suite 100, Hauppauge, New York 11788; the Town Engineering Department; and the Office of the Town Attorney.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of \_\_\_\_\_, 2011 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and SimplexGrinnell, LP, a business segment of Tyco International Ltd., with a principal place of business at 9 Roszel Road, Princeton, New Jersey 08540, and a mailing address of 35 Arkay Drive, Suite 100, Hauppauge, New York 11788 (hereinafter referred to as "Consultant").

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

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth as follows. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

- a. Central Station Monitoring (fire alarms) at the Riverhead Country Day School at Stotzky Park, 165 Columbus Avenue, Riverhead, NY 11901
- b. Maintenance for fire detection and alarm systems at the Riverhead Country Day School at Stotzky Park, 165 Columbus Avenue, Riverhead, NY 11901

### 2. TERM OF AGREEMENT

The Agreement shall commence on January 1, 2011, and terminate on May 15, 2011.

### 3. PAYMENT

For these services, Town will pay Consultant \$685.13.

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

#### 4. RIGHTS TO DOCUMENTS OR DATA

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

#### 5. PUBLICITY

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

#### 6. ASSIGNMENT AND SUBCONTRACTING

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

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement based upon the date of actual termination. The Town shall be entitled to a pro rata refund of any monies conveyed within 30 days of the termination date which were intended to cover the term beyond the termination date.

#### 8. RECORDS

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

#### 9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of

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

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Deputy Town Attorney, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to SimplexGrinnell, LP, Attention: Nancy Russell, 35 Arkay Drive, Suite 100, Hauppauge, New York 11788.

#### 11. COMPLIANCE WITH LAWS

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

#### 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance in the amount of \$2,000,000.00 (two million) per occurrence and \$4,000,000.00 (four million) in the aggregate, and if applicable, both workmen's compensation insurance and disability insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

### 13. CONFLICT OF INTEREST

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

### 14. DISCLOSURE

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

### 15. DISPUTES

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings in a court of competent jurisdiction within the State of New York.

### 16. TOWN RESPONSIBILITIES

The Town shall promptly notify Consultant of any malfunction in the Covered System(s) which comes to the Town's attention. This Agreement assumes any existing system(s) are in operational and maintainable condition as of the Agreement date. If, upon initial inspection, Consultant determines that repairs are recommended, repair charges will be submitted for approval by the Town's on-site representative prior to work. Should such repair work be declined, Consultant shall be relieved from any and all liability arising therefrom. The Town further agrees to:

- a. Provide Consultant clear access to Covered System(s) to be serviced including, if applicable, lift trucks or other equipment needed to reach inaccessible equipment;
- b. Supply suitable electrical services, heat, heat tracing adequate water supply and required system schematics and/or drawings;
- c. Notify all required persons, including but not limited to authorities having jurisdiction, employees and monitoring services, of scheduled testing and/or repair of systems;

- d. Provide a safe work environment;
- e. In the event of an emergency or Covered System(s) failure, take reasonable precautions to protect against personal injury, death, and/or property damage and continue such measures until the Covered System(s) are operational; and
- f. Comply with all laws, codes and regulations pertaining to the equipment and/or services provided under this agreement.

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

Dated:

Dated:

---

By: Sean M. Walter, Supervisor  
TOWN OF RIVERHEAD

---

By:  
Title:  
SIMPLEX GRINNELL, LP

**TOWN OF RIVERHEAD**

**Resolution # 341**

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD BUSINESS  
IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION  
(Classic Car Cruise Nights)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on April 18, 2011, the Riverhead Business Improvement District Management Association (BIDMA) submitted a Chapter 90 Application for the purpose of conducting "Classic Car Cruise Nights" to be held on Thursday evenings at the Peconic Riverfront, Riverhead, New York, commencing on May 5, 2011 and ending on June 23, 2011, between the hours of 5:00 p.m. and 9:00 p.m.; and

**WHEREAS**, BIDMA has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

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

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

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

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

**RESOLVED**, that the Chapter 90 Application of BIDMA for the purpose of conducting "Classic Car Cruise Nights" to be held on Thursday evenings at the Peconic

Riverfront, Riverhead, New York, commencing on May 5, 2011 and ending on June 23, 2011, between the hours of 5:00 p.m. and 9:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Town Board hereby waives the Chapter 90 Application fee due to BIDMA's not-for-profit status; and be it further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code, Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging a "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District Management Association, 1 East Main Street, #4, Riverhead, New York, 11901; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No

Wooten Yes No      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 342**

**APPROVES CHAPTER 90 APPLICATION OF WADING RIVER SHOREHAM  
CHAMBER OF COMMERCE, INC.  
(Duck Pond Day)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on March 23, 2011, the Wading River Shoreham Chamber of Commerce, Inc. submitted a Chapter 90 Application for the purpose of conducting their "18<sup>th</sup> Annual Duck Pond Day", to include a parade, musical entertainment, crafts and educational exhibits to be held on North Country Road, Wading River, New York, on Sunday, May 22, 2011, between the hours of 12:00 noon and 4:00 p.m.; and

**WHEREAS**, the Wading River Shoreham Chamber of Commerce, Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

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

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

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

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

further

**RESOLVED**, that the application of the Wading River Shoreham Chamber of Commerce, Inc. for the purpose of conducting their "18<sup>th</sup> Annual Duck Pond Day", to include a parade, musical entertainment, crafts and educational exhibits to be held on North Country Road, Wading River, New York, on Sunday, May 22, 2011, between the hours of 12:00 noon and 4:00 p.m. is hereby approved; and be it further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public and shall be contacted at least three days in advance for the purpose of arranging the "pre-opening" inspection appointment at (631) 727-3200 extension 601; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that any tent installations, including the obtainment of any necessary tent permits, and any all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Wading River Shoreham Chamber of Commerce, Inc., P.O. Box 348, Wading River, NY, 11792; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 343**

**AUTHORIZES ACCEPTANCE OF EMPLOYEES' RETIREMENT PURSUANT TO  
EARLY RETIREMENT INCENTIVE PROGRAM CHAPTER 37, ARTICLE II, FOR  
ELIGIBLE NON-UNION, FULL-TIME EMPLOYEES**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board conducted a public hearing on March 1, 2011, to consider a local law to amend Chapter 37 entitled "Retirement" of the Riverhead Town Code; and

**WHEREAS**, the Town Board enacted a local law codified as Chapter 37 (Article II) in the Riverhead Town Code entitled "Early Retirement Incentive Program For Eligible Non-Union Full-Time Employees" on or about March 15, 2011, pursuant to resolution number 195-2011; and

**WHEREAS**, the Town of Riverhead had reserved the right to establish a minimum percentage of eligibility participation in order to proceed with this program; and

**WHEREAS**, one Town of Riverhead employee proffered his intention of retiring in reliance upon the Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article II) during the applicable retirement incentive window which ended on May 2, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead waives its right to establish a minimum percentage of eligibility participation solely related to this specific Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article II, eligible non-union, full-time employees) but reserves the right to establish a minimum percentage of eligibility participation regarding any other future retirement incentive programs.

**BE IT FURTHER RESOLVED**, that the Town of Riverhead formally offers the Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article II) to eligible non-union, full-time employees.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 344**

**AUTHORIZES ACCEPTANCE OF EMPLOYEES' RETIREMENT PURSUANT TO EARLY RETIREMENT INCENTIVE PROGRAM CHAPTER 37, ARTICLE III, FOR ELIGIBLE FULL-TIME EMPLOYEES WHO ARE MEMBERS OF THE CIVIL SERVICE EMPLOYEES' ASSOCIATION, INC.,**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town Board conducted a public hearing on March 1, 2011, to consider a local law to amend Chapter 37 entitled "Retirement" of the Riverhead Town Code; and

**WHEREAS**, the Town Board enacted a local law codified as Chapter 37 (Article III) in the Riverhead Town Code entitled "Early Retirement Incentive Program For Eligible Full-Time Employees Who Are Members Of The Civil Service Employees' Association, Inc.," on or about March 15, 2011, pursuant to resolution number 196-2011; and

**WHEREAS**, the Town of Riverhead had reserved the right to establish a minimum percentage of eligibility participation in order to proceed with this program; and

**WHEREAS**, three Town of Riverhead employees proffered their intention of retiring in reliance upon the Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article III) during the applicable retirement incentive window which ended on May 2, 2011.

**NOW THEREFORE BE IT RESOLVED**, that the Town of Riverhead waives its right to establish a minimum percentage of eligibility participation solely related to this specific Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article III, eligible full-time employees who are members of the Civil Service Employees' Association, Inc.) but reserves the right to establish a minimum percentage of eligibility participation regarding any other future retirement incentive programs.

**BE IT FURTHER RESOLVED**, that the Town of Riverhead formally offers the Town of Riverhead Early Retirement Incentive Program (Chapter 37, Article III) to eligible full-time employees who are members of the Civil Service Employees' Association, Inc.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

05.03.2011  
110345

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 345**

**OFFERS SUPPORT TO THE NEW YORK STATE LEGISLATURE IN  
RELATION TO THE CONVEYANCE OF LAND FORMERLY USED AS AN  
ARMORY TO THE TOWN OF RIVERHEAD, COUNTY OF SUFFOLK**  
**(Senate Bill #S.4404/Assembly Bill #A.6825)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Bill S.4404/A.6825 has been introduced in the New York State Assembly with the intent that such legislative act would authorize the Commissioner of General Services to transfer and convey to the Town of Riverhead, approximately 5.7 acres of land formerly used as an armory, to be utilized for use by the Police Department, Justice Court, Public Safety and Recreational programs, said subject property located at 1405 Old Country Road, further described as Suffolk County Tax Map #0600-108-2-3; and

**WHEREAS**, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation; and

**WHEREAS**, the Town Board supports said transfer and conveyance of the land formerly used as an armory by the Commissioner of General Services to the Town of Riverhead to be utilized for the aforementioned uses.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to transfer and convey to the Town of Riverhead, approximately 5.7 acres of land formerly used as an armory located at 1405 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-108-2-3; and be it further

**RESOLVED**, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road - Suite #4, Selden, NY, 11784, Assemblyman Dan Losquadro, 4466 Route 25, Calverton, New York; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 346**

**APPROVES CHAPTER 90 APPLICATION OF PECONIC BAY MEDICAL CENTER  
(16<sup>TH</sup> Annual East End Garden Festival)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on March 22, 2011, Peconic Bay Medical Center submitted a Chapter 90 Application for the purpose of conducting a Garden Festival and Plant Sale to be held in the Staples Shopping Center parking lot located at 1099 Route 58, Riverhead, New York, on Thursday, May 5<sup>th</sup>, 2011 through Sunday, May 8<sup>th</sup>, 2011 between the hours of 9:00 a.m. and 6:00 p.m.; and

**WHEREAS**, Peconic Bay Medical Center has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, Peconic Bay Medical Center has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

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

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

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

**RESOLVED** that the Chapter 90 Application of Peconic Bay Medical Center for

the purpose of conducting a Garden Festival and Plant Sale to be held in the Staples Shopping Center parking lot located at 1099 Route 58, Riverhead, New York, on May 5<sup>th</sup>, 2011 through May 8<sup>th</sup>, 2011 between the hours of 9:00 a.m. and 6:00 p.m. is hereby approved; and be it further

**RESOLVED**, that due to the applicant's federally exempt status, the applicable Chapter 90 Application fee is hereby waived; and be it further

**RESOLVED**, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State and the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the tent installation shall be ready for inspection no later than 1:00 p.m. on Wednesday, May 4<sup>th</sup>, 2011; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Peconic Bay Medical Center, Attn: Candace Porter, 1300 Roanoke Avenue, Riverhead, New York, 11901, and be it further

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

### THE VOTE

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 347**

**AUTHORIZES THE SUPERVISOR TO EXECUTE SEPARATE AGREEMENTS WITH  
MAYANN HAND, OLSON PERRY SR., DONNA BUGDIN AND YVONNE CHESSON  
REGARDING RECORDS CATALOGING SERVICES**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town of Riverhead desires to catalog its records in a more efficient and organizational manner; and

**WHEREAS**, Mayann Hand, Olson Perry Sr., Donna Bugdin and Yvonne Chesson are each ready, willing and able to provide records cataloging services as desired by the Town of Riverhead at a cost of \$25.00 per hour, each; and

**WHEREAS**, the New York State Archives Department has appropriated grant monies in the amount of \$60,506.00, to the Town of Riverhead for the purpose of defraying costs associated with records cataloging.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to execute separate Agreements with Mayann Hand, Olson Perry, Sr., Donna Bugdin and Yvonne Chesson, regarding records cataloging services, at the cost stated above; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Town Clerk and the Office of the Town Attorney.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 348**

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF  
LE CLOS THERESE L.P. D/B/A COMTESSE THERESE  
(Aquebogue Bistro, Aquebogue)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Contesse Therese posted a JP Morgan Chase Bank Irrevocable Standby Letter of Credit No. CTCS-703262 in the amount of Twenty One Thousand Dollars (\$21,000.00) in connection with Riverhead Planning Board Resolution #11, dated May 23, 2008, for the conversion of an existing two and one half story dwelling into a 28 seat restaurant located on the north side of Main Road (Route 25) Aquebogue, New York, known and designated as Suffolk County Tax Map Number 0600-67-2-27, pursuant to Section 108-133(l) of the Riverhead Town Code; and

**WHEREAS**, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site requirements, and Certificate of Occupancy #23852 has been issued.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned security in the sum of Twenty One Thousand Dollars (\$21,000.00); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Le Clos Therese L.P., D/B/A Comtesse Therese, 739 Main Road, Aquebogue, NY, 11931 and JP Morgan Chase Bank, N.A., c/o JP Morgan Treasury Services, Global Trade Services, 10420 Highland Manor Drive, Tampa, FL, 33610; and be it further

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

**THE VOTE**

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

**TOWN OF RIVERHEAD**

**Resolution # 349**

**AUTHORIZES SUPERVISOR TO EXECUTE AMENDMENT TO SUFFOLK COUNTY GRANT CONTRACT FOR GRANGEBEL PARK COMFORT STATION RENOVATION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, grant funding was made available from Suffolk County under Round VII of the Downtown Revitalization Grant Program to encourage long-term improvements in downtown business districts; and

**WHEREAS**, the Community Development Department applied for and received an award of \$60,000 on behalf of the Riverhead Business Improvement District for renovation of the Grangebél Comfort Station; and

**WHEREAS**, the Town Board adopted Resolution #888 on October 8, 2008, authorizing the Town Supervisor to execute the grant contracts with Suffolk County, and further authorized the Accounting Department to set up a budget for the above mentioned grant; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute attached the amendment to the grant contract with Suffolk County extending the term of the agreement through October 1, 2011 subject to approval and review by the Town Attorney; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board authorizes and instructs the Accounting Department to set up a budget for the above mentioned grant; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification of this resolution to CDD Director Chris Kempner and the Accounting Department.

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

**THE VOTE**

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



April 18, 2011

The Honorable Sean Walter, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York, 11901

Dear Supervisor Walter: *Sean,*

Enclosed please find four copies of the Downtown Revitalization Program Round 7 amendment of a service contract for renovating a comfort station in Grangebél Park. As you requested your contract will be extended through October 1, 2011.

Please sign all four copies, complete the included documents and return them to me as soon as possible in order that we may complete the processing of this amendment.

Sincerely,

  
Yves R. Michel  
Commissioner

YRM:hak  
Enclosures

cc: Legislator Romaine



Steve Levy

Suffolk County Executive

Yves R. Michel  
Commissioner

**BETTER FOR BUSINESS... BETTER FOR LIFE**

H. Lee Dennison Bldg., 2nd Floor • Hauppauge, Long Island, NY 11788-0099 • phone: 631-853-4800 fax: 631-853-4888 • [www.suffolkcountyny.gov/exec/econ](http://www.suffolkcountyny.gov/exec/econ)

**2011 CONTRACT INSTRUCTIONS PLEASE READ**

Please follow the instructions and check off as you complete:

- Sign** all four signature pages. Must be original signatures. Sign declaration confirming you are a non profit corporation or government entity.
- Complete **Statement of Other Contracts** – this includes any contracts that you are receiving from any government – including other county contracts; if not applicable mark as N/A.
- Voucher** complete highlighted sections only. Vendor Code is your Federal ID #.
- Living Wage Form**
  - ▶ If you have fewer than 10 employees, complete LW-38, check **Section II**, and state as the reason “fewer than 10 employees” complete **Sections III and IV**.
  - ▶ If you have 10 or more employees but you are receiving cumulative funding from the County of less than \$50,000, complete LW-38 check **Section II** and state as the reason “funding is less than \$50,000) complete **Sections III and IV**.
  - ▶ If you have 10 or more employees and are receiving more than \$50,000 cumulative funding from the County, complete both LW-1 and LW-38 check **Section 1** complete **Sections III and IV**.A copy of this law as well as exemption request forms can be accessed at <http://www.co.suffolk.ny.us/labor>.
- Union Organizing Certification/Declaration** - complete and sign. If the contract in question is less than \$50,000, check section 2 and state that “the contract is for less than \$50,000” as the reason for the exemption.
- Lawful Hiring of Employees** –
  - ▶ If you have 1 or more employees complete LHE-1, sign and have notarized LHE-2.
- W-9** – complete and sign one copy. This is required for new contractors and contractors prior to 2009 only.
- Easement** – Please Include “Schedules A, B, C & D and return 6 copies with original signatures – **Black ink only**

**You should already have submitted the following documents:**

- U.S. Treasury Dept. letter showing Not-For-Profit status including Fed. Tax ID #
- Insurance Certificate documenting coverage & Declaration Page**
  - ▶ All certificates must have Suffolk County as the Certificate Holder and listed as “additionally insured” with 30 days written notice of cancellation.
  - \$2,000,000 liability coverage for each occurrence is required for all contracts
  - ▶ If you have paid employees, you must also include proof of Workers’ Compensation Insurance on the certificate.
  - ▶ Declaration pages must be submitted for liability insurance & workers comp.
- Completed Exhibit 6/Program Budget – Explanation of Costs**  
If any of those documents have not been submitted, please submit with the contract package. 1-10

## STATEMENT OF OTHER CONTRACTS

**CONTRACTOR NAME**

**ADDRESS**  
**CONTACT**

PROGRAM	AGREEMENT NUMBER	CONTRACT WITH*	TERM OF AGREEMENT	AMOUNT

\* Indicate (a) type of organization – County, State, Federal or Other and (b) name of Department, Agency or Organization.

**SUFFOLK COUNTY DEPARTMENT OF LABOR - LIVING WAGE UNIT**

**NOTICE OF APPLICATION FOR COUNTY COMPENSATION (Contract)**

Living Wage Law, Suffolk County Code, Chapter 347 (2001)

**To Be Completed By Applicant/ Employer/Contractor**

1) NAME: \_\_\_\_\_

2) VENDOR #: \_\_\_\_\_ (If known)      3) CONTRACT ID #: \_\_\_\_\_ (If known)

4) CONTACT : \_\_\_\_\_      5) TELEPHONE #: \_\_\_\_\_

6) ADDRESS: \_\_\_\_\_  
\_\_\_\_\_

7) TERM OF CONTRACT (DATES): \_\_\_\_\_

8) PROJECT NAME: ( IF DIFFERENT FROM #1) \_\_\_\_\_

9) AMOUNT: \_\_\_\_\_

10) AWARDING AGENCY: \_\_\_\_\_

11) BRIEF DESCRIPTION OF PROJECT OR SERVICE:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12) **PROJECTED EMPLOYMENT NEEDS:** (attach a statement listing, by job classification, the total workforce dedicated to performing this contract or service, including calculation of estimated net increase or decrease in jobs as a result of funding).

13) **PROJECTED WAGE LEVELS:** (attach a statement listing projected wage levels, compensated days off and medical benefits for total workforce dedicated to fulfilling the terms of this contract, broken down annually for each year of the term of the contract).

**SUFFOLK COUNTY DEPARTMENT OF LABOR – LIVING WAGE UNIT**  
**LIVING WAGE CERTIFICATION/DECLARATION – SUBJECT TO AUDIT**

If either of the following definitions of 'compensation' (*Living Wage Law Chapter 347 – 2*) applies to the contractor's/recipient's business or transaction with Suffolk County, the contractor/recipient must complete Sections 1, 3, 4 below; and Form LW-1 (Notice of Application for County Compensation). If the following definitions do not apply, the contractor/recipient must complete Sections 2, 3 and 4 below. Completed forms must be submitted to the awarding agency.

"Any grant, loan, tax incentive or abatement, bond financing subsidy or other form of compensation of more than \$50,000 which is realized by or provided to an employer of at least ten (10) employees by or through the authority or approval of the County of Suffolk," or "Any service contract or subcontract let to a contractor with ten (10) or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involve an expenditure equal to or greater than \$10,000. For the purposes of this definition, the amount of expenditure for more than one contract for the same service shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not 'compensation' for the purposes of this definition."

**Section I**

Check if  
Applicable

The *Living Wage Law* applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 12-2001, the Suffolk County *Living Wage Law* (the Law) and, as such, will provide to all full, part-time or temporary employed persons who perform work or render services on or for a project, matter, contract or subcontract where this company has received compensation, from the County of Suffolk as defined in the Law (compensation) a wage rate of no less than \$11.01 (\$9.25 for child care providers) per hour worked with health benefits, as described in the Law, or otherwise \$12.54 (\$10.50 for child care providers) per hour or the rates as may be adjusted annually in accordance with the Law. (**Chapter 347-3 B**)

I/we further agree that any tenant or leaseholder of this company that employs at least ten (10) persons and occupies property or uses equipment or property that is improved or developed as a result of compensation or any contractor or subcontractor of this company that employs at least ten (10) persons in producing or providing goods or services to this company that are used in the project or matter for which this company has received compensation shall comply with all the provisions of the Law, including those specified above. (**Chapter 347-2**)

I/we further agree to permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with regulations under this Chapter of the Suffolk County Code, investigating employee complaints of noncompliance and evaluating the operation and effects of this Chapter, including the production for inspection & copying of payroll records for any or all employees for the term of the contract or for five (5) years, whichever period of compliance is longer. All payroll and benefit records required by the County will be maintained for inspection for a similar period of time. (**Chapter 347-7 D**)

The County Department of Labor shall review the records of any Covered Employer at least once every three years to verify compliance with the provisions of the Law. (**Chapter 347-4 C**)

**Section II**

Check if  
Applicable

The *Living Wage Law* does not apply to this contract for the following reason(s): \_\_\_\_\_  
\_\_\_\_\_

**Section III**

Contractor Name:  
Contractor Address:

Federal Employer ID#:  
Amount of Assistance:  
Vendor #:

Contractor Phone #:

Description of project or service:

**Section IV**

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Authorized Representative

**SUFFOLK COUNTY DEPARTMENT OF LABOR**  
**NOTICE OF APPLICATION TO CERTIFY COMPLIANCE WITH FEDERAL LAW**  
**(8 U.S.C. SECTION 1324A)**  
**WITH RESPECT TO LAWFUL HIRING OF EMPLOYEES**  
Suffolk County Code, Chapter 234 (2006)

**To Be Completed By Applicant/ Covered Employer//Owner**

**EMPLOYER/CORP./BUSINESS/COMPANY NAME:** \_\_\_\_\_

1) **ADDRESS:** \_\_\_\_\_

2) **NOT-FOR-PROFIT:** YES \_\_\_ NO \_\_\_ (SUBMIT PROOF OF IRS NOT-FOR-PROFIT STATUS)

3) **VENDOR #:** \_\_\_\_\_ 4) **\*\*CONTRACT ID:** \_\_\_\_\_  
(If known) (If known)

5) **CONTACT:** \_\_\_\_\_ 6) **TELEPHONE #:** \_\_\_\_\_

7) **TERM OF CONTRACT OR EXTENSION (PROVIDE DATES):** \_\_\_\_\_

8) **AMOUNT OF CONTRACT OR EXTENSION:** \_\_\_\_\_

9) **BRIEF DESCRIPTION OF PROJECT OR SERVICE** \_\_\_\_\_

**SUBCONTRACTOR:** \_\_\_\_\_

1) **ADDRESS:** \_\_\_\_\_

2) **VENDOR#:** \_\_\_\_\_ 3) **TELEPHONE #:** \_\_\_\_\_

4) **CONTACT:** \_\_\_\_\_

5) **DESCRIPTION OF COMPENSATION, PROJECT OR SERVICE:** \_\_\_\_\_

**EVIDENCE OF COMPLIANCE:**

**COPIES OF THE FOLLOWING MUST BE MAINTAINED BY COVERED EMPLOYERS OR THE OWNERS THEREOF FOR EACH EMPLOYEE FOR THE TIME PERIODS SET FORTH IN SUFFOLK COUNTY CODE, CHAPTER 234, SECTION 5 (C):**

- A. United States passport; or
- B. resident alien card or alien registration card; or
- C. birth certificate indicating that person was born in the United States; or
- D. (1) a driver's license, if it contains a photograph of the individual; and  
(2) a social security account number card (other than such a card which specifies on its face that the issuance of the card does not authorize employment in the United States); or
- E. employment authorization documents such as an H-1B visa, H-2B visa, and L-1 visa, or other work visa as may be authorized by the United States Government at the time the County contract is awarded for all covered employees.



**SUFFOLK COUNTY DEPARTMENT OF LABOR – LABOR MEDIATION UNIT**  
**UNION ORGANIZING CERTIFICATION/DECLARATION – SUBJECT TO AUDIT**

If the following definition of “County Contractor” (Union Organizing Law Chapter 466-2) applies to the contractor’s/beneficiary’s business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

**County Contractor:** “Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above.”

---

**Section I**

Check if  
Applicable

The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as to the goods and/or services that are the subject of the contract with the County of Suffolk shall not use County funds to assist, promote, or deter union organizing (Chapter 466-3 A), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing. (Chapter 466-3 B)

I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing. (Chapter 466-3 H)

I/we further agree that I/we will not use County property to hold meetings to assist, promote, or deter union organizing. (Chapter 466-3E)

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made,

I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request. (Chapter 466-3 I)

I/we further affirm to the following as to the goods and/or services that are the subject of the contract with the County of Suffolk:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by prerecognition labor disputes through the adoption of nonconfrontational procedures for the resolution of prerecognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

---

**Section II**

Check if  
Applicable

The Union Organizing Law does not apply to this contract for the following reason(s): \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Section III**

Contractor Name:

Federal Employer ID#:

Contractor Address:

Amount of Assistance:

Vendor #:

Contractor Phone #: \_\_\_\_\_

Description of project or service:

---

**Section IV**

In the event any part of the Union Organizing Law, Chapter 466 of the Laws of Suffolk County, is found by a court of competent jurisdiction to be preempted by federal and/or state law, this certification/declaration shall be void *ab initio*.

**Section V**

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name and Title of Authorized Representative

**AMENDMENT OF AGREEMENT**

This is the First Amendment of an Agreement, last dated April 6, 2009 (Agreement) between the County of Suffolk (County), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted Department of Economic Development & Workforce Housing (Department), located at H. Lee Dennison Building, 2nd floor, 100 Veterans Memorial Highway, Hauppauge, New York (mailing address: Box 6100, Hauppauge, New York 11788-0099), and Town of Riverhead (Contractor), a New York municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, NY 11901.

The parties hereto desire to modify the Agreement by modifying the project summary, the County's option to extend the Agreement and extending the term of Agreement to October 1, 2011; and by amending other provisions to comply with current County standards.

**Term of Agreement:** Shall be July 1, 2008 through October 1, 2011.

**Total Cost of Agreement:** Remains the same, shall not exceed \$60,000.

**Terms and Conditions:** Shall be as set forth in Exhibit A-1 attached and other exhibits collectively referred to as "Suffolk County Legislative Requirements Exhibit for Contracts" attached hereto and made part hereof.

**In Witness Whereof,** the parties hereto have executed this First Amendment of Agreement as of the latest date written below.

**Town of Riverhead**

By: \_\_\_\_\_  
(Signature)  
Fed. Taxpayer ID #: 11-6001935  
Date: \_\_\_\_\_

**County of Suffolk**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Deputy County Executive  
Date: \_\_\_\_\_

\_\_\_\_\_, hereby certifies under \_\_\_\_\_ (Print Name) penalties of perjury that I am an officer of \_\_\_\_\_, that I have read and I am familiar with §A5-7 of Article V of the Suffolk County Code, and that \_\_\_\_\_ meets all requirements to qualify for exemption thereunder.  
By: \_\_\_\_\_ (Signature)  
Date \_\_\_\_\_

**Approved:**  
**Department of Economic Development & Workforce Housing**  
By: \_\_\_\_\_  
Yves R. Michel  
Commissioner  
Date: \_\_\_\_\_

**Approved as to Legality:**

**Christine Malafi**  
**Suffolk County Attorney**  
By: \_\_\_\_\_  
Jacqueline Caputi Date  
Assistant County Attorney

## Exhibit A-1

**Whereas**, the County and Contractor entered into an Agreement (Law No. 11-ED-030) last dated March 5, 2009, for a term from July 1, 2008 through June 30, 2010 with one one-year extension at the County's option for downtown revitalization activities; and

**Whereas**, the parties hereto desire to modify the Agreement by modifying the County's option to extend the Agreement and extending the term of Agreement to October 1, 2011; amend the Project Summary/Explanation of Costs; and to amend other provisions in conformance with current County requirements as set forth below;

**Now, therefore**, in consideration of the covenants, promises and consent herein contained, the parties hereto agree as follows:

**1. Term of Agreement:**

The term of the Agreement shall be from July 1, 2008 through October 1, 2011.

**2. Total Cost of Agreement:**

The total cost of the Agreement remains \$60,000.

The Contractor shall comply with the following amended provisions in accordance with current County requirements:

**3. Notices Relating to Payments, Reports, Insurance, Indemnification or Other Submissions**

Any communication, notice, claim for payment, report, insurance, or other submission necessary or required to be made regarding the Contract shall be in writing, delivered as follows, and shall be given to the County or the Contractor, as the case may be, or their designated representative at the following addresses or at such other address that may be specified in writing by the parties:

By Personal Delivery and First Class Mail; or First Class and Certified Mail, Return Receipt Requested; or by Nationally Recognized Overnight Courier; or Fax Transmittal; or Email:

County: **Yves R. Michel - Commissioner**  
**Department of Economic Development/Workforce Housing**  
**H. Lee Dennison Building**  
**100 Veterans Memorial Highway**  
**Hauppauge, New York 11788**  
**Email: [Yves.Michel@suffolkcountyny.gov](mailto:Yves.Michel@suffolkcountyny.gov)**  
**Fax No. 631-853-4888**

and

**Christine Malafi, County Attorney**  
**Suffolk County Department of Law**  
**H. Lee Dennison Building**

**100 Veterans Memorial Highway  
Hauppauge, New York 11788  
Email: [christine.malafi@suffolkcountyny.gov](mailto:christine.malafi@suffolkcountyny.gov)  
Fax No. 631 853-5169**

**Contractor: At the address set forth on page one of the Contract, to the attention of the person who executed the Contract or such other designee as the parties may agree in writing.**

**Email:  
Fax No.**

**2. Notices Relating to Termination and/or Litigation**

- a. In the event the Contractor receives a notice of claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant, etc.) to any legal action or proceeding related to the Contract, the Contractor shall immediately deliver to the County Attorney, at the address set forth below, copies of all papers filed by or against the Contractor.
- b. Any communication or notice regarding termination shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

**By Personal Delivery and First Class Mail; First Class and Certified Mail, Return Receipt Requested; or by Nationally Recognized Overnight Courier:**

**County: Yves R. Michel - Commissioner  
Department of Economic Development/Workforce Housing  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788  
Email: [Yves.Michel@suffolkcountyny.gov](mailto:Yves.Michel@suffolkcountyny.gov)  
Fax No. 631-853-4888**

**and**

**Christine Malafi, County Attorney  
Suffolk County Department of Law  
H. Lee Dennison Building  
100 Veterans Memorial Highway  
Hauppauge, New York 11788  
Email: [christine.malafi@suffolkcountyny.gov](mailto:christine.malafi@suffolkcountyny.gov)  
Fax No. 631 853-5169**

**Contractor: At the address set forth on page one of the Contract, attention to the person who executed the Contract or such other designee as the parties may agree in writing.**

3. Notices shall be deemed to have been duly delivered (i) if mailed, upon the seventh business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first

business day subsequent to the transmittal thereof; or (iii) if personally, pursuant to New York Civil Practice Law and Rules Section 311; or (iv) if by fax or email, upon the transmittal thereof. "Business Day" means any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk County, New York.

4. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

**End of Text for Article A-I**



Grantee's Name: «Town of Riverhead

## DOWNTOWN PROGRAM BUDGET EXPLANATION OF COSTS

**I. EQUIPMENT PURCHASES:** Identify the items to be purchased along with costs.

item #	Description	Material Cost	Total Cost
1			
2			

**II. SUPPLIES:** Identify supplies to be purchased, itemize costs and explain relevance to the project.

item #	Description	Material Cost	Total Cost
1	Plumbing pipe, valves and fittings to facilitate renovating and updating restroom facility plumbing	\$4,500	\$4,500
2	Plumbing fixtures (toilets, urinals, basins, HW Heater, grab bars, etc.		
3	Roofing material to replace failing roof and rotted sheathing	\$3,000	\$3,000
4	Roof Sky Lights (four 2' x 4')	\$4,000	\$4,000
5	Doors (four interior one exterior w/side lights)	\$3,500	\$3,500
6	Carpentry materials. Lumber, soffit material, sheet rock, molding, trim, dividers and fasteners for interior restoration.	\$4,000	\$4,000
7	New exterior fascia boards and roof beams	\$1,500	\$1,500
8	Interior Ceiling Material	\$1,000	\$1,000
9	Heating and ventilation	\$8,500	\$8,500
10	Interior and exterior light fixtures	\$3,500	\$3,500
11	Electrical cable, boxes, panels, switches, and outlets	\$5,000	\$5,000
12	Interior and exterior signage	\$2,500	\$2,500
13	Sidewalk and entrance improvements	\$10,000	\$10,000
14	Landscaping and Irrigation	\$7,500	\$7,500
15	Hardware, fasteners, spackle, paint brushes, rollers, paint pans, miscellaneous supplies.	\$1,500	\$1,500
		<b>TOTAL:</b>	<b>\$60,000</b>

III. **OTHER:** (Facility construction/renovation; contracted services, etc) Describe the activity or service and its relevance to the approved project.

Revised 6-08

05.03.2011  
110350

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 350**

**APPROVES DUNN ENGINEERING ASSOCIATES RATE SCHEDULE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board seeks to adopt the Dunn Engineering rate schedule.

**NOW, THEREFORE BE IT, RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the attached rate sheet; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, authorized to forward a copy of this resolution to Dunn Engineering Associates, the Engineering Department, the Community Development Department, the Town Attorney and the Office of Accounting.

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## DUNN ENGINEERING ASSOCIATES, P.C.

EMPLOYEE	TITLE	ACTUAL HOURLY RATE	MULTIPLIER 3.00	BILLING RATE
Ronald Hill, P.E.	Principal	\$78.40		\$185.00
William Lifford, P.E.	Sr. Associate Engineer	\$71.42		\$185.00
Patrick Lenihan, P.E. Colin Richardson, P.E. Vincent Corrado, P.E. Thomas Rogers, P.E. William Blanchard, P.E.	Assoc. Engineer Assoc. Engineer Assoc. Engineer Assoc. Engineer Assoc. Engineer	\$57.33 \$50.24 \$53.38 \$56.41 \$53.88	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$171.99 \$150.72 \$160.14 \$169.23 \$161.64
Alex Gimpelman, P.E.	Project Engineer	\$48.12	x multiplier of 3.00	\$144.36
Alana Yue, P.E.	Sr. Engineer	\$31.49	x multiplier of 3.00	\$94.47
Cary Swett Sumesh Bhattarai Yousheng Mao Cory Canzone	Structural Engineer Structural Engineer Engineer Jr. Engineer	\$42.60 \$33.64 \$35.37 \$22.84	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$127.80 \$100.92 \$106.11 \$68.52
Thomas Bunch Carol Danielson Kenneth Zabielski	Senior Drafter Senior Drafter Chief Drafter	\$37.11 \$33.36 \$32.17	x multiplier of 3.00 x multiplier of 3.00 x multiplier of 3.00	\$111.33 \$100.08 \$96.51
Angela Schmidt Laurie Mihalko	Technical Typist Technical Typist	\$35.04 \$25.75	x multiplier of 3.00 x multiplier of 3.00	\$105.12 \$77.25

**TOWN OF RIVERHEAD**

**Resolution # 351**

**RATIFIES APPROVAL FOR A LEAVE OF ABSENCE FOR A POLICE OFFICER**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Police Officer Timothy McAllister is a Reservist of the United States Air National Guard; and

**WHEREAS**, Police Officer McAllister had military orders calling him to active duty under the authority of Title 10, U.S. Code Section 12301; and

**WHEREAS**, Police Officer McAllister took an unpaid military leave of absence beginning on April 9, 2011 and continuing through April 28, 2011.

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with the Uniformed Services Employment and Reemployment Rights Act, Title 38, this Town Board hereby ratifies approval for the aforementioned military leave of absence for Police Officer McAllister, and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Police Officer McAllister, Chief of Police, Financial Administrator and the Personnel Director; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 352**

**AUTHORIZES SUPERVISOR TO ENTER INTO MEMORANDUM OF  
UNDERSTANDING BETWEEN THE TOWN OF RIVERHEAD AND THE HAMPTONS  
COLLEGIATE BASEBALL LEAGUE, INC.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Hamptons Collegiate Baseball League, Inc., is a charitable organization whose purpose is to bring free family baseball games and entertainment to the different towns and villages on the East End of Long Island and to provide a venue for players to showcase their skills; and

**WHEREAS**, this summer baseball league will allow major-league hopefuls to shine and will allow fans to enjoy and support these players while bringing a sense of camaraderie to the community; and

**WHEREAS**, the Hamptons Collegiate Baseball League, Inc. wishes to utilize and make certain improvements to the baseball field located at the Town of Riverhead's Enterprise Park at Calverton (EPCAL) located on Grumman Boulevard, Calverton, New York ; and

**WHEREAS**, the Hamptons Collegiate Baseball League, Inc. seeks to apply for grant monies for the purpose of making improvements to the Town of Riverhead's recreational park located at its EPCAL facility and asserts that the improvements will dramatically improve the game for both player and fan; and

**WHEREAS**, the Town of Riverhead feels that it is in the best interest of the residents of the Town of Riverhead and the Town of Riverhead as a whole to allow Hamptons Collegiate Baseball League, Inc. to make application for grant monies for the purpose of making utilize and make improvements to its baseball field located at its EPCAL facility;

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## MEMORANDUM OF UNDERSTANDING

MEMORANDUM OF UNDERSTANDING made this \_\_\_\_ day of March, 2011, by and between the TOWN OF RIVERHEAD, having its principal office at 200 Howell Avenue, Riverhead, New York, 11901, (hereinafter referred to as "the Town") and HAMPTONS COLLEGIATE BASEBALL LEAGUE, INC., having a mailing address of Post Office Box 835, Montauk, New York 11954.

WHEREAS, the Hamptons Collegiate Baseball League, Inc., is a charitable organization whose purpose is to bring free family baseball games and entertainment to the different towns and villages on the East End of Long Island and to provide a venue for players to showcase their skills; and

WHEREAS, this summer baseball league will allow major-league hopefuls to shine and will allow fans to enjoy and support these players while bringing a sense of camaraderie to the community; and

WHEREAS, the Hamptons Collegiate Baseball League, Inc. wishes to utilize and make certain improvements to the baseball field located at the Town of Riverhead's Enterprise Park at Calverton (EPCAL) located on Grumman Boulevard, Calverton, New York ; and

WHEREAS, the Hamptons Collegiate Baseball League, Inc. seeks to apply for grant monies for the purpose of making improvements to the Town of Riverhead's recreational park located at its EPCAL facility and asserts that the improvements will dramatically improve the game for both player and fan; and

WHEREAS, the Town of Riverhead feels that it is in the best interest of the residents of the Town of Riverhead and the Town of Riverhead as a whole to allow Hamptons Collegiate Baseball League, Inc. to make application for grant monies for the purpose of making utilize and make improvements to its baseball field located at its EPCAL facility;

NOW, THEREFORE IT IS HEREBY AGREED, by and between the parties as follows:

The Town of Riverhead hereby consents and supports the efforts of the Hamptons Collegiate Baseball League, Inc. to apply for grant monies to assist in the cost of making improvements to the Town of Riverhead's recreational park and baseballs field located at its EPCAL facility subject to the following terms, conditions and understandings:

1. This Agreement shall not impose and create a duty or obligation on the part of the Town of Riverhead to expend any monies nor shall this agreement require that the Town accept or permit any improvements to the Town of Riverhead's recreational park . All such proposed improvements to the recreational park and the baseballs field located within the recreational park shall be subject to review and approval by the Town of Riverhead's Recreation Department and Engineering Department and shall require a resolution by the Town Board of the Town of Riverhead approving the proposed improvement; and

2. This Agreement is not intended to grant access to the Town of Riverhead's Recreational Park without express agreement by the Town of Riverhead's Recreation Department and Engineering Department and such access shall be limited to the purpose of examining the site to determine the appropriateness of the proposed improvements which are the subject of the grant application; and

3. To the extent that the Town approves the proposed improvements which are the subject of the Hamptons Collegiate Baseball League, Inc. grant application, all such improvements shall comply with the Town's competitive bidding procedures and procurement policies; and

4. To the extent that the proposed improvements approved by the Town require or involve construction, all bid specifications shall be subject to review by the Engineering Department and subject to approval by the Town Board of the Town of Riverhead; and

5. This Agreement does not nor is it intended to authorize the Hamptons Collegiate Baseball League, Inc. to act as representative for the Town except with respect to the aforementioned grant application for proposed improvements to the recreational park at EPCAL for the benefit of the residents of the Town of Riverhead; and

6. The Town shall maintain control of the municipal park during and upon completion of the work; and

7. As stated in the provisions above, the Town of Riverhead Enterprise Park at Calverton, located on Grumman Boulevard, Calverton, New York is a municipal park improved for the benefit and enjoyment of the residents of the Town of Riverhead and, as such and pursuant to all relevant provisions of law, the Town shall not undertake any such transfer or interest to act or serve to alienate the park from the residents of the Town of Riverhead.

8. This Agreement is not intended to allow Hamptons Collegiate Baseball League, Inc. to use the Town of Riverhead's baseball fields located at its EPCAL facility and makes no provisions for the rights and obligations of the parties with respect to use of the recreational park and/or ball fields, but instead, the use of the recreational park by Hamptons Collegiate Baseball League, Inc. shall require a separate agreement between the Town of Riverhead and the Hamptons Collegiate Baseball League, Inc.

THE TOWN OF RIVERHEAD

\_\_\_\_\_  
By: Sean M. Walter,  
Town Supervisor

HAMPTONS COLLEGIATE BASEBALL  
LEAGUE, INC.

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

**TOWN OF RIVERHEAD**

**Resolution # 353**

**APPOINTS A PART-TIME ACCOUNT CLERK TYPIST IN THE SENIOR CITIZEN DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby appoints Suzanne McEvoy to the position of part-time Account Clerk Typist in the Senior Citizen Department at an hourly rate of \$26.20 for the time period of May 31, 2011 through May 30, 2012; and

**BE IT FURTHER, RESOLVED** that 1. Suzanne's normal work schedule shall be set at 17 hours per week; and 2. Suzanne shall receive 42.50 hours of vacation time effective May 31, 2011 to be used as needed or forfeited if unused by May 30, 2012.

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Suzanne McEvoy, the Senior Citizen Program Director, the Financial Administrator and the Personnel Officer. Town Hall Departments may review and obtain a copy of this resolution from electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 354**

**PAYS BILLS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #11-14 April 28,2011 (TBM 05/03/11)				
FUND NAME			04/28/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		806,283.27	806,283.27
POLICE ATHLETIC LEAGUE	4		85.00	85.00
RECREATION PROGRAM FUND	6		3,039.10	3,039.10
HIGHWAY FUND	111		154,912.20	154,912.20
WATER DISTRICT	112		31,762.98	31,762.98
RIVERHEAD SEWER DISTRICT	114		27,620.48	27,620.48
REFUSE & GARBAGE COLLECTION DI	115		10,376.66	10,376.66
STREET LIGHTING DISTRICT	116		8,135.62	8,135.62
PUBLIC PARKING DISTRICT	117		810.48	810.48
BUSINESS IMPROVEMENT DISTRICT	118		49.95	49.95
AMBULANCE DISTRICT	120		13,544.27	13,544.27
EAST CREEK DOCKING FACILITY FU	122		6,000.00	6,000.00
CALVERTON SEWER DISTRICT	124		15.95	15.95
RIVERHEAD SCAVANGER WASTE DIST	128		7,748.28	7,748.28
RISK RETENTION FUND	175		19,934.43	19,934.43
CDBG CONSORTIUM ACOUNT	181		5,000.00	5,000.00
TOWN HALL CAPITAL PROJECTS	406		112,450.00	112,450.00
WATER DISTRICT CAPITAL PROJECT	412		19,828.86	19,828.86
RIVERHEAD SEWER CAPITAL PROJEC	414		8,898.00	8,898.00
TRUST & AGENCY	735		58,311.38	58,311.38
CALVERTON PARK - C.D.A.	914		542.00	542.00
<b>TOTAL ALL FUNDS</b>			<b>1,295,348.91</b>	<b>1,295,348.91</b>

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 354**

**PAYS BILLS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #11-13 April 21,2011 (TBM 05/03/11)					
FUND NAME					
				04/21/11 CHECKRUN	GRAND TOTALS
<b>GENERAL FUND</b>					
POLICE ATHLETIC LEAGUE	1			960,211.41	960,211.41
RECREATION PROGRAM	4			136.31	136.31
EDZ FUND	6			2049.72	2049.72
HIGHWAY FUND	30			197.93	197.93
WATER DISTRICT	111			97,869.89	97,869.89
RIVERHEAD SEWER DISTRICT	112			84,219.86	84,219.86
REFUSE & GARBAGE COLLECTION DI	114			40,710.98	40,710.98
STREET LIGHTING DISTRICT	115			362,077.22	362,077.22
AMBULANCE DISTRICT	116			6797.53	6797.53
EAST CREEK DOCKING FACILITY FU	120			13,794.69	13,794.69
CALVERTON SEWER DISTRICT	122			13,829.98	13,829.98
RIVERHEAD SCAVANGER WASTE DIST	124			1104.22	1104.22
RISK RETENTION FUND	128			21,687.98	21,687.98
UNEMPLOYMENT INSURANCE RESERVE	175			9,637.76	9,637.76
CDBG CONSORTIUM ACOUNT	176			25,117.55	25,117.55
TOWN HALL CAPITAL PROJECTS	181			815.53	815.53
TRUST & AGENCY	406			170,575.13	170,575.13
	735			1,450,473.32	1,450,473.32
<b>TOTAL ALL FUNDS</b>				<b>3,261,307.01</b>	<b>3,261,307.01</b>

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted