

**TOWN BOARD MEETING  
AGENDA  
PHILIP CARDINALE, Supervisor**

**February 21, 2007**

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

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

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

**ELECTED OFFICIALS**

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

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

**DEPARTMENT HEADS**

**William Rothaar (Interim Financial Administrator)  
Leroy E. Barnes, Jr.  
Andrea Lohneiss  
Ken Testa  
Richard Hanley  
Chief David Hegermiller  
Ray Coyne  
Judy Doll  
John Reeve  
Michael Reichel  
Gary Pendzick**

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

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

- #143 Purchase and Installation of Recreation Modular Building at Stotzky Park Budget Adoption
- #144 Personal Services- HR Budget Adjustment
- #145 Personal Services Budget Adjustment
- #146 Authorizes the Appointment of a Hearing Officer
- #147 Amends Resolution #117-2007 (Appointment of Building Inspector- J. Wherry)
- #148 Appoints Bus Driver in the Seniors Program (D. Murphy)
- #149 Appoints Bus Driver in the Seniors Program (B. Caccioppo)
- #150 Appoints Automotive Equipment Operator in the Highway Department (C. Lescenski)
- #151 Appoints a P/T Recreation Aide/Youth Sports to the Recreation Department (G. Prete)
- #152 Authorizes Fire Marshal to Attend Seminar
- #153 Offers Support to New York State Legislature for the Imposition of Special Development or Impact Fees on Building Permits for New Construction or the Substantial Improvement of Existing Construction for the Purposes of: (A) Community Facilities, (B) Traffic Mitigation and (C) School Facilities
- #154 Offers Support to New York State Legislature to Enforce the Provisions of the 2% Transfer Tax on Real Estate Transactions
- #155 Offer Calling Public Hearing-RSD-Lateral Sewer Main-Best Western Hotel Complex
- #156 Classifies Action and Declares Lead Agency on Special Permit of Ric Scott (Suffolk Theater) and Calls Public Hearing

- #157 Classifies Action and Declares Lead Agency on Special Use Permit of Irene and Etham Tahir and Calls for Public Hearing
- #158 Authorizes Publication of Display Ad Re: Attendance at Suffolk County Police Academy
- #159 Authorizes Town Clerk to Publish and Post a Help Wanted Ad for Assistant Town Engineer
- #160 Authorization to Publish Advertisement for Meat & Poultry
- #161 Authorization to Publish Advertisement for Food
- #162 Authorizes Town Clerk to Republish and Repost Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 47 Entitled, "Bays and Creeks" of the Riverhead Town Code
- #163 Authorizes the Town Attorney to Establish a Credit Line
- #164 Authorizes Town Clerk to Advertise for Bids-RSD/RSWD-Removal of Sludge Cake
- #165 Authorizes Town Clerk to Advertise for Bids-RSD/RSWD-Grit & Screening Removal
- #166 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (§108-129 Site Plan Review)
- #167 Authorizes Town Clerk to Publish and Post Public Notice of Publish Hearing to Consider a Proposed Local Law for an Amendment to Chapter 3 Entitled, "Appearance Tickets" of the Riverhead Town Code
- #168 Authorizes the Supervisor to Execute a License Agreement with Aeros Cultured Oyster Company to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creek
- #169 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Agriculture Protection Zoning use District (APZ))

- #170 Approves Extension of Subdivision Bond or Morgan Creek Development A/K/A “Map of Roanoke Landing” (Road and Drainage Improvements)
- #171 Grants the Wading River Historical Society an Exemption from Real Property Taxes for the 2004-2005 Assessment Roll
- #172 Resolution and Consent Approving the Dedication of a Highway Known as Sigal Avenue Extension (Millbrook Gables)
- #173 Supports Peconic Bay Medical Centers Building and Renovation Program
- #174 Approves Chapter 90 Application of the Riverhead Central School District (American Cancer Society-Relay for Life)
- #175 Adopts a Local Law to Amend Chapter 58 Entitled, “Dogs” of the Riverhead Town Code (§58-4. Redemption of impounded dogs)
- #176 Adopts a Local Law to Amend Chapter 108 of the Town Code of the Town of Riverhead Entitled, “Zoning” (108-130- Site Plan Review)
- #177 Approves Fee Schedule of John Raynor and Associates
- #178 Adopts a Rate Schedule for Dunn Engineering Associates, Norton Brothers-Dunn and AKRF for Downtown Redevelopment GEIS and Urban Renewal Plan Update 2006-2007
- #1790 Pays Bills

Adopted

February 21, 2007

TOWN OF RIVERHEAD

PURCHASE AND INSTALLATION OF RECREATION MODULAR  
BUILDING AT STOTZKY PARK

BUDGET ADOPTION

RESOLUTION # 143

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.40188	Transfer from Park & Rec.	\$350,000	
406.070200.524911.40188	Infrastructure Improvements		\$313,158
406.070200.547900.40188	Contingency		\$ 36,842

**THE VOTE**

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

FEBRUARY 21, 2007

Adopted

TOWN OF RIVERHEAD

PERSONAL SERVICES - HR

BUDGET ADJUSTMENT

RESOLUTION # 144

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

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

		<u>FROM</u>	<u>TO</u>
001.013100.511500	Personal Services/Finance	60,190	
001.014300.511500	Personal Services/HR		60,190

**THE VOTE**

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

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

FEBRUARY 21, 2007

Adopted

TOWN OF RIVERHEAD

PERSONAL SERVICES

BUDGET ADJUSTMENT

RESOLUTION # 145

COUNCILMAN BARTUNEK

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

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

		<u>FROM</u>	<u>TO</u>
001.031200.511500	Personal Services/PD	40,800	
001.013100.511500	Personal Services/Finance		40,800

**THE VOTE**

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

# Adopted

February 21, 2007

TOWN OF RIVERHEAD

Resolution # 146

AUTHORIZES THE SUSPENSION OF AN EMPLOYEE WITHOUT PAY

COUNCILMAN DUNLEAVY offered the following resolution, which was seconded  
by COUNCILMAN DENSIESKI:

NOW THEREFORE BE IT

**RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the suspension of this employee without pay following the service of disciplinary charges against him and pending the determination of those charges, and be it further

**RESOLVED**, that a copy of this resolution be delivered to Richard Zuckerman, Esq., Allen Kranz, Esq and employee.

**THE VOTE**

Dunleavy  yes  no    Bartunek  yes  no  
 Blass  yes  no    Densieski  yes  no  
 Cardinale  yes  no

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

February 21, 2007

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 147

AMENDS RESOLUTION #117

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

WHEREAS, Resolution #117 was adopted February 6, 2007 appointing a part-time Building Inspector, John Wherry, to the Building Department

WHEREAS, The effective date was stated as February 8, 2006.

WHEREAS, the effective date should have been adopted as February 8, 2007

THEREFORE, BE IT RESOLVED, that resolution #117 be amended to reflect the Building Inspector's effective date as February 8, 2007

BE IT FURTHER RESOLVED, That the Town Clerk be and is hereby authorized to forward a copy of this resolution to John Wherry, the Building Department and the Personnel Officer.

The Vote

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

THE RESOLUTION WAS NOT THEREFORE DULY ADOPTED

February 21, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 148

APPOINTS BUS DRIVER IN THE SENIORS PROGRAM

\_\_\_\_\_ Councilwoman Blass \_\_\_\_\_ offered the following resolution, which was seconded by \_\_\_\_\_ Councilman Bartunek \_\_\_\_\_

**WHEREAS**, a vacancy exists in the Seniors Programs, and

**WHEREAS**, this position was duly posted, posting #4, and interviews were conducted, and

**WHEREAS**, the recommendation of the Department Head and the Personnel Committee has been received.

**NOW, THEREFORE, BE IT RESOLVED**, that effective February 22, 2007 David Murphy is hereby appointed to the position of Bus Driver as found on Group 4, Step P of the Clerical and Supervisory Salary Administration Schedule subject to all drug testing.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to David Murphy, the Seniors Program, and the Personnel Officer.

The Vote

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

THE RESOLUTION X WAS    WAS NOT THEREFORE DULY ADOPTED

February 21, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 149

APPOINTS BUS DRIVER IN THE SENIORS PROGRAM

\_\_\_\_\_ Councilman Bartunek \_\_\_\_\_ offered the following resolution, which was seconded by \_\_ Councilman Dunleavy \_\_\_\_\_

**WHEREAS**, a vacancy exists in the Seniors Programs, and

**WHEREAS**, this position was duly posted, posting #4, and interviews were conducted, and

**WHEREAS**, the recommendation of the Department Head and the Personnel Committee has been received.

**NOW, THEREFORE, BE IT RESOLVED**, that effective February 26, 2007 Beatrice Caccioppo is hereby appointed to the position of Bus Driver as found on Group 4, Step P of the Clerical and Supervisory Salary Administration Schedule subject to all drug testing.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Beatrice Caccioppo, the Seniors Program, and the Personnel Officer.

The Vote

Dunleavy	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Bartunek	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Blass	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Densieski	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Cardinale	<input checked="" type="radio"/> Yes	<input type="radio"/> No			

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

February 21, 2007

**Adopted**

**TOWN OF RIVERHEAD**

**Resolution #150**

**APPOINTS AUTOMOTIVE EQUIPMENT OPERATOR IN THE  
HIGHWAY DEPARTMENT**

\_\_\_\_\_Councilman Dunleavy\_\_\_\_\_offered the following  
resolution, which was seconded by \_\_Councilman Densieski\_\_\_\_\_

**WHEREAS**, a vacancy exists in the Highway Department, and

**WHEREAS**, this position was duly posted, posting #30, advertised and interviews were conducted, and

**WHEREAS**, the recommendation of the Deputy Superintendent of Highway and the Personnel Committee has been received.

**NOW, THEREFORE, BE IT RESOLVED**, that effective February 26, 2007 Christopher Lescenski is hereby appointed to the position of Automotive Equipment Operator as found on Group 6, Step P of the Operational and Technical Salary Administration Schedule subject to all drug testing.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Christopher Lescenski, the Highway Department, and the Personnel Officer.

**The Vote**

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

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

# Adopted

February 21, 2007

## TOWN OF RIVERHEAD

Resolution # 151

### APPOINTS A P/ T RECREATION AIDE / YOUTH SPORTS TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN DENSIESKI

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

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

**RESOLVED**, that George Prete is hereby appointed to serve as a P/T Recreation Aide/ Youth Sports effective February 26<sup>th</sup>, 2007 to serve as needed on an at-will basis and to be paid at the rate of \$7.50 per hour, and to serve at the pleasure of the Town Board; and

**BE IT FURTHER, RESOLVED**, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start date.

**BE IT FURTHER, RESOLVED**, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, George Prete, and the Office of Accounting.

1

THE VOTE

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

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

<sup>1</sup> Rec. Jim/ Res Rec Aide/ Youth Sports George Prete

2/21/07

TOWN OF RIVERHEAD

Adopted

Resolution # 152

**AUTHORIZES FIRE MARSHAL TO ATTEND SEMINAR**

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

**WHEREAS**, Fire Marshal David Andruszkiewicz requests to attend the 2007 International Association of Arson Investigators Seminar and Meeting; and

**WHEREAS**, the training at said seminar will provide 16 of the 24 required training hours for New York State Certified Fire Investigator II need for the performance of Riverhead Town Fire Marshal duties; and

**WHEREAS**, the 2007 International Association of Arson Investigators Seminar will be held March 7-9, 2007, at the Bally's Casino & Hotel, Atlantic City, New Jersey; and

**WHEREAS**, the cost of the seminar will not exceed \$600.00 (expenses include fees for registration, lodging, meals and other travel costs such as tolls and gas); and

**NOW THEREFORE BE IT RESOLVED**, that the Fire Marshal be authorized to attend this seminar, use of an official vehicle for transportation (March 7-9, 2007) and shall remit to the Accounting Department all pertinent receipts and documentation to be reimbursed for expenditures not to exceed the authorized limit; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is authorized to forward a copy of this resolution to the Fire Marshal's Office and Office of Accounting.

**THE VOTE**

Dunleavy  Yes \_\_\_ No      Bartunek  Yes \_\_\_ No  
Blass  Yes \_\_\_ No      Densieski  Yes \_\_\_ No  
Cardinale  Yes \_\_\_ No  
The Resolution  Is \_\_\_ Is Not  
Declared Duly Adopted

2/21/07

TOWN OF RIVERHEAD

# Tabled

Resolution 153

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE FOR THE IMPOSITION OF SPECIAL DEVELOPMENT OR IMPACT FEES ON BUILDING PERMITS FOR NEW CONSTRUCTION OR THE SUBSTANTIAL IMPROVEMENT OF EXISTING CONSTRUCTION FOR THE PURPOSES OF: (A) COMMUNITY FACILITIES, (B) TRAFFIC MITIGATION AND (C) SCHOOL FACILITIES**

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

**WHEREAS**, Bill 985 (copy attached herewith) has been introduced in the New York State Assembly which would permit towns and villages within the Peconic Bay region to impose special development or impact fees on building permits for new construction or the substantial improvement of existing construction for the purposes of: (a) community facilities, (b) traffic mitigation and (c) school facilities; 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 recognizes the need to impose such special development or impact fees on building permits for new construction for the above mentioned purposes; and

**WHEREAS**, the adoption of this state legislation would require any town in the Peconic Bay Region that wished to impose special development or impact fees on building permits for new construction or the substantial improvement of existing construction for the purposes of: (a) community facilities, (b) traffic mitigation and (c) school facilities to adopt a local law, which local law would not be subject to a mandatory referendum.

**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 impose special development or impact fees on building permits for new construction or the substantial improvement of existing construction for the abovementioned purposes; 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 a copy of this resolution be forwarded to Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932; the Building Department; Police Chief Hegermiller; the Office of Accounting and the Office of the Town Attorney.

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

**Tabled**

# STATE OF NEW YORK

985

2007-2008 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 3, 2007

Introduced by M. of A. THIELE -- read once and referred to the Committee  
on Local Governments

AN ACT to amend the town law, in relation to permitting towns and  
villages in the Peconic Bay region to assess special development fees  
in connection with the issuance of building permits

The People of the State of New York, represented in Senate and Assem-  
bly, do enact as follows:

1 Section 1. Legislative findings. Local governments in the Peconic Bay  
2 region have undergone an unprecedented rate of development over the past  
3 decade. The number of new residential housing units has increased by  
4 12.5% to more than 86,000 housing units from 1990 to 2000. In the town  
5 of Southhampton, 277 building permits for new residential housing units  
6 were issued in 1990. In 2000, 735 such permits were issued. Year round  
7 population has also increased in the Peconic Bay region, reaching  
8 120,000 residents in 2000. Nearly half of all dwellings located in the  
9 Peconic Bay region are second homes. Consequently, not only has the year  
10 round population increased, but the seasonal population for the region  
11 has also dramatically risen. During the summer, the seasonal population  
12 often triples to 350,000 people.

13 Rapid development, increases in housing units, increases in year round  
14 population, and increases in seasonal population has resulted in signif-  
15 icant stress to existing community infrastructure and increased demand  
16 for new infrastructure. Such impacts have included crumbling highways, a  
17 greater demand for community facilities such as police stations, fire  
18 stations, community centers, and recreational facilities, and a greater  
19 need for school facilities.

20 More than a third of the total land area in the Peconic Region remains  
21 available for development. Thus, adverse impacts to existing highways  
22 and increased demand for community and school facilities will continue  
23 well into the future as the region reaches full buildout.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

LBD02209-01-7



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1 It has been well established by several planning studies that residen-  
2 tial development does not pay for itself through the generation of new  
3 real property taxes. It is generally accepted that for every dollar of  
4 new tax revenue generated by new residential development, a \$1.30 is  
5 required to provide supporting services and infrastructure. Therefore,  
6 the recent development boom in the Peconic Bay region has resulted in an  
7 increased demand for services and new infrastructure and over stressing  
8 of existing infrastructure.

9 Local governments are now considering large capital expenditures for  
10 highway reconstruction, community facilities, and new schools. Many such  
11 projects have already been approved. These capital outlays will cause  
12 significantly higher property tax levies.

13 In summary, the rapid rate of development is stressing existing  
14 infrastructure past its limits as well as creating a demand for new  
15 infrastructure. In turn, this will result in skyrocketing tax levies,  
16 unless alternative funding sources are implemented.

17 Other communities across the country have addressed the infrastructure  
18 demands associated with overdevelopment by instituting special develop-  
19 ment or impact fees to help to pay for such increasing infrastructure  
20 demands. Such fees impose a portion of the financial responsibility on  
21 the new development which created the need for additional infrastruc-  
22 ture, rather than solely all real property taxpayers at large. In these  
23 communities, the institution of impact or special development fees has  
24 resulted in the provision of needed infrastructure while maintaining  
25 stable property taxes. Such a system provides for a fairer assessment of  
26 the financial responsibility relating to infrastructure for these commu-  
27 nities.

28 This act permits the Peconic Bay region local governments to institute  
29 a system of certain impact fees in order to fairly distribute the finan-  
30 cial responsibilities for the increased need for infrastructure associ-  
31 ated with new development.

32 § 2. The town law is amended by adding a new section 64-i to read as  
33 follows:

34 § 64-i. Special development fees for building permits authorized in  
35 the Peconic Bay region. 1. (a) For the purposes of this section, the  
36 term "Peconic Bay region" shall have the same meaning as defined in  
37 paragraph (a) of subdivision one of section sixty-four-e of this arti-  
38 cle.

39 (b) For the purposes of this section, "substantial improvement" shall  
40 mean an increase of fifty percent or more in the total square footage of  
41 an existing building or structure.

42 2. Notwithstanding any provision of law to the contrary, the town  
43 board of any town in the Peconic Bay region, and the village board of  
44 any village in the Peconic Bay region shall be authorized to impose  
45 special development fees on the issuance of a building permit for the  
46 following purposes: (a) community facilities development; (b) traffic  
47 mitigation; and (c) school facilities.

48 3. The amount of such fees shall be set by the town or village board  
49 and shall be reasonably related to the actual need for such services,  
50 programs or facilities.

51 4. Each town or village which establishes the special development fees  
52 authorized by this section shall create a trust fund for each type of  
53 special development fee. All fees shall be deposited in the appropriate  
54 trust fund.



1 5. In the case of the community facilities trust fund and the traffic  
2 mitigation trust fund, the town or village shall use such funds exclu-  
3 sively for the purpose for which the fund was established.

4 6. The community facilities trust fund shall be utilized for the  
5 acquisition of land, new construction, or the expansion of existing  
6 facilities required to provide police services, fire services, emergency  
7 services, libraries, museums, recreation, youth services, senior  
8 services, and other similar services provided directly or indirectly by  
9 local government.

10 7. The traffic mitigation trust fund shall be utilized for the  
11 improvement, repair, and reconstruction of existing highways, the  
12 construction of bicycle paths, the improvement of railroad stations, the  
13 provision of bus transportation, and other similar alternative means of  
14 transportation which would result in the reduction or mitigation of  
15 automobile and truck traffic.

16 8. Each year, as part of the budget adopted by the town or village,  
17 the town board or village board, as the case may be, shall approve a  
18 plan for the use of such community facilities and traffic mitigation  
19 trust funds. Such plan may only be amended during the fiscal year after  
20 a public hearing, for which notice shall be provided in the same manner  
21 as is required for the adoption of a local law. An advisory committee  
22 shall be established of not more than seven members to assist the town  
23 or village, as the case may be, in the preparation and amendment of such  
24 plans for the use of such funds.

25 9. In the case of the school facilities trust fund, the town or  
26 village, as the case may be, shall keep an account as to the location of  
27 the property from which each fee was generated. Such fee shall be cred-  
28 ited to the school district from which the fee was generated. On Febru-  
29 ary first of each year, the town or village shall transfer to each  
30 school district the funds generated from the previous calendar year.  
31 School districts shall place such funds in a trust fund and the proceeds  
32 of such fund shall only be utilized for the construction or recon-  
33 struction of new or expanded school facilities.

34 10. When a town or village shall establish one or more of the special  
35 development fees authorized by this section, such town or village shall  
36 also be authorized to exempt affordable housing units from the payment  
37 of such fees. The term "affordable housing" shall be defined by the  
38 town or village, by local law.

39 § 3. This act shall take effect immediately.

2/21/07

Adopted

TOWN OF RIVERHEAD

Resolution 154

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE TO ENFORCE THE PROVISIONS OF THE 2% TRANSFER TAX ON REAL ESTATE TRANSACTIONS**

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

**WHEREAS**, Bill 1077, attached herewith, has been introduced in the New York State Assembly which would allow cooperation between the New York State Department of Taxation and Finance and the five towns in the Peconic Bay Region to enforce the provisions of the 2% transfer tax on real estate transactions. This legislation will provide a mechanism to allow the towns and the State to be better able to collect the tax; 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 recognizes the need to enforce the provisions of the 2% transfer tax on real estate transactions; and

**WHEREAS**, upon the adoption of this state legislation, the supervisor of the town, or the authorized representative of said supervisor, would permit the commissioner or the supervisor of any other town in the Peconic Bay Region, County of Suffolk, or their authorized representative, to inspect any return filed under this chapter, or may furnish an abstract of such return or supply him or her with information concerning an item contained in any such return, but such permission shall only be furnished if such information is to be used for tax purposes, which local law would not be subject to a mandatory referendum.

**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 enforce the provisions of the 2% transfer tax on real estate transactions; 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 a copy of this resolution be forwarded to Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932 and the Office of the Town Attorney.

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

# STATE OF NEW YORK

1077

2007-2008 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 3, 2007

Introduced by M. of A. THIELE -- read once and referred to the Committee on Ways and Means

AN ACT to amend the tax law, in relation to the enforcement of the tax on real estate transfers in towns in the Peconic Bay region and authorizing said towns to enter into cooperative agreements with the department of taxation and finance for the enforcement of said tax

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 1449-nn of the tax law, as added by chapter 114 of  
2 the laws of 1998, is amended to read as follows:

3 § 1449-nn. Miscellaneous. 1. A local law adopted by any town in the  
4 Peconic Bay region, pursuant to this article, may contain such other  
5 provisions as the town deems necessary for the proper administration and  
6 enforcement of the tax imposed pursuant to this article, including but  
7 not limited to provisions concerning the determination of tax, the im-  
8 position of interest on underpayments and overpayments, proceedings to  
9 recover the tax, and the imposition of civil penalties. Such provisions  
10 shall be identical to the corresponding provisions of the real estate  
11 transfer tax imposed by article thirty-one of this chapter, so far as  
12 such provisions can be made applicable to the tax imposed pursuant to  
13 this article.

14 2. Notwithstanding any provision of law to the contrary, the commis-  
15 sioner may permit the supervisor of the town, or authorized represen-  
16 tative of said supervisor to inspect any return filed under this chap-  
17 ter, or may furnish to such supervisor or his or her representative an  
18 abstract of any such return, or supply him or her with information  
19 concerning an item contained in any such return, or disclosed by any  
20 investigation of tax liability under this chapter, but such permission  
21 shall be granted or such information furnished only if such information  
22 is to be used for tax purposes.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets [ ] is old law to be omitted.

LBD03263-01-7



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1     3. Notwithstanding any provision of law to the contrary, the supervi-  
2 sor of the town, or the authorized representative of said supervisor may  
3 permit the commissioner or the supervisor of any other town in the  
4 Peconic Bay region, county of Suffolk or their authorized representative  
5 to inspect any return filed under this chapter, or may furnish to the  
6 commissioner or supervisor an abstract of any such return, or supply him  
7 or her with information concerning an item contained in any such return,  
8 or disclosed by any investigation of tax liability under this article,  
9 but such permission shall only be granted or such information furnished  
10 only if such information is to be used for tax purposes.

11     4. The commissioner and a town imposing the tax authorized by this  
12 article may enter into a cooperative agreement to facilitate the admin-  
13 istration and enforcement of this article.

14     § 2. Referendum not required. Any local law adopted by a town pursuant  
15 to this act shall not be subject to a further mandatory referendum.

16     § 3. Severability. If any clause, sentence, paragraph, section or part  
17 of this act shall be adjudged by any court of competent jurisdiction to  
18 be invalid and after exhaustion of all further judicial review, the  
19 judgment shall not affect, impair or invalidate the remainder thereof,  
20 but shall be confined in its operation to the clause, sentence, para-  
21 graph, section or part of this act directly involved in the controversy  
22 in which the judgment shall have been rendered.

23     § 4. This act shall take effect immediately, provided, however that  
24 the amendments to section 1449-nn of the tax law made by section one of  
25 this act shall not affect the expiration and repeal of such section and  
26 shall be deemed to expire and be repealed therewith.



2/21/07

Adopted

TOWN OF RIVERHEAD

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

RESOLUTION # 155

Adopted \_\_\_\_\_

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

WHEREAS, by letter and report dated January 22, 2007, with further addendum letter dated February 13, 2007, H2M, consulting engineers to the Riverhead Sewer District, did prepare a report detailing the necessary measures and costs associated with modifying the existing sanitary wastewater collection facilities of the Riverhead Sewer District to accommodate the connection of the proposed Route 58 Hotel Plaza, and

WHEREAS, the location of the site for the proposed hotel complex is located within the boundaries of the Riverhead Sewer District and encompasses approximately 7 acres, and

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

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

WHEREAS, the applicant's cost to connect to the sewer system is estimated to be approximately \$1,185,000, with key money in the amount of \$122,850, and

WHEREAS, additional key money shall be due for the additional building at such time as it is approved and key money shall be charged thereon at the prevailing rate, and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board will hold a public hearing on the 20<sup>th</sup> day of March, 2007, at 7:05 p.m. at the Riley Avenue School, Riley Avenue, Calverton, New York, to hear all interested persons with regard to the proposed lateral sewer main of Route 58 Hotel Plaza, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the March 8, 2007, edition of The News Review, and

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

BY ORDER OF THE RIVERHEAD  
TOWN BOARD  
BARBARA GRATTAN  
TOWN CLERK

Dated: February 21, 2007  
Riverhead, NY 11901

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

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

Adopted

**TOWN OF RIVERHEAD**

Resolution # 156

**Classifies Action and Declares Lead Agency on Special Permit  
of Ric Stott (Suffolk Theater) and Calls Public Hearing**

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

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Ric Stott pursuant to Article XXVIA and Section 108-69 of the Riverhead Town Code, for the renovation of and addition to an existing theater resulting in greater than the allowed 80% building coverage within the Riverhead Parking district on a 0.263ac. parcel zoned Downtown Center 1, such property more particularly described as SCTM 0600-129-1-8.4, and

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

**WHEREAS**, the Riverhead Planning Department has reviewed these materials and has determined the petition to be an Unlisted action pursuant to 6NYCRR Part 617 for which coordinated SEQR review is optional and in this case unnecessary, and

**WHEREAS**, the Town Board wishes 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 petition of Ric Stott and further determines the Action to be unlisted pursuant to 6NYCRR Part 617, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed and is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent and to publish and post the following notice of public hearing.

**THE VOTE**

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

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

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riley Avenue Elementary School, Riley Avenue, Calverton, New York on the 20th day of March 2007 at 7:15 o'clock pm, to consider the special use permit petition of Ric Stott to allow the construction of a building exceeding 80% lot coverage on real property located at East Main Street, Riverhead, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-129-1-8.4.

Dated: Riverhead, New York  
February 14, 2007

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

**TOWN OF RIVERHEAD**

Resolution No. 157

**Adopted**

**Classifies Action and Declares Lead Agency on  
Special Use Permit of Irene and Etham Tahir and Calls for Public Hearing**

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

**WHEREAS**, the Riverhead Town Board is in receipt of a special use permit petition from Ciarelli and Dempsey, Esq. on the behalf of Irene and Etham Tahir to allow the use of an existing single family residence as a bed and breakfast facility upon real property located at Route 25, Laurel, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-048-4-2; and

**WHEREAS**, the Riverhead Planning Department has completed a SEQRA report and has recommended that the Action be considered to be Type II pursuant to 615.5 (c) (7), and

**WHEREAS**, the matter was referred to the Suffolk County Planning Commission; such Planning Commission concluding the matter to be one of local determination, and

**WHEREAS**, the Town Board desires to hold a public hearing at this time, now

**THEREFORE BE IT**

**RESOLVED**, that the town Clerk be authorized to publish and post following notice of public hearing.

**THE VOTE**

DUNLEAVY	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	BARTUNEK	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
BLASS	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO	DENSIESKI	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO
CARDINALE	<input checked="" type="checkbox"/> YES	<input type="checkbox"/> NO			
THIS RESOLUTION <input checked="" type="checkbox"/> WAS <input type="checkbox"/> WAS NOT					
THEREFORE DULY ADOPTED					

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riley Avenue Elementary School, Riley Avenue, Calverton, New York on the 20th day of March, 2007 at 7:20 o'clock pm, to consider the Special Use Permit Petition of Irene and Ethem Tahir to use an existing single family residence as a bed and breakfast upon real property located on the Main Road, Laurel, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-048-04-002.

Dated: Riverhead, New York  
February 14, 2007

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

February 21, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 158

**AUTHORIZES PUBLICATION OF DISPLAY AD**  
**RE: ATTENDANCE AT SUFFOLK COUNTY POLICE ACADEMY**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the below advertisement as a display ad in the March 1, 2007, issue of The News Review.

**TOWN OF RIVERHEAD**  
**PUBLIC NOTICE**

PLEASE TAKE NOTICE, the Town of Riverhead is seeking candidates to attend the Suffolk County Police Academy for the purpose of serving as Part-time Police Officers with the Town of Riverhead Police Department. Candidates for the position must:

1. Apply in person to the Riverhead Town Police Department by March 26, 2007; and
2. Have reached age twenty (20) by date of application; and
3. Be a high school graduate or possess a high school equivalency diploma, recognized by the New York State Department of Education; and
4. Successfully pass a qualifying psychological evaluation as directed by the Suffolk County Department of Civil Service; and
5. Successfully pass a qualifying medical evaluation as directed by the Suffolk County Department of Civil Service; and
6. Successfully pass a qualifying physical fitness agility evaluation at the direction of the Suffolk County Department of Civil Service; and
7. Submit to polygraph testing as directed; and
8. Be a United States citizen; and
9. Possess a valid New York State operator's or chauffeur's license at the time of original appointment and throughout their employment; and
10. Successfully pass an applicant background investigation conducted by the Suffolk County Police Department; and
11. Attend the Suffolk County Police Academy for a minimum of 587 hours of instruction.

12. The course of instruction is **TENTATIVELY** scheduled to begin in the Fall of 2007.

If the candidate fulfills the basic requirements and successfully completes the courses at the Suffolk County Police Academy, that graduate will be awarded a certificate by the Bureau for Municipal Police, which certifies that person as a Police Officer in the State of New York.

Following graduation, the candidate is required to have on-the-job training with the Town of Riverhead for a period of not less than 40 hours.

Any individual requesting further information on this program is directed to call the Riverhead Police Department at 727-4500, ext. 315.

BY ORDER OF  
THE RIVERHEAD TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK

**The Vote**

**Dunleavy** ~~Yes~~ **No**                      **Bartunek** ~~Yes~~ **No**  
**Blass** ~~Yes~~ **No**                      **Densieski** ~~Yes~~ **No**  
**Cardinale** ~~Yes~~ **No**  
**THE RESOLUTION** ~~X~~ **WAS**      **WAS NOT**  
**THEREFORE DULY ADOPTED**

February 21, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 159

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED ADVERTISEMENT FOR ASSISTANT TOWN ENGINEER**

COUNCILMAN DENSIESKI

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

resolution, which was seconded by COUNCILWOMAN BLASS

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Advertisement in the February 25th and 26th 2007 issue of Newsday.

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

The Vote

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

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

## **HELP WANTED**

**Engineer – Riverhead Town seeks Assistant Engineer. PE required. Apply at 552 East main Street, Riverhead, NY or visit [WWW.Riverhead.li.com](http://WWW.Riverhead.li.com). EEOC**

**BY ORDER OF:  
THE RIVERHEAD TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK**

FEBRUARY 21, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 160

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR MEAT & POULTRY

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for MEAT & POULTRY and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 1, 2007 issue of the News Review and;

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

THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **MEAT & POULTRY PRODUCTS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 A.M. ON MARCH 12, 2007.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR MEAT & POULTRY PRODUCTS.**

# Adopted

FEBRUARY 21, 2007

## TOWN OF RIVERHEAD

Resolution # 161

### *AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR FOOD*

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

**WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for FOOD and;**

**BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 1, 2007 issue of the News Review and;**

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

### THE VOTE

Dunleavy  Yes  No

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **FOOD PRODUCTS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 A.M. ON MARCH 12, 2007.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR FOOD PRODUCTS.**

February 21, 2007

# Adopted

## TOWN OF RIVERHEAD

Resolution # 162

**AUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 47 ENTITLED "BAYS AND CREEKS" OF THE RIVERHEAD TOWN CODE**

Councilman Bartunek offered the following resolution, which was seconded by  
**COUNCILMAN DUNLEAVY**

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 47 entitled, "Bays and Creeks" of the Riverhead Town Code, once in the March 1, 2007 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 the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; Conservation Advisory Council, Division of Code Enforcement and the Office of the Town Attorney.

THE VOTE

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 6th day of March, 2007, at 7:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 47 of the Riverhead Town Code entitled, "Bays and Creeks."

A copy of the text of the proposed local law may be reviewed at the Office of the Town Clerk beginning February 22, 2007, between the hours of 8:30 AM and 4:30 PM, Monday through Friday.

DATED: February 21, 2007  
Riverhead, New York  
BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA GRATTAN, TOWN CLERK

**THE VOTE**

DUNLEAVY \_\_\_ YES \_\_\_ NO    BARTUNEK \_\_\_ YES \_\_\_ NO

BLASS \_\_\_ YES \_\_\_ NO    DENSIESKI \_\_\_ YES \_\_\_ NO

CARDINALE \_\_\_ YES \_\_\_ NO

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

## **DRAFT** Chapter 47, BAYS AND CREEKS

### § 47-1. Definitions.

In this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

ABANDONED VESSEL – ~~A vessel which is not used or useful~~ boat or floating structure which has been deemed not seaworthy by a Riverhead Town Police Officer, a Riverhead Town Code Enforcement Officer or a Bay Constable, or which has been abandoned for more than thirty (30) days.

COMMERCIAL PURPOSE - The taking of shellfish or finfish for any use or purpose other than for food consumption by ~~the person so taking~~ a resident/taxpayer or by such person's immediate family or household.

COMMERCIAL DOCKAGE – Any catwalk, fixed dock, floating dock, or mooring intended for use other than residential dockage, as defined in this chapter.

ENFORCEMENT OFFICER -- ~~An peace~~ officer designated by the Town Board to enforce this chapter, including ~~the a~~ a Riverhead Town Police Officer, Riverhead Town Code Enforcement Officers or a Bay Constable.

FINFISH – All marine and fresh water fish species including but not limited to blackfish, blowfish, bluefish, striped bass, silversides, killifish, flounder, fluke, alewife, sea bass, porgy, weakfish, menhaden.

MOORING – A stationary stake or anchor intended to secure a vessel when such vessel is not underway.

RESIDENT -- A person who is domiciled within the Town of Riverhead. Domiciled shall include children of those domiciled while such children live temporarily elsewhere pursuing education or are serving in the armed forces.

RESIDENTIAL DOCKAGE – Any catwalk, fixed dock, or floating dock which provides access to the surface waters from a lot used for residential purpose.

SHELLFISH -- Includes oysters, escallops, hard clams, soft clams, razor clams, crabs, shrimp, all kinds of mussels, skimmer or surf clams, periwinkles and conch.

TAKING -- The actual taking or catching, and all lesser acts such as disturbing, or using of any implement or device commonly used to take shellfish or other products of the waters, whether the result is taking or not, and includes every attempt to take.

TAXPAYER -- A person who owns real property as shown on the assessment rolls of the Town of Riverhead but is not a resident as defined herein.

TEMPORARY RESIDENT -- A person who is temporarily visiting and occupying living quarters within the Town of Riverhead for a minimum of ninety (90) days each year. [Amended 6-15-1993]

TOWN WATERS -- Includes all waters and lands below the mean high-water mark in any harbor, bay, pond, lake, creek or river in the Town of Riverhead, ~~as shown on the Bay Bottoms Map on file with the Town Clerk.~~

VESSEL – Any boat or floating structure, whether or not seaworthy.

## ARTICLE II, Shellfish and finfish

### § 47-2. Purpose.

The regulations for and control of the taking of shellfish and finfish from the waters and lands under waters in the Town of Riverhead are deemed necessary to protect the

propagation of such shellfish and finfish, to preserve public peace and good order and to protect the public health and welfare.

§ 47-3. Taking of shellfish and finfish restricted; permits and fees.

A. No person shall take shellfish from town waters unless such person is a resident, as defined herein, and has obtained a permit as prescribed by this chapter. [Amended 6-15-1993]

B. Shellfish may be taken by a resident upon first applying for and obtaining a shellfish permit from the Town Clerk of the Town of Riverhead. There shall be no fee for such permit, and such permit shall expire on the last day of the ~~third~~ year after of the date of issue. [Amended 6-15-1993]

C. Shellfish may be taken by a temporary resident upon first applying for and obtaining a temporary resident permit from the Town Clerk of the Town of Riverhead. The fee for such permit shall be ~~five dollars (\$5.)~~ fifteen dollars (\$15) for up to fifteen (15) days, ~~ten dollars (\$10)~~ thirty dollars (\$30) for up to thirty (30) days, ~~twenty dollars (\$20)~~ sixty dollars (\$60) for up to sixty (60) days or ~~forty dollars (\$40)~~ ninety dollars (\$90) for up to ninety (90) days. Permits shall expire on the date marked thereon.

D. Shellfish and finfish may be taken for commercial purposes by a resident over the age of sixteen (16) years upon first applying for and obtaining a commercial permit from the Town Clerk of the Town of Riverhead. The fee for such permit shall be ~~five dollars (\$5)~~ one hundred dollars (\$100) and shall expire on the 31st day of December in the year of issue. A resident under the age of sixteen (16) years may obtain a commercial permit with parental consent. Commercial residential/taxpayer shellfish permits shall only be issued to persons who have met eligibility requirements and who possess a current Shellfish Digger's Permit from the New York State Department of Environmental Conservation which indicates an address in the Town of Riverhead. The NYSDEC permit number(s) must be legibly indicated on each pot or trap intended for commercial use. [Amended 7-7-1987; 6-15-1993]

E. Shellfish may be taken without obtaining a permit hereunder by a guest of a permittee if accompanied by such permittee or by a child under the age of sixteen (16) years who is a member of the immediate family or a resident. A guest shall be deemed to be one (1) person with the permittee for all purposes hereunder. This subsection shall not apply to a commercial permittee. [Amended 6-15-1993]

F. No person shall take shellfish of any kind from the waters of the Town of Riverhead by means of or with the aid of any device or implement commonly used in the art or practice of scuba diving or by means of or with the aid of any device designed to permit submergence beneath the surface of the water beyond normal human capacity.

**G. There shall be no spearfishing of any kind within 500 (five-hundred) ft. of any public swimming area.**

§ 47-4. Permit applications.

A. Any person qualified as set forth may obtain a permit for taking shellfish and setting of nets and fykes from the waters or lands under the waters of the Town of Riverhead by making an application therefor and paying the fee as set forth above. [Amended 6-15-1993]

B. Such application shall be made in duplicate, in writing, in the form prescribed by the Town Clerk and shall state:

(1) The applicant's name.

- (2) The applicant's residence with street and number, if any.
- (3) The length of time of the applicant's ~~resident~~ residence in the Town of Riverhead.
- (4) The applicant's age, sex, height and color of eyes and hair.
- (5) The applicant's domicile outside the Town of Riverhead with street and number, if any.
- (6) The applicant's real property owned in the Town of Riverhead with street and number, if any.
- (7) Any permits issued hereunder shall become void if the holder ceases to be a resident or temporary resident. [Amended 6-15-1993]

C. Permits shall be in the form prescribed by the Town Clerk and shall contain the matters set forth upon the application. The original application shall be filed in the Town Clerk's office and a duplicate application in the office of the Riverhead Town Police and a duplicate application in the office of the Town Supervisor. Permits shall not be transferable, and any person engaged in taking shellfish from the waters and lands under waters of the Town of Riverhead shall be obligated to disclose his name, address and current permit number to any enforcement officer. Failure to do so shall be presumptive evidence that such person has not obtained such permit.

§ 47-5. Hard clams.

A. No clams shall be taken from town waters between the hours of sunset and sunrise.

B. Hard clams measuring less than one (1) inch in thickness shall be returned immediately to the waters of the place where taken.

C. No hard clams shall be taken from the bottom of the waters of the Town of Riverhead by any tool, instrument or device, except the common rake and tongs used and operated by hand alone.

D. No hard clams shall be uncovered or located by any mechanically operated or power-driven propeller or by any other mechanically operated or power-driven device or means, and no cover, whether plant life or bottom material, shall be removed by any such mechanically operated or power-driven propeller or by any such other mechanically operated or power-driven device or means.

§ 47-6. Soft clams.

A. No clams shall be taken from town waters between the hours of sunset and sunrise.

B. Soft clams measuring less than one and one-half (1 1/2) inches in length shall be returned immediately to the waters of the place where taken, except for propagation purposes in town waters, and this may be done only after a written permit therefor has been granted by the Town Board upon written application therefor, subject to the supervision the Town Board or a committee thereof.

§ 47-7. Conch pots. [Amended 6-15-1993]

A. Conch pots shall not interfere with designated channels of navigation.

B. No commercial conch pots or other similar commercial pots shall be set in the waters of the Town of Riverhead without a commercial residential/taxpayer permit.

C. The placement of more than five (5) pots by any single individual resident/taxpayer in the waters of the Town of Riverhead shall be considered the taking of conchs for commercial purposes.

§ 47-8. Crabs. [Amended 6-15-1993]

- A. No person shall take female crabs bearing eggs visible thereon from town waters nor offer for sale or possess the same within the Town of Riverhead.
- B. Crab traps shall not interfere with designated channels of navigation.
- C. No commercial crab traps or other similar commercial trap shall be set in the waters of the Town of Riverhead without a commercial residential/taxpayer permit.
- D. The placement of more than five (5) traps by any single individual resident/taxpayer in the waters of the Town of Riverhead shall be considered the taking of crabs for commercial purposes.
- E. Crabs may be taken with a dredge, such dredge having an opening at the mouth not to exceed thirty six (36) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge is brought aboard by hand power without the use of mechanical power.
- F. Notwithstanding any other provisions of law, no person shall take blue claw crabs less than five (5) inches in length from point to point by any means from the Town waters.
- G. A commercial permittee shall have no limit on the number of blue claw crabs that may be taken per day. All other permittees may take up to thirty (30) blue claw crabs per day.

§ 47-9. Escallops.

- A. Escallops may be taken with a dredge or scrape, having an opening at the mouth not to exceed thirty-six (36) inches in width, when towed by a boat operated by mechanical power or other means, provided that such dredge or scrape is brought aboard by hand power without the use of a mechanical device, only from the bottom of the following-described waters within the Town of Riverhead. [Amended 6-15-1993]
- B. No escallops shall be taken from town waters between the hours of sunset and sunrise.
- C. Escallops may be taken from the town waters of the Town of Riverhead during the period ~~from the first Monday in October to March 31, both inclusive, in each year specified by the New York State Department of Environmental Conservation.~~ The Town reserves the right to annually evaluate and modify the period during which escallops may be taken provided that such dates are inclusive of the dates specified by the NYSDEC. Bay escallops shall not be taken on Sundays by use of a dredge or other device operated by power. [Amended 6-15-1993]
- D. Only bay escallops having an annual growth line or measuring not less than two and one-fourth (2 1/4) inches from the middle of the hinge to the middle of the bill may be taken. Bay escallops which do not meet the requirements of this subsection shall be returned immediately to the water where taken.
- E. The provisions of this section shall not apply to Private Grants or assignments on deeded bay bottom lands in the Town of Riverhead which are used for aquaculture purposes and are permitted by the New York State Department of Environmental Conservation to use mechanical means for harvesting.

§ 47-10. Oysters.

- A. No oysters shall be taken from the bottom of the waters of the Town of Riverhead by any dredge or mechanical device operated or powered either by sail or by an engine or

motor.

B. No oysters shall be taken from the bottom or from any object affixed or appended to the bottom of the waters of the Town of Riverhead between the hours of sunset and sunrise.

§ 47-11. Shellfish predators.

Starfish, drills, drum fish and moon snails, when taken, shall not be returned alive to the waters of the Town of Riverhead.

§ 47-12. Shrimp.

No shrimp shall be taken from the waters of the Town of Riverhead by the use of any dredge, except by the light shrimp dredge and except by the minnow seine.

§ 47-13. Town Board authorized to amend equipment and limits.

A. The Town Board is hereby authorized, from time to time, to modify, amend or change the method or equipment used in taking shellfish whenever, in its discretion, it deems it necessary to protect shellfish propagation or if shellfish are in short supply or their existence in town waters is endangered, upon giving ten (10) days' notice in the several newspapers in the Town of Riverhead.

B. The Town Board is hereby authorized, from time to time, to increase or decrease the limits on shellfish to be taken in one (1) day whenever, in its discretion, it deems it necessary for the protection of shellfish in town waters, upon giving ten (10) days' notice in the several newspapers in the Town of Riverhead.

§ 47-14. Limits for taking shellfish.

The limits for taking shellfish shall be as follows:

A. Escallops.

(1) Commercial resident/taxpayer permittees may take ~~ten (10)~~ five (5) bushels per day. Two (2) or more such persons occupying the same boat while taking escallops may take, in the aggregate, not more than ~~twenty (20)~~ ten (10) bushels in one (1) day.

~~(3)~~(2) All other permittees may take individually one (1) bushel per day.

B. All other shellfish as defined herein, except escallops.

(1) Commercial residential/taxpayer permittees: ~~no~~ limit of five (5) bushels.

(2) All other permittees may take individually one-half (1/2) bushel of combined shellfish, of which no more than one hundred (100) may be hard clams.

C. Whenever the total catch on board a vessel exceeds the authorized limit, all persons on board shall be deemed in violation.

§ 47-15. Enforcement.

This chapter shall be enforced by any duly constituted law enforcement agency having jurisdiction within the Town of Riverhead.

ARTICLE III, General Provisions

§ 47-16. Nets and fykes.

A. No person shall set, draw or cast any nets or seines in any of the freshwater ponds or streams within the Town of Riverhead.

B. No resident shall cast, draw or cast any nets, seines or other devices for the commercial purpose of taking fish from the waters of the Town of Riverhead without first obtaining a commercial resident/taxpayer permit. [Amended 6-15-1993]

C. A resident may cast, draw or set a seine, limited in size to fifty (50) feet or less, or other device for the purpose of taking nonedible fish from the waters as shown on the

official map filed with the Town Clerk. [Amended 6-15-1993EN]

D. No dock, mooring, pile, structure, fishpond or fyke shall be placed in the waters of the Town of Riverhead unless duly authorized by a written permit of from the Town Board of Riverhead.

E. No net, seine or other device shall be placed in any channel in the waters of the Town of Riverhead.

F. No fish traps or pounds shall be placed in the waters of the Town of Riverhead at any time, with the exception of fykes, which may be set in any season, and all such fykes shall conform to the following requirements:

(1) Hoops shall be not over five (5) in number or more than approximately three (3) feet in diameter.

(2) Wings shall be straight and not more than twelve (12) feet in length, each.

(3) Leaders shall be not over twenty (20) fathoms in length.

(4) Stakes shall be not over five (5) in number.

G. The number of fykes which may be set by any one (1) person between May 1 and September 30, both inclusive, in each year, shall be no more than two (2), and each fyke shall bear the name of the owner thereof.

H. Commercial resident/taxpayer fishing permit. A commercial resident/taxpayer shellfish permit issued pursuant to the provisions of § 47-3 shall constitute a valid commercial fishing permit. [Added 6-15-1993]

§ 47-17. Dragging or dredging.

A. No person shall, by the use of any trawl, scoop, net or similar device, while the same is attached or fastened in any manner to any boat, float or device, pull, drag, shove or move in any manner so as to disturb, scrape or move any lands or the surface of any lands under any of the waters of the Town of Riverhead. This regulation shall apply whether or not any mechanical power is actually employed to move any such trawl, scoop or net.

B. Nothing herein contained shall be construed to apply to a bona fide dredging service while engaged in any work duly authorized by permit from the Town Board, to any bona fide haul seine not in excess of fifty (50) feet in length or to the taking of eels by a mechanically operated eel spear. [Amended 6-15-1993]

C. No person shall pull, drag, shove or move any device in such manner so as to disturb any lands and the surface thereof under the waters of the Town of Riverhead.

§ 47-18. Eel dredges. [Amended 6-15-1993]

A. Eel pots shall not interfere with designated channels of navigation.

B. No commercial eel pots or other similar commercial trap shall be set in the waters of the Town of Riverhead or eels taken from the waters of the Town of Riverhead without a commercial resident/taxpayer permit.

C. The placement of more than five (5) pots by any single individual resident/taxpayer in the waters of the Town of Riverhead shall be considered the taking of eels for commercial purposes.

D. Between April 1 and November 15, both inclusive, no eels, fluke, flounders or fish shall be taken from the bottom of or caught from the waters as shown on the Official Map as filed with the Town Clerk by the so-called eel dredge, comb, or by any mechanical device operated either by sail or power gas engine or electric motor.

E. Notwithstanding any other provisions of this chapter, no person shall take elvers (juvenile eels) by any means from any Town waters. Size limits for elvers shall be established by the New York State Department of Environmental Conservation.

§ 47-19. Derelicts.

A. No person shall abandon any vessel in any of the waters of the Town of Riverhead.

B. Any abandoned vessel shall be removed ~~by the Town Board~~ at the direction of an Town of Riverhead enforcement officer at the expense of the owners and shall be destroyed or sold to defray any expenses in connection with the removal or salvage of any abandoned vessel.

C. Any deteriorated or unsafe docks, bulk heading or spilings as determined by the Town Engineer, shall be removed ~~at by the Town Board~~ direction of a Town of Riverhead enforcement officer at the expense of the owners.

~~D. The term "vessel," as used herein, shall mean any boat or floating structure, whether seaworthy or wrecked, which shall be left anchored or unattended in the waters of the Town of Riverhead for a period of 90 days.~~

E D. Notice of intention to remove or dispose of any abandoned vessel or deteriorated dock shall be given by mail to any known or reputed owner at the last known address of said owner and by publishing a notice of intention to remove and dispose of any abandoned vessel in ~~at least one~~ the official newspaper ~~published in~~ of the Town of Riverhead at least 10 days in advance of such removal and disposition.

E. Manner of assessment of cost of removal or disposal.

In any case where it shall be necessary for the Town Board to have work performed due to the failure of the owner of said abandoned vessel or deteriorated or unsafe dock, bulkheading or spilings to comply with the Town Board's resolution, the Town shall be reimbursed for the cost of the work performed or the services rendered at its direction by assessment or levy upon lots or parcels of land where such work was performed or such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the change therefore shall be assessed and collected in the same manner and in the same time as other ad valorem town charges.

§ 47-20. Bays and ponds. [Amended 6-15-1993]

No person shall dam, open up or drain, in any manner whatsoever, any of the bays, ponds or streams within the boundaries of the Town of Riverhead unless duly authorized by written permit, after application and public hearing thereon of the Town Board.

§ 47-21. Docks, moorings, basins and ramps. [Amended 9-3-2003 by L.L. No. 18-2003]  
Purpose.

There has been a significant increase in the applications for and the numbers of fixed and floating piers, and docks accessory to upland residential and other uses. Most of these structures and the uses they support are on and in publicly owned land and waters and always have some effect on physical, biological, ecosystem functions and values, development patterns and the aesthetic character of the area. Therefore it is essential to regulate the type and placement of such structures.

The Town Board declares that it is necessary to regulate the type and placement of fixed and floating piers, moorings and docks, for the protection, preservation, proper maintenance and use of its waters and wetlands. Therefore fixed and floating piers,

moorings and docks shall be regulated in order to maintain and contribute to the following resource area values and the attributes and functions they possess: erosion and sedimentation control; storm damage prevention; water pollution control; fisheries; shellfish, including spawner sanctuaries; wildlife habitat; agriculture; aesthetics; and recreation. In addition, the following resource area values also shall be maintained and protected including: protection and enhancement of existing vegetation cover in order to maintain water quality and wildlife habitat; protection of wildlife, waterfowl, and plant habitat and the maintenance of existing populations and species diversity; prevention of loss or degradation of critical life wildlife and plant habitat; navigation; public access to water and land; and the minimization of the impact of new development, reconstruction and/or expansion on the resource area values listed above.

~~A. No dock, basin or ramp owned, controlled or operated by the Conservation Advisory Council shall be used by persons other than residents of the Town of Riverhead.~~

~~B A. No person shall place any obstructions or place, pile or store any nets, boxes, bait cars or fishing equipment or gear whatsoever upon any dock, wharf or pier or highway owned, controlled or operated by the Conservation Advisory Council Town of Riverhead so as to obstruct pedestrian or vehicular traffic on the public right of way.~~

~~C B. It shall be the policy of the Town of Riverhead that all moorings, docks and appurtenant structures shall be designed, constructed, and located so as to reduce potential adverse impacts to natural resources and habitats, navigation, public safety, waterway congestion, and access to public lands and water.~~

~~D C. The standards for a residential dock shall be as follows:~~

~~(1) In no case shall the length of the dock exceed 150 feet in length or exceed 15% of the width of the waterway, whichever meets the minimum three-foot low water depth;~~

~~(2) Only one dock may be constructed on a residential lot that has a riparian right. A waiver to this provision may be granted where a single dock is proposed for common use by a maximum of three adjacent property owners;~~

~~(3) A residential dock and associated mooring piles must be configured so that no more than three vessel berths are created for each residential lot with riparian rights;~~

~~(4) The dock and any appurtenant structure, or any vessel tied to the dock, may not be located within or impinge upon that area located within 10 feet of the seaward extension of any property line;~~

~~(5) The width of a catwalk or dock may not exceed four feet and must be elevated a minimum of four feet above the mean high water mark and a minimum of four feet above grade when traversing any tidal or freshwater wetlands, as identified by the Wetland Inventory Maps for the Town of Riverhead, or those freshwater or tidal wetlands identified on maps prepared for the New York State Department of Environmental Conservation;~~

~~(6) The width of any single float may not exceed six feet in width nor 20 feet in length and shall be secured or installed in such a manner that the float shall not rest on the bottom of the water body at any time during the tidal cycle.~~

~~E D. The standards for commercial docks shall be as follows:~~

~~(1) In no case shall the dock length, excluding that portion landward of the apparent mean high water mark, be in excess of 150 feet nor exceed 30% of the width of the waterway, whichever is less;~~

(2) The width of a catwalk or dock may not exceed eight feet and must be elevated a minimum of four feet above grade when traversing any tidal or freshwater wetlands;

(3) The width of any single float may not exceed eight feet in width and shall be secured or installed in such a manner that the float shall not rest on the bottom of the water body at any time during the tidal cycle;

~~(4) All commercial docking facilities which provide fuel to vessels or provide 75 or more docking slips must also provide pump-out facilities for vessel sanitary waste;~~

(5)(4) A permit for the commercial operation of docking facilities must be applied for on an annual basis. The fee for this permit shall be \$10 per berth, with a minimum fee for this permit of \$50 and a maximum fee of \$200;

~~(6)(5)~~ A certificate of insurance indicating a minimum liability coverage of \$1,000,000 must be placed on file with the Town each year of operation.

**F E.** Safety requirements for private and commercial docks.

(1) All electrical installation must comply with the National Electric Code (NEC) and must be inspected and approved by a representative of the Town of Riverhead Building Department;

(2) An appropriate fire extinguisher must be permanently affixed to the dock during the boating season and located within 75 feet of any boat;

(3) The storage of fuel on a dock is prohibited;

(4) A permit issued by the Fire Marshal or by the Bay Constable is required for the purpose of mobile fueling of a vessel. This permit shall specify the date and the time when the fueling is to be scheduled.

(5) All commercial or private docking facilities which provide fuel to vessels or provide 75 or more docking slips must also provide pump-out facilities for vessel sanitary waste;

**G F.** Standards for boat moorings.

(1) No boat mooring or dock shall be located within the lines of any navigation channel, be located within 50 feet of any channel marker or so as to interfere with the full use of such channel, nor shall any mooring or dock be located within 100 feet of any municipal dock.

(2) No mooring shall be placed within fifty (50) feet of the low tide line of any shore within the Peconic Estuary.

(3) No mooring, spile, or structure shall be placed in any legally, commercially leased lands dedicated to the purposes of aquaculture.

(4) No iron post, engine block, cement block, etc. shall be allowed as a mooring anchor. Anchoring for a mooring must be either a wooden stake, a mushroom anchor, or other device designed specifically for boat mooring of a weight prescribed by the Bay Constable. Moorings shall conform in design and shall be installed in accordance with the standards and guidelines outlined in "Chapman's Piloting Seamanship and Small Boat Handling."

(5) No mooring shall be allowed for any vessel in excess of twenty-six feet (26') in length on any creek, pond, embayment or harbor on the Peconic Bay Estuary.

(6) No mooring shall be placed so as to interfere with the sweep area of any other moored boat.

**H G.** The disturbance of natural vegetation and topography during construction

activities shall be minimized to the greatest degree possible. To this end, project-limiting fencing, siltation mesh, straw bales or similar devices for controlling land disturbances and retarding erosion and siltation shall be required during construction and during any clearing or grading of land preparatory to or associated with construction activities.

~~I H.~~ No permit from the ~~Conservation Advisory Council~~ Town Board which is required for projects or activities in tidal waters shall allow the use of wood which has been treated with commercial copper quat (ACQ), pentachlorophenol, or creosote. Wood treated with copper chromated arsenate (CCA) may be used for pilings and framing only. All planking ~~and framing~~ must be constructed of material alternative to CCA-treated wood. In determining whether no reasonable alternative to the proposed construction material exists, the Conservation Advisory Committee shall take into account the cost of alternative materials, their suitability for the intended use (eg., structural integrity) and any environmental benefit to using alternative materials. The provisions of this section are subject to modifications as determined by the New York State Department of Environmental Conservation.

~~J I.~~ Dock flotation billets must be constructed of durable and acceptable material.

~~K J.~~ The Town shall have the right to seek removal of any dock which has been constructed or placed without a permit or is in violation of the standards and/or restrictions set forth in this section.

~~L K.~~ In considering the issue of a permit by the ~~Conservation Advisory Council~~ Town Board, the following impacts shall be weighed:

- (1) The effects upon safe navigation;
- (2) The potential for interference with public use of waterways for swimming, boating, fishing, shell fishing, waterskiing and the like;
- (3) The potential for interference with transit by the public along the beaches or foreshore;
- (4) Whether or not the structure will significantly impair the use or value of waterfront property adjacent or near to the dock;
- (5) The potential for degradation of surface water quality;
- (6) The potential for destruction of beds of eel grass (*Zostera marina*) or shellfish;
- (7) The potential for unduly restricting tidal flow or water circulation; and
- (8) The possibility of despoiling views from public parklands or roadways.

~~M L.~~ Any dock which received a DEC permit prior to the filing of the local law amending this chapter shall be grandfathered from the provisions herein.

~~L M.~~ Locations of tidal wetlands, creeks water bodies and bays regulated by this section of the Town Code are as follows, but not to be exclusive of:

- (1) East Creek
- (2) Baiting Hollow Marsh
- (3) Meeting House Creek
- (4) Moose Landing Pond at Pier Avenue
- (5) Reeves Creek
- (6) Sawmill Creek
- (7) Terry's Creek
- (8) Peconic River
- (9) Wading River Creek
- (10) Great Peconic Bay shoreline (fifteen-hundred feet) 1500' seaward from mean

high water

(11) Flanders Bay

(12) Cases Creek

(13) Wading River/Mill Creek

(14) Fresh Pond.

§ 47-22. Leases for bay bottomland.

No leases shall be granted for any bay bottomlands underwater, except upon special permit as provided in Chapter 108 of the Riverhead Town Code granted by the Riverhead Town Board. In addition to the special permit requirements of Chapter 108, the Town Board shall refer each lease application to the Riverhead Conservation Advisory Council for its review and recommendations.

§47-23. Permits and applications.

A. No person shall dig, dredge or change the bottom of any of the waters in the Town of Riverhead nor drive or place therein any bulk heading, dock, mooring or obstruction nor deposit any material whatsoever nor empty any drain or sewage in said waters nor dig any boat channel or ~~basin~~ basin in any upland to afford access to any of said waters nor cause the same to be done unless authorized by a permit issued by the ~~Riverhead Conservation Advisory Council~~ Town Board.

~~B. No permit shall be issued by the Riverhead Conservation Advisory Council for any of the purposes described in Subsection A hereof, except upon a written application in the following general form:~~

~~Instructions: No application will be considered unless accompanied by maps or sketches acceptable to the Town Board of the Town of Riverhead showing exact location and size of property in Riverhead Town at the waterfront and adjoining neighbors as required by the rules of said Town Board.~~

~~C. This application shall be signed by the owner of the property to be benefited, improved or in any manner served by the project for which a permit is sought or by the person, firm or corporation by whom the work is to be performed acting as agent for the owner of the land.~~

~~D. Unless the application is for the purpose of obtaining a permit to dredge, the last paragraph of this application is inapplicable. Applicants are advised that while the permit of this Board to dredge, erect a dock or bulkhead is necessary, a permit must be obtained from the Department of the Army, New York District Corps of Engineers, if in navigable or channel waters. A permit may also have to be obtained from the building department of the local municipality having jurisdiction.~~

§ 47-24. Form of applications.

~~A. The application for a permit shall also contain the following:~~

~~To the Town Board of the Town of Riverhead [complete either (a) or (b)]~~

~~(a) The undersigned owner (name) of (address).~~

~~(b) The undersigned agent (name of agent) of (address of agent), agent for (owner's name) of (owner's address), does hereby make application for a permit to do work as follows: (state character and description of work).~~

~~The undersigned has read the rules of the Town Board as set forth on the reverse side hereof and is familiar with the same and agrees to fully comply with all provisions thereof and has signed the reverse side hereof as part of this application. The undersigned~~

~~further agrees to promptly place and maintain any signs required by said Town Board's rules and, upon failure to do so, authorizes said trustees, their employees or agents to obtain, place and maintain the same with the right to recover the cost of making, placing and maintaining such signs.~~

~~Date: (date)~~

~~(signature of owner or agent)~~

~~Applicant~~

~~B. Any permit issued by the Riverhead Conservation Advisory Council pursuant to the provisions of this Article shall be in the following form:~~

~~Permit No.: Amount of fee received (amount). Person to whom permit was sent (name).~~

~~An application having been made to this Town Board of the Town of Riverhead by (owner) or (name of individual acting as agent) or (owner) residing at (address) for a permit to (description).~~

~~Permission is hereby granted to perform or install said work subject at all times to the plans or maps filed with this Board and the rules of this Board now in force or hereinafter enacted.~~

~~This permit may be terminated at any time by the Town Board if the holder ceases to be a resident, temporary resident or taxpayer. No work shall be done after the date of termination. This permit is made in duplicate, and, in the event of any discrepancy between the copy and the files of this Board and the copy held by the applicant, the copy so filed shall control. No permit shall be valid unless signed by the authorized officers of this Board and sealed with its Seal.~~

~~Dated: Riverhead, New York, this \_\_\_\_ day of \_\_\_\_\_,  
19\_\_~~

A. The application for a permit shall comply with the directions and standards for a "Chapter 47 and/or Chapter 107 Conservation Advisory Council Application for Permit (CAC-1)."

B. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the Town Board, the Conservation Advisory Council and all other involved agencies.

C. The Conservation Advisory Council shall review all completed permit applications and provide a written report decision to the Town Board, other involved agencies, and the applicant stating its findings and conclusions, within thirty-five (35) days of its receipt of said application. However, such thirty-five (35) day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day (60) period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

D. The Conservation Advisory Council determination(s) shall be binding unless modified by the Town Board within 15 days of submittal by the Conservation Advisory Council to the Town Board. Such fifteen-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant

or the Town Board desires a modification of the determination(s) of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached.

E. The decision of the Town Board regarding a permit application shall be judicially reviewable.

F. Based upon the proceedings and decision of the court in the event a taking is declared, the Town may, within the time specified by the court, elect to:

(1) Institute condemnation proceedings to acquire the applicant's land in fee by purchase at the fair market value.

(2) Approve the permit application with lesser restrictions or conditions.

(3) Invalidate all conditions and the application of this chapter to the applicant's land and grant a permit without conditions.

G. The permit holder or his agent shall keep posted, in a conspicuous place on the work site, the permit card and shall keep the same posted until completion of the work.

H. Operations conducted under the permit shall be open to inspection at any time by any agency or agent of Riverhead Town.

I. The location and boundaries of the proposed project must be clearly indicated in the field for the purposes of inspection by any agency or agent of Riverhead Town.

J. The permit application fee is one hundred dollars (\$100); A maximum penalty of three hundred dollars (\$300), in addition to the regular permit fee, may be levied for any applicant who commences construction prior to the issuance of a permit from the Town of Riverhead.

(Seal)

#### ~~TOWN BOARD OF THE TOWN OF RIVERHEAD~~

~~Town Supervisor~~

~~C. All applications for permits and all permits shall contain on the reverse side thereof such rules of the Town Board regulating the purpose or purposes for which any such permits may be issued, as said Town Board shall from time to time adopt and enact.~~

§ 47-25. Termination of permit.

A. The permit is void if not used within one (1) year from the date of issue.

B. Any permits issued hereunder shall become void if the holder ceases to be a resident, temporary resident or taxpayer in the Town of Riverhead.

C. No extension of this permit shall be granted, except for good cause shown and upon written application. All permits are revocable by order of the Town Board.

#### ARTICLE IV, Penalties

§ 47-26. Penalties for offenses. [Amended 6-15-1993]

~~Any person who shall violate any of the above provisions of these regulations shall be liable to a penalty of no more than two hundred fifty dollars (\$250.), and each and every violation of said provisions shall constitute a separate violation for which a separate penalty of two hundred fifty dollars (\$250.), may be recovered in the same action. Nothing herein contained shall prevent, impair or deny the maintenance of any action or proceeding to compel compliance with or restrain by injunction any violation of these rules.~~

A. Any person, association, firm or corporation which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:

(1) By a fine of not less than two hundred fifty dollars (\$250) and not exceeding one thousand dollars (\$1000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense.

(2) By a fine of not less than one thousand dollars (\$1000) nor more than three thousand dollars (\$3000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the second of two offenses, both of which were committed within a period of five (5) years.

(3) By a fine of not less than two thousand dollars (\$2000) nor more than five thousand dollars (\$5000) or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

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

#### ARTICLE V, Severability

§ 47-27. The provisions of this ordinance are declared to be severable. If any section, sentence, clause or phrase thereof shall for any reason be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses and phrases of this ordinance, but they shall remain in effect, it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

2/21/07

# Adopted

TOWN OF RIVERHEAD

Resolution # 163

**AUTHORIZES THE TOWN ATTORNEY TO ESTABLISH A CREDIT LINE**

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

**NOW, THEREFORE, BE IT RESOLVED** the Town Board of the Town of Riverhead authorizes the Town Attorney to establish a credit line with the Suffolk County Clerk's Office in the amount of \$1,500; and

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

**THE VOTE**

Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

2/21/07

# Adopted

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS  
RIVERHEAD SEWER DISTRICT  
RIVERHEAD SCAVENGER WASTE DISTRICT  
REMOVAL OF SLUDGE CAKE**

Adopted \_\_\_\_\_

Resolution # 164

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the March 1, 2007, edition of the The News Review, with regard to receiving bids for the removal of sludge cake, and and be it further

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

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

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

## **NOTICE TO BIDDERS**

PLEASE TAKE NOTICE that the Town Clerk shall accept sealed bids on behalf of the Riverhead Sewer District and the Riverhead Scavenger Waste District for the removal of sludge cake. Said bids shall be opened and read aloud at 11 a.m. on the 22<sup>nd</sup> day of March, 2007. Bid packages are available at the Riverhead Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, during normal business hours.

**BY ORDER OF THE RIVERHEAD  
TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK**

Dated: February 21, 2007

2/21/07

# Adopted

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS  
RIVERHEAD SEWER DISTRICT  
RIVERHEAD SCAVENGER WASTE DISTRICT  
GRIT AND SCREENING REMOVAL**

**Adopted** \_\_\_\_\_

**Resolution #** 165

Councilperson COUNCILMAN BARTUNEK offered the following resolution which was seconded by Councilperson COUNCILMAN DUNLEAVY

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the March 1, 2007, edition of the The News Review, with regard to receiving bids for the removal of grit and screen, and and be it further

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

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

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

## **NOTICE TO BIDDERS**

PLEASE TAKE NOTICE that the Town Clerk shall accept sealed bids on behalf of the Riverhead Sewer District and the Riverhead Scavenger Waste District for the removal of grit and screen. Said bids shall be opened and read aloud at 11:15 a.m. on the 22<sup>nd</sup> day of March, 2007. Bid packages are available at the Riverhead Town Clerk's Office, 200 Howell Avenue, Riverhead, New York, during normal business hours.

**BY ORDER OF THE RIVERHEAD  
TOWN BOARD  
BARBARA GRATTAN, TOWN CLERK**

Dated: February 21, 2007

2/21/07

# Adopted

TOWN OF RIVERHEAD

Resolution # 166

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF  
THE RIVERHEAD TOWN CODE  
(\$108-129 – Site Plan Review)**

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

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the March 1, 2007 issue of News Review, the official newspaper of the Town of Riverhead for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Riley Avenue Elementary School, Riley Avenue, Calverton, New York on the 20th day of March, 2007 at 7:25 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108  
Zoning  
**Article XXVI**  
**Site Plan Review**

**108-129. Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration.**

E. Expiration. Site plan approval shall remain in effect for 36 months. In the event that the applicant has not obtained a valid building permit within said thirty-six-month period, the ~~Planning Board~~ Board approving the site plan, may grant one twelve-month extension of site plan approval, upon the request of the applicant made at least 30 days prior to the expiration of the original thirty-six-month period. This section shall also apply to site plans which have been approved but which have not obtained a building permit prior to the date of adoption of this section.

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

Dated: Riverhead, New York  
February 21, 2007

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

**BARBARA GRATTAN, Town Clerk**

2/21/07

# Adopted

TOWN OF RIVERHEAD

Resolution # 167

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT TO CHAPTER 3 ENTITLED, "APPEARANCE TICKETS" OF THE RIVERHEAD TOWN CODE**

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the amendment to Chapter 3 entitled, "Appearance Tickets" of the Riverhead Town Code, once in the March 1, 2007 issue of **News Review**, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Riverhead Building Department and the Office of the Town Attorney.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 6th day of March, 2007 at 7:30 p.m. o'clock at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 3 of the Riverhead Town Code entitled, "Appearance Tickets" as follows:

**Chapter 3**

**APPEARANCE TICKETS**

**§ 3-1. Authorized issuing officers.**

Pursuant to the provisions of the Municipal Home Rule Law, the Building Inspector, the Zoning and Building Administrator, the Sanitation Supervisor, the Fire Marshal, the Building Permits Coordinator, the Site Plan Reviewer, the Electrical Inspector, the Housing Inspector, the Ordinance Inspector, traffic control officers, animal control officers, the Bay Constable, Town Investigator, Senior Town Investigator, Sign Inspector, and persons who are certified as Code Enforcement Officials, as provided by Title 19 NYCRR Part 434, are hereby authorized to issue appearance tickets, as defined by § 150.10 of the Criminal Procedure Law, for violations of those sections of the Town Code of the Town of Riverhead over which they have jurisdiction.

- Underline represents addition(s)

Dated: Riverhead, New York  
February 21, 2007

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

**BARBARA GRATTAN, Town Clerk**

2/21/07

# Adopted

Town of Riverhead

Resolution # 168

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

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

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

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

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

**WHEREAS**, Aeros wishes to install five (5) Floating Upweller Systems in East Creek for the purposes of cultivating shellfish; and

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

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

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

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

**THE VOTE**

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

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

LICENSE

License ("License"), made as of the        day of February, 2007, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Aeros Cultured Oyster Company, ("Licensee"), having an address at P.O. Box 964, Southold, New York, 11971, a not for profit corporation.

WITNESSETH

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

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

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

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

2. Term of the License. The term of this License (the "term") shall commence on January 1, 2007 and shall end on December 31, 2007.

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

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

a) The License fee and any other monies payable by the licensee shall be paid by check made payable to the Town of Riverhead and delivered to William Rothaar, Financial Administrator, at 552 East Main Street, Riverhead, New York, 11901.

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

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

7. Repair, Maintenance and Inventory of License Properties.

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

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

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

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

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

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

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

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

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

TOWN OF RIVERHEAD

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

AEROS CULTURED OYSTER  
COMPANY

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

2/21/07

# Adopted

## TOWN OF RIVERHEAD

Resolution # 169

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

**(Agriculture Protection Zoning Use District (APZ))**

COUNCILMAN BARTUNEK

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

COUNCILMAN DUNLEAVY

\_\_\_\_\_ :

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the March 1, 2007 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riley Avenue Elementary School, Riley Avenue, Calverton, New York, on the 20th day of March, 2007 at 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108  
Zoning**

**ARTICLE VI  
Agriculture Protection Zoning Use District (APZ)**

**§ 108-26.1. Guidelines.**

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the APZ:

- A. In order to better preserve agricultural vistas, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25.
- B. The cluster subdivision plat must locate and arrange the residential lots so as to protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use.
- C. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- D. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- E. The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.
- F. The cluster subdivision tract must demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.
- ~~G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features to the greatest extent practicable.~~
  - G. As the purpose of this Article is to conserve agricultural lands to the greatest extent practicable, the Planning Board shall not approve cluster subdivisions which set aside open space to be used as golf courses, playgrounds, tennis facilities or any other outdoor recreational facilities. In the review of applications for cluster subdivisions which preserve existing golf courses or any other outdoor recreational activity, the Planning Board shall observe the following guidelines:

- (i) The yield shall be fifty percent (50%) of the yield allowed in the applicable zoning use district.
- (ii) Cluster subdivisions shall be limited to attached homeowner association realty subdivisions. The Planning Board shall not entertain or approve condominium maps pursuant to Article XXIX of the Town of Riverhead Zoning Ordinance.
- (iii) All residential units shall be restricted to owners of the age of 55 years or older.

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

Dated: Riverhead, New York  
February 21, 2007

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

**BARBARA GRATTAN, Town Clerk**

2/21/07

TOWN OF RIVERHEAD

Adopted

Resolution # 170

**APPROVES EXTENSION OF SUBDIVISION BOND OF MORGAN CREEK DEVELOPMENT A/K/A "MAP OF ROANOKE LANDING" (ROAD AND DRAINAGE IMPROVEMENTS)**

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

**WHEREAS**, the Riverhead Town Board, by Resolution #469 adopted on May 17, 2005, did accept a subdivision bond in the amount of \$1,025,000.00 representing road and drainage improvements to be completed in the subdivision entitled, "Map of Roanoke Landing"; and

**WHEREAS**, by letter from Walter Morris of Morgan Creek Development, LLC, dated January 11, 2007, it has been requested that an extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

**WHEREAS**, Water Key Money in the amount of \$80,000.00 and Park and Recreation Fees in the amount of \$96,000.00, have been paid.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

**RESOLVED**, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

**RESOLVED**, that this extension shall extend the performance bond representing the road and drainage improvements to be completed within the subdivision to September 14, 2008; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Walter Morris, Morgan Creek Development, LLC, 273 Main Street, Huntington, New York, 11743; Westchester Fire Insurance Company, 1601 Chestnut Street, Philadelphia, PA, 19103; the Planning Board; the Planning Department; the Building Department; the Office of Accounting and the Town Attorney's Office.

THE VOTE

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

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

# Adopted

2/21/07

Town of Riverhead

Resolution # 171

**GRANTS THE WADING RIVER HISTORICAL SOCIETY AN EXEMPTION FROM REAL PROPERTY TAXES FOR THE 2004-2005 ASSESSMENT ROLL**

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

**WHEREAS**, the Wading River Historical Society, which owns Suffolk County Tax Map Number 0600-26-3-73.7, formerly known as Suffolk County Tax Map Number 0600-26-3-73.2 ("Subject Parcel"), is a New York State not-for-profit corporation entitled to certain real property tax exemptions pursuant to New York State Real Property Tax Law Article 4, Section 420-b; and

**WHEREAS**, the New York State Legislature passed an Act known as Chapter 293 of the Laws of 2006 authorizing the Town of Riverhead to accept and review an application for an exemption from real property taxes pursuant to New York State Real Property Tax Law Article 4, Section 420-b for the 2004-2005 assessment roll for the Subject Parcel as if said application had been received on or before the taxable status day for the 2004 tax rolls; and

**WHEREAS**, the Wading River Historical Society has submitted the attached Affidavit whereby they establish that they are entitled to an exemption for the 2004-2005 assessment roll, pursuant to New York State Real Property Tax Law Article 4, Section 420-b; and

**WHEREAS**, the Wading River Historical Society has not paid their taxes due for the 2004-2005 assessment roll; and

**WHEREAS**, the granting of said exemption for the 2004-2005 tax roll would result in a total chargeback of taxes by the County of Suffolk to the Town of Riverhead the amount of \$191.58, which sum is based upon an exemption and does not include interest and fees.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that pursuant to an Act of the New York State Legislature, the Board of Assessors is authorized to accept and review an application for an exemption from real property taxes pursuant to New York State Real Property Tax Law Article 4, Section 420-b for the 2004-2005 assessment roll for the Subject Parcel; and be it further

**THE VOTE**

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

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

**RESOLVED**, the Board of Assessors is also authorized to grant exemption from all eligible taxation; and be it further

**RESOLVED**, that the Town of Riverhead accepts a chargeback in taxes from the County of Suffolk for the Subject Premises in the amount not to exceed \$191.58 pursuant to New York State Real Property Tax Law Article 4, Section 420-b; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Wading River Historical Society, P.O. Box 263, Wading River, New York, 11792; Diane Stuke, Suffolk County Treasurers Office, 330 Center Drive, Riverhead, New York 11901; the Board of Assessors; the Office of the Town Attorney and the Tax Receiver.

2/21/07

# Adopted

TOWN OF RIVERHEAD

Resolution # 172

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF A  
HIGHWAY KNOWN AS SIGAL AVENUE EXTENSION  
(MILLBROOK GABLES)**

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

At a regular meeting of the  
Town Board of the Town of  
Riverhead, in the County of  
Suffolk, State of New York,  
held at 200 Howell Avenue,  
Riverhead, New York on the  
21st day of February, 2007.

**P R E S E N T :**

- Hon. Philip J. Cardinale, Supervisor
- Edward Densieski, Councilperson
- George Bartunek, Councilperson
- Barbara Blass, Councilperson
- John Dunleavy, Councilperson

X

In the Matter of the Dedication of  
Certain Highways in the Town of  
Riverhead, County of Suffolk and  
State of New York, Known as

**RESOLUTION  
AND CONSENT**

**SIGAL AVENUE EXTENSION**

X

**WHEREAS**, a certain subdivision map was filed in the Office of the Clerk of the  
County of Suffolk, known as "Homes at Millbrook Gables", Town of Riverhead, County  
of Suffolk, State of New York, filed on April 18, 2003 as File No. 10936 in the Office of  
the Clerk of Suffolk County, Riverhead, New York; and

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

**WHEREAS**, plans for the construction of various improvements to said road designated as **SIGAL AVENUE EXTENSION** was submitted to the Planning Board of the Town of Riverhead; and

**WHEREAS**, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

**WHEREAS**, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

**WHEREAS**, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

**WHEREAS**, a copy of the Order Laying Out Road Upon Consent of Owner(s) from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

**WHEREAS**, a special search street dedication from Liberty Title Agency, Title Number LTNV-4266-S-05, dated June 29, 2006, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

**NOW THEREFORE BE IT RESOLVED**, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out a certain road known as **SIGAL AVENUE EXTENSION**, the said Town road to consist of the land and drainage basin described in the deed of dedication dated the 27<sup>th</sup> day of February, 2003 and to extend same as delineated therein; and be it further

**RESOLVED**, that the Town Clerk of the Town of Riverhead is hereby directed to cause such deed of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

**RESOLVED**, that pursuant to a memorandum dated August 15, 2006, from Vincent Gaudiello, P.E. of John J. Raynor, P.E. & L.S., P.C., it has determined that a maintenance bond shall not be required for this subdivision; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to release any and all previously submitted performance bonds upon adoption of this resolution by the Town Board; and be it further

**RESOLVED**, that this resolution shall take effect immediately; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Howard Gross, Esq., 400 Garden City Plaza, Suite 403, Garden City, New York, 11530; CAN Surety, 333 E. Butterfield Road, Lombard, IL, 60148, Attn: Mike Harris; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York  
February 21, 2007

**TOWN BOARD OF THE  
TOWN OF RIVERHEAD**

---

PHILIP J. CARDINALE

---

EDWARD DENSIESKI

---

GEORGE BARTUNEK

---

BARBARA BLASS

---

JOHN DUNLEAVY

\_\_\_\_\_X

In the Matter of the Laying Out of Certain  
Highways in the Town of Riverhead,  
County of Suffolk and State of New York,  
known as

**ORDER LAYING OUT  
ROAD UPON CONSENT  
OF OWNER(S)**

**SIGAL AVENUE EXTENSION**

\_\_\_\_\_X

**WHEREAS**, application having been duly made for the laying out of certain Town highways in the Town of Riverhead, County of Suffolk, State of New York, known as **SIGAL AVENUE EXTENSION** and a dedication and release from the owner(s) of and other persons interested in the lands through which the highways are proposed to be opened, having been given and the Town Board of the Town of Riverhead having given its consent.

**NOW THEREFORE**, I, the Superintendent of Highways of the Town of Riverhead, County of Suffolk, State of New York, do hereby determine and order that Town highways shall be and the same are hereby laid out in said Town as more particularly described on SCHEDULE "A" annexed hereto.

Dated: Riverhead, New York  
August 16, 2006

  
\_\_\_\_\_  
MARK KWASNA, Superintendent  
Town of Riverhead Highway Department

## Schedule A Description

Number LTNY-4266-S-05

Page 1

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Riverhead, Town of Riverhead, County of Suffolk and State of New York, known and designated as Sigal Avenue Extension as shown on Subdivision Map, "Homes at Millbrook Gables", more particularly bounded and described as follows:

BEGINNING at a point marked by a monument found at the southerly terminus of the arc of a curve connecting the southerly side of Sigal Avenue Extension and the westerly side of East Main Street (NYS Route 25), said point being situate the following two (2) courses and distances as measured along the westerly side of East Main Street (NYS Route 25) from the intersection of the northerly side of Philip Street and the westerly side of East Main Street (NYS Route 25);

1. North 03 degrees 39 minutes 00 seconds East, 180.00 feet;
2. North 10 degrees 51 minutes 00 seconds West, 106.53 feet;

RUNNING THENCE from said point of beginning along Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 and Lot 9, Subdivision Map, "Homes at Millbrook Gables" the following eight (8) courses and distances:

1. Along the arc of a curve to the left having a radius of 25.00 feet for a distance of 39.27 feet;
2. South 79 degrees 09 minutes 00 seconds West, 31.81 feet;
3. Along the arc of a curve to the right having a radius of 527.50 feet for a distance of 148.07 feet;
4. North 84 degrees 46 minutes 00 seconds West, 80.22 feet;
5. Along the arc of a curve to the right having a radius of 60.00 feet for a distance of 129.77 feet;
6. North 39 degrees 09 minutes 00 seconds East, 145.20 feet;
7. Along the arc of a curve to the left having a radius of 60.00 feet for a distance of 72.24 feet;
8. North 29 degrees 50 minutes 00 seconds West, 25.90 feet to Lot 81, Subdivision, "Map of Millbrook Gables" filed in the Office of the Clerk of Suffolk County as File No. 1544;

RUNNING THENCE South 74 degrees 22 minutes 00 seconds East along Sigal Avenue, 103.73 feet to Lot 13, Subdivision Map "Homes at Millbrook Gables";

RUNNING THENCE along Lot 13, Lot 12, Lot 11 and Lot 10, Subdivision Map "Homes at Millbrook Gables" the following seven (7) courses and distances:

Schedule A Description continued

1. Along the arc of a curve to the right having a radius of 115.00 feet for a distance of 111.42 feet;
2. South 39 degrees 09 minutes 00 seconds West, 79.49 feet;
3. Along the arc of a curve to the left having a radius of 40.00 feet for a distance of 86.51 feet;
4. South 84 degrees 46 minutes 00 seconds East 14.51 feet;
5. Along the arc of a curve to the left having a radius of 472.50 feet for a distance of 132.63 feet;
6. North 79 degrees 09 minutes 00 seconds East, 31.81 feet;
7. Along the arc of a curve to the left having a radius of 25.00 feet for a distance of 89.27 feet to the westerly side of East Main Street (NYS Route 25);

RUNNING THENCE South 10 degrees 51 minutes 00 seconds East along the westerly side of East Main Street (N.Y.S. Route 25) 105.00 feet to the point or place of BEGINNING.

# Adopted

February 21, 2007

TOWN OF RIVERHEAD

SUPPORTS PECONIC BAY MEDICAL CENTERS BUILDING AND RENOVATION  
PROGRAM

RESOLUTION # 173

COUNCILMAN BARTUNEK Offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY:

Whereas The NYS Commission on Health Care Facilities in the 21<sup>st</sup> Century, hereinafter known as the "Commission's Report" issued its final report in December 2006; and

Whereas the Commission's Report allows the NYS Commissioner of Health to issue approvals of projects where such approval or consent is necessary to protect the life, health, safety, and welfare of facilities patients; and

Whereas Peconic Bay Medical Center provides critical life safety services to the Town of Riverhead including, but not limited to acute care, emergency, surgical and other acute care services; and

Whereas the Town of Riverhead and surrounding communities is one of the fastest growing regions of NYS; and

Whereas the Emergency Department, Surgical Suite, hospital infrastructure (including HVAC and fire detection systems, electrical service, and water service) are outdated and must be modernized immediately to meet the needs of the community; and

Whereas the New York State Department of Health has previously recognized these facts and approved four certificate of need applications that authorizes Peconic Bay Medical Center to address the deficiencies in its emergency department, surgical department, infrastructure and patient care units; and

Whereas the Town of Riverhead has issued all necessary zoning variances, site plan reviews, construction permits, and other locally required approvals for this critically needed expansion/renovation of Peconic Bay Medical Center; and

Whereas the Peconic Health Corporation, representing the three East End Hospitals delineated in the Commission's Report, fully recognized the urgency of these projects in

the interest of the community need and endorsed and approved the previously mentioned four certificate of need applications at its January 12, 2004 Board Meeting; and

Whereas, the Town of Riverhead's Industrial Development Agency has provided the necessary financial support to complete the aforementioned projects and issued bonds in the amount of \$23 million; and

Whereas, the Medical Center will be faced with significant financial jeopardy if it is not permitted to move forward with the aforementioned projects; and

Whereas the health and welfare of the residents of the Town of Riverhead will be compromised if Peconic Bay Medical Center is not authorized to immediately commence and continue its expansion/renovation project; and

Whereas the Board of Directors of Peconic Bay Medical Center at its January 25, 2007 Board Meeting irrevocably accepted each and every one of the recommendations of the Commission's Report, and

Whereas, Peconic Bay Medical Center together with Eastern Long Island and Southampton Hospitals are diligently pursuing an integrated governance structure to meet the recommendations of the Commission,

Therefore be it resolved that the Riverhead Town Board fully supports the Medical Center in its effort to improve the care provided to our community; and

Be it further resolved that the Riverhead Town Board urgently and respectfully implores that the New York State Health Department of Health use all of its powers and discretions to expeditiously issue any and all approvals necessary to permit the Medical Center to immediately commence construction of the four approved projects which are vital to meet the needs of the residents of the community.

**THE VOTE**

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

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

Resolution # 174

**APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD CENTRAL SCHOOL DISTRICT (AMERICAN CANCER SOCIETY – RELAY FOR LIFE)**

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

**WHEREAS**, on February 2, 2007, Maggie Eng-Salvaggio of behalf of the American Cancer Society had submitted a Chapter 90 Application for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 p.m. on Friday, June 15, 2007 and 8:00 a.m. on Saturday, June 16, 2007; and

**WHEREAS**, the Riverhead Central School District has completed and filed a Long 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**, due to their not-for-profit status, the applicant has requested the Chapter 90 Application fee be waived; 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 application of the Riverhead Central School District for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 noon on Friday, June 15, 2007 and 8:00 a.m. on Saturday, June 16, 2007 is hereby approved; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

**RESOLVED**, that any tent installations and any and 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 event shall be exempt from Riverhead Town Code Chapter 81 entitled, "Noise Control"; and be it further

**RESOLVED**, that off-premises signs will be permitted at the locations indicated on the Chapter 90 Application; 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 at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Maggie Eng-Salvaggio, 75 Davids Drive, Hauppauge, New York, 11788 on behalf of the American Cancer Society; the Riverhead Fire Marshal; Chief David Hegermiller of the Riverhead Police Department and the Office of the Town Attorney.

**THE VOTE**

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

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

# Adopted

2/21/07

## TOWN OF RIVERHEAD

Resolution # 175

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 58 ENTITLED "DOGS" OF THE RIVERHEAD TOWN CODE**  
**(§58-4. Redemption of impounded dogs.)**

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

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 58, entitled "Dogs" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 6th day of February, 2007 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the local law amending Chapter 58 entitled, "Dogs" 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 be and is hereby authorized to publish the attached notice of adoption once in the News Review and to post same on the signboard at Town Hall; and be it further

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

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 58 entitled "Dogs" of the Riverhead Town Code at its regular meeting held on February 21, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 58  
DOGS  
ARTICLE I**

**§ 58-4. Redemption of impounded dogs.**

D. A fee shall be paid to the Town Clerk for the adoption of an impounded dog. No redemption fee shall be charged in addition to such adoption fee. There shall be an adoption fee of ~~\$50~~ \$25. An additional fee of \$20 shall be charged if the dog does not have an active rabies vaccination. Said fees shall be established annually by resolution of the Town Board.

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

Dated: Riverhead, New York  
February 21, 2007

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

**BARBARA GRATTAN, Town Clerk**

2/21/07

# Adopted

## TOWN OF RIVERHEAD

Resolution # 176

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING"**  
**(108-130 – Site Plan Review)**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK:

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

**WHEREAS**, a public hearing was held on the 6th day of February, 2007 at 7:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on February 21, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
**ZONING**

**ARTICLE XXVI  
Site Plan Review**

**§108-130. Review and approval required.**

The following shall be subject to site plan review and require site plan approval by the Town Board:

D. Park and playground sites.

(a) The Planning Board may require that land be reserved for park, playground or other recreational purposes. The Planning Board may require that a cash payment be deposited with the Planning Board in a special fund as required by § 274-a (6) of the Town Law where the Planning Board deems that the reservation of land would be inadequate and unsuitable for use as a park, playground or other recreational purposes.

(b) Land reserved for recreational purposes shall have an area of five acres for each 100 (5%) units shown on the plan, or proportional thereto. Any parcel of land reserved for recreational purposes shall have an area of at least one acre. In meeting these requirements, the Planning Board may require or the developer may reserve more than one acre within the site plan for park, playground or recreational purposes, but in no case shall any reserved area be of less than one acre.

(c) The Planning Board may require the developer to grade such park site in a manner appropriate for its projected use and compatible with its surroundings.

Where such park site incorporates a unique natural feature or a landmark, the developer shall be responsible for the protection of such feature or landmark from any destructive action during the course of the plat development.

(d) In cases where the Planning Board makes a finding as set forth herein that the proposed site plan presents a proper case for requiring a park, but the Planning Board determines that a suitable park site of adequate size cannot be properly located within the site plan, in whole or in part, the developer shall be required to pay a park fee in the sum of five thousand (\$5000.00) per

residential unit to the Town.

(e) The applicant may post a certificate of deposit or pass book in the name of the Town of Riverhead equal to the total fee as required herein. Where such cash, certificate of deposit or pass book is deposited, the fee of \$5,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures within the site plan by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor.

(Remaining sections to be renumbered accordingly)

- Underline represents addition(s)

Dated: Riverhead, New York  
February 21, 2007

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

**BARBARA GRATTAN, Town Clerk**

February 21, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 177

**APPROVES FEE SCHEDULE OF JOHN RAYNOR AND ASSOCIATES**

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

**WHEREAS**, John Raynor and Associates has submitted a fee schedule for consulting to the Riverhead Town Board and the Riverhead Planning Board for the year 2007, and

**WHEREAS**, such fee schedule is determined to be acceptable, now

**THEREFORE BE IT**

**RESOLVED**, that the attached fee schedule of John Raynor and Associates is hereby approved for the year 2007, and

**BE IT FURTHER**

**RESOLVED**, that copies of this resolution be forwarded to the Planning Department, Accounting Department and John Raynor and Associates.

**THE VOTE**

DUNLEAVY  YES \_\_\_ NO      BARTUNEK  YES \_\_\_ NO

BLASS  YES \_\_\_ NO      DENSIESKI  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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



**John J. Raynor, P.E. & L.S., p.c.**  
Civil Engineer and Land Surveyor

Reports  
Design  
Environmental Planning

Deerfield Green  
860 Montauk Highway

P.O. Box 720  
Water Mill, New York 11976  
Phone: (631) 726-7600  
Fax: (631) 726-4378

January 2, 2007

Town of Riverhead  
Planning Department  
200 Howell Avenue  
Riverhead, NY 11901-2596

COPY

Attn. Richard Hanley, Planning Director

Re: Engineering Services  
2007 Fee Schedule

Dear Mr. Hanley,

Enclosed herewith for adoption by the Town Board and Planning Board is a copy of our 2007 Fee Schedule.

Should you and/or the Town Board have any questions concerning this matter feel free to contact this office.

Very truly yours,

Vincent A. Gaudiello, P.E.

VAG  
Enc.

### 2007 FEE SCHEDULE - Town of Riverhead

Engineering fees will be charged in accordance with the following schedule:

For the services of Principals:	\$ <del>100</del> <sup>105</sup> /hour
For the services of Professional Engineers:	\$ <del>100</del> <sup>105</sup> /hour
For the services of Professional Land Surveyors	\$150/hour
For the services of Sr. Technicians	\$125/hour
For the services of Technicians	\$100/hour
For the services of Draftsmen	\$90/hour
For the services of Field Crew Chiefs	\$100/hour
For the services of Field Technicians	\$90/hour

Travel time to and from our office during the normal working day and travel time in excess of one hour beyond the normal working day will be charged in accordance with the foregoing rates.

All subcontractors (test pit excavations, test wells, materials analysts, biologists, etc.) engaged by us on behalf of this project will be billed at cost, plus ten percent (10%).

All other out-of-pocket expenses incurred in connection with this project will be billed at cost (with the exception of subcontractors, as noted above). These expenses may include travel & subsistence (when applicable), telephone charges, reproductions, shipping charges, rental equipment (including repair), etc. Ordinary incidental photocopying shall not be charged separately.

This fee schedule is valid for the current calendar year. Fees will be charged in accordance with the fee schedule in effect at the time the service is rendered.

#### METHOD OF PAYMENT

Invoices and vouchers will be submitted monthly during the performance of the work, and/or on completion of our services.

John J. Raynor, P.E. & L.S., P.C.

2/21/07

Town of Riverhead

# Adopted

Resolution # 178

Adopts Rate Schedule for Dunn Engineering Associates, Norton Brothers-Dunn and AKRF for Downtown Redevelopment GEIS and Urban Renewal Plan Update and any Other Projects in 2006-2007

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

**WHEREAS**, by Resolution 481 of May 16, 2006, the Town Board authorized the retention of Norton Brothers, Dunn Engineering and AKRF as consultants to the Town Board in connection with the Downtown Redevelopment Project; and

**WHEREAS**, by agreement dated August 10, 2006, the CDA and Riverhead Renaissance LLC determined to proceed with the undertaking of a GEIS and EMSURA update to be paid for by Riverhead Renaissance LLC pursuant to Articles 2.4, 6.4 and 2.5.

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby adopts the attached rate schedules for Dunn Engineering Associates, Norton Brothers Dunn Engineering, LLP, and AKRF for the subject project undertaken in 2006 and 2007 and any other projects of the town as authorized during this period.

**BE IT FUTHER RESOLVED**, that the Clerk shall forward this resolution to the CDA and Accounting Department.

THE VOTE

Dunleavy	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Bartunek	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Blass	<input checked="" type="radio"/> Yes	<input type="radio"/> No	Densieski	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Cardinale	<input checked="" type="radio"/> Yes	<input type="radio"/> No			

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

# DUNN ENGINEERING ASSOCIATES

Effective February 2006

EMPLOYEE	TITLE	BILLING RATE
Walter Dunn, Jr., P.E. Ronald Hill, P.E. Robert Reiss, P.E.	Principal Principal Principal	\$160.00 \$160.00 \$160.00
William Lifford, P.E. Matthew Rankel, P.E.	Sr. Associate Engineer Sr. Associate Engineer	\$160.00 \$160.00
Patrick Lenihan, P.E. Colin Richardson, P.E.	Assoc. Engineer Assoc. Engineer	\$152.91 \$139.29
Alex Gimpelman, P.E.	Project Engineer	\$130.86
Charles Cook, P.E. Richard Herbert, P.E.	Resident Engineer Resident Engineer	\$108.00 \$96.00
Vincent Corrado John Beck, P.E. William Blanchard, P.E. Alana Yue, P.E.	Sr. Engineer Sr. Engineer Sr. Engineer Sr. Engineer	\$135.69 \$117.81 \$113.04 \$86.43
Cary Swett Xing Wei James Lentini Vito Lena Yousheng Mao Regan McKendry Cory Canzone	Structural Engineer Structural Engineer Engineer Engineer Engineer Engineer Jr. Engineer	\$114.75 \$102.00 \$100.68 \$99.78 \$96.18 \$90.33 \$62.67
Thomas Bunch Carol Danielson Kenneth Zabielski	Senior Drafter Senior Drafter Senior Drafter	\$99.93 \$91.59 \$90.03
Alexander Zabielski	Senior Technician	\$32.40
Angela Schmidt Laurie Mihalko	Technical Typist Technical Typist	\$94.38 \$70.68

# ATTACHMENT A

## AKRF, Inc. 2006 Standard Hourly Rates

Officer	200
Technical Director	175
Senior Professional	135
Professional II	110
Professional I	105
Technical II	95
Technical I	75

**NORTON BROTHERS DUNN ENGINEERING, LLP**

**Effective February 2006**

<b>EMPLOYEE</b>	<b>TITLE</b>	<b>BILLING RATE</b>
Charles Weldner, P.E.	Principal	\$165.00
William Lamont, L.S.	Professional Land Surveyor	\$165.00
Richard Weller Harold Conklin	Engineer Engineer	\$120.00 \$35.25
Michael Dwyer Ceceila Holmes	Sr.Cadd Drafter Cadd Drafter	\$34.00 \$16.50
Gregory Betz Brian Weller J.Wagenhauser Michael Betz Sean Dwyer	Surveyor Party Chief Surveyor Party Chief Surveyor Party Chief Instrument Person Instrument Person	\$23.25 \$24.00 \$21.50 \$12.00 \$12.00

Pri \*\*\*\*Rates capped at \$165.00

**TOWN OF RIVERHEAD**

# Adopted

RESOLUTION # 179 ABSTRACT #07-06 February 8, 2007 (TBM 2/21/07)				
COUNCILMAN DENSIESKI				
COUNCILWOMAN BLASS offered the following Resolution which was seconded by				
_____				
FUND NAME		CD-none	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		709,179.32	709,179.32
RECREATION PROGRAM FUND	6		559.86	559.86
CHILD CARE CENTER BUILDING FUN	9		96.64	96.64
HIGHWAY FUND	111		6,611.99	6,611.99
WATER DISTRICT	112		31,092.82	31,092.82
RIVERHEAD SEWER DISTRICT	114		51,057.80	51,057.80
REFUSE & GARBAGE COLLECTION DI	115		30,074.04	30,074.04
STREET LIGHTING DISTRICT	116		40,868.92	40,868.92
PUBLIC PARKING DISTRICT	117		4,026.40	4,026.40
BUSINESS IMPROVEMENT DISTRICT	118		153.67	153.67
AMBULANCE DISTRICT	120		1,965.25	1,965.25
EAST CREEK DOCKING FACILITY FU	122		123.3	123.3
CALVERTON SEWER DISTRICT	124		4,123.95	4,123.95
RIVERHEAD SCAVANGER WASTE DIST	128		21,398.79	21,398.79
WORKERS' COMPENSATION FUND	173		74.04	74.04
RISK RETENTION FUND	175		36,468.57	36,468.57
CDBG CONSORTIUM ACOUNT	181		2,594.65	2,594.65
RESTORE GRANT PROGRAM	184		4,985.00	4,985.00
TOWN HALL CAPITAL PROJECTS	406		38,481.29	38,481.29
YOUTH SERVICES CAP PROJECT	452		74.04	74.04
MUNICIPAL FUEL FUND	625		8,264.94	8,264.94
MUNICIPAL GARAGE FUND	626		5,134.96	5,134.96
TRUST & AGENCY	735		251,121.43	251,121.43
SPECIAL TRUST	736		28,500.00	28,500.00
COMMUNITY PRESERVATION FUND	737		17.08	17.08
CALVERTON PARK - C.D.A.	914		1,001.50	1,001.50
TOTAL ALL FUNDS			1,278,050.25	1,278,050.25

THE VOTE

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

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

RESOLUTION # 179 ABSTRACT #07-07 February 15, 2007 (TBM 2/21/07)			
COUNCILMAN DENSIESKI COUNCILWOMAN BLASS		Offered the following Resolution which was seconded by	
FUND NAME	CD-none	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	739,760.26	739,760.26
RECREATION PROGRAM FUND	6	1,100.59	1,100.59
CHILD CARE CENTER BUILDING FUN	9	50.09	50.09
SENIOR CITIZEN DAY CARE CENTER	27	544.82	544.82
ECONOMIC DEVELOPMENT ZONE FUND	30	2,909.59	2,909.59
HIGHWAY FUND	111	102,649.50	102,649.50
WATER DISTRICT	112	85,839.53	85,839.53
RIVERHEAD SEWER DISTRICT	114	24,768.26	24,768.26
REFUSE & GARBAGE COLLECTION DI	115	326,723.98	326,723.98
STREET LIGHTING DISTRICT	116	3,998.65	3,998.65
BUSINESS IMPROVEMENT DISTRICT	118	119.38	119.38
AMBULANCE DISTRICT	120	118.43	118.43
CALVERTON SEWER DISTRICT	124	793.74	793.74
RIVERHEAD SCAVANGER WASTE DIST	128	12,598.73	12,598.73
WORKERS' COMPENSATION FUND	173	147,646.27	147,646.27
RISK RETENTION FUND	175	405,998.39	405,998.39
CDBG CONSORTIUM ACOUNT	181	43,775.29	43,775.29
TOWN HALL CAPITAL PROJECTS	406	500.00	500.00
YOUTH SERVICES CAP PROJECT	452	4,836.34	4,836.34
SENIORS HELP SENIORS CAP PROJE	453	2,502.60	2,502.60
EISEP CAP PROJECT	454	245.95	245.95
MUNICIPAL FUEL FUND	625	16,585.17	16,585.17
MUNICIPAL GARAGE FUND	626	30,378.38	30,378.38
TRUST & AGENCY	735	1,122,731.26	1,122,731.26
COMMUNITY PRESERVATION FUND	737	617.24	617.24
CALVERTON PARK - C.D.A.	914	326.72	326.72
<b>TOTAL ALL FUNDS</b>		<b>3,078,119.16</b>	<b>3,078,119.16</b>

THE VOTE

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

2/21/07

TOWN OF RIVERHEAD

Adopted

Resolution # 180

**AUTHORIZES THE SUPERVISOR TO EXECUTE RUNWAY USE AGREEMENT WITH SOUTH BAY APPAREL**

**COUNCILMAN DENSIESKI**

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

**COUNCILMAN DUNLEAVY** :

**WHEREAS**, the Town owns the existing runways and related facilities located at the Calverton Executive Airfield, as designated by the Federal Aviation Administration ("FAA") as 3C8 ("Airfield"), New York;

**WHEREAS**, the CDA is the municipal corporation responsible for development and oversight of the Airfield; and

**WHEREAS**, the CDA wishes to allow certain businesses to utilize the 10,000 foot runway located at the Airfield, said runway being identified as 14-32 ("Runway") by the FAA; and

**WHEREAS**, South Bay Apparel (Operator) wishes to utilize said Runway in connection with its apparel manufacturing and distribution business, all in accordance with applicable zoning laws and as such use has been previously reviewed and approved by the Town Board; and

**WHEREAS**, such Runway use by Operator will be in conformity with applicable zoning laws and be of substantial economic benefit to the Town of Riverhead and its residents; and

**WHEREAS**, the CDA wishes to grant Operator the right to use the Runway subject to the terms and conditions stated in this Agreement.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached Runway Use Agreement with South Bay Apparel upon the occurrence of the following:

- receipt of a certificate of insurance in the amount of \$2,000,000 in a form acceptable to the Town Attorney
- submission of a check in the amount of up to \$3,000 (\$500 per month pursuant to said Runway Use Agreement)

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to South Bay Apparel, 4062-653 Grumman Boulevard, Calverton, New York, 11933; the Office of the Community Development Agency; the Office of Accounting and the Office of the Town Attorney.

**THE VOTE**

Dunleavy  yes  no Bartunek  yes  no  
 Blass  yes  no Densieski  yes  no  
 Cardinale  yes  no

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

Runway Use Agreement  
FOR PURPOSES AS LIMITED BY ZONING AND AS  
SPECIFIED HEREIN

This Agreement made on the 22<sup>nd</sup> day of February, 2007, between the Town of Riverhead ("Town"), by and through its Community Development Agency ("CDA") and South Bay Apparel ("Operator"), a Corporation with offices at 4062-653 Grumman Boulevard, Calverton, New York.

**WITNESSETH**

WHEREAS, the Town owns the existing runways and related facilities located at the Calverton Executive Airfield, as designated by the Federal Aviation Administration ("FAA") as 3C8 ("Airfield"), New York; and

WHEREAS, the CDA wishes to allow certain businesses to utilize the 10,000 foot runway located at the Airfield, said runway being identified as 14-32 ("Runway") by the FAA as set forth on Exhibit A; and

WHEREAS, South Bay Apparel (Operator) wishes to utilize said Runway in connection with its apparel manufacturing and distribution business, all in accordance with applicable zoning laws and as such use has been previously reviewed and approved by the Town Board; and

WHEREAS, such Runway use by Operator will be in conformity with applicable zoning laws and be of substantial economic benefit to the Town of Riverhead and its residents; and

WHEREAS, the CDA wishes to grant Operator the right to use the Runway subject to the terms and conditions stated in this Agreement.

**NOW THEREFORE**, in consideration of the mutual covenants and agreement herein contained, CDA does hereby demise and provide Operator the right to utilize the subject Runway in all respects as follows:

**1. Term:** The term of this Agreement shall be for a period of six (6) months commencing February 1, 2007 and ending July 31, 2007 ("Term"), subject to such modifications as

the Town and the CDA at their sole discretion may require. Except as otherwise provided herein, this Agreement will remain in full force and effect for the stated Term, provided Operator is not in default of any of the material terms, covenants, or conditions of this Agreement.

**2. Payment:** Operator shall pay to the CDA the sum of \$ 500.00 monthly for its use of the Runway, based on the indicated anticipated level of use and type of aircraft and operations listed on Schedule A. In the event of a material change in the foregoing, the CDA and the Town reserve the right to adjust the monthly fee to reflect such changed condition(s).

**3. Use of Runway:** CDA hereby grants Operator the non-exclusive, non-transferable right to utilize the Runway, adjoining taxiways, ramp and apron areas as is provided by the CDA for public and common use by aircraft operators for taxiing, take-offs, and landings, of aircraft owned or operated by Operator as such aircraft are more fully listed in Schedule A attached hereto and made a part hereof. The right of use granted hereunder is subject to permitted uses at the Airfield and such other rules and regulations pertaining to the use of the Airfield as may be in effect from time to time during the Term of this Agreement.

On a monthly (or such other periodic basis as the parties may agree), Operator shall provide the CDA with a list of all aircraft using the Runway pursuant to this Agreement; such information shall include aircraft type, date(s) of operation, FAA registration (tail number), owner or operator name and FAR operation type.

Operator shall obtain the approval of the Town and the CDA in the event of any change in the type of aircraft listed on Schedule A. Finally, the CDA reserves the right, in its sole discretion, to grant other persons or entities, certain rights and privileges upon the air field which are identical in whole or in part to those granted to Operator herein.

**4. Limitations:** In addition to any applicable rule or regulation in effect at the field, it is understood that the air field is not open for public use and therefore Operator agrees to abide by the following terms and conditions:

a) The Runway may be used by Operator only for aircraft types operated under the corresponding Federal Aviation Regulations and subject to the FAA aircraft registration number(s) listed on Schedule A ("Aircraft").

b) Operator shall use the Runway solely in connection with its stated business, consistent with zoning and shall not use the Runway to board, de-board, or transport paying passengers or cargo in regularly scheduled or unscheduled charter air transportation service. Operator shall not use the Runway in connection with any regularly scheduled or unscheduled charter air transportation service whether operated by itself or indirectly through its customers or clients.

c) It is intended that the Runway will solely be used for the benefit of the owners and tenants of at the Airfield and for other aviation purposes at the Airfield, as may be allowed by the CDA from time to time therewith and that no use of the Runway may be made in contravention of zoning or other applicable laws, rules or regulations.

d) Operator acknowledges that the rights granted to use the Runway pursuant to this Agreement are not exclusive to Operator and that there are other users of the Runway.

**5. Signs and advertising:** No signs shall be placed on the Runway or at the Airfield, without first obtaining written permission from the CDA and the necessary permits from the Town. Operator acknowledges that this Agreement confers no rights with respect to the use of any trade name, trademark or service mark, copyrighted material or any other information proprietary to the Town or the CDA with respect to the ownership, management or operation of the Airfield.

**6. Conditions of the Facilities:** Operator has examined the subject Runway, taxi ways and tie down area shown in Exhibit A hereto and Operator is fully familiar with the condition of the runway and its related facilities and agrees to accept the Runway and it related facilities, including, but not limited to, Runway lighting and painting, in "as is" condition. Operator agrees to remain fully responsible for its operations and the operations of its customers on the Runway and shall keep the Runway clear of debris and other foreign objects.

**7. Wildlife:** Operator is fully aware of the existence of the large numbers of wildlife, including but not limited to the geese and the deer, that freely transverse the Runway, taxiways and adjacent areas at the Airfield. Operator acknowledges that the existence of the wildlife poses a potential hazard to aircraft utilizing the Runway. Notwithstanding the foregoing, Operator agrees that it is responsible for ensuring that any wildlife is cleared from the Runway, taxiways and adjacent areas as is necessary to enable it to use the Runway as set forth herein.

Operator further agrees that it shall indemnify and hold the CDA and the Town, their respective officers, officials, directors, employees, servants, and agents, including the Town Board and its individual members harmless from any liability arising from the existence of the wildlife on or in the vicinity of the Runway and other facilities at the Airfield. Operator hereby acknowledges that the Airfield is currently unattended and that neither the Town nor the CDA carries out any maintenance or operational functions at the Airfield. Operator acknowledges that neither the Town nor the CDA has assumed any responsibility for the existing conditions of the Runway and other Airfield facilities and further agrees that neither the Town, nor the CDA shall be required to maintain or operate any facility at the Airfield, including the Runway.

**8. Assignment:** Operator may not assign, transfer or sublease the whole, or any part of this Agreement, or the rights granted hereunder.

**9. Successors and Assigns:** All the covenants, stipulations and agreements herein shall extend to and bind the legal representatives, successors and assigns of the respective parties hereto.

**10. Indemnity and Insurance:** Operator shall keep and hold the CDA and the Town, its commissions, agencies, departments and officials, including the Town Board and its individual members and the respective officers, officials directors, agents, servants and employees of the CDA and the Town harmless from any and all liabilities, losses, suits, claims, judgments, fines, penalties, demands or expenses, including all reasonable costs for investigation and defense thereof (including but not limited to attorney's fees, court costs and expert fees) claimed by anyone by reason of death, injury or damage to persons or property sustained in or about the Airfield arising out of or in connection with the use of the Runway by Operator, its invitees or customers or otherwise arising out of the acts or omissions of Operator, its directors, officers, employees, agents, invitees, customers, and Operators upon and about the Airfield, provided, however, that upon the filing of any claim with the CDA or the Town for damages arising out of incidents for which Operator is obligated herein to hold the CDA and the Town harmless, then and in that event the CDA or the Town, as the case shall be, shall notify Operator of such claim and Operator shall have the right to settle, compromise or defend same. Operator shall further use legal counsel reasonable acceptable to the CDA and the Town in carrying out its obligations hereunder. Any final judgment rendered against the CDA or the Town for any cause for which Operator is liable hereunder shall be conclusive against Operator as to liability and amount where the time to appeal therefrom has expired. The provision of this section shall survive the expiration or early termination of this Agreement.

Operator shall maintain general comprehensive liability insurance, endorsed to cover Airfield operations in an amount equal to that customary for such kind and level of use but in no event less than \$2,000,000.00, combined single limit covering bodily injury and property damage per occurrence through a company acceptable to the CDA and the Town of Riverhead, in which policy the CDA and the Town of Riverhead shall be named as additional insureds. Before any use of the Runway may be made pursuant to this Agreement, Operator shall furnish satisfactory evidence that such insurance is in effect and will not be canceled during the term of this Agreement without thirty-(30) days prior written notice to the Town of such cancellation.

Operator shall also maintain aircraft liability insurance in an amount not less than that customary for the type of air operation conducted by Operator but in no event less than \$2,000,000.00, combined single limit covering death, bodily injury and property damage per occurrence through a company acceptable to the CDA and the Town of Riverhead, in which policy the CDA and the Town of Riverhead shall be named as additional insureds. Operator shall furnish satisfactory evidence that such insurance

is in effect and will not be canceled during the term of this Agreement without thirty (30) days prior written notice to the Town of such cancellation.

**11. Hazardous Substances:** Operator shall not generate, store, manufacture, refine, transport, or treat, or otherwise permit to be present on or about the Airfield any Hazardous Substances (other than Hazardous Substances as may be duly authorized for use in connection with Operator's business at the Airfield). In no event will Operator dispose of, discharge or release any Hazardous Substances into the environment. As used herein, the term "Hazardous Substances" shall mean any flammables, explosives, radioactive materials, hazardous waste, hazardous and toxic substances or related materials, asbestos or any materials containing asbestos, or any other hazardous or toxic substance material as defined by any Federal, State or Local environmental law, rule or regulation, including, without limitation, the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976, and the Hazardous and Solid Waste Amendments of 1984, as amended from time to time, the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended from time to time, the Toxic Substances Control Act as amended from time to time, the Hazardous Material Transportation Act, as amended from time to time and the regulations adopted and the publications promulgated pursuant to each of the foregoing.

With respect to the unauthorized release of any Hazardous Substance by Operator pursuant to this Agreement, Operator agrees to timely file any spill reports as required by any federal, state or local agency having jurisdiction over the same and to promptly provide the Town with a copy of such report. Further, Operator agrees to remediate and clean up any soil, water or air contaminant resulting from any unauthorized release, spill or discharge of Hazardous Substances, whether or not such release, spill or discharge is reportable under applicable law or regulation.

**12. Aircraft Security:** Operator shall ensure that the Aircraft which are the subject of this Agreement are operated in accordance with applicable security guidelines of the United States Transportation Security Administration as pertain to the identification of passengers, cargo and baggage carried aboard the Aircraft and the securing of the Aircraft with both interior and exterior locks and any hangar facility for the Aircraft, while the Aircraft is on the ground at the Airfield.

**13. Ingress and Egress:** This Agreement does not extend, expand, change or alter any existing right of ingress and egress that Operator currently is afforded by virtue of its lease, license or ownership of property at the Airfield site and no right of ingress and egress to the Airfield is hereby granted for pedestrians or ground vehicles other than the express Runway use rights which are the subject of this Agreement.

14. Other:

(a) **Compliance with Law.** All use of the Runway shall be subject to all applicable federal, state, and local laws, rules and regulations, as may be in effect during the Term of this Agreement including any rules and regulations that the CDA or the Town may impose in connection with the use of the Airfield.

In addition to the foregoing, Operator hereby agrees to comply at all times with and to cause its customers to use the Runway and to conduct its business at the Airfield in compliance at all times with all applicable federal, state and local laws, rules, and regulations, including regulations of the Suffolk County Department of Health regulations, including regulations of the Suffolk County Department of Health regulations pertaining to the use of the Runway and related Airfield facilities. In addition and as required by applicable law, rule or regulation, Operator agrees to file for a fire protection and hazardous materials permit with all government agencies having jurisdiction thereof, including any permits required by the Town of Riverhead in connection with such use.

(b) **Termination and Default.** Either party to this Agreement may terminate this Agreement, with or without cause on fifteen (15) days prior written notice to the other. In the event Operator fails to perform any material obligation under this Agreement and such failures continues for a period of three (3) days after receipt of written notice of the same from the CDA or the Town, then the CDA may terminate this agreement forthwith, except where the CDA and the Town, in their sole discretion find that any such failure is incapable of cure within the stated time and Operator has diligently commenced to cure such failure. Notwithstanding any to the contrary in this Agreement, in the event Operator fails, at any time during the Term of this Agreement, to maintain and provide the CDA with evidence of the insurance coverage required herein below, the CDA may immediately terminate this Agreement.

If bankruptcy proceedings are commenced with respect to Operator and if this Agreement has not otherwise terminated, then the CDA or the Town may suspend all further performance of this Agreement until Operator assumes or rejects this Agreement pursuant to Section 365 of the Bankruptcy Code or any similar or successor provision. Within thirty (30) days of the commencement of such bankruptcy proceeding, Operator agrees to move the Court in which such bankruptcy proceeding is pending to assume or reject this Agreement. Any such suspension of further performance by the CDA or the Town pending Operator's assumption or rejection will not be a breach of this Agreement and will not affect the CDA's or the Town's right to pursue or enforce any of its rights under this Agreement or otherwise.

(c) **Subordination.** This Agreement shall be subordinate to the provisions of any existing or future agreement between the CDA, the Town and the United States, relative to the ownership, operation or maintenance of the Airfield.

(d) Reservation of Rights. The CDA and the Town, their respective successors and assigns, hereby reserve the right, in their sole discretion, to direct and control all activities at the Airfield and to take any action they deem necessary to preserve for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the Airfield, together with the right to cause and regulate in said airspace such noise as may be inherent in the operation of aircraft, now know or hereafter used for navigation of flight, using said airspace for landing at, taking off from, or operating at the Airfield. In furtherance thereof, the CDA and the Town reserve the right to take any action it considers necessary to protect the aerial approaches of the Airfield against obstruction, which would limit the usefulness of the Airfield or constitute a hazard to aircraft. Any such action shall not be deemed a breach of this Agreement and shall not act to reduce payment due hereunder or otherwise extend the term of this Agreement.

(e) Entire Agreement. This writing contains the entire agreement between the parties and supercedes and replaces all prior understandings and agreements between the parties hereto whether oral or written with respect to the subject matter hereof.

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

\_\_\_\_\_  
Town of Riverhead  
By: Philip J. Cardinale

\_\_\_\_\_  
Operator: South Bay Apparel  
By: Douglas Dey

- Attachments:  
Exhibit A "Map of Runway, Taxiways, Ramp and Tie Down Area" [To be provided by the Town]  
Schedule A "List of Aircraft Types, FAA Registration Numbers, and FAR Operation" [To be provided by Aircraft Owner or Operator]

Schedule "A"

U.S. Department of Transportation Federal Aviation Administration		<b>AIRPORT MASTER RECORD</b>	FORM APPROVED. OMB NO. 2120-0016
> 1 ASSOC CITY: Calverton > 2 AIRPORT NAME: Calverton Peconic Airport 3 CBD TO AIRPORT (NM): 03 W		4 STATE: New York 6 REG/ADD: AEA/ADO	FAA SITE NR: 14971 5 COUNTY: Suffolk, NY 7 SECT AERO CHT: New York
<b>GENERAL</b>		<b>SERVICES</b>	<b>BASED AIRCRAFT</b>
10 OWNERSHIP: Public 11 OWNER: Town of Riverhead 12 ADDRESS: 200 Howell Ave. Riverhead  13 PHONE NR: 631 727-3200 14 MANAGER: Robert F. Kozakiewicz 15 ADDRESS: Swan Pond Road  16 PHONE NR: 631 727-3200 17 ATTENDANCE SCHEDULE MONTHS                      DAYS                      HOURS		> 70 FUEL: None	80 SINGLE ENG: 5 91 MULTIENG: 10 92 JET: 30 TOTAL 45  88 HELICOPTERS: 94 GLIDERS: 85 MILITARY: 86 ULTRA-LIGHTS:
18 AIRPORT USE: Private 19 ARPT LAT: 40-55-00 20 ARPT LONG: 072-48-00 21 ARPT ELEV: 75ft. 22 ACREAGE: 2921 > 23 RIGHT TRAFFIC: No 24 NON-COMM LANDING FEE: No 25 NASP/FEDERAL AGREEMENT:		<b>FACILITIES</b>	
		> 20 ARPT BCN: No > 81 BCN SCHEDULE: > 82 UNICOM: 83 WIND INDICATOR: Yes 84 SEGMENTED CIRCLE: NO 85 CONTROL TWR: NO 86 FSS: New York 87 FSS ON ARPT: No 88 FSS PHONE NR: 1-800-292-7433 89 TOLL FREE NR: 1-800-WX-BRIEF	
<b>RUNWAY DATA</b>			
> 30 RUNWAY IDENT: 14/32 > 31 LENGTH 10,001 > 32 WIDTH 200 33 SURF TYPE-COND Concrete  Runway 05/23 CLOSED			
<b>LIGHTING/APCH AIDS</b>			
> 40 EDGE INTENSITY 41 EDGE SCHEDULE 42 RWY MARK TYPE-COND			
<b>OBSTRUCTION DATA</b>			
50 FAR 77 CATEGORY 51 DISPLACED THR 52 CTLG OBSTN 53 OBSTN MARKED/LGTD 54 HGT ABOVE RWY END 55 DIST FROM RWY END			
(>) ARPT MGR PLEASE ADVISE FSS IN ITEM 88 WHEN CHANGES OCCUR TO ITEMS PRECEDED BY >			
110 REMARKS:  Owner proposes to mark parachute landing zone.			
111 OWNER/MANAGER SIGNATURE:		113 DATE:	