

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

**December 20<sup>th</sup> , 2005**

**“HAPPY HOLIDAYS TO EVERYONE”**

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

**Barbara Blass, Councilwoman  
Rose Sanders, Councilwoman**

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

**ELECTED OFFICIALS**

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

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

**DEPARTMENT HEADS**

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

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

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:  
COMMUNITY DEVELOPMENT AGENCY MEETING:

- #25 Authorizes the Supervisor to Execute a License Agreement with Eastern Long Island Audubon Society, Inc.

REGULAR TOWN BOARD MEETING:

- #1174 Grangebél Park Dam Fish Passage Project Budget Adoption
- #1175 Calverton Recreation Park Capital Project Budget Adjustment
- #1176 Riverhead Sewer District Budget Adjustment
- #1177 Approves Amendment to Community Development Block Grant Program
- #1178 Order Calling Public Hearing-RSD-Later Sewer Main-Best Western Hotel Complex
- #1179 Order Authorizing the Increase and Improvement to the Riverhead Water District-2005 System Capacity Evaluation-Short Term Improvements-RWD-202b
- #1180 Authorizes Service Agreement RE: Calverton Sewer District
- #1181 Grants Special Use Permit of Aquebogue Bistro
- #1182 Approves Site Plan of Viva L'Arte Center
- #1183 Releases Performance Bond of Silver Village at Aquebogue a/k/a Sound Avenue Company, LLC
- #1184 Releases S.C.N.B. Irrevocable Letter of Credit of Zoumas Contracting Corp. in Connection with the Subdivision Entitled, "Fox Meadow Estates" (One Year Maintenance Bond)
- #1185 Releases SCNB Irrevocable Letter of Credit of Schembri Homes, Inc. in connection with the Subdivision Entitled, "Sound Meadows" (One Year Maintenance Bond)
- #1186 Authorizes the Release of Security Posted for Alexander-Tuthill Funeral Home, Inc. (Parking Lot Expansion)
- #1187 Authorizes the Release of a Bond for Jejope, LLC (Neefus-Stype Ins.)

- #1188 Authorizes the Release of Letter of Credit for PRG Corp.
- #1189 Accepts Offer of Sale of Development Rights (Herbert H. Hulse)
- #1190 Accepts Offer of Sale of Development Rights (Bruce Schroeder)
- #1191 Authorizes Town Clerk to Publish and Post Public Notice to Consider the Purchase of Development Rights of a Parcel Located in the Town of Riverhead (Purported owner: Daniel G. Donahue, Jr.)
- #1192 Incorporation of Certain Roads into the Town of Riverhead's Highway System Pursuant to New York State Highway Law Section 189 Highways by Use (Zdunko Lane)
- #1193 Sets a Public Hearing Pursuant to Article 12 of the New York State Town Law to Declare Certain Premises as Not required for the Purposes of the Riverhead Water District and Authorizing the Sale and Transfer Thereof by Public Auction
- #1194 Adopts a Local Law Amending Chapter 107 of the Riverhead Town Code Entitled, "Tidal and Freshwater Wetlands" (107-4 Regulated areas)
- #1195 Authorizes the Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 47 Entitled, "Bays and Creeks" of the Riverhead Town Code
- #1196 Authorizes Town Clerk to Publish and Post Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 52 (Building Construction) of the Riverhead Town Code
- #1197 Authorizes Town Clerk to Publish and Post Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 108 (Zoning) of the Riverhead Town Code (108-298 DC-1)
- #1198 Authorizes Town Clerk to Publish and Post Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 108 (Zoning) of the Riverhead Town Code (108-290 VC)
- #1199 Authorizes Town Clerk to Publish and Post Public Notice for Public Hearing Regarding a Local Law to Amend Chapter 48 (Beaches and Recreation Centers) of the Riverhead Town Code
- #1200 Adopts Fees for Sign Permits Pursuant to Chapter 108-56 of the Town of Riverhead Sign Code

- #1201 Awards Bid for Street Lighting and Traffic Signal Maintenance Repairs Parts
- #1202 Authorizes Town Supervisor to Execute Change Order for George Young Community Center Floor Replacement
- #1203 Ratifies the Submission by the Town of Riverhead Community Development Department of an application to the Department of State Quality Communities Program (2006) for Environmental Protection Funds to Support Riverhead Downtown Development Consensus Initiative
- #1204 Grants the Place for Learning, Inc. an Exemption from Real Property Taxes for the 2000 Assessment Roll
- #1205 Authorizes the Supervisor to Execute a Lease Agreement for the Armory Drill Hall
- #1206 Approves Rates from Dvirka & Bartilucci Consulting Engineers
- #1207 Approves Rates from Milone & Macbroom Consulting Engineers
- #1208 Appoints Engineering Consultants (Araiys Design)
- #1209 Approves the Application for Fireworks Permit of Vail-Leavitt Music Hall (First Night Riverhead)
- #1210 Authorizes Town Supervisor to Execute Change Order for Connecticut Avenue Culvert Replacement Project
- #1211 Authorizes the Supervisor to Execute and Agreement Between Town of Riverhead and Queues Development, Inc. ("Q.E.D.")
- #1212 Herbert Hulse Farmland Development Rights Capital Project Budget Adoption
- #1213 Bruce Schroeder Farmland Development Rights Capital Project Budget Adoption
- #1214 Authorization to Junk Fixed Assets
- #1215 Appoints Maintenance Mechanic II in the Water Department (J. Walls & J. Pipczynski)
- #1216 Authorizes the Retention of the Law Firm of Jaspan Schlesinger Hoffman to Commence Litigation

- #1217 Appoints Member to the Recreation Advisory Committee (R. Danowski)
- #1218 Appoints Members to the Recreation Advisory Committee (R. Sanders)
- #1219 Appoints Marriage Officer (B. Grattan)
- #1220 Ratifies Fire Marshall Attendance at Meeting
- #1221 Accepts the Resignation of a Detention Attendant (J. McKenna)
- #1222 Authorizes the Donation of Town of Riverhead Highway Vehicle Bulldozer #58 to Long Island Antique Power Association
- #1223 Resolution of Support and Concurrence with the Suffolk County/Town of Riverhead Empire Zone (Formerly Economic Development Zone) Regionally Significant Project Application
- #1224 Ratifies the Submission of a Grant Application to the Suffolk County Youth Bureau
- #1225 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 (108-3)
- #1226 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 (108-266 BC)
- #1227 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 (108-270 CRC)
- #1228 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 (108-258 DRC)
- #1229 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 (108-262 SC)
- #1230 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 (52-10)
- #1231 Pays Bills

12/20/05

Adopted

TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY  
Resolution # 25

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH  
EASTERN LONG ISLAND AUDUBON SOCIETY, INC.

COUNCILWOMAN SANDERS offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

WHEREAS, the Eastern Long Island Audubon Society, Inc. wishes to enter onto the EPCAL property for the purposes of observing bird populations at the site and the Town wishes to allow the activity proposed by the Audubon Society,

NOW, THEREFORE BE IT HEREBY RESOLVED, that the Chairman is hereby authorized to execute the attached license agreement, and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Eastern Long Island Audubon Society, P.O. Box 206, East Quogue, New York, 11942; the Office of Accounting; the Community Development Agency and the Office of the Town Attorney.

THE VOTE

Bartunek  yes  no Sanders  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no

THE RESOLUTION  WAS  WAS NOT  
THEREFORE DULY ADOPTED

## LICENSE AGREEMENT

This License Agreement ("hereinafter License"), made as of the day of December, 2005, by and between the Town of Riverhead Community Development Agency ("Licensor") with offices at 200 Howell Avenue, Riverhead, New York and Eastern Long Island Audubon Society, Inc. ("Licensee"), a not-for-profit corporation, having an address of Post Office Box 206, East Quogue, NY 11942.

### WITNESSETH

WHEREAS, the licensee wishes to utilize a portion of the Town of Riverhead Community Development Agency property known as EPCAL, located at Calverton; for the purposes of monitoring, counting and documenting birds; and

WHEREAS, the Town of Riverhead Community Development Agency wishes to grant the Licensee the right to utilize a portion of said property;

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 owned by Town of Riverhead Community Development Agency, known as EPCAL, located in Calverton. A portion of the EPCAL property

that is not included in this license agreement and which licensee is not permitted to enter onto, is the long runway.

2. Term of the License. The term of this License (the "term") shall commence on December 26, 2005 and shall end on December 29, 2005.

4. Condition of the Licensed Premises: The Licensee is familiar with the Licensed Premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without reliance upon any representations or warranties of or made by Licensor.

5. Insurance and Indemnification: The Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. The Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead and the Riverhead Community Development Agency as "Additional Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold CDA, the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by licensee and its employees, agents,

representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of CDA, the Town or its employees, agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold CDA and the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by CDA or the Town, whether under this indemnification provision or otherwise, Licensee, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by CDA or the Town of Riverhead securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

6. License Fee. In consideration of the type of work the Licensee intends to conduct at the premises, the Licensor agrees to waive the license fee for the use of the premises.

7. Use of Licensed Premises. Licensee agrees to utilize the licensed premises between the hours of 8:00 a.m. and 12:30 p.m. for the purposes of observing, monitoring and documenting birds.

8. Repair, Maintenance and Inventory of License Premises.

a) Licensee, at its sole expense, agrees to maintain the Licensed Premises free of trash and debris and to return the premises back to its original condition following completion of the license term.

b) Licensee shall not alter the Licensed Premises without the prior permission of the Licensor.

9. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the use of the Licensed Premises, 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 without the expressed written consent of the Licensor. 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.

10. 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 premises.

11. 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 and the Office of the Riverheads Town Attorney at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to Evelyn Voulgarelis at Post Office Box 206 East Quogue, New York 11942.

12. Miscellaneous:

a) 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.

b) Nothing contained in this Agreement either expressly or impliedly shall invalidate any pre-existing non-conforming use upon the real property owned by the Licensee or constitute any admission by the Licensee that any violation exists now or shall exist in the future.

13. 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 COMMUNITY DEVELOPMENT AGENCY

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

EASTERN LONG ISLAND AUDUBON SOCIETY, INC.

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

Adopted

TOWN OF RIVERHEAD

GRANGEBEL PARK

SOUTH DAM FISH PASSAGE PROJECT BUDGET ADOPTION

RESOLUTION # 1174

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

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

	<u>FROM</u>	<u>TO</u>
406.07110.493000.40135 Federal Aid	\$25,000	
406.07110.543500.40135 Engineering Consultants		\$25,000

THE VOTE

Bartunek  Yes  No      Sanders  Yes  No  
 Blass  Yes  No      Densieski  Yes  No  
 Cardinale  Yes  No

# Adopted

TOWN OF RIVERHEAD

CALVERTON RECREATION PARK CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1175

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by

COUNCILWOMAN SANDERS

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

		<u>FROM</u>	<u>TO</u>
406.095710.494200.70015	Serial Bond Proceeds	\$3,695,000	
406.071100.540000.70015	Contractual Expenses	65,000	
406.071100.523011.70015	Ball field Construction		\$1,350,000
406.071100.523039.70015	Infrastructure Improvement		1,825,000
406.071100.542612.70015	Surveys		18,000
406.071100.543650.70015	Engineering/Architectural		285,500
406.071100.547900.70015	Contingency		281,500

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

Adopted

TOWN OF RIVERHEAD

RIVERHEAD SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1176

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

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

	<u>FROM</u>	<u>TO</u>
114.081300.542503 Sewer Treatment, Chlorine & Chemicals	\$5,000	
114.081300.541103 Pump Station Maintenance		\$5,000
114.081300.546203 Plant Electricity	\$6,000	
114.081300.541100 Building Repairs & Maintenance		6,000

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

12/20/05

Town of Riverhead

Adopted

Resolution 1177

Approves Amendment to Community Development Block Grant Program

COUNCILMAN DENSIESKI

offered the following resolution,

COUNCILMAN BARTUNEK

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

**WHEREAS**, it is the desire of the Town of Riverhead to amend its FY 00 and FY 03 CDBG Program; and

**WHEREAS**, such an amendment requires notification of the public prior to submission of the amendment for transfer of funds and budget modification in order to provide an opportunity for comment; and

**WHEREAS**, said notice was published in the News Review on Wednesday, November 23, 2005 and comments accepted to this date.

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby approves the amendment to the CDBG program as noticed and authorizes execution of any and all documents necessary to accomplish said amendment.

**BE IT FURTHER RESOLVED**, that a certified copy of this resolution shall be provided to Joe Sanseverino, Suffolk County Community Development Director, the Town Attorney, and Andrea Lohneiss, Community Development Director.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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

12/20/05

Adopted

TOWN OF RIVERHEAD

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

Resolution #1178

Adopted \_\_\_\_\_

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

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

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

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

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

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

WHEREAS, it is necessary for the Town Board to hold a public hearing to hear all persons wishing to be heard with regard to the proposed lateral sewer 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 17th day of January, 2006, at 7:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the proposed lateral sewer main of Best Western Hotel Complex, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the January 5, 2006, edition of The News Review, and

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

BY ORDER OF THE RIVERHEAD  
TOWN BOARD  
BARBARA GRATTAN  
TOWN CLERK

Dated: December 20, 2005  
Riverhead, NY 11901

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

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

12/20/05

Adopted

Resolution #1179

**TOWN OF RIVERHEAD  
ORDER AUTHORIZING INCREASE AND IMPROVEMENT  
TO THE RIVERHEAD WATER DISTRICT  
2005 SYSTEM CAPACITY EVALUATION  
- SHORT TERM IMPROVEMENTS -  
RIVERHEAD WATER DISTRICT  
202-b**

Adopted \_\_\_\_\_

COUNCILWOMAN SANDERS offered the following resolution which was  
seconded by COUNCILWOMAN BLASS,

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Water District, by H2M, consulting engineers to the Riverhead Water District, by letter dated August 31, 2005, that as part of the process of conducting a water system capacity evaluation as part of a Water System Master Plan, an evaluation of short-term improvements that could be implemented this winter to improve the Water District's water supply capabilities by next pumping season was completed, and

WHEREAS, said letter outlines various improvements that need to be completed, which letter is on file with the Riverhead Town Clerk, and

WHEREAS, the maximum amount proposed to be expended for said improvements is \$1,147,000, with said funds to be allocated and charged as a cost of increasing and improving the facilities of the District and financed from the District's Reserve - Repair and Maintenance Account, and

WHEREAS, it has been determined that this is a Type II action with no significant impact upon the environment, and

WHEREAS, in accordance with Section 202-b of the Town Law, a public hearing was held on December 6, 2005, and all persons wishing to be heard were heard,

NOW, THEREFORE, upon the proceedings, plans and specifications, and the public hearing, the Town Board of the town of Riverhead, as governing body of the Riverhead Water District hereby determines as follows:

RESOLVED, that the improvements to the Riverhead Water District will not have a significant impact upon the environment, and it is further

RESOLVED, that improvements as set forth above are in the best interest of the properties served by the Riverhead Water District, and it is further

RESOLVED, that the maximum amount to be increased and expended for said improvements is \$1,147,000 which shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District to be paid from the District's Reserve - Repair and Maintenance Account in the total amount of \$1, 147,000, and be it further

RESOLVED that a certified copy of this resolution shall be forwarded to Frank Isler, Esq., Gary Pendzick, and the Riverhead Accounting Department.

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

THE VOTE

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

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

12/20/05

Adopted

TOWN OF RIVERHEAD

# 1180

AUTHORIZED SERVICE AGREEMENT RE: CALVERTON SEWER DISTRICT.

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

WHEREAS, currently Water & Sewage Treatment Enterprises Inc. is under control with the Calverton Sewer District to provide for the daily operation, maintenance and necessary testing to meet permit and treatment requirements; and

WHEREAS, the Adopted 2006 Budget of the Calverton Sewer District provides for the continued services of the contractor; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached one year service agreement between the Calverton Sewer District and Water and Sewage Treatment Enterprises, Inc.; and

BE IT FURTHER RESOLVED, that the Town Clerk forward certified copies of this resolution to the Accounting Department, H2M Group, Frank Isler, Esq. and W.A.S.T.E. Inc.

This resolution was prepared by Frank A. Isler, Esq., counsel for the Calverton Sewer District.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

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



## PROTECTION OF PERSONS AND PROPERTY

Contractor shall be responsible for initiating, maintaining, and supervising all safety precautions and programs required in connection with the Work. Contractor shall take all necessary precautions for the safety of, and shall provide protection to prevent damage, injury, or loss to (1) any employee or other person on the work site, (2) all materials to be incorporated into the Work, and (3) the work site and any improvements or other personal property located on the work site. Contractor assumes all risks of damage or injury for whatever cause to property or persons used or employed on or in the property where ever located, resulting from any action or operation under this Agreement or in connection with the work.

Contractor shall provide Owner with a copy of ALL accident reports, including all OSHA 100 recordable injuries and illnesses, related to performance of the Work.

Contractor hereby acknowledges that it has read the OSHA rules and will abide by them. No smoking is permitted at any time on the work site. The obligations of Contractor under this section extends to Contractor's employees, subcontractors, suppliers or others who may be performing work under this Agreement. Contractor agrees to pay just charges assessed by Owner for removal of surplus materials, containers and/or rubbish left by Contractor (or its subcontractors) including any charges for removal repair. All damage or loss of any property caused in whole or in part by Contractor, any subcontractor, or anyone directly or indirectly employed by any of them, or by anyone for whose acts any of them may be liable, shall be remedied by Contractor.

## INDEMNIFICATION

Contractor shall indemnify and hold Owner, the Town of Riverhead ("Owner"), Owner's lessees and sublessees, and their respective agents and employees harmless from and against any and all claims, damages, liability, losses and expenses, including reasonable attorney fees, associated with:

- a) Bodily injury, personal injury, sickness, disease or death to any person (without limitation by any Workers Compensation or Disability Actor other insurance coverage);
- b) Damage to, or destruction of, any portion of the property, any adjoining building or structure, or any other real or persona property;

to the extent that any such damage, loss or expense is caused in whole or in part by the negligent act or omission of the Contractor, any subcontractor, any individual directly or indirectly employed by them, or anyone for whose acts they may be liable, regardless of whether caused in part by any indemnified party, and for which Contractor is legally held responsible or directly related to.

## INSURANCE

Prior to the commencement of any work, Contractor shall procure and maintain for the duration of this Agreement the following policies of insurance:

- a) Workers Compensation Insurance to the extent required by law, with Employer's Liability coverage in an amount not less than \$1,000,000 covering all personnel employed by Contractor. If coverage is provided by a State Fund or if Contractor has qualified, as a self-insurer, separate certification must be furnished that coverage is in the State Fund or that Contractor has State approval to be a self insurer. Any policy of insurance must contain a provision or endorsement providing that the insurer's rights of subrogation against Owner and its employees are waived.
- b) Comprehensive General Liability Insurance in a form satisfactory to Owner (including contractual liability coverage covering all liability assumed by Contractor in this Agreement) in an amount not less than \$2,000,000 insuring Owner against claims for personal injury or death and property damage caused by, resulting from, arising out of, or occurring in connection with the performance of the Work.
- c) Automobile liability insurance for any vehicle owned or leased or used by Contractor with limits of \$500,000 for injury or death of any one person, \$1,000,000 for injury or death of two or more persons in any occurrence and property damage with a limit of \$500,000 for each accident.

The insurance policies described above shall be placed with an insurance company that is authorized to do business and settle claims in the state in which the Work is to be performed. Each policy shall name the Owner as additional insured and shall provide that Owner shall receive twenty (20) days written notice of cancellation.

Each policy of insurance shall contain provisions to the effect that (i) the insolvency or bankruptcy of the insured (or his estate) shall not release the insurer from its obligations to satisfy claims otherwise covered by the policy and (ii) that the insurer will pay on behalf of the insured all sums which the insured would be legally obligated to pay as a result of liability arising under this Agreement or caused by, resulting from, arising out of, or occurring in connection with the work performed under this Agreement. Contractor shall require that each subcontractor performing work under this Agreement obtain and provide evidence of the same type and amount of insurance as set out above.

A certificate evidencing each policy of insurance, in sufficient detail to verify compliance with this section, and policy deductible shall be delivered to Owner prior to commencement of work.

In the event that any required policy of insurance shall expire or be canceled during the term of this Agreement, Contractor agrees to promptly replace such insurance and to provide Owner with certificate(s) which evidence such coverage not less than fifteen (15) days prior to the expiration or cancellation of such insurance. If contractor fails to provide such coverage within five (5) days

following written notice from Owner, then Owner may procure such insurance coverage and charge the cost of such coverage to the Contractor.

### TERMINATION

Owner may terminate this Agreement, or any portion of this Agreement, without cause by giving Contractor two (2) days written notice of termination. For cause, Owner may terminate this Agreement immediately upon written notice. Contractor may terminate this Agreement by giving Owner ninety (90) days written notice of termination. Upon termination of this Agreement, Contractor shall remove any and all of its equipment and tools from the site and thereafter not have access to the site without permission of Owner.

### ASSIGNMENT AND SUBCONTRACTING

Any assignment or attempt to assign any portion of its rights or obligations by Contractor, including the right to receive money that may become due to Contractor under this Agreement, shall be void and of no force and effect unless Contractor shall have obtained the written consent to such assignment from the Owner. Owner retains the right to assign this Agreement to Owner or Owner's nominee upon written notice to Contractor of its intention to do so. Contractor shall not subcontract any of the Work to be performed under this Agreement without first obtaining the written approval of Owner. Such approval, if given, shall not release the Contractor from any responsibility or liability under this Agreement.

### LIENS

To the full extent possible under applicable law, Contractor nor any of its subcontractors, materialmen, laborers, or other person(s) agrees not to file a mechanic's lien for labor or materials provided under this Agreement.

### NONDISCRIMINATION

Contractor agrees that it will not discriminate against any employee or applicant because of race, color, religious preference, sex, sexual orientation, age, national origin, disability, veteran status or any other factor that is not related to legitimate business interests. Their standards apply to employment, promotion, demotion, recruitment or condition of employment. Contractor agrees to include the provisions of this section in any subcontract entered into in connection with this Agreement.

## NOTICE

Notice under this Agreement shall be sufficient if sent by US Mail or with a recognized Overnight carrier, postage prepaid, to the address of the addressee set out below:

Owner  
Calverton Sewer District  
c/o Town of Riverhead  
200 Howell Ave.  
Riverhead, NY 11901

Contractor  
Water and Sewage Treatment Ent. Inc.  
1 Oak Street  
Poquott  
East Setauket, NY 11733  
Attn: Attn: Richard Crescenzo

Notice shall be deemed given forty-eight (48) hours after deposited in the US Mail.

## MODIFICATION

This Agreement may be modified only by written amendment or other form of modification executed by the parties. It may not be modified by any oral agreement, by implied agreement or custom, or by any waiver of any of its terms unless in writing.

## SUCCESSORS

Assignment shall not be assignable.

## GOVERNING LAW

This Agreement shall be construed, governed and enforced in accordance with the laws of the jurisdiction in which the Property is located and the Work is being performed.

## INFORMATION

Contractor shall not disclose to any person or organization any information concerning the Owner, or the business of Owner, which Contractor may acquire during the course on the performance of the Work under this Agreement. Limited disclosure of such information may be made to employees and subcontractors of Contractor, but only the extent that such information is required to enable such employees and subcontractors to perform their work. This section shall survive this Agreement and remain in full force and effect until otherwise agreed by Owner. Contractor shall

advise its employees of Contractor's obligation with respect to information of Owner and its clients. Each of Contractor's employees and subcontractors, whose services are required at the Property, may be required to sign a confidential disclosure agreement prior to commencement of Work.

**SECTION HEADINGS**

The section headings contained in the Agreement are provided for convenience only and do not affect the interpretation of this Agreement or the rights and obligations of the parties.

**ENTIRE AGREEMENT**

This Agreement, as well as any and all exhibits and/or attachments specified herein contains all the agreements, forms, understandings and terms and conditions made between the parties, and may not be modified orally or in any manner other than by agreement in writing signed by both parties. It is also understood and agreed that in the event of any and all conflicts between the terms of this Agreement and the terms of any other documents referencing and/or concerning the Work and/or this Agreement, the terms of this Agreement prevail and final interpretation is at the sole discretion of the Owner.

IN WITNESS WHEREOF, the parties hereto, by their representatives having the ability to legally bind Contractor and Owner, have executed this Agreement as of the day and year first written above.

Water Sewage Treatment Enterprises Inc.

Date

\_\_\_\_\_

\_\_\_\_\_

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

Calverton Sewer District

Date

\_\_\_\_\_

\_\_\_\_\_

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

Philip J. Cardinal, Supervisor

**APPENDIX "A"**

*Water and Sewage Treatment Enterprises, Inc.*  
22 North Dunton Ave. • Medford • New York, 11763  
24-Hour Service (631) 981-8570 • Fax (631) 696-8141

Town of Riverhead-Cal. Sewer District  
Attn: Michael Reichel  
200 Howell Avenue  
Riverhead, NY 11901

**Contract through December 31, 2006**  
**Calverton Sewer District**

1. W.A.S.T.E. INC. will assume responsible control and supply qualified personnel to operate the existing wastewater treatment plant and three remote pump stations as described below for the monthly fee of \$3660.00. Applicable taxes are additional.
2. W.A.S.T.E. INC. personnel will be on duty at the Calverton Sewer District site daily to fulfill permit requirements.
3. Daily operational log to be maintained on site as directed by Calverton Sewer District and remain sole property of Calverton Sewer District.
4. Operator will maintain lab room in clean and operable condition.
5. On site daily laboratory testing will include all required by permit, such as: dissolved oxygen, temperature, flow, pH, settleable solids, mixed liquor settleable solids, nitrate analysis. Results will be entered into daily log.
6. Monthly laboratory testing will be performed as per New York State permit monitoring requirements. The cost for the present monthly monitoring requirements will be a monthly fee of \$763.00. Quarterly lab testing \$221.00. Lab testing fees will change to reflect any change to SPEDES permit and laboratory costs.
7. W.A.S.T.E. INC. will inspect and adjust as necessary, all mechanical equipment in accordance with manufacturer's guidelines and specifications. Deficiencies will be reported immediately to Calverton Sewer District.
8. W.A.S.T.E. INC. will be responsible for repairs up to two hundred (\$200.00) dollars. Additional materials are to be purchased by Calverton Sewer District, or by operator at owner's expense. If a purchase order is required for purchases by operator a letter stating such must be provided to W.A.S.T.E. INC. and attached to signed contract.

- 10. W.A.S.T.E. INC. will be present at all meetings between Calverton Sewer District and the Suffolk County Department of Environmental Control for the purpose of explaining the manner in which the sewage treatment plant has been operated.
- 11. W.A.S.T.E. INC. will operate the treatment plant on a seven day a week basis. The answering service telephone number for 24-hour emergency service is (631) 981-8570.
- 12. Additional service, major repairs or emergency work will be performed with your prior authorization, subject to reasonable charges.
- 13. W.A.S.T.E. INC. will maintain workman's compensation and general liability/property damage insurance in the amount of \$1,000,000. Special policies requested by Calverton Sewer District will be billed at cost.
- 14. W.A.S.T.E. INC. will adhere to all Suffolk County rules and regulations for the operation of the sewage plant and maintain all required licenses for the work being performed.
- 15. This contract can be terminated for noncompliance of contents upon thirty days written notice.
- 16. Payments are to be made by Calverton Sewer District on a monthly basis, payable within thirty days of invoice date. Invoices open beyond thirty days will be subject to interest charges.

CONTRACTOR SIGNATURE: 

DATE:

AUTHORIZED APPROVAL:

DATE:

TITLE:

Accounts payable telephone number:

Billing address if different:

December 20, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1181

GRANTS SPECIAL USE PERMIT PETITION OF AQUEBOGUE BISTRO

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

**WHEREAS**, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Mineo Shimura and Theresa Dilworth for the conversion of an existing two story structure including placement of related improvements for a bistro use on a parcel located on the Main Road, Aquebogue; such property more particularly described as Suffolk County Tax Map Number 0600-67-2-27, and

**WHEREAS**, the Riverhead Town Board by resolution #315 of 2005 declared themselves Lead Agency and deemed said petition to be a Type II Action, and

**WHEREAS**, the Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the special permit conditioned upon the applicant providing certain parking data to the Town Board in site plan review, and

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

**THEREFORE, BE IT**

**RESOLVED**, that in the matter of the special use permit petition of Aquebogue Bistro, the Riverhead Town Board hereby makes the following findings:

1. That the premises is located within the Rural Corridor Zoning Use District;
2. That the RLC Zoning Use District provides for café/bistro by special permit of the Town Board;
3. That a café/bistro is defined as "an eating establishment of fifty (50) seats or less whether indoor or outdoor, without drive-thru or drive-in service";
4. That the use will not prevent or substantially impair the reasonable and orderly use of other properties in the neighborhood;
5. That the health, safety and welfare, and order of the Town of Riverhead will not be adversely affected by the authorized use;

6. That the proposed use will be in harmony with and promote the general intent and purpose of the Riverhead Zoning Ordinance; and

**BE IT FURTHER**

**RESOLVED**, that based upon its findings, the Riverhead Town Board hereby grants the special permit petition of Aquebogue Bistro subject to the condition that no building permit shall issue prior to the approval of a site plan pursuant to Article XVI of the Zoning Ordinance, and

**BE IT FURTHER**

**RESOLVED**, that copies of this resolution be forwarded to the Building Department, the Planning Department, Town Attorney and Charles Cuddy as agent for the applicant.

Rh/planning

**THE VOTE**

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Bliss  yes \_\_\_ no \_\_\_ Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_

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

December 20<sup>th</sup>, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1182

**APPROVES SITE PLAN OF VIVA L'ARTE CENTER**

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS:

**WHEREAS**, a site plan and elevations were submitted by Germana Pucci and Giancarlo Biagi for the construction of a sculpture gallery and studio with related site improvements located at East Main Street, Riverhead, New York 11901, known and designated as Suffolk County Tax Map Number 0600-128-6-58.1; and

**WHEREAS**, the Planning Department has reviewed the site plan dated October 25<sup>th</sup>, 2005, prepared by Martin Sendlewski, R.A. and elevations dated October 25<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board declares itself to be the Lead Agency and further determines the Action to be Unlisted pursuant to 6NYCRR Part 617; and

**WHEREAS**, a copy of the site plan has been marked and initialed by the Town Board, which site plan shall be on record with the Town Clerk; and

**WHEREAS**, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0628 of the Office of the Financial Administrator of the Town of Riverhead; and;

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

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the site plan and elevations submitted by Germana Pucci and Giancarlo Biagi for the construction of a sculpture gallery and studio with related site improvements located at East Main Street, Riverhead, New York, site plan dated October 25<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A. and elevations dated October 25<sup>th</sup>, 2005, as prepared by Martin Sendlewski, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed **by** this resolution, or other official action of the Town shall, at all times, be complied **with** by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the **Suffolk County Clerk** and a copy of such recorded covenant shall be filed with the **Riverhead Town Clerk**. This resolution shall not become effective until such covenant **is** duly recorded with the **Suffolk County Clerk's Office** and filed with the **Riverhead Town Clerk**;
3. That the form, design, location, and color of all freestanding signage, as depicted upon the aforementioned site plan, has been conceptually approved **by** the **Architectural Review Board**, shall be submitted to the **Town Board** for its review and ministerial approval pursuant to Section 108-56 of the zoning ordinance prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design; and all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the **Planning Department** prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, **Viva L'Arte Center**, hereby authorizes and consents to the **Town of Riverhead** to enter premises at **East Main Street, Riverhead, New York**, to enforce said handicapped parking regulations;
10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any

planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;

11. That all utilities shall be constructed underground and all tanks shall be located underground, if feasible;
12. That pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to any clearing or grading of the subject parcels, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. No clearing or grading shall commence, nor shall the building permit be issued, until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the project construction;
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Viva L'Arte c/o Germana Pucci and Giancarlo Biagi, 56 Ludlow Street, New York 10002, the Riverhead Planning Department, Riverhead Building Department, Riverhead Town Attorney and the Town Engineer.

*Planning Dept.*

THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<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

## DECLARATION AND COVENANTS

THIS DECLARATION, made the \_\_\_\_\_ day of \_\_\_\_\_, 2005, made by Viva L'Arte Center, 56 Ludlow Street, New York, New York 10002, Declarant:

### WITNESSETH:

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

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

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

### NOW, THEREFORE, THIS DECLARANT WITNESSETH:

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

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

4. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
5. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
6. Parking, paving, and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
7. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Viva L'Arte Center, hereby authorizes and consents to the Town of Riverhead to enter premises at East Main Street, Riverhead, New York 11901 to enforce said handicapped parking regulations;
9. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter, and that any planters, planter boxes, window boxes, or other container plantings shall likewise be maintained on a year-round basis;
10. That all utilities shall be constructed underground and all tanks shall be located underground, if feasible;
11. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to any clearing or grading of the subject parcels, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. No clearing or grading shall commence, nor shall the building permit be issued, until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the project construction;
12. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;

13. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock", as published by the American Association of Nurserymen;
14. That all necessary precautions shall be taken to contain all dust, dirt, and sand within property boundaries. Such precautions may include the application of dust down, watering, or proper screening or other appropriate measures;

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

VIVA L'ARTE CENTER

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

On the \_\_\_ day of \_\_\_\_\_ in the year 2005, before me, the undersigned, personally appeared \_\_\_\_\_ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
Notary Public

TOWN OF RIVERHEAD

Adopted

Resolution #1183

RELEASES PERFORMANCE BOND OF SILVER VILLAGE AT AQUEBOGUE  
A/K/A SOUND AVENUE COMPANY, LLC

COUNCILWOMAN SANDERS

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

COUNCILWOMAN BLASS  
\_\_\_\_\_ :

**WHEREAS**, on February 9, 2001, the Riverhead Planning Board adopted a resolution conditionally approving the condominium map of Silver Village at Aquebogue, having one of the conditions being the submission of a performance bond or other security in the amount of \$42,000.00 for the road improvements to be completed within the right-of-way of West Lane; and; and

**WHEREAS**, Silver Village at Aquebogue had posted Chubb Insurance Company Performance Bond #81635415 in the amount of \$42,000.00 representing the road improvements to be completed within the right-of-way of West Lane; and

**WHEREAS**, by Resolution #682, dated July 6, 2005, the Riverhead Town Board authorized the reduction of the \$42,000.00 bond, based upon the written recommendation of the Town's Engineer, to the amount of \$10,000.00; and

**WHEREAS**, Silver Village at Aquebogue had posted a Chubb Group of Insurance Company Rider, dated July 25, 2005, reducing said bond to the amount of \$10,000.00; and

**WHEREAS**, pursuant to memorandum dated November 7, 2005 from Vincent Gaudiello, P.E., consultant engineer to the Riverhead Planning Board and Riverhead Planning Board Resolution #87 dated November 18, 2005, it is recommended that the \$10,000.00 performance bond be released due to the completion of the road and drainage improvements within the subject condominium project.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of Chubb Insurance Company Performance Bond #81635415 in the amount of \$42,000.00 together with the Rider, dated July 25, 2005 reducing said bond to \$10,000.000 representing the road and drainage improvements which have been completed within the right-of-way of West Lane; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq. as attorney for Silver Village at Aquebogue, 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York, 11901; Sound Avenue Company, LLC, 520 Old Country Road West, P.O. Box 1818, Hicksville, New York, 11802, Attn: Stephen R. Cody, Executive V.P.; the Building Department; the Planning Department; the Planning Board and the Office of the Town Attorney.

W:\Laura Calamita\bonds\releisilvervillage.res.doc

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Dansieski	<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**

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1184

**RELEASES S.C.N.B. IRREVOCABLE LETTER OF CREDIT OF ZOUMAS CONTRACTING CORP. IN CONNECTION WITH THE SUBDIVISION ENTITLED, "FOX MEADOW ESTATES" (ONE YEAR MAINTENANCE BOND)**

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

**WHEREAS**, by Resolution #334 adopted on April 20, 2004, the Riverhead Town Board accepted the offer of dedication of the roads and drainage area(s) in the subdivision entitled, "Fox Meadow Estates"; and

**WHEREAS**, in accordance with the aforementioned resolution, Zoumas Contracting Corp. had posted S.C.N.B. Irrevocable Letter of Credit #040303 in the amount of \$10,000.00 representing a one-year maintenance bond; and

**WHEREAS**, by memorandum from the Highway Department dated October 20, 2005, it has been determined that the improvements within said subdivision appear in satisfactory condition and it is further recommended that the one-year maintenance bond may now be released.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby releases S.C.N.B. Irrevocable Letter of Credit #040303 in the amount of \$10,000.00 representing the one-year maintenance bond posted in connection with the subdivision entitled, "Fox Meadow Estates"; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York, 11901; Suffolk County National Bank, Attn: David DeVito, V.P., 137 West Broadway, P.O. Box 442, Port Jefferson, New York, 11777; John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York 11976, Attn: Vincent Gaudiello, P.E.; the Highway Department; the Planning Department; the Building Department and the Office of the Town Attorney.

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

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1185

**RELEASES S.C.N.B. IRREVOCABLE LETTER OF CREDIT OF SCHEMBRI HOMES INC. IN CONNECTION WITH THE SUBDIVISION ENTITLED, "SOUND MEADOWS" (ONE YEAR MAINTENANCE BOND)**

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

**WHEREAS**, by Resolution #1077 adopted on November 16, 2004, the Riverhead Town Board accepted the offer of dedication of the roads and drainage area(s) in the subdivision entitled, "Sound Meadows"; and

**WHEREAS**, in accordance with the aforementioned resolution, Schembri Homes Inc. had posted S.C.N.B. Irrevocable Letter of Credit #040827 in the amount of \$444,000.00 representing a one-year maintenance bond; and

**WHEREAS**, by memorandum from the Highway Department dated October 20, 2005, it has been determined that the improvements within said subdivision appear in satisfactory condition and it is further recommended that the one-year maintenance bond may now be released.

**NOW THEREFORE BE IT RESOLVED**, the Town Board of the Town of Riverhead hereby releases S.C.N.B. Irrevocable Letter of Credit #040827 in the amount of \$444,000.00 representing the one-year maintenance bond posted in connection with the subdivision entitled, "Sound Meadows"; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Schembri Homes, 102 Sandpiper Drive, Riverhead, New York, 11901, Suffolk County National Bank, Attn: David DeVito, V.P., 137 West Broadway, P.O. Box 442, Port Jefferson, New York, 11777; John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Planning Department; the Highway Department; the Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1186

AUTHORIZES THE RELEASE OF SECURITY POSTED FOR ALEXANDER-TUTHILL FUNERAL HOME, INC. (PARKING LOT EXPANSION)

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, Dean A Alexander posted security, Suffolk County National Bank Money Market Check #898 dated September 17, 2004 in the amount of Four Thousand Five Hundred Dollars (\$4,500) pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and a Certificate of Occupancy has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the security bond in the sum of Four Thousand Five Hundred Dollars (\$4,500) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Dean A Alexander, 6447 Route 25A, PO Box 695, Wading River, New York 11792, the Building Department; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

Adopted

12/20/05

TOWN OF RIVERHEAD

Resolution # 1187

AUTHORIZES THE RELEASE OF A BOND FOR JEJOPE LLC (NEEFUS-STYPE INS.)

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, Jejope LLC (Neefus Stype Insurance) posted a performance bond (#SU3484606 Utica Mutual Insurance Company) in the amount of Forty Two Thousand Five Hundred Dollars (\$42,500) for a new office building located at Union a Avenue, Aquebogue, New York Suffolk County Tax Map Number 0600 / 85.-2-111.3 pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and a Certificate of Occupancy has been issued,

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the performance bond (#SU3484606) in the sum of Forty Two Thousand Five Hundred Dollars (\$42,500) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to JEJOPE LLC, Po Box 2340, Aquebogue, New York 11931; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

12/20/05

*Not adopted*

TOWN OF RIVERHEAD

Resolution # 1188

AUTHORIZES THE RELEASE OF LETTER OF CREDIT FOR PRG CORP

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, PRG Corporation posted a letter of credit in the sum of Sixteen Thousand Three Hundred Twenty Dollars (\$16,320) pursuant to Section 108-133(D) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and Certificate of Occupancy has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the letter of credit in the sum of Sixteen Thousand Three Hundred Twenty Dollars (\$16,320) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Peter S Danowski, Esq., PO Box 779, Riverhead, New York 11901, PRG Corp., 425 County Road 39, Southampton, New York 11968 the Building Department; the Accounting Department, the Town Clerk and the Town Attorney's Office.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No *abstain*

Densieski  Yes  No

Cardinale  Yes  No *abstain*

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

Resolution # 1189

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS  
(Herbert H. Hulse)

COUNCILMAN DENSIESKI offered the following resolution, which was seconded

by COUNCILWOMAN BLASS :

**WHEREAS**, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for the sale of development rights from Herbert H. Hulse on approximately 27 acres of his agricultural lands located on the Northerly Side of New York State Route 25, Riverhead, New York, at \$68,000.00 per acre, further described as Suffolk County Tax Map #0600-99-2- p/o 22 and 26, to the Town of Riverhead, which parcel is zoned Industrial A; and

**WHEREAS**, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

**WHEREAS**, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

**WHEREAS**, the Town Board has carefully considered the merits of the offer of sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

**WHEREAS**, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Herbert H. Hulse, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject property in an amount not to exceed Sixty-eight thousand dollars per acre (\$68,000.00) and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Herbert H. Hulse, P.O. Box 262, Calverton, New York 11933; Robert F. Kozakiewicz, Esq. 431 Griffing Avenue, PO Box 341, Riverhead, New York 11901; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969 ; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney;

Blass  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Densieski  yes \_\_\_ no \_\_\_  
Cardinale  yes \_\_\_ no \_\_\_

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

TOWN OF RIVERHEAD

Adopted

Resolution # 1190

ACCEPTS OFFER OF SALE OF DEVELOPMENT RIGHTS  
(Bruce Schroehner)

COUNCILWOMAN BLASS offered the following resolution, which was seconded

by COUNCILWOMAN SANDERS :

**WHEREAS**, the Riverhead Farmland Preservation Committee ("the Committee") has received an offer for the sale of development rights from Bruce Schroehner on approximately 20 acres of his agricultural lands located on the Northerly Side of Peconic Bay Boulevard, Aquebogue, New York, at \$92,000.00 per acre, further described as Suffolk County Tax Map # 0600-86-2- p/o 8.2, to the Town of Riverhead, which parcel is split-zoned Residential B-40 and Residential B-80; and

**WHEREAS**, the Committee has commissioned an appraisal of the value of development rights inherent in the subject real property; and

**WHEREAS**, the Committee has assessed the subject real property with respect to the criteria provided in the Agricultural Preservation Law and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of development rights from this property; and

**WHEREAS**, the Town Board has carefully considered the merits of the offer of sale of development rights, the report of the Peconic Land Trust, the appraisal of development rights by Given Associates, the report of the Farmland Preservation Committee, the criteria set forth in the agricultural preservation law and all other pertinent planning, zoning and environmental information; and

**WHEREAS**, the Town Board finds that the acquisition of the development rights on the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of development rights from the subject real property of Bruce Schroehner, pursuant to Chapter 14 and Chapter 44, Section 44-5 B(2) of the Code of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract for purchase of development rights from the subject property in an amount not to exceed Ninety-two thousand dollars per acre (\$92,000.00) and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Bruce Schroehner, P.O. Box 2448, Aquebogue, New York 11931; Peter S. Danowski, Jr., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York 11901; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969 ; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney.

THE VOTE  
Bartunek  yes  no Sanders  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

December 20, 2005

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1191

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL  
LOCATED IN THE TOWN OF RIVERHEAD (purported owner: Daniel G. Donahue, Jr.)**

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

**WHEREAS**, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and

**WHEREAS**, Daniel G. Donahue, Jr. has expressed a desire to sell the development rights on approximately 21 acres of his agricultural lands located on the North and Southside of Riley Avenue, East of Edwards Avenue, Calverton, New York, at \$70,000.00 per acre, further described as Suffolk County Tax Map numbers 0600-99-1- p/o 11.1, 0600-1-14.1 and 0600-99-2 p/o 6.1, to the Town of Riverhead.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Daniel G. Donahue, Jr., once in the December 22, 2005, issue of the News Review, the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution Peter S. Danowski, Jr., Post Office Box 779, Riverhead, New York 11901; the Farmland Preservation Committee; Peconic Land Trust, Attn: Marian Sumner, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE  
Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Blass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

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

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 3<sup>rd</sup> day of January, 2006 at 7:05 PM o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights on 21 +/- acres of agricultural lands owned by Daniel G. Donahue, Jr., located on the North and Southside of Riley Avenue, East of Edwards Avenue, Calverton, New York, at \$70,000.00 per acre, further described as Suffolk County Tax Map numbers 0600-99-1- p/o 11.1, 0600-1-14.1 and 0600-99-2 p/o 6.1, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York  
December 20, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

December 20, 2005

TOWN OF RIVERHEAD

Adopted

Resolution # 1192

INCORPORATION OF CERTAIN ROADS INTO THE TOWN OF RIVERHEAD'S HIGHWAY SYSTEM PURSUANT TO NEW YORK STATE HIGHWAY LAW SECTION 189 HIGHWAYS BY USE.

COUNCILMAN BARTUNEK

offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, pursuant to New York State Highway Law §189 - Highways by Use, all lands/roads that have been used by the public as a highway for a period of ten years or more and which lands/roads have been maintained, repaired and controlled by the Town for ten years or more shall be a public highway with the same force and effect as if it had been laid out and recorded as a public highway; and

WHEREAS, pursuant to New York State Highway Law §189 - Highways by Use, applicable case law and applicable opinions of the New York State Attorney General the width of these public highways shall be determined by the extent of the traveled portion of the individual roadway; and

WHEREAS, The Riverhead Town Board received an Expert Affidavit from Ronald Caffrey, Town of Riverhead Deputy Highway Superintendent whereby it is established that Laurel Court in Wading River and Zdunko Lane in Riverhead have been:

1. Open to the public for a period in excess of ten-years.
2. The 10-year period of public use was continuous and uninterrupted.
3. The Town of Riverhead Highway Department has maintained and exercised control over these roads for a period in excess of ten-years.
4. These roads have been repaired, paved, plowed, and drainage has been installed where necessary for a period in excess of ten-years.

WHEREAS, Laurel Court in Wading River and Zdunko Lane in Riverhead are eligible to become public roads pursuant to New York State Highway Law §189 - Highways by Use.

NOW THEREFORE BE IT RESOLVED, Pursuant to New York State Highway Law §189 - Highways by Use and the attached Expert Affidavit of Ronald Caffrey, the Town Board hereby incorporates Laurel Court in Wading River and Zdunko Lane in Riverhead into the Town of Riverhead's highway system with the same force and effect as if they had been duly laid out and recorded as a highway; and be it further TA/SMW Roads public hearing

THE VOTE

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

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

**RESOLVED**, that pursuant to New York State Highway Law §189 Highways by Use, applicable case law and applicable opinions of the New York State Attorney General the Town Highway Superintendent shall not be required to open each of these public highways to 3 rods in width. The width of these public highways shall be determined by the extent of the traveled portion of the individual roadway; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to; the Highway Department; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office; the Town Supervisor's Office; the Building Department; the Zoning Board of Appeals and the Town Attorney's Office.

X

In the Matter of the Laying Out of Certain  
Highways pursuant to New York State  
Highway Law Section 189  
in the Town of Riverhead, County of Suffolk  
and State of New York, known as

**EXPERT AFFIDAVIT**

**Laurel Court and Zdunko Lane.**

X

Ronald Caffrey, Town of Riverhead Deputy Highway Superintendent, being duly sworn,  
respectfully sets forth and alleges:

1. That I am the Town of Riverhead Deputy Highway Superintendent and have been  
employed in this capacity for the past five years. In addition, I have been employed by the Town of  
Riverhead Highway Department since 1981.

2. As an employee of the Town of Riverhead Highway Department for a period of more  
than 24 years I am familiar with the roads known as Laurel Court in Wading River and Zdunko Lane  
in Riverhead.

3. I state, based upon my knowledge as a Town of Riverhead Highway Department  
employee, that the roads known as Laurel Court in Wading River and Zdunko Lane in Riverhead have  
been:

- A. Open to the public for a period in excess of ten-years, and
- B. the 10-year period of public use was continuous and uninterrupted, and
- C. the Town of Riverhead Highway Department has maintained and exercised control over  
these roads for a period in excess of ten-years, and
- D. these roads have been repaired, paved, plowed, and drainage has been installed where  
necessary for a period in excess of ten-years.

4. I make this Affidavit knowing that the Riverhead Town Board will rely upon the  
statements made herein.

*Ronald C. Caffrey*  
Ronald Caffrey, Town of Riverhead  
Deputy Highway Superintendent

Sworn to before me this 6<sup>th</sup> day of December 2005

*[Signature]*  
\_\_\_\_\_  
Notary Public

12/20/05

TOWN OF RIVERHEAD

Resolution # 1193

**Adopted**

**SETS A PUBLIC HEARING PURSUANT TO ARTICLE 12 OF THE NEW YORK STATE TOWN LAW TO DECLARE CERTAIN PREMISES AS NOT REQUIRED FOR THE PURPOSES OF THE RIVERHEAD WATER DISTRICT AND AUTHORIZING THE SALE AND TRANSFER THEREOF BY PUBLIC AUCTION**

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

**WHEREAS**, the Town of Riverhead is the owner of certain real property located on the Northwest corner of Midland Street where it intersects with Park Road in Reeves Park, Riverhead, New York, more particularly described in Schedule "A" attached hereto, also known as Suffolk County Tax Map number 0600-13-4-7.1 (Subject Premises"); and

**WHEREAS**, The Town of Riverhead acquired the Subject Premises, in its capacity as the governing body of the Riverhead Water District, as part of Riverhead Water District Extension number 23; and

**WHEREAS**, The Town of Riverhead, in its capacity as the governing body of the Riverhead Water District, desires to declare this property excess property and offer the Subject Premises for sale at public auction to the highest bidder; and

**WHEREAS**, In order to sell or transfer the Subject Premises the Riverhead Water District must hold a public hearing pursuant to New York State Town Law Article 12 Section 198.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Water District hereby determines to hold a public hearing pursuant to New York State Town Law Article 12 Section 198 on January 17, 2006 at 7:10 o'clock in the afternoon. The purpose of the hearing is to receive public input on declaring the Subject Premises as not required for the purposes of the Riverhead Water District and the authorization of the sale and transfer of the Subject Premises at public auction to the highest bidder; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to publish the attached notice of public hearing in one issue of the News Review, the official newspaper of the Town of Riverhead having general circulation in the Town, on Thursday, January 5, 2006, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to: Richard A. Ehlers, Esq.; the Office of the Town Attorney; the Office of Accounting and Gary Pendzick.

Bartunek  yes \_\_\_ no Sanders  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 pursuant to New York State Town Law Article 12 Section 198, a public hearing shall be held before the Town Board of the Town of Riverhead, in its capacity as the Board for the Riverhead Water District, on the 17<sup>th</sup> day of January, 2006 at 7:10 o'clock in the forenoon of that day at the Town Hall located at 200 Howell Avenue, Riverhead, New York. The purpose of the hearing shall be to hear all interested persons with regard to declaring a portion of the Water District's premises located on the Northwest corner of Midland Street where it intersects with Park Road in Reeves Park, Riverhead, New York, more particularly described in Schedule "A" attached hereto, also known as Suffolk County Tax Map number 0600-13-4-7.1 ("Subject Premises"), as not required for the purposes of the Riverhead Water District. Further, to hear all interested persons with regard to authorizing the sale of the Subject Premises at public auction to the highest bidder.

Date: Riverhead, New York  
December 20, 2005

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

## SCHEDULE A - Description

TITLE NO. 8408-00166-07

ALL that certain plot, piece or parcel of land, situate, lying and being at Roanoke, in the Town of Riverhead County of Suffolk and State of New York, known and designated as Lots 277, 278, 279 and 280 on a certain map entitled, "Map of Section I, Reeves Park Beach Co., Inc." filed in the Office of the Clerk of the County of Suffolk on May 10, 1941 as Map No. 1329, together with a described parcel adjoining said lots on the South as shown on "Map of Section 3, Reeves Park Beach Co., Inc." filed in the Office of the Clerk of the Lots and described parcel, when taken together are more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the Southerly side of Marine Street and the Westerly side of Park Road;

Running thence South  $19^{\circ} 12'$  East, along the Westerly side of Park Road, 200.04 feet to the corner formed by the intersection of said Westerly side of Park Road and the Northerly side of Midland Street;

Running thence South  $69^{\circ} 48'$  West along the Northerly side of Midland Street, 157.02 feet;

Thence North  $20^{\circ} 12'$  West 200 feet to the Southerly side of Marine Street;

Running thence North  $69^{\circ} 48'$  East along the Southerly side of Marine Street 160.52 feet to the corner formed by the intersection of the Southerly side of Marine Street and the Westerly side of Park Road at the point or place of BEGINNING.

TOGETHER with easements and rights of way more particularly described in Liber 5567 cp 34, Liber 5567 cp 41 and Liber 7874 cp 578.

12/20/05

*Withdrawn*

TOWN OF RIVERHEAD

Resolution # 1194

**ADOPTS A LOCAL LAW AMENDING CHAPTER 107 OF THE RIVERHEAD TOWN CODE ENTITLED, "TIDAL AND FRESHWATER WETLANDS" (107-4 Regulated areas.)**

COUNCILWOMAN SANDERS offered the following resolution, was seconded by  
COUNCILMAN DENSIESKI  
\_\_\_\_\_:

**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 107 entitled, "Tidal and Freshwater Wetlands (107-4 Regulated areas.) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 2<sup>nd</sup> day of August, 2005 at 2:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 107 entitled, "Tidal and Freshwater Wetlands (107-4 Regulated areas.) 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, the official newspaper, and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Bay Constable; the Riverhead Bay Constable; the Conservation Advisory Council, Code Enforcement and the Office of the Town Attorney.

THE VOTE

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

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

*Withdrawn*

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 107 entitled, "Tidal and Freshwater Wetlands (107-4 Regulated areas) of the Riverhead Town Code at its regular meeting held on December 20, 2005. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 107  
TIDAL AND FRESHWATER WETLANDS**

**§ 107-4. Regulated areas.**

It shall be unlawful for any person, without obtaining a written permit issued by the Town of Riverhead, to:

D. Construct and/or alter any groins, docks, moorings, bulkheads, dwellings, roads, or other nonaccessory use structures in or within 150 feet of the boundary of any tidal waters, tidal wetlands, freshwater wetlands, natural drainage systems, or other watercourses.

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

\* Underline represents addition(s)

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1195

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 47 ENTITLED, "BAYS AND CREEKS" OF THE RIVERHEAD TOWN CODE**

COUNCILMAN DENSIESKI offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**RESOLVED**, the Town Clerk be and is hereby authorized to publish the attached public notice once in the January 5, 2006 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 local law amending Chapter 47 entitled, "Bays and Creeks" 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 Police Chief Hegermiller, Riverhead Bay Constable; Riverhead Police Department; the Office of Code Enforcement and the Office of the Town Attorney.

### THE VOTE

Bartunek  yes \_\_\_ no Sanders  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 200 Howell Avenue, Riverhead, New York on the 17th day of January, 2006 at 7:15 o'clock p.m. to consider a local law amending Chapter 47 entitled, "Bays and Creeks" of the Riverhead Town Code.

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

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

Chapter 47  
BAYS AND CREEKS

[HISTORY: Adopted by the Town Board of the Town of Riverhead 1-20-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Beaches and recreation centers -- See Ch. 48.

Docks and wharves -- See Ch. 56.

Environmental quality review -- See Ch. 61.

Waterways -- See Ch. 106.

ARTICLE I

Usage of Terms

§ 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 the Riverhead Police and/or Riverhead Town Code Enforcement Officer and/or Bay Constable, or 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~~ resident/taxpayer so taking 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 -- A peace officer designated by the Town Board to enforce this chapter, including the Riverhead Police and/or Riverhead Town Code Enforcement Officers and/or Bay Constable.

FINFISH -- All marine and fresh water fish species including but not limited to blackfish, blowfish, bluefish, stripe bass, silversides, killifish, flounder, fluke, ells, weakfish, menhaden.

MOORING -- A stake or anchor which shall secure a vessel which remains in position on the bottom when the vessel is 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, floating dock or mooring which provides access to the surface waters from a lot that is zoned for residential use.

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~~ fifteen (~~\$5.-~~) (\$15) for up to fifteen (15) days, ~~ten~~ thirty dollars (~~\$10.-~~) (\$30) for up to thirty (30) days, ~~twenty~~ sixty dollars (~~\$20.-~~) (\$60) for up to sixty (60) days or ~~forty~~ ninety dollars (~~\$40.-~~) (\$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~~ one hundred dollars (~~\$5~~) (\$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 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. [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 and/or finfish 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.

**§ 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 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 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) Resident/taxpayer ~~Commercial~~ 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 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 licensed 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 resident/taxpayer commercial 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, spile, 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. Resident/taxpayer ~~C~~commercial fishing permit. A resident/taxpayer commercial shellfish permit issued pursuant to the provisions of § 47-3 shall constitute a valid resident/taxpayer 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 resident/taxpayer commercial permit.

C. The placement of more than five (5) pots 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 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 (baby 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 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 docks, bulk heading or spilings shall be removed by the Town Board 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.~~
- D. Notice of intention to remove or dispose of any abandoned vessel or 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 newspaper published in the Town of Riverhead at least 10 days in advance of such removal and disposition.

**§ 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, basins and ramps. [Amended 9-3-2003 by L.L. No. 18-2003]**

There has been a significant increase in the applications for and the numbers of fixed and floating piers, moorings 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 and anchoring systems.

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 must also provide pump-out facilities for vessel sanitary waste;
- (5) 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) 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.

G.F. 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.

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

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

H.I. 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.J. 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. All planking and framing must be constructed of material alternative to CCA-treated wood. The provisions of this section are subject to modifications as determined by the New York State Department of Environmental Conservation.

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

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

I.M. 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.N. 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.

O. No mooring, spile or structure shall be placed in town waters unless duly authorized by a permit from the Town Board or designated representative of the Town Board. Permission shall be granted only to Residents, Taxpayers, Freeholders and Temporary Residents.

P. Permits for the installation of a mooring, spile or structure shall be granted to governmental authorities at the discretion of the Town Board.

Q. All permits issued for boat moorings are issued under the supervision of the Bay Constables and are eligible only for the person to whom issued and for the boat described on the permit. The permit number must be placed on the mooring sphere, which is to be blue and white in color.

R. Fees for moorings are:

(1) Private: one hundred (\$100) dollars for a one year permit.

(2) Commercial: three hundred (\$300) dollars per mooring for a one year permit.

S. Moorings must be removed during the winter months. Any mooring not removed by December 21 will be removed by or at the direction of the Town Board or any duly authorized officer or agent thereof or Bay Constable or the Town, at the expense of the owner or person in charge of said mooring. Latitude and longitude of the removed mooring shall be recorded by Town Board designee. The fee for removing and impounding said mooring is one hundred fifty dollars (\$150).

T. Moorings must not be installed prior to April 1 unless special permission has been obtained in writing from the Conservation Advisory Council or the Bay Constable.

U. No iron post, engine block, cement block, etc. is allowed as a mooring anchor. Anchoring for a mooring must be either a wooden stake or a mushroom anchor 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."

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

W. Moorings must be placed by July 4<sup>th</sup> or the mooring permit will be revoked at the discretion of the Town Board.

X. No mooring shall be placed so as to interfere with the sweep area provided for a previously permitted mooring.

Y. If said mooring permit is cancelled and/or revoked by the Town Board, the fees paid are not refundable.

Z. 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

#### **§ 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 basis 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 of 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 plaintiff's land and grant a permit without conditions.

G. The permit applicant or his agent proceeding with operations approved shall carry on his person or have readily available the approved permit and shall show same to any agency or agent of the Town of Riverhead whenever requested.

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.

(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.)~~ one thousand dollars (\$1,000), and each and every violation of said provisions shall constitute a separate violation for which a separate penalty of ~~two hundred fifty dollars (\$250.)~~ one thousand dollars (\$1,000), 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.

#### 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.

12/20/05

# Adopted

TOWN OF RIVERHEAD

Resolution # 1196

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR  
PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 48  
(BUILDING CONSTRUCTION)  
OF THE RIVERHEAD TOWN CODE**

**COUNCILWOMAN BLASS**

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

which was seconded by **COUNCILMAN DENSIESKI** \_\_\_\_\_:

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 52 entitled, "Building Construction " of the Riverhead Town Code once in the January 5<sup>th</sup>, 2006 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, Code Enforcement, and the Town Attorney.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 17<sup>th</sup> day of January, 2006 at 7:30<sup>0</sup> o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 52 entitled "Building Construction " of the Riverhead Town Code as follows:

Chapter 52  
BUILDING CONSTRUCTION

§52-21 Safe and Code Compliant Construction

- A. This section shall be applicable only to applications for building permits for the construction of commercial buildings of at least 100,000 square feet filed on or after the effective date of this amendment.
- B. Prior to the issuance of a building permit for such projects, the applicant shall demonstrate that any general contractor, contractor or subcontractor for such project must have apprenticeship agreements appropriate for the type and scope of work to be performed, which have been registered with, and approved by, the New York State commissioner of Labor in accordance with Article 23 of the New York Labor Law.
- C. The determination of compliance with this section shall be made and certified by the Town Engineer. An aggrieved party may appeal such determination in an Article 78 proceeding to the Supreme Court, Suffolk County filed within thirty (30) days of filing of the determination by the Director with the Town Clerk or mailing of such determination to the applicant, whichever is later.
- D. It is the intent of the Town Board to exercise its municipal home rule powers to supercede any inconsistent provisions of state law, with specific reference to the time periods to commence legal action set forth in CPLR 217(1) or any other inconsistent provision of state law with respect to the subject matter of this code provision.

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution #1197

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

**COUNCILMAN DENSIESKI**

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning " of the Riverhead Town Code once in the January 5th, 2006 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, Code Enforcement, and the Town Attorney.

**THE VOTE**

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

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

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the ~~17~~<sup>17<sup>th</sup></sup> day of January 17, 2006 at 7:25 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning " of the Riverhead Town Code as follows:

§ 108-298. Uses.

In the DC-1 Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for that following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Retail stores.
- (2) Banks.
- (3) Personal service businesses.
- (4) Indoor public markets.
- (5) Art galleries and studios.
- (6) Museums, libraries, aquariums and other cultural attractions.
- (7) Restaurants, cafes, bakeries with retail sale on premises, banquet facilities, specialty food stores, ice cream parlors.
- (8) Theaters and cinemas.
- ~~(9) Offices (except veterinary), on upper stories.~~
- ~~(10)~~(9) Real-estate and professional offices (except for veterinary offices) on the ground floor.
- ~~(11)~~ (10) Schools (including business and secretarial).
- ~~(12)~~(11) Places of worship.
- ~~(13)~~(12) Residential units on upper floors with a minimum unit size of 650 square feet.
- ~~(14)~~ (13) Bed-and-breakfast establishments.
- ~~(15)~~ (14) Townhouses upon lots with frontage along public highways other than New York State Route 25.

REMAINING

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1198

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

**COUNCILMAN BARTUNEK**

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

which was seconded by **COUNCILWOMAN SANDERS** \_\_\_\_\_ :

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning " of the Riverhead Town Code once in the January 5<sup>th</sup>, 2006 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, Code Enforcement, and the Town Attorney.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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 PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the <sup>17<sup>th</sup></sup> day of January 17, 2006 at 7:30 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 108 entitled "Zoning " of the Riverhead Town Code as follows:

§ 108-290. Uses.

In the VC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Retail stores.
- (2) Antiques stores.
- (3) Art galleries.
- (4) Arts and crafts shops.
- (5) Personal services.
- (6) Restaurants, cafes, banquet facilities and ice cream parlors.
- (7) Bakeries with retail sales on premises, and specialty food stores.
- (8) Banks.
- ~~(9) Offices on upper floors.~~
- (10) Professional offices (excluding veterinary offices) ~~on upper floors.~~
- (11) Museums.
- (12) Libraries.
- (13) Schools.
- (14) Places of worship.
- (15) Parks and playgrounds.
- (16) Apartments on upper floors.

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

12/20/05

TOWN OF RIVERHEAD

Adopted

Resolution # 1199

**AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR  
PUBLIC HEARING REGARDING A LOCAL LAW TO AMEND CHAPTER 48  
(BEACHES AND RECREATIONS CENTERS)  
OF THE RIVERHEAD TOWN CODE**

**COUNCILWOMAN SANDERS**

\_\_\_\_\_ 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 local law to amend Chapter 48 entitled, "Beaches and Recreations Centers " of the Riverhead Town Code once in the January 5<sup>th</sup>, 2006 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 Code Enforcement Division, Police Department, Justice Court, and the Town Attorney.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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 PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held on the 17<sup>th</sup> day of January, 2006 at 7:35 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to amend Chapter 48 entitled "Beaches and Recreations Centers " of the Riverhead Town Code as follows:

§ 48-13. Parking and parking permits

A. Vehicles entering any public bathing beach or recreation center shall enter only at designated entrances and leave only through designated exits. Parking of all vehicles displaying a parking permit, obtained as hereinafter provided, shall be permitted in the spaces provided at any public bathing beach or recreation center. The following parking areas are hereby designated as Town of Riverhead parking by permit only areas:

- (1) Parking area at South Jamesport Beach.
- (2) Parking area at Iron Pier Beach.
- (3) Parking area at Reeves Park Beach.
- (4) Parking areas at Wading River Beach.
- (5) Parking area at Roanoke Fishing Point (unprotected beach).
- (6) Parking area at Edwards Avenue Fishing Point (unprotected beach).
- (7) Parking area at Washington Avenue Fishing Point (unprotected beach).
- (8) Parking area at Wading River Boat Launch.
- (9) (Reserved)EN
- (10) Parking area at boat launching facility, Peconic Bay Boulevard, South Jamesport. [Added 10-4-1994]
- (11) Two parking areas at Hulse Landing Beach, Wading River (unprotected beach). [Added 9-16-1997]
- (12) Parking area at Oakleigh Avenue, Baiting Hollow (unprotected beach). [Added 9-16-1997]

Dated: Riverhead, New York  
December 20, 2005

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

BARBARA GRATTAN, Town Clerk

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1200

### ADOPTS FEES FOR SIGN PERMITS PURSUANT TO CHAPTER 108-56 OF THE SIGN CODE

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

**WHEREAS**, the Town Board of the Town of Riverhead is authorized to establish fees for Sign Permits, pursuant to Section 108-56 of the Riverhead Town Code, and;

**WHEREAS**, the Town Board of the Town of Riverhead has reviewed the proposed fees and has determined said fees are to be adopted, and;

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby adopts Sign Permit Fees for Sign Permits in the amount of \$100.00 per Sign permit application for a sign with an area no larger than 32 square feet together with one dollar per additional square foot of sign area, and;

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

### THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

December 20, 2005

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1201

AWARDS BID FOR STREET LIGHTING AND TRAFFIC SIGNAL MAINTEN ANCE  
REPAIR PARTS

COUNCILMAN DENSIESKI offered the following resolution which was

seconded by COUNCILWOMAN SANDERS.

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for Street Lighting and Traffic Signal Maintenance Repair Parts; and

WHEREAS, seven (7) bids were received, opened and read aloud on the 5<sup>th</sup> day of October, 2005 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for street lighting and traffic signal maintenance repair parts be and is hereby awarded as follows:

Schwing Electric – Item 1, 2, 5, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 22, 23, 24, 25, 32, 37, 38, 39, 41, 42 46, 60, 61, 62, 63, 68, 71, 72, 73, 74, 75, 77, 79, 80, 88, 89, 90, 101, 105, 106, 107, 108, 149, 150, 151, 152, 153, 154, 155

Kelly & Hayes – Item 3, 4, 45, 47, 48, 49, 51, 55, 56, 57, 67, 84, 85, 86, 87 92, 93, 94, 95, 96, 97, 98

Enterprise Lighting – 78, 81, 82, 83

City Energy – Item 21, 52, 69, 70, 76, 142, 147, 156, 157, 158

Traffic Systems – Item 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 123, 124, 125, 126, 127, 128, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 143, 144, 145, 146

Pennsylvania Globe – Item 90

Formed Plastic – Item 99, 100

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Schwing Electrical Supply, 1328 E. Main Street, Riverhead, NY 11901, Kelly & Hayes Electric Supply, 49 Remington Blvd., Ronkonkoma, NY 11779, City Energy Services, 2221-7 5<sup>th</sup> Avenue, Ronkonkoma, NY 11779, Enterprise Lighting Sales, 110 Green Street, NY, NY 10012, Traffic Systems, Inc., 224 N. Fehr Way, BayShore, NY 11706, Penn Globe Gaslight, 300 Shaw Road, North Branford, CT 06471, Formed Plastics, 207 Stonehinge Lane, Carle Place, NY 11514, Engineering and Office of Accounting.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Densleski	<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

December 20, 2005

# Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1202

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR  
GEORGE YOUNG COMMUNITY CENTER FLOOR REPLACEMENT

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

WHEREAS, on September 9, 2005, the Riverhead Town Board adopted Resolution No. 840 entitled, "Awards Bid for George Young Community Center Wood Floor Replacement"; and

WHEREAS, the bid was awarded to Owen Construction in the amount of \$27,433.00; and

WHEREAS, the bid specifications requested a price per square foot for the replacement of sub flooring if deemed necessary by the Town Engineer or his representative; and

WHEREAS, the uncovered existing sub floor is rotted, dangerous and in need of replacement. Therefore, the Deputy Town Engineer has recommended the replacement of 2,100 square feet sub flooring @ \$3.00/square foot for a total amount of \$6,300.00.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute a change order in the amount of \$6,300.00; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Owen Construction, 101 Edwards Avenue, Baiting Hollow, NY 11933, David Carrick and the Office of Accounting.

Engineering Department

THE VOTE

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

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

Town of Riverhead

Resolution # 1203

**Ratifies the Submission by the Town of Riverhead Community Development Department of an Application to the Department of State Quality Communities Program (2006) for Environmental Protection Funds to Support Riverhead Downtown Redevelopment Consensus Initiative**

COUNCILMAN BARTUNEK

offered the following resolution,

COUNCILWOMAN BLASS

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

**WHEREAS**, the New York State Department of State's Quality Communities Grant Program has \$3 million for planning projects statewide; and

**WHEREAS**, the Town of Riverhead is an eligible applicant; and

**WHEREAS**, these funds are intended to assist local governments with planning efforts to: encourage community growth, improve community centers, promote intermunicipal growth and preserve open space; and

**WHEREAS**, the Riverhead Downtown Redevelopment Consensus Initiative will be undertaken within a targeted portion of the Main Street business district in order to incorporate the community's vision into a focused revitalization initiative; and

**WHEREAS**, the planning effort funded by this program will result in the integration of the concept of "Community Center Vision" with the goals and objectives of the Town of Riverhead Comprehensive Plan and Downtown Strategy, the policies developed in the Local Waterfront Revitalization Plan, and principles of Smart Growth; and

**WHEREAS**, the outcome is expected to be a more focused community center vision and strategy for implementation of revitalization in the Main Street business district.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Riverhead Town Board strongly supports the Riverhead Downtown Redevelopment Consensus Initiative project and ratifies the submission of the application to the New York State Department of State for \$70,000, committing to \$17,500 or a 20% cash match of the total project costs, as required.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Supervisor is hereby authorized to execute any and all financial and/or administrative documents as part of the submission and administration of this grant.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss, Planning Director Rick Hanley, Planning Board Chairman Dick O'Dea, Landmarks Preservation Commission Chairman Richard Wines and Architectural Review Board Chairman Roy Sokoloski.

December 20, 2005

**Adopted**

Town of Riverhead

Resolution # 1204

**GRANTS THE PLACE FOR LEARNING, INC. AN EXEMPTION FROM REAL PROPERTY TAXES FOR THE 2000 ASSESMENT ROLL**

COUNCILWOMAN BLASS offered the following resolution, was seconded by COUNCILWOMAN SANDERS :

**WHEREAS**, The Place for Learning, Inc., which owns Suffolk County Tax Map number 0600-128-3-68.2 ("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-a ; and

**WHEREAS**, the New York State Legislature passed an Act 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-a for the 2000 assessment roll for the Subject Parcel as if said application had been received on or before the taxable status day for the 2000 tax rolls; and

**WHEREAS**, The Place for Learning, Inc., has submitted the attached Affidavit whereby they establish that they are entitled to a 90 percent exemption for the 2000 assessment roll, pursuant to New York State Real Property Tax Law Article 4, Section 420-a; and

**WHEREAS**, The Place for Learning has not paid their taxes due for the 2000 assessment roll; and

**WHEREAS**, The granting of said exemption for the 2000 tax roll would result in a total chargeback of taxes by the County of Suffolk to the Town of Riverhead the amount of \$28,643.52, which sum is based upon a 90 percent exemption and includes interest and fees.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that pursuant to a special 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-a for the 2000 assessment roll for the Subject Parcel; and be it further

**RESOLVED**, the Board of Assessors is also authorized to grant exemption from all eligible taxation and conveyed taxes, fines penalties and interest remaining unpaid; and be it further

**THE VOTE**

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

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

**RESOLVED**, that the Town of Riverhead accepts a chargeback in taxes from the County of Suffolk for the Subject Premises in the amount not to exceed \$28,643.52 pursuant to New York State Real Property Tax Law Article 4, Section 420-a; and be it further

**RESOLVED**, that The Place for Learning shall be responsible to pay the balance of taxes and penalties on the Subject Premises for the 2000 assessment roll; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Laurence Oxman, The Place for Learning, 11 West Main Street, Riverhead, New York 11901; Diane Stuke, Suffolk County Treasures Office, 330 Center Drive, Riverhead, New York 11901; the Board of Assessors; the Office of the Town Attorney; and the Office of Accounting.

TOWN OF RIVERHEAD  
STATE OF NEW YORK

\_\_\_\_\_x

IN THE MATTER OF  
THE PLACE FOR LEARNING INC.  
11 EAST MAIN STREET, RIVERHEAD

**AFFIDAVIT**

\_\_\_\_\_x

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

LAURENCE OXMAN, being duly sworn, deposes and says as follows:

1. That I, Laurence Oxman, was the duly sworn and elected President of the Board of Trustees for The Place for Learning, Inc. d/b/a The Long Island Science Center, in June 1999, when The Place for Learning purchased 11 West Main Street, Riverhead, from the Bank of New York.

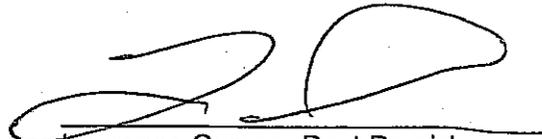
2. That, I was familiar with the building and was appointed by the Board of Trustees to act upon their behalf and attend the closing of title.

3. That, to the best of my knowledge, at the time of closing, the only tenant in the entire building was Aides at Home, which had been leasing and continued to lease under the new ownership lease approximately 1,016 square feet of office space.

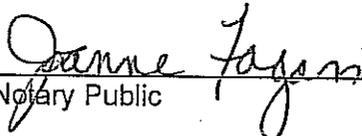
4. That the total square footage of the improved portion of property is approximately 10,960 square feet.

5. That, Aides at Home occupied approximately 1,016 square feet, and the Aides at Home space represented approximately 9.27% of the entire improved property.

WHEREFORE, at the time of closing, the percentage of property leased to third parties was 9.27%. The remainder of the building was occupied by The Place for Learning, Inc.

  
Laurence Oxman, Past President  
The Place for Learning, Inc.

Sworn to before me this  
23<sup>rd</sup> day of November, 2005.

  
Notary Public

Joanne Fagan  
Notary Public, Suffolk -  
County, NY #01FA4991777  
Commission Exp. 2-10-06

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1205

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LEASE AGREEMENT FOR THE ARMORY DRILL HALL**

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

WHEREAS, the Town of Riverhead Recreation Department wished to utilize space for its programs at the Armory Drill Hall located on Route 58,

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with Division of Military and Naval Affairs, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Armory Drill Hall, the Recreation Department, the Office of the Town Attorney and the Office of Accounting.

THE VOTE

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

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

AGREEMENT FOR LEASE OF ARMORY

cy

THIS LEASE AGREEMENT, made this 7 day of Nov. 2005 between the People of the State of New York acting by and through the Division of Military and Naval Affairs (hereinafter referred to as "Lessor" or DMNA) and Riverhead Recreation Dept. 200 Howell Ave. Riverhead NY 11901, 11-60001935 (631) 727-5744

NAME ADDRESS FED ID TELEPHONE

HEREAS, DMNA is charged with the responsibility for the care and maintenance of the armories throughout the state, many of which facilities have drill halls, meeting rooms and areas adjacent thereto which are capable of use for purposes of public assembly; and WHEREAS, the Lessee desires to use one of these facilities, specifically

Teen Activity Programs for Riverhead Town School Children, Supervised by Town Employees.

NOW, THEREFORE, in consideration of the covenants herein contained, the parties agree as follows: 1. This lease agreement is subject to all terms and conditions contained in Section 183 of the Military Law of the State of New York and DMNA Regulation 210-1, as amended.

2. DMNA agrees to the use by the Lessee of the facility named above with respect to a particular area of that facility for a specific date and time. This specific area, date and time are set forth in sub-paragraphs a. and b. below:

a. Area of Facility To Be Used: Armory Drill Hall and First Floor Bathroom. b. Date(s)/Time(s) of Use: From the 6 day of January 2006, at 1730 o'clock P.m. To the 20 day of December 2006 at 2100 P.m.

3. Lessee further agrees to be liable for any and all additional charges arising out of this lease including, but not limited to, longer use of the armory than specified in paragraph 2 and/or additional personal or non-personal services supplied by Lessor.

4. As of the date of execution of this agreement, Lessee agrees to pay DMNA as rental charges hereunder the sum of Twelve Thousand Eight Hundred & Sixteen Dollars (\$ 12,816.00 ) dollars as reflected on the Form 99 (Work Sheet for Computation of Rental Charges) attached hereto and made a part of this agreement. Lessee agrees to pay these rental charges to the "New York State Division of Military and Naval Affairs" by certified check or from some other source of guaranteed funds. No cash payments are authorized and payment in full will be received by DMNA no later than the starting date under this agreement or it shall be cancelled.

5. Lessee further agrees that, if proof of insurance and full payment of the rental charges set forth in paragraph 3 above are not provided at lease 31 days prior to the starting date under this agreement, all deposits made by Lessee under this agreement will be forfeited, and Lessee shall also lose the right to conduct the event.

6. Appendix A (Standard Clauses for all New York State Contracts) is attached hereto and made a part of this agreement.

7. Appendix B (Standard Clauses for all DMNA Armory Leases) is attached hereto and made a part of this agreement.

8. Entire Lease: This lease form, the Form 99, Appendix A and Appendix B constitute the entire agreement between the parties thereto and no statement, promise, condition, understanding, inducement, oral or written, expressed or implied, which is not contained herein, shall be binding or valid and this agreement shall not be changed, modified, or altered in any manner except by instrument in writing executed by both parties. IN WITNESS WHEREOF, the parties hereto have executed this lease as of the date first above written.

LESSEE BY: (NAME & TITLE TYPED OR PRINTED)

Ron P. ... FACILITY MANAGER

FOR USE IF LESSEE SIGNS AS AN INDIVIDUAL: STATE OF NEW YORK ) COUNTY OF ) SS. On the \_\_\_ day of \_\_\_, before me personally came

OFFICER IN CHARGE & CONTROL/ ASS'T OFFICER IN CHARGE & CONTROL HQ APPROVAL IF REQUIRED [ ]

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

FOR USE IF LESSEE DOES NOT SIGN AS AN INDIVIDUAL: STATE OF NEW YORK ) COUNTY OF ) SS. On the \_\_\_ day of \_\_\_, before me personally came

to me known who, being by me duly sworn, did depose and say that he resides at No.

that he is the of the corporation described in and which executed the foregoing instrument; that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the board of directors of said corporation, and that he signed his name thereto by



Notary Public, State of New York My Commission expires:

DMNA Customer Utilization Form

Date 11 / 7 / 05

Armory Riverhead 1405 Old Country Road

Information on lessee:

Name of organization/person Riverhead Town Recreation Dept.

Contact Person Jim Janecek

Address Town Hall 200 Howell Ave.  
Riverhead Recreation Dept.  
Riverhead, New York 11901

Telephone (531) 727-5744 Fax

Nine Digit FED ID# or SS# 11-60001935

Purpose of Using Facility Recreation Program for School Teenagers  
Attending Riverhead Schools.

Will there be admission charge? Yes  Amount \$   
 No NO

Have you done business with us or any other New York State armory previously?  
 yes YES no

Facility Request

Areas requested Drill Hall and First Floor Bathroom  
Monday Wednesday and Friday Nights

Time/dates	Time/date	Event
	<u>January , 2006 thru December</u>	
	<u>, 2006 Except for the months of May.</u>	
	<u>June July and August 2006</u>	

Alcohol Use or Sale Will there be the use or sale of spirituous or malt liquor on the premises?  
 Yes  No NO

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required? Yes  Customers' Amount \$   
 No NO

\* all construction must be approved by MNFE-CE  
 Will temporary electricity, not in place, be required? Yes  No NO

\*\* Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

X \_\_\_\_\_  
 Signature of Requestor



DMNA Customer Utilization Form

Date

11 / 7 / 05

Armory Riverhead 1405 Old Country Road.

Information on lessee:

Name of organization/person Riverhead Town Recreation Dept.

Contact Person Jim Janecek

Address Town Hall 200 Howell Ave.  
Riverhead Recreation Dept.  
Riverhead, New York 11901

Telephone (531) 727-5744 Fax                     

Nine Digit FED ID# or SS# 11-60001935

Purpose of Using Facility Recreation Program for School Teenagers  
Attending Riverhead Schools.

Will there be admission charge? Yes  No  Amount \$                     

Have you done business with us or any other New York State armory previously?  
 yes  YES  no

Facility Request

Areas requested Drill Hall and First Floor Bathroom  
Monday Wednesday and Friday Nights

Time/dates	Time/date	Event
	<u>January , 2006 thru December</u>	
	<u>, 2006 Except for the months of May.</u>	
	<u>June July and August 2006</u>	

Alcohol Use or Sale Will there be the use or sale of spirituous or malt liquor on the premises?  
 Yes  No

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required? Yes  No  Customers' Amount \$                     

\* all construction must be approved by MNFE-CE  
 Will temporary electricity, not in place, be required? Yes  No

Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

Signature of Requestor: \_\_\_\_\_

DMNA Customer Utilization Form

Date

11 / 7 / 05

Armory Riverhead 1405 Old Country Road

Information on lessee:

Name of organization/person

Riverhead Town Recreation Dept.

Contact Person

Jim Janecek

Address

Town Hall 200 Howell Ave.

Riverhead Recreation Dept.

Riverhead, New York 11901

Telephone

(531) 727-5744

Fax

Nine Digit FED ID# or SS#

11-60001935

Purpose of Using Facility

Recreation Program for School Teenagers  
Attending Riverhead Schools.

Will there be admission charge?

Yes

Amount \$ \_\_\_\_\_  
 NO

No

Have you done business with us or any other New York State armory previously?

yes

YES

no

Facility Request

Areas

Drill Hall and First Floor Bathroom

requested

Monday Wednesday and Friday Nights

Time/dates

Time/date

January , 2006 thru December

Event

, 2006 Except for the months of May.

June July and August 2006

Alcohol Use or Sale

Will there be the use or sale of spirituous or malt liquor on the premises?

Yes

No

NO

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required? Yes

Customers' Amount \$ \_\_\_\_\_

No

NO

\* all construction must be approved by MNFE-CE

Will temporary electricity, not in place, be required? Yes

No

NO

\*\* Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

December 20, 2005

# Adopted

**TOWN OF RIVERHEAD**

# 1206

**APPROVES RATES FROM**

**DVIRKA & BARTILUCCI CONSULTING ENGINEERS**

**COUNCILMAN BARTUNEK**

offered the following resolution,

**COUNCILMAN DENSIESKI**

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

**WHEREAS**, the Consulting Firm of Dvirka & Bartilucci has been authorized to conduct consulting work for the Town of Riverhead.

**WHEREAS**, Dvirka & Bartilucci has forwarded rate schedules for approval by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, effective July 3, 2004 through July 1, 2005 and July 2, 2005 through June 30, 2006 the Town Board hereby approves the attached rate schedule; and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Dvirka & Bartilucci, 330 Crossways Park Drive, Woodbury, NY 11797 and the Office of Accounting.

**THE VOTE**

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Sanders  Yes  No

Cardinale  Yes  No

# TOWN OF RIVERHEAD

## Dvirka and Bartilucci Consulting Engineers Hourly Billing Schedule Effective 07/03/04 through 07/01/05

<u>JOB CLASSIFICATION</u>	<u>Hourly Rates</u>	
	<u>Min.</u>	<u>Max.</u>
Technical Principal		
V.P. Project Manager	162.45	171.00
Senior Associate	111.15	136.80
Associate	88.35	159.60
Director of Special Projects	128.25	142.50
Principal Engineer	142.50	142.50
Senior Scientist	142.50	142.50
Senior Engineer	99.75	119.70
Structural Engineer	116.85	116.85
Engineer III	102.60	128.25
Engineer II	65.55	102.60
Engineer I	59.85	79.80
Director, Construction Management	151.05	151.05
Construction Inspector	82.65	96.90
Geologist III	108.30	108.30
Geologist II	79.80	82.65
Geologist I	51.30	76.95
Scientist II	71.25	96.90
Scientist I	57.00	71.25
Director of Water Quality	131.10	131.10
Water Specialist	128.25	128.25
Engineering Technician II/Inspector	74.10	91.20
Engineering Technician I	37.05	59.85
Architect	108.30	111.15
Senior Designer	102.60	105.45
Drafter II	94.05	96.90
Drafter I	54.15	68.40
Engineering Aide II	79.80	82.65
Engineering Aide I	31.35	59.85
Senior Word Processor	91.20	94.05
Word Processor II	57.00	68.40
Word Processor I	48.45	54.15
Intern	28.50	34.20

All Min/Max Rates at 2.85 Multiplier

Prepared by:  
Gerald Raimondi, Controller  
November-30, 2005

# Town Of Riverhead

## Dvirka and Bartilucci Consulting Engineers Hourly Billing Schedule Effective 07/02/05 through 06/30/06

<u>JOB CLASSIFICATION</u>	<u>Hourly Bill Rate</u>	
	<u>Min.</u>	<u>Max.</u>
Technical Principal		
V.P. Project Manager	162.45	171.00
Senior Associate	122.55	139.65
Associate	91.20	159.60
Director of Special Projects	128.25	148.20
Principal Engineer	142.50	142.50
Senior Scientist	142.50	142.50
Senior Engineer	111.15	142.50
Structural Engineer	116.85	116.85
Engineer III *	102.60	128.25
Engineer II	85.50	116.85
Engineer I	57.00	94.05
Director, Construction Management *	151.05	151.05
Construction Inspector	85.50	99.75
Geologist III	111.15	111.15
Geologist II	82.65	88.35
Geologist I	45.60	91.20
Scientist II	74.10	102.60
Scientist I	45.60	68.40
Director of Water Quality *	131.10	131.10
Water Specialist *	128.25	128.25
Engineering Technician II/Inspector	88.35	94.05
Engineering Technician I	37.05	68.40
Architect	68.40	114.00
Senior Designer	108.30	108.30
Drafter II	96.90	96.90
Drafter I	48.45	71.25
Engineering Aide II	82.65	82.65
Engineering Aide I	34.20	59.85
Senior Word Processor	79.80	79.80
Word Processor II	65.55	65.55
Word Processor I	39.90	51.30
Intern	28.50	42.75

All Min/Max Rates at 2.85 Multiplier

Prepared by:  
Gerald Raimondi, Controller  
November 30, 2005

December 20, 2005

Adopted

TOWN OF RIVERHEAD

# 1207

APPROVES RATES FROM

MILONE & MACBROOM CONSULTING ENGINEERS

COUNCILMAN DENSIESKI

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

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

WHEREAS, the Consulting Firm of Milone & MacBroom has been authorized to conduct consulting work for the Town of Riverhead.

WHEREAS, Milone & MacBroom has forwarded 2005 rate schedules for approval by the Town Board.

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

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

THE VOTE

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Sanders  Yes  No

Cardinale  Yes  No

## 2005 Standard Hourly Rates & Reimbursable Expenses

### Eastern Regional Office Consulting Services

#### Hourly Rates

Principal	\$175.00	Per Hour
Department Manager	\$150.00	Per Hour
Senior Licensed Professional/Specialist	\$135.00	Per Hour
Licensed Professional	\$110.00	Per Hour
Senior Engineer/Designer/Planner	\$ 95.00	Per Hour
Engineer/Designer/Planner	\$ 85.00	Per Hour
Senior Draftsperson/Technician	\$ 85.00	Per Hour
Draftsperson/Technician	\$ 75.00	Per Hour
Chief of Survey	\$150.00	Per Hour
Assistant Chief of Survey	\$100.00	Per Hour
Senior Survey Technician	\$ 85.00	Per Hour
Survey Technician	\$ 75.00	Per Hour
Two (2) Person Survey Crew	\$120.00	Per Hour
Clerical	\$ 45.00	Per Hour

#### Reimbursable Expenses

Bond Prints	\$ 0.33	Per S.F.
Mylars	\$ 5.00	Per S.F.
Fixed Line Mylars	\$12.50	Per S.F.
Color Plots	\$ 4.17	Per S.F.
Photo Copies	\$ 0.10	Per Copy
Color Copies - 8 1/2 x 11	\$ 1.00	Per Copy
Color Copies - 11 x 17	\$ 2.00	Per Copy
Binding	\$ 5.00	Per Bound Copy
Board Mounting	\$ 3.33	Per S.F.
FedEx - \$0-\$25	\$25.00	Per FedEx
FedEx - Over \$25	Cost	Per FedEx
Mileage	\$ 0.485	Per Mile



December 20, 2005

Adopted

TOWN OF RIVERHEAD

APPOINTS ENGINEERING CONSULTANTS

RESOLUTION # 1208

COUNCILWOMAN BLASS

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

which was seconded by COUNCILWOMAN SANDERS.

WHEREAS, the Consulting Firm of Araiys Design has been authorized to conduct consulting work for the Town of Riverhead.

WHEREAS, Araiys Design has forwarded 2005 rate schedules for approval by the Town Board.

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

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a certified copy of this resolution to Araiys Design, the Community Development Department, and the Office of Accounting.

THE VOTE

Bartunek  Yes  No

Blass  Yes  No

Densieski  Yes  No

Sanders  Yes  No

Cardinale  Yes  No

**EXHIBIT A**

**RATE SCHEDULE**

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

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

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

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

**RMS Engineering, Inc. (RMS)**

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

**CFS Engineering, PE. (CFS)**

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



Resolution # 1209

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
VAIL-LEAVITT MUSIC HALL (FIRST NIGHT RIVERHEAD)**

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

**WHEREAS**, Vail-Leavitt Music Hall has submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the event entitled, "First Night Riverhead" to be located at the Grangebél Park, Riverhead, New York on December 31, 2005 at approximately 7:00 p.m.; and

**WHEREAS**, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Riverhead Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Pyro Engineering Inc d/b/a PyroArts by Bay Fireworks) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to its form.

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of the Vail-Leavitt Music Hall for the purpose of conducting a fireworks display to be held at the event entitled, "First Night Riverhead" to be located at the Grangebél Park, Riverhead, New York on December 31, 2005 at approximately 7:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at the aforementioned location no later than 2:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells not larger than 3" in diameter.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

**RESOLVED**, that employees of the Riverhead Buildings and Grounds Department; the Riverhead Street Lighting Department; the Riverhead Police Department and the Riverhead Fire Marshal are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

**THE VOTE**

Bartunek <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Sanders <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Blass <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	Dénsieski <input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Cardinale <input checked="" type="checkbox"/> yes <input type="checkbox"/> no	

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Vail-Leavitt Music Hall, P.O. Box 147, Riverhead, New York, 11901, Attn: Vince Tria; Pyro Engineering, Inc., 110 Route 110, Suite 102, Huntington Station, New York, 11746; the Riverhead Fire Department; Bruce Johnson, Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department; Kenneth Testa, P.E. and the Office of the Town Attorney.

Adopted

December 20, 2005

TOWN OF RIVERHEAD

RESOLUTION # 1210

AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER FOR CONNECTICUT AVENUE CULVERT REPLACEMENT PROJECT

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

WHEREAS, on May 3, 2005, the Riverhead Town Board adopted Resolution No. 405 entitled, "Awards Bid for Connecticut Avenue Culvert Replacement" and

WHEREAS, the bid was awarded to Hawkeye, LLC in the amount of \$161,616.00; and

WHEREAS, the New York State Department of Environmental Conservation requested timber terracing platforms and rip rap stone for additional erosion control. Therefore the Town Engineer recommended that additional work is required for the installation of same in the amount of timber terracing platforms in the amount of \$12,685.49 and rip rap stone in the amount of \$3,191.76 for a net contractual increase of Fifteen Thousand Six Hundred Eighty Five & 40/100 (\$15,877.25).

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute a change order in the amount of \$15,877.25; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Hawkeye, LLC, 100 Marcus Blvd, Suite 1, Hauppauge, NY 11788, Bill Lifford, Dunn Engineer, 66 Main Street, West Hampton Beach, NY 11978, Kenneth Testa, P.E. and the Office of Accounting.

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

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1211

### AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN TOWN OF RIVERHEAD AND QUEUES ENFORTH DEVELOPMENT, INC. ("Q.E.D.")

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

**WHEREAS**, the Town of Riverhead wishes to engage the services of a company which provides support services to the Town of Riverhead Police Department in connection with the computer software licensed by Q.E.D.; and

**WHEREAS**, Queues Enforth Development, Inc. has been selected to perform these services.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the execution of an agreement between the Town of Riverhead and Queues Enforth Development, Inc., with a Software Maintenance Fee of \$11,395 from July 1, 2005 – June 30, 2006 and a Consultation and Training fee of \$150 per hour, plus expenses, and be it further

**RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Queues Enforth Development, Inc., at 432 Columbia Street, Cambridge, Massachusetts 02141; the Office of the Supervisor; the Office of the Town Attorney; the Police Department and the Office of Accounting.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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**

AGREEMENT BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK  
FOR SOFTWARE MAINTENANCE

AGREEMENT entered into on July 1, 2005 by and between QUEUES ENFORTH DEVELOPMENT, INC. ("Q.E.D."), a Massachusetts corporation with its principal place of business at 432 Columbia Street, Cambridge, Massachusetts 02141, and THE TOWN OF RIVERHEAD, NEW YORK, the undersigned Q.E.D. client (the "Client").

THIS AGREEMENT sets forth the terms and conditions under which Q.E.D. agrees to provide support services to the Client in connection with the computer software licensed by Q.E.D. to the Client.

## 1. DEFINITIONS

- a) The term "System" means the programmable on-line computer system furnished, delivered and installed by Q.E.D. pursuant to the Agreement between Q.E.D. and the Client specified on Exhibit A attached hereto (the "System Agreement").
- b) The term "Licensed Software" means all software licensed to the Client pursuant to the System Agreement, as set forth on Exhibit B attached hereto.
- c) The term "Confidential Information" means the Licensed Software and any other information, data or oral information subsequently reduced to written form, received by one party from the other and clearly identified by the disclosing party in writing as confidential.
- d) The term "Modifications" means any revisions of the Licensed Software which Q.E.D. may incorporate in the standard version of the Licensed Software and which do not materially improve or expand the functionality of the Licensed Software.
- e) The term "Enhancements" means revisions of or additions to the Licensed Software which Q.E.D. may develop or acquire and which either (i) Q.E.D. chooses not to incorporate in the standard version of the Licensed Software or (ii) improve or expand the functionality of the Licensed Software.
- f) The term "Installation" means that Q.E.D. has installed the System and determined that the System is operative.
- g) The term "Maintenance" means Q.E.D.'s provision of the support services described in Section 3, commencing after acceptance of the System by the Client or at such time as is otherwise specified in the System Agreement, and continuing for the term specified on Exhibit C as such term may be extended in accordance with the provisions of Section 3(d).

## 2. CHARGES AND PAYMENTS

- a) The Client agrees to pay to Q.E.D. the fees specified on Exhibit C attached hereto, as the same may be amended from time to time, including the fee specified for the initial term of Maintenance. The fee for any subsequent annual term of Maintenance shall be billed by Q.E.D. to the Client at least thirty (30) days prior to the end of the then current term.
- b) The support services under Section 3(a) will be provided to the Client at no additional charge. Services rendered by Q.E.D. which are not part of the services Q.E.D. has agreed to perform free of additional charge in Section 3(a) will be charged to the Client, during the initial term, at Q.E.D.'s standard rates set forth in Exhibit C.
- c) Fees and rates for subsequent periods shall be at Q.E.D.'s standard rates, all of which shall be in a written amendment executed by Q.E.D. and the Client.

- d) In addition to the charges payable pursuant to this Section 2, unless exempt therefrom, the Client shall pay any and all import duties, levies or imposts and all sales, use, value-added and other taxes of any nature assessed upon or with respect to such payments under this Agreement, exclusive, however, of taxes based on Q.E.D.'s net income.
- e) Except as otherwise specified herein, all invoices rendered under this Agreement are due and payable within thirty (30) days of the date of invoice. All invoices (other than for the prepayment of the annual fee for Maintenance) not paid within thirty (30) days from when due shall be subject to a monthly interest charge of one and one-half percent (1 1/2%) per month on the unpaid balance. The failure of the Client to pay the annual fees for Maintenance after written notification shall result in the complete termination of any continuing obligation of Q.E.D. to provide Maintenance to the Client.
- f) Subsequent to the initial year of the term of this Agreement, if funds sufficient to support continued performance are not appropriated or otherwise made available, Client shall terminate this agreement as provided in G.L. c. 30B, Paragraph 12.

### 3. SYSTEM MAINTENANCE AND ADDITIONAL SUPPORT SERVICES

- a) Q.E.D. will provide the Client the following maintenance services provided the Client has made all payments due Q.E.D. and has fulfilled all of its requirements under this Agreement and under the System Agreement:
- i) Q.E.D. agrees to provide maintenance services to attempt to correct any error or defect reported by the Client and determined by Q.E.D. to be in the Licensed Software. Such services shall be provided during normal business hours, which are 8:30 a.m. through 5:30 p.m., Monday through Friday, except holidays, and in the most expeditious manner reasonably possible and at no additional cost to the Client. In order to expedite such maintenance services, Q.E.D. shall provide 24 hour call-in capability. In no event shall Q.E.D. have any responsibility (1) to correct any data errors or any errors or damage caused by or arising out of input errors or resulting from changes to the Licensed Software made by the Client, or (2) with respect to any data loss or corruption due to any software malfunction or hardware problems or failures. Upon notifying Q.E.D. of an alleged error in the Licensed Software, the Client shall give Q.E.D. access to its computer equipment, the Licensed Software and all relevant records, and shall assist Q.E.D. in substantiating the existence of the alleged error.
- ii) From time to time and at its sole discretion, Q.E.D. may make Modifications and Enhancements available to the Client for purchase at Q.E.D.'s then published license fee with respect thereto, provided that the client is not then in default with respect to any of its obligations to Q.E.D. The terms on which the Client acquires any such Modification or Enhancement, including the terms on which Q.E.D. will provide Maintenance with respect to the Modification or Enhancement acquired, will be set forth in an amendment to the Agreement executed by both Q.E.D. and the Client. The Client is under no obligation to acquire any Modification or Enhancement, with the exception that the Client must allow Q.E.D. to install all Modifications which are being provided by Q.E.D. at no cost to the client. The Client will provide Q.E.D. with access to its system to permit installation of each no-cost Modification within 45 days after notification by Q.E.D. of its intention to install the Modification. The failure of the client to allow Q.E.D. to install any no-cost Modification will relieve Q.E.D. of any further Maintenance obligations with respect to the Licensed Software. All Modifications and Enhancements acquired by the Client, whether for a fee or at no cost, shall become part of the Licensed Software for all purposes of this Agreement.
- iii) Q.E.D. shall provide up to six (6) hours per month of telephone consultation with respect to the System during Q.E.D.'s normal business hours. This technical assistance and consultation is designed to train and help the System Manager(s) operate the system more effectively. These consultation hours, if not used, can not be carried forward or accumulated month to month.
- b) Q.E.D. will provide consultation and additional training and undertake special programming projects on a time-available basis at Q.E.D.'s rates specified in Exhibit C. Any software resulting from a special programming project undertaken by Q.E.D. at the Client's request shall become part of the Licensed Software for all purposes of this Agreement and the System Agreement.
- c) Q.E.D. will not be required to provide support for installations of the Licensed Software which have not been installed within forty-five (45) days of its release the then current Q.E.D. supported version of the Licensed

Software. Similarly, Q.E.D. will not be required to provide support if the Licensed Software has been modified by anyone other than Q.E.D. but will consider doing so in accordance with the terms and conditions specified in Section 6.

- d) Maintenance shall be renewed for up to two additional one-year terms at the option of the Client, communicated to Q.E.D. not less than 30 days prior to the start of the then current annual term.
- e) The Client shall at all times have at each site at which the System is installed a System Manager who is acceptable to Q.E.D. in Q.E.D.'s discretion and who has been certified by Q.E.D. as properly trained. All communications by the Client with Q.E.D. must only be made by such System Manager or by designated alternates also acceptable to Q.E.D. in its discretion. The initial System Manager is identified on Exhibit D attached hereto. Training for replacement System Managers will be provided at Q.E.D.'s then applicable rates. The rate during the initial period is listed in Exhibit C; subsequent period rates shall be at Q.E.D.'s standard published rates, which will be reflected, in a written amendment to be executed by Q.E.D. and the Client.
- f) The Client must at all times while this Agreement remains in effect, provide and maintain in good operating conditions the communication equipment and facilities necessary for Q.E.D. to achieve dial-in access to the System for purposes of remote diagnostics and error correction.
- g) The Client shall perform the routine System maintenance specified on Exhibit E attached hereto for so long as this Agreement remains in effect. Q.E.D. shall be relieved of all of its obligations hereunder in the event that the Client fails to perform such routine maintenance.
- h) Q.E.D. will provide Hardware (as that term is defined in the System Agreement) maintenance in accordance with the terms and conditions set forth in the maintenance contract(s) attached hereto as Exhibit F. The Client agrees that it will not upgrade, modify, replace or otherwise alter, or attach devices to, the Hardware without the prior written consent of Q.E.D.

#### 4. PROTECTION OF CONFIDENTIAL INFORMATION

- a) The Client acknowledges that the System constitutes trade secrets and Confidential Information of Q.E.D.
- b) During the course of this Agreement, Q.E.D. and the Client will disclose certain Confidential Information to each other, including without limitation in the case of Q.E.D., information specifically relating to the System.
- c) The Client agrees not to sell, assign or distribute the System or any part thereof to any other person, firm or corporation and shall use reasonable efforts to confine knowledge and access to the System only to its employees who require such knowledge and access in the ordinary course and scope of their employment by the Client.
- d) Any information disclosed by one party (disclosing party) to the other (receiving party) which the disclosing party considers confidential shall be: (i) outlined in writing and marked "Confidential" by the disclosing party; (ii) treated as Confidential Information of the disclosing party; (iii) used by the receiving party for no purpose other than as provided in this Agreement; and, (iv) treated in a manner such that the receiving party shall take all reasonable precautions to prevent the disclosure thereof to any third party including such precautions said receiving party takes for protection of its own Confidential Information. The obligations set forth in this Section 4(d) shall not apply, however, to any information which: (i) is already in the possession of the public or becomes available to the public through no breach of this Agreement by the receiving party; (ii) was in the receiving party's possession prior to receipt from the disclosing party, or (iii) is received independently from a third party free to disclose such information to the receiving party.
- e) All Confidential Information furnished by one party to the other shall remain the property of the disclosing party.
- f) Both parties represent that they have the right to disclose the information disclosed under the terms of this Agreement.

- g) This Agreement shall govern all Confidential Information exchanged between the parties including all information exchanged prior to the effective date of this Agreement.
- h) Q.E.D. retains the right to seek copyright protection for the Licensed Software or any copyrightable material. The Client shall not remove any copyright or proprietary rights notice included in any materials furnished to the Client in connection with this Agreement or the System Agreement.
- i) The Client shall not, unless specifically authorized under this Agreement or except for ordinary and necessary backup purposes, use, make, or have made any more copies of the Licensed Software or any part thereof than are delivered by Q.E.D. for the Client's use hereunder.

## 5. LIMITATION OF LIABILITY

In no event shall Q.E.D. be liable for any damages whatsoever caused by the Client's failure to perform its responsibilities or for lost profits, incidental, consequential, or special damages with respect to the System and its use by the Client or this Agreement even if Q.E.D. has been advised of the possibility of such damages.

## 6. ALTERATION BY CLIENT

Any attempts by the Client to alter the System shall be at the Client's sole risk and expense, and in no event shall Q.E.D. have any obligation to support or maintain any alteration which is not distributed by Q.E.D. and made a part of the Licensed Software. Q.E.D. will consider providing support with respect to Licensed Software which has been so altered, for an additional mutually acceptable fee, but only if the Client grants to Q.E.D. a perpetual, royalty-free license to market the altered version of the Licensed Software. Q.E.D. shall not be responsible in any regard and shall incur no liability for System failures or any nonconformance to System documentation which occur as a result of any alteration so made by the Client and for which Q.E.D. has not agreed to provide support and maintenance, and the Client assumes full responsibility for any liability arising from such alterations. It is also specifically understood by the Client that by altering the Licensed Software, subsequent Modifications or Enhancements of the Licensed Software and related documentation may be rendered unusable.

## 7. TERMINATION

- a) Q.E.D. may terminate this Agreement if Q.E.D. gives written notice to the Client specifying the Client's failure to make payment when due and the Client fails to make such payment within ten (10) days after the effective date of such notice.
- b) Either party may terminate this Agreement if the other party fails or defaults in the performance of any of its material obligations under this Agreement (other than failure by the Client to make any payment when due) and fails to cure or commence to cure such failure or default within thirty (30) days following the effective date of written notice.
- c) Either party may also terminate this Agreement by written notice to the other, effective immediately upon its having been given, if the other party shall file a petition in bankruptcy, shall be adjudicated a bankrupt, shall take advantage of the insolvency laws of any state, territory or country, shall make an assignment for the benefit of creditors, shall be voluntarily or involuntarily dissolved, shall admit in writing its inability to pay debts as they come due, or shall have a receiver, trustee or other court officer appointed for its property.
- d) Termination of this Agreement does not relieve either party of obligations to make any payments or perform any services due prior to the date of termination.
- e) Pursuit of any remedy hereunder or under applicable law by either party shall not prevent such party from pursuing any other available remedy and shall not operate as an election of remedies.
- f) Each party's obligation to protect the confidential nature of the System and other Confidential Information under Section 4 shall survive any termination or expiration of this Agreement indefinitely.

## 8. MISCELLANEOUS

- a) The parties agree that this Agreement and the System Agreement, including any Exhibits hereto and thereto, and any submissions or proposals referred to in any of those Exhibits, constitute the entire agreement between the parties in connection with the System and supersede all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties. There are no warranties, representations and/or agreements between the parties in connection with the System, except as specifically set forth or referred to in this Agreement or in the System Agreement.
- b) The waiver, amendment or modification of any provision of this Agreement or any right, power or remedy hereunder shall not be effective unless made in writing and signed by the party against whom enforcement of such waiver, amendment or modification is sought. The terms of this Agreement shall not be amended or changed by the terms of any purchase order or acknowledgment even though Q.E.D. may have accepted or signed such documents. No failure or delay by either party in exercising any right, power or remedy with respect to any of its rights hereunder shall operate as a waiver thereof.
- c) Any notice or other communication required or permitted hereunder shall be given in writing to the other party at the address specified herein, or at such other address as shall have been given by either party to the other in writing pursuant to this Agreement. Such notice shall be deemed to have been given when sent by certified or registered United States mail.
- d) This Agreement shall be subject to and interpreted in accordance with the laws of the Commonwealth of Massachusetts.
- e) If any provision of this Agreement or the application of any such provision shall be held by a tribunal of competent jurisdiction to be contrary to law, the remaining provisions of this Agreement, and all other applications of such provisions, shall continue in full force and effect.
- f) All the terms and provisions of this Agreement shall be binding upon and inure to the benefit of the parties hereto, and their successors and assigns and legal representatives, except that neither party may assign this Agreement or any right granted hereunder, in whole or in part, without the other's prior written consent.
- g) Neither Q.E.D. nor the Client shall be liable for any damages or penalty for delay in performance of its obligations hereunder or for failure to give notice of delay when such delay is due to the elements, acts of God, delay in transportation or any other causes beyond the reasonable control of Q.E.D. or the Client.

IN WITNESS WHEREOF, Q.E.D. and the Client have caused this Agreement to be executed effective as of July 1, 2005.

Q.E.D.:

QUEUES ENFORTH DEVELOPMENT, INC.

By: Steven Vantine 12/5/05  
 Steven Vantine Date  
 Controller

For the Client:

THE TOWN OF RIVERHEAD, NEW YORK

By: \_\_\_\_\_  
 Name: Philip J. Cardinale Date  
 Title: Town Supervisor

By: Paul J. Hill 12/12/05  
 Name: \_\_\_\_\_ Date  
 Title: CHIEF OF POLICE

EXHIBIT A  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK

SYSTEM AGREEMENT

Agreement between THE TOWN OF RIVERHEAD, NEW YORK POLICE DEPARTMENT and QUEUES ENFORTH DEVELOPMENT, INC. as via the Townships Purchase Order dated 10/21/2003.

EXHIBIT B  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK

LICENSED SOFTWARE

Q.E.D. Proprietary Applications Software:

*CAD/Partner - Computer Aided Dispatching Software*  
*POLICE/Partner - Records Management System*  
*WEB/Partner - Records Management System*

Informix Products:

*Dynamic Server 10 Users*

**EXHIBIT C  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK**

**FEE SCHEDULE**

**Fees for Term of Maintenance**

Initial Term:	July 1, 2005 – June 30, 2006
Software Maintenance:	\$ 11,395

**Standard Rate Schedule**

Consultation:	\$ 150.00	per hour plus expenses
Training:	\$ 150.00	per hour plus expenses

Travel and out of pocket expenses will be billed separately and are the responsibility of the customer.

EXHIBIT D  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK

DESIGNATED SYSTEM MANAGER (S)

NAME/ADDRESS

Officer Bernie Bobinski  
210 Howell Avenue  
Riverhead, NY 11901

TELEPHONE NUMBER

(631) 727-4500 x 348

EXHIBIT E  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK

ROUTINE MAINTENANCE TO BE PERFORMED  
BY CLIENT

MAINTENANCE ACTIVITY

FREQUENCY

Required

Tape Backup of QED Licensed  
any

At least every 14 days, Software and within 1 day of  
maintenance work done on the system by a QED  
Employee, and upon request by a QED employee.

Record any Error Message which will  
be Referred to in a Maintenance Call.

On going

Maintain the On-Line Site Trouble Log

On going

Recommended

Tape Backup & Verification of Client Data

On going

Update Tape Backup Log

After every backup

Update Local Service Log

After every service call

Maintain Console Printer

On going

Clean Tape Drive Heads

At least every thirty (30) days

Reboot System

At least every two (2) weeks

Protect Root Password

On going

EXHIBIT F  
TO  
SOFTWARE MAINTENANCE AGREEMENT  
BETWEEN  
QUEUES ENFORTH DEVELOPMENT, INC.  
AND  
THE TOWN OF RIVERHEAD, NEW YORK

HARDWARE MAINTENANCE

(Not Applicable)

TOWN OF RIVERHEAD

HERBERT HULSE FARMLAND DEVELOPMENT RIGHT CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 1212

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

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

		<u>FROM</u>	<u>TO</u>
406.019400.494200.42045	Serial Bond Proceeds	\$1,856,000	
406.019400.521000.42045	Development Rights Acquisition		\$1,836,000
406.019400.543000.42045	Professional Services		20,000

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

TOWN OF RIVERHEAD

BRUCE SCHROEHER FARMLAND DEVELOPMENT RIGHT

CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 1213

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

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

		<u>FROM</u>	<u>TO</u>
406.019400.494200.42046	Serial Bond Proceeds	\$1,862,000	
406.019400.521000.42045	Development Rights Acquisition		\$1,840,000
406.019400.543000.42045	Professional Services		22,000

**THE VOTE**

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

TOWN OF RIVERHEAD

Adopted

AUTHORIZATION TO JUNK FIXED ASSETS

RESOLUTION # 1214

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

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

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

<u>Tag #</u>	<u>Description</u>	<u>Tag #</u>	<u>Description</u>	<u>Tag #</u>	<u>Description</u>
212	Clock	22101	Monitor	22860	Keyboard
7833	Monitor	22217	Keyboard	22985	Arm for Monitor
8182	B38 CPU	22233	Keyboard	22986	Arm for Monitor
9321	UPS	22234	Unisys Printer	22996	Keyboard
10902	B38 CPU	22241	Chair	23061	Printer
20031	UPS	22399	Monitor	23186	Unisys 1359 Printer
20697	Monitor	22403	Monitor	23197	HP 1120 Printer
20699	CPU	22406	CPU	23210	Keyboard
20982	SG3500	22407	Monitor	23211	Mouse
21134	SG3500	22409	Keyboard	23284	Mouse
21294	Monitor	22414	CPU	23285	Keyboard
21331	Monitor	22415	Monitor	23349	Unisys Printer
21353	Speakers	22505	Printer	23483	CPU
21354	Speakers	22554	Keyboard	23508	Printer 2000C
21442	Monitor	22555	Mouse	23648	Mouse
21511	Inkjet 855C	22558	Keyboard	23666	Unisys Printer
21637	Monitor	22564	Monitor	23667	Unisys Printer
21792	CPU	22601	Inkjet 694C	23668	Printer
21799	Keyboard	22767	SG3500	23761	UPS
21813	CPU	22826	Panasonic Toughbook	24235	Inkjet 1220C
21815	Keyboard	22829	Panasonic Toughbook	24236	Scanner
21816	Monitor	22830	Panasonic Toughbook	24733	Monitor
21824	Keyboard	22831	Panasonic Toughbook	24744	Unisys ODT Monitor
21864	CPU	22832	Panasonic Toughbook	24770	Deskjet 825C
21909	Keyboard	22833	Panasonic Toughbook	25386	Mouse
22021	Monitor	22834	Panasonic Toughbook	25683	Hub
22028	UPS	22835	Panasonic Toughbook	25684	Hub
22045	Monitor	22836	Panasonic Toughbook	25887	Keyboard
22052	Tape Drive	22837	Panasonic Toughbook	26298	Deskjet 825C

THE VOTE

Sanders  Yes  No

Blass  Yes  No

Bartunek  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

December 20, 2005

Adopted

TOWN OF RIVERHEAD

Resolution # 1215

**APPOINTS MAINTENANCE MECHANIC II  
IN THE WATER DEPARTMENT**

COUNCILWOMAN BLASS offered the following

resolution, which was seconded by COUNCILMAN BARTUNEK

**WHEREAS**, vacancies now exists in the Water Department, and

**WHEREAS**, this position was duly posted, posting #15, advertised and interviews have been conducted, and

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

**NOW, THEREFORE, BE IT RESOLVED**, that effective January 3, 2005 Frank Walls and James A. Pipczynski are hereby appointed to the position of Maintenance Mechanic II as found on Group 7, Step P of the Operational and Technical Salary Schedule of the CSEA Contract, and

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Frank Walls, James A. Pipczynski, the Water Department, and the Office of Accounting.

THE VOTE

Bartunek  Yes  No

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Cardinale  Yes  No

Adopted

12/20/05

TOWN OF RIVERHEAD

Resolution # 1216

**AUTHORIZES THE RETENTION OF THE LAW FIRM OF JASPAN SCHLESINGER HOFFMAN TO COMMENCE LITIGATION**

COUNCILMAN BARTUNEK

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

COUNCILMAN DENSIESKI

**WHEREAS**, the Town Board wishes to commence litigation to assist the Town of Riverhead is properly enforcing the Town Code and

**WHEREAS**, the Town Board has determined that it desires to engage Maureen Liccione, Esq. of Law Firm of Jaspan Schlesinger Hoffman, LLP to commence said litigation.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Law Firm of Jaspan Schlesinger Hoffman LLP to act as legal counsel in connection with the aforementioned Supreme Court litigation; and be it further

**RESOLVED**, that the Riverhead Town Board hereby approves the Retainer Agreement from the Law Firm of Jaspan Schlesinger Hoffman, LLP; and be it further

**RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the Retainer Agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Firm of Jaspan Schlesinger Hoffman, LLP., 300 Garden City Plaza, Garden City, New York, 11530 ; the Office of the Supervisor; the Town Attorney's Office and the Office of Accounting.

THE VOTE

Bartunek  yes \_\_\_ no Sanders  yes \_\_\_ no  
Bass  yes \_\_\_ no Densieski  yes \_\_\_ no  
Cardinale  yes \_\_\_ no

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

December 20, 2005

Adopted

TOWN OF RIVERHEAD

Resolution No. 1217

APPOINTS MEMBER TO THE RECREATION ADVISORY COMMITTEE

Councilman Densieski offered the following resolution, which was seconded by COUNCILWOMAN BLASS

WHEREAS on August 2, 2005, the Town Board Adopted resolution #763, establishing guidelines for Town Board Advisory Committees and;

WHEREAS, guideline number 1 states that each committee will consist of no less than seven and no more than nine members,

NOW THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby appoints Robert Danowski as the 9<sup>th</sup> member of the Recreation Advisory Committee for a term of no longer than two years.

BE IT FURTHER RESOLVED, that the Town Clerk shall hereby forward a copy of this resolution to the above-mentioned individual.

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

December 20, 2005

## TOWN OF RIVERHEAD

Resolution No. 1218

### APPOINTS MEMBERS TO THE RECREATION ADVISORY COMMITTEE

Councilman Densieski offered the following resolution, which was seconded by COUNCILMAN BARTUNEK

**WHEREAS** on August 2, 2005, the Town Board Adopted resolution #763, establishing guidelines for Town Board Advisory Committees; and

**WHEREAS**, guideline number 1 states that each committee will consist of no less than seven and no more than nine members; and

**WHEREAS**, the Town Board believes that the work of the Recreation Advisory Committee necessitates that it have more than nine members;

### NOW THEREFORE, BE IT

**RESOLVED**, that the Riverhead Town Board hereby appoints Rose A. Sanders as a member of the Recreation Advisory Committee for a term of no longer than two years while keeping the required quorum to conduct the business of the Committee at five (5) members.

**BE IT FURTHER RESOLVED**, that the Town Clerk shall hereby forward a copy of this resolution to the Recreation Department, the Chairman of the Recreation Advisory Committee and Rose Sanders.

### THE VOTE

Sanders	Yes	No	Abstain	Blass	Yes	No
Densieski	Yes	No		Bartunek	Yes	No
				Cardinale	Yes	No

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1219

### APPOINTS MARRIAGE OFFICER

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

**RESOLVED**, that the Town Board of the Town of Riverhead, hereby appoints  
Town Clerk, Barbara A. Grattan, as Marriage Officer for the Town of Riverhead. She  
is to serve in said position from January 1, 2006 to December 31, 2007, without  
compensation.

#### THE VOTE

Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Sanders	<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 # 1220

RATIFIES FIRE MARSHAL ATTENDANCE AT MEETING

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

WHEREAS, Fire Marshal Bruce E. Johnson was invited to a meeting with New York State, Department of State Codes Division Director Ron Piester in Albany on Tuesday, November 29, 2005; and

WHEREAS, the purpose of this meeting was to discuss several important revisions being considered by Department of State Codes Division pertaining to Training Requirements for all Certified Code Officials, e.g. Building Department employees, Fire Protection and Code Enforcement Division employees and Town Engineers.; and

WHEREAS, the Fire Marshal presented ideas and comments to address the costs and availability of training that will benefit the Town of Riverhead and other local municipalities throughout the state; and

NOW, THEREFORE BE IT RESOLVED, that the Fire Marshal's attendance of this meeting be hereby authorized and ratified; and

RESOLVED, the Fire Marshal's use of a Town vehicle for travel to and from Albany, New York on November 29, 2005 be hereby authorized and ratified; and

RESOLVED, the Fire Marshal shall remit to the Accounting Department all pertinent receipts and documentation to be reimbursed for expenditures not to exceed \$75.00;

BE IT FURTHER RESOLVED, that the Town Clerk be and is authorized to forward a copy of this resolution to the Fire Protection and Code Enforcement Division and Office of Accounting.

THE VOTE

Sanders  Yes  No

Blass  Yes  No

Densieski  Yes  No

Bartunek  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

December 20, 2005

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1221

### ACCEPTS THE RESIGNATION OF A DETENTION ATTENDANT

COUNCILMAN DENSIESKI

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

**WHEREAS**, Chief of Police David J. Hegermiller has received a letter of resignation submitted by Janice L. McKenna, from the position of Detention Attendant, effective November 21, 2005.

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board hereby accepts the letter of resignation submitted by Janice L. McKenna; and

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

#### THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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

Resolution No. 1222

**AUTHORIZES DONATION OF TOWN OF RIVERHEAD HIGHWAY VEHICLE BULLDOZER #58 TO LONG ISLAND ANTIQUE POWER ASSOCIATION**

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

**WHEREAS**, the Town of Riverhead Highway Department has in its possession a surplus bulldozer know as a 1965 Oliver Tractor Vehicle #58, and

**WHEREAS**, said bulldozer has outlived its efficient and safe usefulness, and

**WHEREAS**, the Long Island Antique Power Association has requested said tractor for historical purposes and museum display, and

**WHEREAS**, the Town Board of Riverhead desires to preserve the long-standing accomplishments of Oliver Tractor #58 in and around Riverhead Town, and

**WHEREAS**, the Long Island Antique Power Association performs an outstanding job of "preserving our past for our future" by maintaining pieces of antique equipment, and

**WHEREAS**, the Long Island Antique Power Association will recognize the donation of the Oliver Tractor #58 by erecting a plaque on or near said tractor that reads "Donated By Town of Riverhead", and,

**WHEREAS**, the Long Island Antique Power Association will maintain and preserve Oliver Tractor #58 in a clean and safe manner,

**NOW THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board does hereby donate Highway Vehicle #58 (Oliver Tractor) to the Long Island Antique Power Association for the sole purpose of preserving said vehicle for future generations to enjoy.

**BE IF FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Highway Department, the Office of Accounting and Bruce Young, Founder and Charter President of the Long Island Antique Power Association, PO Box 134, Riverhead, NY 11901.

**THE VOTE**

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

December 20, 2005

Town of Riverhead

Adopted

Resolution # 1223

**RESOLUTION OF SUPPORT AND CONCURRENCE**  
**WITH THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE**  
**(FORMERLY ECONOMIC DEVELOPMENT ZONE)**  
**REGIONALLY SIGNIFICANT PROJECT APPLICATION**

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

**WHEREAS**, New York State created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State; and

**WHEREAS**, the Town of Riverhead, as an eligible municipality in conjunction with the County of Suffolk, received designation of an Economic Development Zone; and

**WHEREAS**, said zone currently is comprised of subzones including portions of the Town of Southampton, the Town of Babylon, and the Town of Riverhead; and

**WHEREAS**, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and

**WHEREAS**, the County of Suffolk and the Town of Riverhead intend to augment the Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Huntington (approximately 6 acres) for a *Regionally Significant Project*; and

**WHEREAS**, Telephonics Corporation located at 789 Park Avenue, Huntington, New York meets the criteria of 957 (d) of the general municipal law as a regionally significant project by creating 50 new manufacturing jobs for inclusion within the Suffolk County/Town of Riverhead Empire Zone in an area outside the separate and distinct contiguous areas which will not effect the current 1280 acres within the zone; and

**WHEREAS**, the Town of Riverhead wishes to support and concur with the Empire Zone Board of Directors' designation of SCTM parcel (1400-104.04-1-110), as a *Regionally Significant Project*; and

THE VOTE  
Bartunek ✓ yes \_\_\_ no Sanders ✓ yes \_\_\_ no  
Blass ✓ yes \_\_\_ no Densieski \_\_\_ as (no)  
Cardinale ✓ yes \_\_\_ no  
THE RESOLUTION ~~WAS~~ WAS NOT  
THEREFORE DULY ADOPTED

**NOW, THEREFORE**, be it resolved that the Town Board, in its capacity as governing body of the Town of Riverhead, does hereby support and concur with the Suffolk County/Town of Riverhead Empire Zone Board to include the property referred to as SCTM#1400-104.04-1-110 and more particularly described below as follows:

ALL that certain plot, piece or parcel of land, with the buildings and improvements, thereon erected situate laying and being at Huntington Station, Town of Huntington, County of Suffolk and State of New York, more particularly bounded and described as follows:

BEGINNING at the corner formed by the intersection of the westerly side of Park Avenue with the southerly line of land of the Long Island Rail Road, (Port Jefferson Branch formerly Wading River Branch);

RUNNING THENCE south 37 degrees 48 minutes 30 seconds East along the westerly side of Park Avenue 18.19 feet to the northwesterly side of East Fifth Street (Gardiner Avenue);

RUNNING THENCE along the northwesterly side of East Fifth Street (Gardiner Avenue) the following three courses and distances;

- 1) South 50 degrees 36 minutes 30 seconds West 936.34 feet;
- 2) South 32 degrees 37 minutes 02 seconds West 104.16 feet;
- 3) Along the arc of a curve bearing to the right having a radius of 642.00 feet, a distance of 90.47 feet;

RUNNING THENCE along land formerly of Wicks now or formerly of Instrument Systems Corp. North 13 degrees 06 minutes 10 seconds West 562.35 feet to the southerly line of land of the Long Island Rail Road, (Port Jefferson Branch formerly Wading River Branch);

RUNNING THENCE North 76 degrees 53 minutes 50 seconds East along the southerly line of land of the Long Island Rail Road (Port Jefferson Branch formerly Wading River Branch) 975.47 feet to the westerly side of Park Avenue, the point or place of beginning.

December 20, 2005

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1224

**RATIFIES THE SUBMISSION OF A GRANT APPLICATION  
TO THE SUFFOLK COUNTY YOUTH BUREAU**

COUNCILWOMAN BLASS

offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, the Town of Riverhead and County of Suffolk desire to continue providing youth counseling services to targeted at-risk youth; and

WHEREAS, the Town has submitted an application for State and County Aid to the Suffolk County Youth Bureau requesting funding in the amount of \$30,964 for continued financial support the Riverhead Youth Counselor position;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies the submission of the application signed by the Supervisor; and

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

mesiano\_JAB\_YC\_2006

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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

12/20/05

# Adopted

TOWN OF RIVERHEAD

Resolution # 1225

**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 (DEFINITION OF PROFESSIONAL OFFICES)**

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

**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 December 22, 2005 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 and the Riverhead Building Department.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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  
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2006 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 I, General Provisions

§ 108-3. Definitions; word usage.

PROFESSIONAL OFFICES – The office of a member of a recognized profession maintained for the conduct of that profession, specifically included are offices of:

- (a) Accountants.
- (b) Architects.
- (c) Artists.
- (d) Attorneys.
- (e) Audiologists.
- (f) Bookeepers.
- (g) Chiropractors.
- (h) Dentists.
- (i) Engineers.
- (j) Income tax preparers.
- (k) Insurance agents of brokers.
- (l) Interior designers.
- (m) Journalists.
- (o) Medical doctors.
- (p) Optometrists.
- (q) Osteopaths.
- (r) Podiatrists.
- (s) Physical therapists.
- (t) Real estates agents or brokers.
- (u) any other professional office determined by resolution of the Town Board to have similar impacts to those listed above.

Dated: Riverhead, New York  
December 6, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

\* Underline represents addition(s)  
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12/20/05

Adoptec

TOWN OF RIVERHEAD

Resolution # 1226

**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 (BUSINESS CENTER (BC) ZONING USE DISTRICT - ACCESSORY USES.)**

COUNCILMAN BARTUNEK

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

~~COUNCILWOMAN BLASS~~

**RESOLVED**, the Town Clerk 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 December 22, 2005 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 Architectural Review Board; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek:  yes; \_\_\_ no Sanders:  yes; \_\_\_ no  
Blass:  yes; \_\_\_ no Denieski:  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 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2006 at 7:15 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE XLVIII  
Business Center (BC) Zoning Use District**

**§ 108-266. Uses.**

In the BC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

- C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically included are the following:
- (1) Drive-through windows for ~~pickup of prescriptions only in drugstores~~ banks and pharmacies.

Dated: Riverhead, New York  
December 6, 2005

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

**BARBARA GRATTAN, Town Clerk**

\* Overstrike represents deletion(s)

\* Underline represents addition(s)

12/20/05

# Adopted

## TOWN OF RIVERHEAD

Resolution # 1227

**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 (COMMERCIAL/RESIDENTIAL CAMPUS (CRC) ZONING USE DISTRICT - ACCESSORY USES.)**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DENSIESKI

**RESOLVED**, the Town Clerk 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 December 22, 2005 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 Architectural Review Board; the Riverhead Building Department and the Office of the Town Attorney.

**THE VOTE**

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2006 at 7:20 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE XLIX  
Commercial/Residential Campus (CRC) Zoning Use District**

**§ 108-270. Uses.**

In the CRC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically included are the following:

- (1) Home occupations.
- (2) Drive-through windows for banks and pharmacies.

Dated: Riverhead, New York  
December 6, 2005

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

**BARBARA GRATTAN, Town Clerk**

\* Overstrike represents deletion(s)

\* Underline represents addition(s)

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution # 1228

**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 (DESTINATION RETAIL (DRC) ZONING USE DISTRICT – ACCESSORY USES.)**

COUNCILMAN DENSIESKI

offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

**RESOLVED**, the Town Clerk 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 December 22, 2005 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 Architectural Review Board; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek  yes \_\_\_ no \_\_\_ Sanders  yes \_\_\_ no \_\_\_  
Bliss  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 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2006 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:

**ARTICLE XLVI  
Destination Retail Center (DRC) Zoning Use District**

**§ 108-258. Uses.**

In the DRC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

A. Permitted Uses:

(3) Car Dealerships.

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically included are the following:

(1) Drive-through windows for banks and pharmacies.

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

\* Overstrike represents deletion(s)

\* Underline represents addition(s)

12/20/05

TOWN OF RIVERHEAD

Resolution # 1229

**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 (SHOPPING CENTER (SC) ZONING USE DISTRICT – ACCESSORY USES.)**

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

**RESOLVED**, the Town Clerk 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 December 22, 2005 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 Architectural Review Board; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE  
Bartunek ✓ yes \_\_\_ no Sanders ✓ yes \_\_\_ no  
Blass ✓ yes \_\_\_ no Denšieski ✓ 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 200 Howell Avenue, Riverhead, New York on the 3rd day of January, 2006 at 7:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE XLVII  
Shopping Center (SC) Zoning Use District**

**§ 108-262. Uses.**

In the SC Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

B. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot. Specifically included are the following:

(1) Drive-through windows for banks and pharmacies.

Dated: Riverhead, New York  
December 6, 2005

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

**BARBARA GRATTAN, Town Clerk**

\* Overstrike represents deletion(s)

\* Underline represents addition(s)

12/20/05

Adopted

TOWN OF RIVERHEAD

Resolution #1230

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 52 ENTITLED, "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE (52-10 C.)**

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS:

**WHEREAS**, the Town Board has established fees for building permits in the Town Code of the Town of Riverhead, and

**WHEREAS**, the Town Board desires to change certain fees contained in the building code.

**NOW THEREFORE BE IT RESOLVED**, that the proposed Local Law is a Type II action and is not subject to review under 6 NYCRR Part 617.5 (C)(27), and be it further

**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 a local law to amend Chapter 52 entitled, "Building Construction" of the Riverhead Town Code, once in the December 22, 2005 issue of the 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 Building Department; the Planning Department; the Planning Board; Zoning Board of Appeals and the Office of the Town Attorney.

THE VOTE

Bartunek  yes  no  abstain  yes  no

Blass  yes  no  abstain  yes  no

Cardinale  yes  no

THE RESOLUTION  WAS  WA . NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 3rd day of January, 2006 at 7:35 p.m. o'clock at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 52 entitled, "Building Construction" of the Riverhead Town Code as follows:

**Chapter 52  
BUILDING CONSTRUCTION**

**§ 52-10. Building permit fees.**

C. For each building permit where the construction cost shall exceed \$1,000, an additional fee of \$12 per thousand dollars, or fraction thereof, in addition to the minimum fee of \$100. The basis for computing construction costs shall be the square feet of the floor area of the proposed building in relation to the proposed use of said building and/or the cost thereof may be based on current Marshall Swift Valuation cost estimates using local regional multipliers and/or as follows:

- (3) Private garages, attached or detached: \$40 per square foot.
  - (a) ~~Agricultural buildings: farm buildings used for agricultural use, not as an accessory use to a residence: \$50 per square foot.~~
  - (b) ~~Plastic greenhouses: buildings used for agricultural use, not as an accessory use to a residence. \$30 per square foot.~~

**(D) Agricultural buildings**

- (1) Permanent greenhouses and farm buildings constructed solely for wholesale agricultural use and not as an accessory use to a residence: \$0.06 per square foot.
- (2) Any structure approved pursuant to this section which is subsequently utilized on a permanent basis for any non-agricultural use or retail shall be subject to pay the standard building permit fees required for non-agricultural buildings. The owner of said structure shall be required to pay said fees within thirty days of receipt of written notice from the Building Department.
- (3) All fees paid pursuant to this section are non refundable.

(REMAINING PARAGRAPHS IN SECTION TO BE RENUMBERED ACCORDINGLY)

Dated: Riverhead, New York  
December 20, 2005

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

**BARBARA GRATTAN, Town Clerk**

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

# Adopted

December 20, 2005

## TOWN OF RIVERHEAD

Resolution # 1232

### AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – DRAFT ENVIRONMENTAL IMPACT STATEMENT – HEADRIVER, LLC (WALMART STORE)

COUNCILWOMAN SANDERS

offered the following resolution which

COUNCILWOMAN BLASS

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

**WHEREAS**, by resolution dated November 15, 2005, the Riverhead Town Board did accept the Draft Environmental Impact Statement (“DEIS”) supporting the site plan petition of Headriver, LLC to all the construction of a 167,951 square foot Walmart store and related site improvements upon real property located at Route 58, Riverhead, New York; such property more particularly described as Suffolk County Tax Map Number 0600-119-1-1.2, and

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

### **THEREFORE BE IT**

**RESOLVED**, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the December 22, 2005 edition of the Riverhead News-Review.

RH/planning

### THE VOTE

Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Sanders	<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 PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 11th day of January, 2005 at 3:00 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to consider the Draft Environmental Impact Statement supporting the site plan petition of Headriver, LLC to allow the construction of a 167,951 square foot Wal-Mart store and related site improvements upon real property located at Route 58, Riverhead; such real property more particularly described as Suffolk County Tax Map Number 0600-119-1-1.2.

DATED: December 20th, 2005

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK