

RESOLUTION LIST

NOVEMBER 15, 2016

- Res. #825 Approves Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2017 Community Development Block Grant Funds**
- Res. #826 Adopts Town of Riverhead 2017 Annual Budget**
- Res. #827 Capital Project Closure #60087**
- Res. #828 Scavenger Waste District Budget Adjustment**
- Res. #829 Street Lighting Budget Adjustment**
- Res. #830 Riverhead Police Athletic League Budget Adjustment**
- Res. #831 Planning Department Consulting Fees Budget Adjustment**
- Res. #832 Acceptance of the 2015 Basic Financial Statements Audit**
- Res. #833 Appoints an Assistant Town Engineer (Ernesto Rosini)**
- Res. #834 Classifies Application as Unlisted Action Pursuant to SEQRA and Authorizes the Town Clerk to Publish and Post Notice for Public Hearing for a Special Permit Application to Expand a Pre-Existing Non-Conforming Use Known as Dynamic Radiator Submitted by Edward Densieski on a Certain Parcel Located at 1863 West Main Street, on the South Side of New York State Rt. 25, Riverhead, NY, Described as SCTM #600-118-4-8.1**
- Res. #835 Classifies Application as an Unlisted Action without Coordinated Review, Assumes Lead Agency, and Makes a Negative Declaration for the Proposed Development Known as North Fork Auto Body Located at 26 and 32 Edgar Avenue, Aquebogue, NY, Described as SCTM #600-086-01-021.01 and #600-086-01-019**
- Res. #836 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 301 Entitled "Zoning and Land Development" of the Code of the Town of Riverhead (§301-122 Uses. Outdoor Storage in Industrial C)**
- Res. #837 Resolution to Authorize the Removal and Disposal of Scrap Water Service Materials for the Riverhead Water District**

- Res. #838** Extends Bid Contract for Auto/Truck Repairs
- Res. #839** Ratifies Authorization of Co-Sponsorship of Weekly Saturday Farmer's Market from November 19, 2016, to April 29, 2017, with the Riverhead Business Improvement District Management Association, Inc., at 117 East Main Street, Riverhead; Authorizes Execution of Lease Agreement Rider with Property Owner Regarding 117 East Main Street; Authorizes Execution of Vendor License Agreements
- Res. #840** Adopts a Local Law to Amend Chapter 273 Entitled "Solid Waste" of the Code of the Town of Riverhead
- Res. #841** Authorizes the Supervisor to Execute an Agreement with the Riverhead Fire District Regarding Unleaded Fuel Services
- Res. #842** Authorizes the Supervisor to Execute a Municipal Cooperation Agreement Between the Town of Riverhead and the Riverhead Fire District for Sand and Salt Services
- Res. #843** Authorizes the Riverhead Volunteer Ambulance Corps, Inc., to Bill for Town Approved Ambulance District User Fees Regarding Emergency Medical Transportation Services; Establishes Ambulance District User Fee Schedule
- Res. #844** Authorizes Extension of Time to Remit Real Property Taxes for Senior Citizens Receiving Enhanced Star Pursuant to Section 425 or Section 467 of NYS RPTL
- Res. #845** Authorizes Supervisor to Sign an Agreement with NYS Workers' Compensation Board for eCase Access
- Res. #846** Authorizes Town Clerk to Publish and Post Notice to Bidders for Electric Motor Repair/Replacement, Including Emergencies
- Res. #847** Ratifies the Approval of the Chapter 255 application of Home Depot Development of Maryland, Inc. (Carpet and Rug Tent Sale – September 30th, 2016 through November 14th, 2016)
- Res. #848** Authorizes the Accounting Department to Convey Final Payment to Broadview Networks, Inc., in Full Satisfaction of all Outstanding Charges
- Res. #849** Recommends Membership on Brookhaven National Laboratory Community Advisory Council

- Res. #850** Ratifies the Reinstatement of a Senior Citizen Aide (Karen Westwood)
- Res. #851** Adopts a Local Law to Amend Chapter 301 Entitled, “Zoning and Land Development” of the Code of the Town of Riverhead (Article XXIIA Hospital (H) Zoning Use District)
- Res. #852** Adopts a Local Law to Amend Chapter 301 “Zoning and Land Development” of the Code of the Town of Riverhead (Article I: Title, Purpose, Definitions and Interpretation [HOSPITAL], Article XLV: Supplementary Use Regulations, Article LVI: Site Plan Review)
- Res. #853** Declares Lead Agency Status, Classifies Action as Type I Action Pursuant to SEQRA, Adopts an Amendment to the Comprehensive Plan, Amends the Zoning Map and Approves a Change of the Zoning Classification of Certain Parcels from Shopping Center (SC) to Hospital (H) Zoning Use District Along Roanoke Avenue, Riverhead, New York
- Res. #854** Authorizes the Town Clerk to Publish and Post Notice for a Public Hearing for a Site Plan Application Known as Peconic Bay Medical Center/Northwell Health on Certain Parcels Located at Roanoke Avenue, Riverhead, NY: Also Identified as SCTM Nos. 600-108-3-17.1 and 0600-108-3-22.1
- Res. #855** Ratifies and Approves Memorandum of Agreement (CSEA 2011-2014 Operational and Technical Salary Schedule)
- Res. #856** Ratifies and Approves Memorandum of Agreement (CSEA 2015-2018)
- Res. #857** Ratifies and Approves Memorandum of Agreement (CSEA - PERB)
- Res. #858** Pays Bills

TOWN OF RIVERHEAD

Resolution # 825

APPROVES EXECUTION AND SUBMISSION OF GRANT APPLICATION TO SUFFOLK COUNTY FOR FISCAL YEAR 2017 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead participates in the Suffolk County Consortium to receive Community Development Block Grant funds from the United States Department of Housing and Urban Development for benefit to low and moderate income persons and for the prevention of slum and blight; and

WHEREAS, the Town of Riverhead has complied with the citizen participation requirements of the CDBG program; and

WHEREAS, the Town of Riverhead possesses the legal authority to make a grant application through Suffolk County and to execute a community development and housing program.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby ratifies the execution and submission of a grant application to the Suffolk County Department of Community Development as grantee of Community Development Block Grant funds for FY 2017 from the United States Department of Housing and Urban Development as follows:

| 2017 CDBG Application | |
|---------------------------------------|------------------|
| Bread and More Soup Kitchen | \$ 5,000 |
| Open Arms Soup Kitchen | \$ 5,000 |
| Riverhead Community Awareness Program | \$ 5,000 |
| Dominican Sisters | \$ 5,000 |
| Maureen's Haven | \$ 5,000 |
| Home Improvement Program | \$100,000 |
| Parking Lot Improvements | \$ 50,000 |
| <u>Administration</u> | <u>\$ 9,000</u> |
| TOTAL | \$184,000 |

BE IT FURTHER RESOLVED, that upon approval by the Grantor, the Town Board authorizes the Supervisor to execute the required agreement between Suffolk County and the Town of Riverhead and to undertake the program as approved including entering into sub-recipient agreements subject to review and approval by the Town Attorney; and

BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby authorizes the Accounting Department to set up budgets for the contract and issue purchase orders; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Suffolk County Community Development Director, Amy Keyes, Suffolk County Community Development, PO Box 6100, Hauppauge NY 11788-0099 and an electronic copy of the adopted resolution to the Community Development Department and the Accounting Department.

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 826

ADOPTS TOWN OF RIVERHEAD 2017 ANNUAL BUDGET

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the adoption of the Town of Riverhead 2017 Annual Budget; and

WHEREAS, a public hearing was held on the 1st day of November, 2016 at 2:00 p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York; the date, time and place specified in said public notice; and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead 2017 Annual Budget is hereby adopted.

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 827

CAPITAL PROJECT CLOSURE #60087

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, Capital Project #60087, Carrera Water Extension is considered complete; and

RESOLVED, that the Developer, Edward Carrera, is due a refund of \$401.80 of unspent installation costs.

RESOLVED, that the Town Board hereby authorizes the Accounting Department to close Capital Project #60087, modify the budget and return the unspent money of \$401.80 to Edward Carrera, P.O. Box 396, Mt. Sinai, NY 11766.

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

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 828

SCAVENGER WASTE DISTRICT

BUDGET ADJUSTMENT

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Superintendent of Sewer is requesting a budget adjustment to cover the cost of chemicals for the remainder of the year in the Scavenger Waste District.

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

| | <u>FROM</u> | <u>TO</u> |
|---|--------------------|------------------|
| 128.081890.543504 Professional Services-Engineering | 10,000 | |
| 128.081890.542503 Chemicals | | 10,000 |

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

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

THE VOTE

| | |
|---|--|
| Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 829

STREET LIGHTING

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a budget adjustment is needed to cover the costs associated with electrical supplies for street lighting and poles on Pulaski Street.

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

| | <u>FROM</u> | <u>TO</u> |
|---|--------------------|------------------|
| 116.051820.541414 Street Lighting Maintenance | 16,215 | |
| 116.051820.524000 Equipment | | 16,215 |

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

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

THE VOTE

| | |
|---|--|
| Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 830

RIVERHEAD POLICE ATHLETIC LEAGUE

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the PAL Soccer program requires a budget adjustment to help fund the 2016 PAL Boys and Girls Soccer referee and training expenses.

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

| | <u>FROM</u> | <u>TO</u> |
|--|--------------------|------------------|
| 004.073102.542400 Soccer Uniforms | 5,221 | |
| 004.073102.542323 Sports Program | 1,169 | |
| 004.073102.543614 Soccer-Referee Expense | | 6,390 |

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

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

THE VOTE

| | |
|---|--|
| Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 831

PLANNING DEPARTMENT CONSULTING FEES

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, a budget adjustment is needed for Professional Fees at EPCAL.

NOW THEREFORE BE IT RESOLVED, that the Supervisor be, and is hereby authorized to establish the following budget adjustment and transfer of funds from the Police Non-Uniform Health Insurance Account:

| | <u>FROM</u> | <u>TO</u> |
|---|--------------------|------------------|
| 001.090650.584500 Police Non-Uniform Health Insurance | 8,000 | |
| 001.080200.543950 Planning Consultants | | 8,000 |

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

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

THE VOTE

| | |
|---|--|
| Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 832

ACCEPTANCE OF THE 2015 BASIC FINANCIAL STATEMENTS AUDIT

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead authorized Albrecht, Viggiano, Zureck & Company, P.C. to conduct the audit of the records of the Town of Riverhead for the year ended December 31, 2015; and

WHEREAS, Albrecht, Viggiano, Zureck & Company, P.C has audited the basic financial statements for the year ending December 31, 2015, and issued a report.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby accepts the audit report on the Basic Financial Statements for the year ended December 31, 2015: and

BE IT FURTHER RESOLVED that the I.T. Department is authorized to post the report on the audited Basic Financial Statements for the year ended December 31, 2015 on the Town of Riverhead's web site.

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 833

APPOINTS AN ASSISTANT TOWN ENGINEER

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, there is a vacancy for an Assistant Town Engineer to assist in planning, organizing and directing all functions of the Town of Riverhead Town Engineer's Department; and

WHEREAS, the position was duly advertised, interviews were conducted, and as no current list of Certified Eligibles for the title of Assistant Town Engineer exists, the Suffolk County Department of Civil Service has issued approval to fill this position on a provisional basis until such a time when a Certified List of Eligibles for this title is issued; and

WHEREAS, Ernesto Rosini was one of the candidates interviewed for the position of Assistant Town Engineer and the Town Board of the Town of Riverhead is desirous of appointing him to same.

NOW, THEREFORE, BE IT RESOLVED, that effective December 12, 2016 this Town Board hereby appoints Ernesto Rosini to the position of Assistant Town Engineer at an annual salary of \$93,000.00, and further authorizes the Town Supervisor to enter into a contract agreement with him.

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No

Walter - ABSTAIN

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 834

CLASSIFIES APPLICATION AS UNLISTED ACTION PURSUANT TO SEQRA AND AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST NOTICE FOR A PUBLIC HEARING FOR A SPECIAL PERMIT APPLICATION TO EXPAND A PRE-EXISTING NON-CONFORMING USE KNOWN AS DYNAMIC RADIATOR SUBMITTED BY EDWARD DENSIESKI ON A CERTAIN PARCEL LOCATED AT 1863 WEST MAIN STREET, ON THE SOUTH SIDE OF NEW YORK STATE RT. 25, RIVERHEAD, NY, DESCRIBED AS SCTM # 600-118-4-8.1

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Town Board is in receipt of a special permit application to expand a pre-existing non-conforming use known as Dynamic Radiator; and

WHEREAS, the expansion of pre-existing non-conforming use is on a 1.552 acre parcel located on the South side of State Rt. 25 on a parcel more particularly described as Suffolk County Tax Map number 600-118-4-8.1; and

WHEREAS, the subject parcel is zoned Riverfront Corridor (RFC); and

WHEREAS, a nonconforming use may be expanded by special permit of the Town Board pursuant to §301-222(A) of the Code of the Town of Riverhead; and

WHEREAS, the project includes the proposed addition of a 17,950 sq. ft. pervious gravel parking area, a 1,250 sq. ft. impervious asphalt driveway, and approximately 480 feet of chain link fence; and

WHEREAS, the Planning Department has received and analyzed short EAF and other project documentation provided by the applicant and has prepared a SEQRA report dated October 12, 2016 outlining the action's potential for environmental impact; and

WHEREAS, the Riverhead Planning Department identified the petition for special permit approval as an Unlisted Action pursuant to 6NYCRR Part 617.4(b)(6)(i) without the need for coordinated review; now

WHEREAS, the Riverhead Planning department recommends that the Planning Board assume lead agency; now

THEREFORE, BE IT RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of public hearing once in the November 24th, 2016 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 special permit, to be posted on the sign board of the

Town; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department, and to the applicant, Edward Densieski, 1863 West Main St., Riverhead, New York, 11901; and

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

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 6th day of December 2016 at 2:10 o'clock p.m. to consider a special permit application to expand a pre-existing non-conforming use known as Dynamic Radiator located at 1863 West Main Street, on the South side of New York State Rt. 25, Riverhead, NY on a 1.552 acre parcel more particularly described as Suffolk County Tax Map No. 600-118-4-8.1.

Dated: Riverhead, New York
November 15, 2016
BY THE ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 835

CLASSIFIES APPLICATION AS AN UNLISTED ACTION WITHOUT COORDINATED REVIEW, ASSUMES LEAD AGENCY, AND MAKES A NEGATIVE DECLARATION FOR THE PROPOSED DEVELOPMENT KNOWN AS NORTH FORK AUTO BODY LOCATED AT 26 AND 32 EDGAR AVENUE, AQUEBOGUE, NY, DESCRIBED AS SCTM# 600-086-01-021.01 AND 600-086-01-019

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Town Board has received an application for special permit for the expansion of a preexisting non-conforming motor vehicle repair/auto body shop use from Joseph Gazzola, owner of North Fork Auto Body, upon real property located at 26 Edgar Avenue, Aquebogue, New York, also identified as SCTM # 600-086-01-021.01, and the adjacent irregular flag lot located at 32 Edgar Avenue, Aquebogue, New York, also identified as SCTM # 600-086-01-019, both within the Residence A-40 zoning district; and

WHEREAS, the proposed development requires variance relief from the Zoning Board of Appeals (ZBA); and

WHEREAS, the applicant has made an application for variance relief and appeared before the ZBA on July 28, 2016 with regard to Appeal No. 16-42; and

WHEREAS, the ZBA did not express any objections to the application upon the summation of the applicant's presentation, but advised that no formal decision will be made until such time as a SEQRA determination is made by the Lead Agency; and

WHEREAS, the Planning Department has reviewed the application for Special Permit, the application under Appeal No. 16-42 for variance relief being sought from the ZBA, and the petition for Site Plan approval and identified the actions as Unlisted pursuant to 6NYCRR Part 617 (SEQRA) and recommends the Town Board assume Lead Agency.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby assumes Lead Agency without the need for coordinated review with other involved agencies; and be it further

RESOLVED, the Town Board finds that this proposed development will result in no significant adverse environmental or social impacts and hereby issues a Negative Declaration for the purposes of SEQRA; and be it further

RESOLVED, the Town Clerk shall provide a certified copy of this resolution to the applicant, Joseph Gazzola of 707 Harbor Lane, Southold, NY 11971, Peter

Danowski, Esq, 616 Roanoke Ave, Riverhead, NY 11901, the Planning Department, the Building Department, and the Fire Marshal's Office, and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 836

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED "ZONING and
LAND DEVELOPMENT" OF THE CODE OF THE TOWN OF RIVERHEAD
(Outdoor Storage in Industrial C)**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 301 entitled, "Zoning and Land Development" of the Riverhead Town Code once in the November 24, 2016 issue of the News-Review Newspaper, 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, all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC
HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 6th day of December, 2016 at 2:20 o'clock p.m. to amend Chapter 301, entitled "Zoning and Land Development" of the Riverhead Town Code.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 301
Zoning and Land Development

§ 301-122 Uses.

In the Ind C 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:

(no changes; omitted for length)

B. Special permit uses:

(1) Outdoor theaters (including bandshell, bandstand, amphitheater).

(2) Sports arena.

(3) Motor coach terminal.

(4) Agricultural production upon real property seven acres or greater lying within Scenic River Areas defined pursuant to the Order of the Commissioner of the New York State Department of Environmental Conservation dated September 18, 1990.

(5) One-family dwelling upon real property of four acres or greater within Scenic River Areas defined pursuant to the Order of the Commissioner of the New York State Department of Environmental Conservation dated September 18, 1990.

(6) Outdoor storage subject to the following conditions:

(a) Subject parcel must be located west of Edwards Avenue or south of the Long Island Railroad train tracks along West Main Street

(b) Materials, equipment, and all company-owned and -operated vehicles, with the exception of passenger vehicles, must be limited to those associated with and as accessory to the permitted principal use.

(c) Area of outdoor storage is limited to 100% of the existing gross floor area of the building(s) utilized for the associated principal use.

(d) Outdoor storage areas shall meet principal setbacks of the zoning district and stored materials may not exceed 15 feet in height.

(e) Outdoor storage areas shall be within a fenced area and screened and buffered in accordance with §301-236

C. Accessory uses.

(no changes; omitted for length)

D. Prohibited uses:

(1) Professional offices.

- (2) Municipal offices.
- (3) Outdoor storage, except as accessory to the specially permitted use set forth in Subsection B(3) of this section or as specially permitted as set forth in Subsection B(6).
- (4) Indoor theater.
- (5) Residential uses.

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

Dated: Riverhead, New York
November 15, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 837

RESOLUTION TO AUTHORIZE THE REMOVAL AND DISPOSAL OF SCRAP WATER SERVICE MATERIALS FOR THE RIVERHEAD WATER DISTRICT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Water District seeks to dispose of non-operational, unusable and broken brass water meters and other water service materials that have accumulated for over the past year or more and seeks to re-cooperate, through the sale of the above described parts, the value of the scrap metal; and

WHEREAS, pursuant to the Town's Procurement Policy, the Water District, with the assistance of counsel for the Water District, sent requests for proposals to five (5) scrap metal recycling/recovery facilities registered and licensed to remove and dispose of scrap metal and requested that all proposals be submitted on or before 4:00 p.m. November 3, 2016; and

WHEREAS, three (3) proposals were received on or before 4:00 p.m. on the proposal due date of November 3, 2016; and

WHEREAS, Water District reviewed the proposals and recommends that the Town Board, as governing body of the Water District, approve the proposal submitted by Crown Recycling Facility Inc.

NOW THEREFORE BE IT RESOLVED, that the Town Board, as governing body of the Water District, does hereby approve the proposal submitted by Crown Recycling Facility Inc. for the removal and disposal of scrap brass water meters and other water service materials as per the attached proposal; and be it further

RESOLVED, that a copy of this resolution be forwarded to Crown Recycling Facility Inc., 865 Youngs Avenue, Calverton, NY 11933; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Tabled

TOWN OF RIVERHEAD

Resolution # 838

EXTENDS BID CONTRACT FOR AUTO/TRUCK REPAIRS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, by Town Board Resolution #845 adopted on December 16, 2014, the Town Board awarded the bid for Auto/Truck Repairs to Riverhead Motors and Suffolk County Brake for a one (1) year contract with the option to extend; and

WHEREAS, by Town Board Resolution #695 adopted on October 6, 2015, the Town Board extended the bid contract for one (1) year expiring December 16, 2016; and

WHEREAS, the Town Purchasing Department has requested that the contract with Riverhead Motors and Suffolk County Brake be extended for six (6) months beginning December 17, 2016; and

WHEREAS, Riverhead Motors and Suffolk County Brake have agreed to extend the contract for an additional six (6) months for the original bid amounts subject to the same terms and conditions set forth in the original contract.

NOW THEREFORE BE IT RESOLVED, that the contract with Riverhead Motors and Suffolk County Brake be extended for an additional six (6) months beginning December 17, 2016 under the same terms and conditions set forth in the original contract; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 839

RATIFIES AUTHORIZATION OF CO-SPONSORSHIP OF WEEKLY SATURDAY FARMER'S MARKET FROM NOVEMBER 19, 2016, TO APRIL 29, 2017, WITH THE RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT ASSOCIATION, INC., at 117 EAST MAIN STREET, RIVERHEAD; AUTHORIZES EXECUTION OF LEASE AGREEMENT RIDER WITH PROPERTY OWNER REGARDING 117 EAST MAIN STREET; AUTHORIZES EXECUTION OF VENDOR LICENSE AGREEMENTS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Town of Riverhead enacted a local law pursuant to Town Board Resolution no. 222 of 1991 thereby establishing the Town of Riverhead Business Improvement District which is governed by the Riverhead Town Board; and

WHEREAS, upon the unanimous recommendation of the Riverhead Business Improvement District Management Association, Inc. (BIDMA), the Town of Riverhead Business Improvement District wishes to co-sponsor a weekly Saturday Farmer's Market commencing on successive Saturdays from November 19, 2016, and ending on Saturday, April 29, 2017, from 10:00 a.m. to 3:00 p.m., at 117 East Main Street, Riverhead; and

WHEREAS, the Riverhead Business Improvement District Management Association, Inc., pursuant to contract, needs the consent and approval of the Town of Riverhead Business Improvement District to facilitate Town of Riverhead Business Improvement District-related events; and

WHEREAS, the Town of Riverhead Business Improvement District, BIDMA and the property owner of 117 East Main Street, Riverhead, desire to extend the lease term of a previously executed lease agreement from November 1, 2016, to October 31, 2017, pursuant to the same terms and conditions.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Business Improvement District shall co-sponsor with the Riverhead Business Improvement District Management Association, Inc., a weekly Saturday Farmer's Market commencing on successive Saturdays from November 19, 2016, and ending on Saturday, April 29, 2017, from 10 a.m. to 3:00 p.m., at 117 East Main Street, Riverhead, **subject to the following pre-conditions:**

- 1. Each participating vendor shall execute a vendor license agreement as well as a participating vendor packet in a form to be approved by the Town Attorney's Office.**

2. Each participating vendor shall procure an insurance policy for the subject activity naming the Town of Riverhead Business Improvement District, Town of Riverhead, Riverhead Business Improvement Management Association, Inc., and Riverhead Enterprises, LP, as “additional insureds” with policy limits and coverage amounts acceptable to the Town Attorney’s Office, on a primary and non-contributory basis.

and be it further,

RESOLVED, that the Riverhead Business Improvement District Management Association, Inc., shall provide all documentation regarding valid and proper expenditures for this event, to the Riverhead Town Accounting Department; and be it further,

RESOLVED, that the Town Supervisor is authorized to execute the indoor farmer’s market lease rider in a form to be approved by the Town Attorney’s Office; and be it further,

RESOLVED, that Christina Kempner, as Community Development Administrator, is authorized to execute the vendor license agreements on behalf of the Town of Riverhead Business Improvement District in a form to be approved by the Town Attorney’s Office; and be it further,

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 840

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 273 ENTITLED
"SOLID WASTE" OF THE CODE OF THE TOWN OF RIVERHEAD**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 273 entitled, "Solid Waste" of the Riverhead Town Code ("Town Code"); and

WHEREAS, a public hearing was held on the 1st day of November, 2016 at 2:10 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c) (20) & (27) as routine or continuing administration and management and the adoption of policies in connection therewith; and

WHEREAS, pursuant to 617.3(f), 617.5(a) and 617.6(a) (1) (i), agency SEQR responsibilities end with this designation with no significance determination being necessary.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself to be the lead agency for purposes of the amendment of Chapter 273 entitled, "Solid Waste" of the Town Code and hereby classifies same to be a Type II action for purposes of SEQR compliance; and be it further

RESOLVED, that the local law amending Chapter 273 entitled, "Solid Waste" of the Town Code, be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 273 entitled "Solid Waste" of the Code of the Town of Riverhead ("Riverhead Town Code"), at its regular meeting held on November 15, 2016.

Be it enacted by the Town Board of the Town of Riverhead as follows:

CHAPTER 273

SOLID WASTE

ARTICLE II

Solid Waste Generated at Residences located with Solid Waste District

§ 273-6. Times for placement and collection within District; storage of containers.

B. All garbage and refuse to be collected, except that in portable transfer containers, shall be placed at the curb, but in no event shall refuse for collection be placed at the curb before 12:00 ~~6:00~~ p.m. of the day preceding the scheduled collection.

- Underscore indicates additions
- Overstrike indicates deletions

Dated: Riverhead, New York
November 15, 2016

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

TOWN OF RIVERHEAD

Resolution # 841

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE RIVERHEAD FIRE DISTRICT REGARDING UNLEADED FUEL SERVICES

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Fire District and the Town of Riverhead have had discussions concerning the use of the Town of Riverhead's unleaded fuel facility by Riverhead Fire District vehicles and equipment; and

WHEREAS, it is in the interest of the taxpayers of the Town of Riverhead and the Riverhead Fire District to share resources in this undertaking for the benefit of the Riverhead Town Taxpayer; and

WHEREAS, it is legally permissible to make these resources available for mutual use when it is in the public interest; and

WHEREAS, the Riverhead Fire District and the Town of Riverhead wish to enter into a Municipal Cooperation Agreement for the use of unleaded fuel services, in substantially the same form as annexed hereto, regarding the use of the Town by Riverhead Fire District vehicles specifically delineated in the Agreement.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute a Municipal Cooperation Agreement with the Riverhead Fire District, in substantially the same form as annexed hereto, regarding the use of the Town of Riverhead's unleaded fuel facility by Riverhead Fire District vehicles specifically delineated in the Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jonathan Brown, Esq., counsel to Riverhead Fire District, 737 Roanoke Avenue, Riverhead, NY 11901; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**MUNICIPAL COOPERATION AGREEMENT BETWEEN
RIVERHEAD FIRE DISTRICT and TOWN OF RIVERHEAD**

MUNICIPAL COOPERATION AGREEMENT entered into as of the day 1st of October, 2016, by and between the RIVERHEAD FIRE DISTRICT, with offices for the transaction of business located at 540 Roanoke Avenue, Riverhead, New York and the TOWN OF RIVERHEAD, with offices for the transaction of business located at 200 Howell Avenue, Riverhead, New York.

WHEREAS, the Riverhead Fire District (hereinafter referred to as “District”) and the Town of Riverhead (hereinafter referred to as “Town”) determined that it was in the interest of the taxpayers of the Town of Riverhead and the Riverhead Fire District to share resources, to wit: use of the unleaded fuel pump at the Town Garage by Riverhead Fire District for the purpose of providing unleaded fuel to operate vehicles and gas-powered and/or diesel powered equipment owned or leased by the District; and

WHEREAS, pursuant to Resolution #899 adopted on December 6, 2011, the Town Board authorized the Supervisor to execute a Municipal Cooperation Agreement between the Riverhead Fire District and the Town of Riverhead; and

WHEREAS, the Town of Riverhead, by the adoption of resolutions, i.e. Resolution #458 adopted on June 7, 2012 authorizing the Town to lease the Town landfill for construction, installation and management of a renewable energy project (solar photovoltaic energy system), Resolution #467 adopted on June 19, 2012 accepting donation of use of a natural gas powered vehicle from Apple Honda by the Town Senior Center, and Resolution #506 adopted on July 17, 2012 authorizing notice to bidders for proposals regarding bio-diesel fuel, has publically proclaimed its intention to explore and utilize energy and fuel sources that are more sensitive to the environment, more “green” and clean, and reduce dependence on foreign fuel sources; and

WHEREAS, the Riverhead Fire District seeks to independently explore alternate energy sources such that the Riverhead Fire District seeks to add a provision to the Municipal Cooperation Agreement which would permit the Riverhead Fire District to cancel the Agreement in the event the Town removes unleaded and/or diesel fuel from the pump stations and limits fuel to bio-diesel.

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

1. The term of this Agreement shall be for the period October 1, 2016 until September 30, 2017. However, District and Town each may unilaterally terminate this Agreement at any time and for any reason upon 30 days written notice. Town may also terminate this Agreement immediately without notice in the event a safety and/or security issue arises.

2. The Town and the District each represent that it is authorized, pursuant to both Article 9 Section 1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements.

3. The Town and the District, believing it to be in the best interest of their taxpayers, do hereby authorize intermunicipal cooperation and assistance with and between each other for the use of the unleaded fuel and/or diesel pump at the Town Garage (the “fuel pump”).

4. The Town gives permission to the District for the District to undertake usage of the unleaded fuel and/or diesel pump located at the Town of Riverhead Municipal Garage located on Rte 58, Town of Riverhead, in an amount not to exceed a total of 1400 gallons of unleaded fuel and/or diesel pump per week regarding the vehicles operation of vehicles delineated in Schedule “B”, as attached, as well as gas-powered equipment owned or leased by the District. District and Town agree that the inventory of designated vehicles may be amended from time to time subject to approval by the Town. The Town agrees to issue and the District agrees to lease two (2) keys (an operator key and a gas can key), which shall incur a one-time lease fee of \$20.00 during the term of the Agreement. Said keys shall be immediately returned to the Town in the event this Agreement is terminated. Hours of permitted usage and cost per gallon of gasoline and/or diesel fuel shall be listed in Schedule “A” attached to this Agreement.

5. The District agrees to perform all reasonable duties and tasks as may be required for the use of the fuel pump including, but not limited to, those tasks listed in Schedule “A” attached to this Agreement at its sole cost and expense.

6. The Town and District agree to cooperate with one another in furtherance of the use of the Fuel Pumps, including price adjustments related to and arising from contract awards by the Town and cost increases for equipment and/or supplies identified in Schedule “A”. The District further represents and affirms that the fuel provided for in this Agreement shall only be used for official fire district purposes, a violation of which shall constitute a material breach of this Agreement which may result in the immediate termination of the Agreement.

7. Regardless of whether required by law or ordinance, the Town and the District, their agents, officers and employees agree to conduct their activities in connection with the use of the fuel pump so as not to endanger or harm any person or property. The Town and the District, as their respective roles may require, agree to ensure that all approvals, licenses and certificates which are necessary or appropriate are obtained.

8. Regardless of whether required by law or ordinance, the Town and the District, their agents, officers and employees agree to conduct their activities in connection with the use of the fuel pump so as not to endanger or harm any person or property. The Town and the District, as their respective roles may require, agree to ensure that all approvals, licenses and certificates which are necessary or appropriate are obtained. District further agrees to provide a registration certificate, valid inspection, vehicle identification number, and proof of satisfactory vehicle liability insurance for each of the designated vehicles prior to or at the time of execution of this Agreement. District shall also provide same above-referenced documentation for each vehicle it wishes to add to Schedule “B” prior to Town fuel usage.

9. The District agrees to purchase and maintain a liability insurance policy listing the Town as an additional insured in the amount of Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in the aggregate; district shall provide a copy of the original declaration page of the subject insurance policy as well as a copy of the insurance certificate which states the Town is an additional insured at or before execution of this Agreement for a term that coincides with the term of this Agreement, as well as for any additional terms which may be negotiated between Town and District in the future. This insurance policy shall also provide protection to District and the Town from claims under workers' or workmen's compensation, claims for damages because of bodily injury, occupational sickness or disease, or death or injury to or destruction of tangible property, including the loss of use resulting therefrom and caused in whole or in part by any negligent act or omission of the District, anyone directly or indirectly employed by the District or anyone for whose acts the District shall be liable.

10. Indemnification: To the fullest extent permitted by law, the District shall indemnify and hold harmless the Town from and against all claims, damages and losses including but not limited to bodily injury, sickness, disease or death or injury to or destruction of tangible property including loss therefrom and expenses, including but not limited to attorneys' fees, arising out of or resulting from the acts or omissions of the District which shall survive the term or terms of this Agreement. The Town and the District shall maintain and retain all records created or maintained in connection with this Agreement for a period of six (6) years after the termination of this Agreement. Each party agrees to make those documents available for audit and inspection by any government official or agency with the authority and/or jurisdiction over the terms of the Agreement as set forth herein.

11. The parties shall retain the right to review the terms of this Agreement on an annual basis and renew its term at one-year intervals or less upon mutual written agreement of the parties.

12. Any alteration, change, addition, deletion, or modification of any of the provisions of this Agreement or any right either party has under this Agreement shall be made by mutual assent of the parties in writing and signed by both parties.

13. This Agreement shall be governed by the laws of the State of New York. If any portion of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect.

14. The terms of this Agreement shall not be assigned without the mutual written authorization from the parties.

15. Nothing contained in this Agreement shall be construed to create an employment or principal-agent relationship, or partnership or joint venture, between the Town of Riverhead and the Riverhead Fire District and any officer, employee, servant, agent or independent contractor of the Riverhead Fire District.

16. This Agreement constitutes the full and complete agreement between the Town of Riverhead and the Riverhead Fire District and supersedes all prior written and oral agreements, commitments or understandings with respect thereto.

17. The undersigned representative of the Town of Riverhead hereby represents and warrants that the undersigned is an officer, director or agent of the Town of Riverhead with full legal rights, power and authority to enter into this Agreement on behalf of the Town of Riverhead and bind the Town of Riverhead with respect to the obligations enforceable against the Town of Riverhead in accordance with the terms contained herein.

18. The undersigned representative of the Riverhead Fire District hereby represents and warrants that the undersigned is an officer, director or agent of the Riverhead Fire District with full legal rights, power and authority to enter into this Agreement on behalf of the Riverhead Fire District and bind the Riverhead Fire District with respect to the obligations enforceable against the Riverhead Fire District in accordance with the terms contained herein.

19. Notwithstanding an provision to the contrary, in the event the Town of Riverhead terminates, rescinds or otherwise makes unavailable unleaded and/or diesel fuel at the Municipal Garage Pumping Station, including any act or actions taken by the Town of Riverhead to and/or in furtherance of termination, rescission or other act demonstrating its intention to make unavailable unleaded and diesel fuel i.e. resolution to terminate contracts and/or bid awards for unleaded and diesel fuel, the Riverhead Fire District may terminate the contract within 10 days written notice. In the event there is a termination/cancellation of the agreement based upon this provision, it is agreed and understood by and between the parties that in no event shall either party be liable for any direct, indirect, special, consequential, incidental or punitive damages however caused which are incurred by the other party and which arise out of any act related to termination or cancellation of this agreement.

20. The terms of this Addendum shall supersede such terms and conditions set forth in the original Municipal Cooperation Agreement for share of unleaded fuel services at the Town's Municipal Garage Pumping Station.

IN WITNESS WHEREOF, the undersigned hereby acknowledge that they have read and fully understand the foregoing Agreement and further, that they agree to each of the terms and conditions contained herein.

RIVERHEAD FIRE DISTRICT

TOWN OF RIVERHEAD

Sean M. Walter, Town Supervisor

Date: _____

Date: _____

SCHEDULE "A"

Hours of operation: Twenty-Four hours per day, Seven days per week

CHARGES:

A. Cost of gasoline: As per New York State contract PC 66695-Gasoline and E-85, Award Number: 22782: Contract Period: December 19, 2014, through December 18, 2016, or any contract in succession. District acknowledges receipt of same which is hereby incorporated herein as if recited in its entirety. District acknowledges that price for unleaded gasoline may change or fluctuate based upon contract award by Town and cost/charge shall be subject to such contract award.

Diesel: Bid Award as per Resolution #568 adopted by the Town Board on August 2, 2016.

B. Fuel Supplier: Sprague Operating Resources, LLC.
Diesel Supplier: United Metro Energy Corp.

C. Frequency of Charges: Monthly (District to pay invoice within 30 days of receipt). District agrees and affirms that the District's failure to provide payment within 30 days of the invoice may subject the District to immediate termination of the Agreement.

D. Equipment Leasing Charges: The following leasing charges are a one-time leasing charge per vehicle to be paid on or before Agreement execution and whose leasing term shall coincide and run with the term of the Agreement. District agrees, represents and affirms that upon the termination of the Agreement, District shall present all of the designated vehicles to the municipal garage or any other Town department if so directed, for the removal of the following devices, within seven (7) business days of the termination of the Agreement. District also agrees that for any designated vehicle rendered no longer operable nor requiring fuel service, said vehicle shall be returned to the Town for removal of the following devices within seven (7) business days of the event, even if the Agreement has not terminated. District further agrees, affirms and represents that District personnel, officials, officers, employees, representatives, and agents shall not remove, alter, replace or manipulate the following devices from the designated vehicles without the express written consent of the Town, which shall survive the termination of the Agreement. District also agrees, affirms and represents that District shall make the designated vehicles available for inspection, service and/or maintenance upon request of the Town within a reasonable time but no later than one full business day. In addition, the installation of the following devices shall constitute a lien upon each of the designated vehicles until such time that the devices are physically removed from the subject vehicles by Town personnel.

- 1. Fuel Point Module: \$123.00 per vehicle**
- 2. T-Ring: \$ 26.00 per vehicle**

3. **Operator Key: \$20.00 (onetime leasing fee, District to return key upon contract termination).**
4. **Gas Can Key: \$20.00 (one-time leasing fee, District to return key at contract end)**

E. Town Administrative Charges: \$.37 (thirty-seven cents) per gallon. District agrees to pay an administrative charge to the Town equal to .37 cents per gallon of fuel that is dispensed from the Town's fuel pump. District further agrees to pay the administrative charge in addition to the cost of fuel (on a per gallon basis/rate) set forth in the fuel invoice. District agrees, acknowledges and understands that the administrative charge of .37 cents per gallon is a charge in addition to the fuel gallon rate specified in the Town's contract with Sprague Energy Corporation or such other company subject to contract/agreement with the Town. Town represents that the administrative charge shall be subject to review on an annual basis and as such may be modified and/or increased on an annual basis.

F. Town Installation Charges: The Town's Municipal Garage Department represents that it shall require the following time periods to install the above-referenced devices.

For vehicles with mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2.5 hours. For vehicles without mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2 hours. Town and District agree that the District shall determine those vehicles which require mileage tracking equipment and those which shall not require same and Town shall impose the fees set forth above.

Town and District mutually agree to add or delete vehicles during the term of the Agreement upon mutual consent subject to the above delineated charges and conditions. Town and District agree that subsequently designated vehicles shall incur charges delineated above which shall remain unchanged during the term of this Agreement.

G. District agrees to pay any additional and reasonable foreseeable and unforeseeable costs related to fuel service subject to verification and proper documentation.

SCHEDULE B (LIST OF VEHICLES)

1. 6-2-1 2010 SEAGRAVE VIN # 1F9E228T0ACST2059
2. 6-2-2 1997 SEAGRAVE VIN # 1F9EW28T9VCST2023
3. 6-2-3 2002 AMERICAN LAFRANCE VIN # 4Z3AAACG52RJ81874
4. 6-2-4 2010 SEAGRAVE VIN # 1F9E228T7ACST2060
5. 6-2-5 1997 SEAGRAVE VIN # 1F9F828TXVCST2014
6. 6-2-6 1999 LTI VIN # 4S7AX4291XC030120
7. 6-2-7 1997 FREIGHTLINER VIN # 1FVX4LYB2VL70201
8. 6-2-8 1991 INTERNATIONAL VIN # 1HTSLNMOMH367508
9. 6-2-9 2006 SALSBERRY VIN # 4S7AU2F946C053543
10. 6-2-10 2006 DODGE VIN # WDOPD644865946224
11. 6-2-10A 2011 DODGE VIN # 3D7UT2HL6BG544428
12. 6-2-12 1974 INTERNATIONAL VIN # 14672CHA42692 (gas)
13. 6-2-12A 1970 KAISER VIN # C13410341
14. 6-2-12B 1970 KAISER VIN # NL085R
15. 6-2-13 1976 SEAGRAVE VIN # PB24068F73521
16. 6-2-14 1994 SEAGRAVE VIN # 1F9EW28PORCST2062
17. 6-2-15 2003 CHEVY VIN # 1GBJC33193F186600
18. 6-2-30 2011 CHEVY TAHOE VIN # 1GNSK2E01BR345017
19. 6-2-31 2007 CHEVY SUBURBAN VIN # 3GNGK26K57G278743
20. 6-2-32 2005 CHEVY SUBURBAN VIN # 1GNFK16Z45J250785
21. 6-2-33 2008 FORD EXPEDITION VIN # 1FMFU16578LA84850

22. 6-2-90 2002 CHEVY TAHOE VIN # 1GNEK13412T280464
23. 6-2-91 2001 DODGE RAM PICK UP VIN # 1B7HF13731J521985
24. 6-3-93 2003 CHEVY TAHOE VIN # 1GNEK13Z23R176393
25. 6-2-95 2001 DODGE VIN # 3B6MF36641M510108
26. 6-2-96 2005 FORD VIN # 1FTWW33P25EC06949
27. 6-2-97 2004 FORD VIN # 1FBSS31P34HA72998

*The fueling of vehicles at the Town's Municipal Garage shall be solely for and related to official fire district purposes and any abuse or violation of this term shall constitute a material breach of this Agreement which may result in the immediate termination of the Agreement.

TOWN OF RIVERHEAD

Resolution # 842

AUTHORIZES THE SUPERVISOR TO EXECUTE A MUNICIPAL COOPERATION AGREEMENT BETWEEN THE TOWN OF RIVERHEAD AND THE RIVERHEAD FIRE DISTRICT FOR SAND AND SALT SERVICES

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead and the Riverhead Fire District wish to enter into a Municipal Cooperation Agreement whereby the Town of Riverhead Highway Department will provide sand and salt services to the Riverhead Fire District; and

WHEREAS, the Town of Riverhead will provide this service to the following Fire District locations: Roanoke Avenue Headquarters, Hubbard Avenue, Hamilton Avenue, and Riley Avenue; and

WHEREAS, the sand and salt service will cost the Riverhead Fire District \$125.00 each time the service is provided (not per weather event); and

WHEREAS, the service only provides salt and sanding of the parking/ramp areas, not walkways or entrances, and does not include plowing.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the Supervisor to enter into an agreement with the Riverhead Fire District, in substantially the same form as annexed hereto, for sand and salt services; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolutions to Jonathan D. Brown, Esq., 737 Roanoke Avenue, Riverhead, NY 11901; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

MUNICIPAL COOPERATION AGREEMENT entered into as of the _____ day of November, 2016, by and between the RIVERHEAD FIRE DISTRICT, with offices for the transaction of business located at Roanoke Avenue, Riverhead, New York and the TOWN OF RIVERHEAD, with offices for the transaction of business located at 200 Howell Avenue, Riverhead, New York.

WHEREAS, the Town of Riverhead, through its Highway Department, is responsible for snow removal from Town roadways and Town property throughout the Town and, as such, the Town Highway Department has the facilities, personnel and equipment to perform snow removal and related tasks, including salt and sanding; and

WHEREAS, the Riverhead Fire District has adequate equipment and personnel required to perform snow removal, however, the District lacks adequate equipment and/or facilities for the storage of and application of sand and salt required for parking and ramp areas at the following Fire District locations: Roanoke Avenue Headquarters, Hubbard Avenue, Hamilton Avenue, and Riley Avenue; and

WHEREAS, the Riverhead Fire District finds it appropriate and cost effective to contract for salt and sanding services and requests that the Town of Riverhead Highway Department provide assistance to the Fire District limited to the application of salt and sand in the parking and ramp areas identified above; and

WHEREAS, the Riverhead Fire District and Town of Riverhead, through its Highway Department, wish to enter into an inter-municipal agreement for such services; and

WHEREAS, pursuant to Article 5-G of the General Municipal Law, the Town and Fire District are authorized to enter into a municipal cooperation agreement with respect to salt and sanding services; and

WHEREAS, the parties recognize what their respective rights and obligations will be under the agreement; and

NOW, THEREFORE, in consideration of the mutual covenants set forth above and fully set forth in the Agreement below, the parties agree as follows:

THIS AGREEMENT is made November 1, 2016 by and between the Town of Riverhead, hereinafter referred as the "TOWN" and the Riverhead Fire District, hereinafter referred as the "DISTRICT", and hereinafter collectively called the "PARTIES".

IT IS HEREBY AGREED by and between the PARTIES, that the TOWN agrees to apply sand and salt, or other material on parking and ramp areas at the following DISTRICT locations: Roanoke Avenue Headquarters, Hubbard Avenue, Hamilton Avenue, and

Riley Avenue during the months of November 1 to April 1 each year that this Agreement is in effect as the Town Highway Superintendent deems it necessary or *at the request of any one of the following DISTRICT representatives: Kevin Brooks, Ed Carey, Mark Conklin, Bill Kelly, Dennis Hamill, Frank Darrow.

The DISTRICT may alter the list of District representatives at any time. The DISTRICT will notify the Town in writing of any such change.

The DISTRICT shall provide the TOWN with notice that conditions exist such that the parking and ramp areas require the application of salt and/or sand and that DISTRICT has completed or shall complete snow plow activities within one hour from notification such that the areas described above are ready for application of sand and salt by TOWN. This notice shall be satisfied by contacting the Town of Riverhead Highway Department at 727-3200, extension 228 during regular business hours (7:00 am to 3:30 pm) or by contacting George Woodson, Highway Superintendent at 631-466-0141 during non-business hours.

The DISTRICT shall be responsible to plow all snow and ice from the parking area prior to application of salt and/or sand by TOWN and shall make every good faith effort not to plow residual snow onto Town roadways and sidewalks.

The DISTRICT shall be responsible to remove snow and ice, salt and sand all pathways, entrances, exits, means of ingress and egress be it for pedestrian or vehicle access to the buildings, offices, garage or other such structures located on or adjacent to the identified parking areas and it is understood that the TOWN shall not be responsible for or provide any such snow removal, salt or sanding services to such areas.

The Town shall perform such salt and sand application to the same extent and in the same timely fashion as the TOWN shall perform such services on its own Town highways and parking areas.

The TOWN further agrees to supply all labor, machinery, tools and equipment in the performance of the work under this Agreement.

The DISTRICT agrees to reimburse the TOWN for its costs in performing such services, according to the following procedures:

- a. The TOWN agrees to keep, during the period of this AGREEMENT, an itemized annual record of daily operations, on a form to be provided by the Town Highway Superintendent and to submit such completed form together with a certified voucher noting the date, time, location for each application of sand and/or salt ; and
- b. The DISTRICT agrees to pay a flat rate of \$125.00 per application to all four identified locations (not per location). It is understood that due to the snow event or conditions related to the snow event (wind, rain etc.), the TOWN may perform

one or more applications at any of the identified locations per day/evening and seek payment for each application.

This AGREEMENT shall be in full force and effect from and after November 2016 until April 2017, unless terminated sooner by either PARTY upon 60 days' notice in writing to the other PARTY.

The Town of Riverhead is self insured and shall maintain said self insured status during the period of this agreement. The Riverhead Fire District shall procure and maintain, at its sole cost and expense, any and all insurance necessary to protect itself from claims for which it may be legally liable arising from the activities contemplated under this Agreement. All policies shall provide for at least thirty (30) days written notice of cancellation or amendment.

Each party agrees to indemnify and hold harmless the other party, its agents and employees from and against all claims, damages, losses and expenses of a third party arising out of or resulting from the sand and salt application to the parking/ramp areas at the four locations provided that such claim, damage, loss or expense is caused in whole or in part by the negligent act or omission of the identifying party or anyone for whose acts it may be liable.

Any alteration, change, addition, deletion or modification of any of the provisions of this Agreement or any right either party has under this Agreement shall be made by mutual assent of the parties in writing and signed by both parties.

This Agreement may not be assigned by either party without the prior written authorization of the non-assigning party.

Nothing contained in this Agreement shall be construed to create an employment or principal-agent relationship or partnership or joint venture, between the Town of Riverhead and the Riverhead Fire District and any officer, employee, servant, agent or independent contractor of the Riverhead Fire District.

This Agreement shall be governed by the Laws of the State of New York. If any portion of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect.

This Agreement constitutes the full and complete agreement between the Riverhead Fire District and the Town of Riverhead, and supersedes all prior written and oral agreements, commitments or understandings with respect thereto.

This Agreement had been mutually arrived at and shall not be construed against either party as being the drafter or causing this Agreement to be drafted.

The undersigned representative of the Town of Riverhead hereby represents and warrants that the undersigned is an officer, director or agent of the Town of Riverhead

with full legal rights, power and authority to enter into this Agreement on behalf of the Town of Riverhead and bind the Town of Riverhead with respect to the obligations enforceable against the Town of Riverhead in accordance with the terms contained herein.

IN WITNESS WHEREOF, the undersigned hereby acknowledge that they have read and fully understand the foregoing Agreement and further, that they agree to each of the terms and conditions contained herein.

RIVERHEAD FIRE DISTRICT

By: _____

Printed Name: _____

Date: _____

TOWN OF RIVERHEAD

By: _____
Sean M. Walter, Town Supervisor

Date: _____

TOWN OF RIVERHEAD

Resolution # 843

**AUTHORIZES THE RIVERHEAD VOLUNTEER AMBULANCE CORPS, INC., TO
BILL FOR TOWN APPROVED AMBULANCE DISTRICT USER FEES REGARDING
EMERGENCY MEDICAL TRANSPORTATION SERVICES AND EMERGENCY
MEDICAL SERVICES; ESTABLISHES AMBULANCE DISTRICT
USER FEE SCHEDULE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, a municipality such as the Town of Riverhead is authorized to implement a fee and charge schedule to be paid by persons availing themselves of emergency transportation services and emergency medical services and provide for the collection of same on behalf of the Riverhead Ambulance District pursuant to New York State Town Law section 198 (10-f)(b) and New York State General Municipal Law section 122-b (2); and

WHEREAS, the Town of Riverhead, in the interest of defraying the cost of administering emergency medical transportation services and emergency medical services in the Riverhead Ambulance District, wishes to implement a district user fee schedule to be paid by persons availing themselves of such afore-mentioned services solely related to the rendering of such afore-mentioned and warranted medical services in the context of motor vehicle accidents as "motor vehicle" is defined pursuant to New York State Insurance Law section 5102(a)(2)(f); and

WHEREAS, the Town of Riverhead is an authorized entity to establish such an ambulance district user fee schedule regarding the aforementioned medical services, as provided by the Riverhead Volunteer Ambulance Corps., Inc.

NOW THEREFORE BE IT RESOLVED, effective January 1, 2017, the Town of Riverhead does hereby establish an ambulance district user fee schedule regarding emergency medical transportation services and emergency medical services, as follows:

- a. Advanced Life Support (ALS) Services: \$ 1200.00
- b. Basic Life Support (BLS) Services: \$ 900.00
- c. Mileage: \$ 18.00/mile

RESOLVED, such ambulance district user fee schedule shall be implemented and facilitated by the Riverhead Volunteer Ambulance Corps, Inc., solely within the context of rendering such emergency medical transportation services and emergency medical services regarding motor vehicle accidents as "motor vehicle" is defined pursuant to New York State Insurance Law section 5102(a)(2)(f); and be it further

RESOLVED, the invoice and collection of such ambulance district user fees may be facilitated either directly by the Riverhead Volunteer Ambulance Corps., Inc., or by retaining an independent contractor for the invoice and collection of such district user fees subject to the approval of the ambulance district, including approval of all terms and conditions of third-party agreements, and subject to compliance with Federal, State and Local laws, rules and regulations; and be it further

RESOLVED, ambulance district user fees, as received, shall be forwarded to the ambulance district on a monthly basis, inclusive of all pertinent and legally-required documentation; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 844

AUTHORIZES EXTENSION OF TIME TO REMIT REAL PROPERTY TAXES FOR SENIOR CITIZENS RECEIVING ENHANCED STAR PURSUANT TO SECTION 425 OR SECTION 467 OF NYS RPTL

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Section 925-b of the Real Property Tax Law of the State of New York allows an extension of time to pay real property taxes for certain persons sixty-five years of age or over receiving an exemption pursuant to §425(4) or §467; and

WHEREAS, the law allows for an extension of time of up to five business days without penalty of interest; and

WHEREAS, Receiver of Taxes, Laurie A. Zaneski recognizes the need to assist our seniors in payment of their real property taxes without penalty due to the time lapse between Social Security checks and the May 31, 2017 deadline.

NOW, THEREFORE, BE IT RESOLVED, that the payment of real property taxes for certain persons sixty-five years of age or over receiving an exemption pursuant to §425(4) or §467 of the New York State Real Property Tax Law is hereby extended to June 7th, 2017 for the second half payment only; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Receiver of Taxes and that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same from the Office of the Town Clerk.

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 845

AUTHORIZES SUPERVISOR TO SIGN AN AGREEMENT WITH NYS WORKERS' COMPENSATION BOARD FOR eCASE ACCESS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, NYS Workers' Compensation Board permits access to that Board's electronic case folder system (or by eCase) upon written agreement with NYS Workers' Compensation Board; and

WHEREAS, access via eCase will assist in monitoring status of town cases pending before that state board.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreement with NYS Workers' Compensation Board; and be it further

RESOLVED, that the Town Board agrees that Jean Miloski shall be granted access and be the sole Authorized User; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted



**Workers'
Compensation
Board**

ANDREW M. CUOMO
Governor

KENNETH J. MUNNELLY
Chair

October 27, 2016

Town of Riverhead
1295 Pulaski Street
Riverhead, NY 11901
Attn: Jean Miloski

Dear Ms. Miloski:

The NYS Workers' Compensation Board has received your request for your organization to have access to eCase, the Board's claims information electronic case folder system.

Prior to allowing access to your company the Board requires a duly authorized representative, **authorized to legally bind your organization**, to sign a legal agreement with the Board. It needs to be an officer of the company, like Owner, President, Vice President (also VP parenthesis like VP-Claims, or prefixed VP like Senior VP), Treasurer, Corporate Secretary. Please contact our General Counsel's Office (518-486-9564) if you have questions on who should sign. This agreement is between your organization and the Board and specifies your obligations, particularly those regarding Section 110-a of the Workers Compensation Law, which makes it unlawful for any person who accesses Workers' Compensation Board records or individually identifiable information from Workers' Compensation Board records to disclose such information to any person who is not otherwise lawfully entitled to obtain these records. One agreement covers all present and future eCase users in your organization.

Please print off (2) copies of the legal agreement. Please have a duly authorized representative, **authorized to legally bind your organization**, sign both agreements, have both notarized and return both agreements with original signatures to the Board at:

NYS Workers' Compensation Board
328 State Street
Schenectady, NY 12305
Attn: Anita Letson 228-4

Upon receipt of the signed agreement, the Board's eCase team will proceed with the technical steps to enable your company to have eCase access. These steps include giving eCase access to your organization's eCase administrator. Your administrator will receive written notification when he/she may access eCase, along with instructional information. , NY 11365

If you have general questions about eCase, please visit the Board's web site at www.wcb.ny.gov From the home page, click on eCase – Electronic Case Folder, to view information specific to eCase. If you have questions regarding your organization's eCase status, please send E-mail to the Board's Help Desk at helpdesk@wcb.ny.gov or call the Help Desk at (866) 890-5863 Monday – Friday between the hours of 7:30 AM and 5 PM, so your request may be routed to the eCase support team.

Thank you for your interest in participating in eCase, one of the Board's electronic business offerings.

Sincerely,

Anita Letson
eCase Administrator

Workers' Compensation eCase Agreement
(For Employers, Carriers and Third-Party Administrators, etc.)

This Agreement, effective on the date last signed below by the Parties, is between the New York State Workers' Compensation Board (hereinafter the Board) and _____ (hereinafter Authorized User). The Authorized User engages in business with the Board as a(n) _____ (eg. employer, carrier, third-party administrator, etc.). The Board identifies the Authorized User by using the following numeric Board-assigned identifier(s): _____ (eg. "W" code, "H" code, "T" code, etc. or "none").

WITNESSETH:

Whereas, the Board has a program known as "eCase" that enables Authorized Users, as defined herein, to electronically access portions of the Board's electronic case files or Claims Information System (hereinafter "CIS"); and

Whereas, the Board and the Authorized User wish to enter into an agreement allowing the Authorized User to obtain access to eCase as to those cases in which the Authorized User is a party in interest or is otherwise authorized to obtain access to the case file:

Now, therefore, in consideration of the mutual covenants herein contained, the parties agree as follows:

1. The Board agrees to provide the Authorized User with user identification code(s) and password(s) obtained from the New York State Office for Technology that will enable the Authorized User to access eCase via the Board's Internet web site. The user identification code(s) provided by the Board to the Authorized User will correlate only with those cases in which the Authorized User is a party in interest or is otherwise authorized to view a case file.
2. Access to eCase is for official business purposes only. Access to eCase is provided to allow the Authorized User to electronically view portions of the workers' compensation case files in the Board's CIS system to which the Authorized User is permitted to have access. The Authorized User may print out documents from the case files (with the exception of hearing minutes and deposition transcripts) to which it is permitted access, but the Authorized User shall not be allowed to alter any data in CIS.
3. For the purposes of this Agreement, "Authorized User" shall mean a party in interest or a person who is otherwise authorized by law to view the case file.
4. The eCase application uses the Central Directory Service of the NYeNet for authentication and authorization. The Authorized User agrees to comply with the Acceptable Use Policy for Users of NYeNet Applications and with policies regarding user identification codes and passwords.

5. The Authorized User shall comply with all Federal and State laws, regulations and policies applicable to the data contained in eCase, including but not limited to Workers' Compensation Law §110-a, which makes it unlawful for any person who accesses Workers' Compensation Board records or individually identifiable information from Workers' Compensation Board records to disclose such information to any person who is not otherwise lawfully entitled to obtain these records.
6. The Authorized User shall not delegate access to a workers' compensation claim to any entity that is not a party to such claim for the purposes of adjustment of such claim unless the entity is a third-party administrator duly licensed by the Board pursuant to Workers' Compensation Law §50 (3-b) or §50 (3-d). The Authorized User shall not delegate access to a workers' compensation claim to any person for the purposes of adjustment of such claim unless such person is a designated and regular employee of the self-insured employer or carrier on the risk, as indicated by the Federal Employer Identification Number (FEIN) of the self-insured employer or carrier as permitted by Workers' Compensation Law §24-a (5).
7. The Authorized User agrees to permit only authorized employees, agents, or other entities as the Board may require, to use eCase. For the purposes of this Agreement, authorized employees or agents or other entities as the Board may require, shall mean a subset of Authorized Users who must each individually have a password to access the NYeNet directory service and eCase. "Other entities" must have previously executed a Workers' Compensation eCase Agreement or Workers' Compensation eCase Memorandum of Understanding with the Board.
8. The Authorized User shall ensure that each user identification code and password is used solely by the assigned employee or agent. The Authorized User agrees to secure its user identification code(s) and password(s) used to access eCase in order to prevent illegal or unauthorized disclosure of confidential workers' compensation records. The Authorized User is responsible for informing its employees and agents of the requirements and restrictions regarding the use of eCase and is responsible for the use of eCase by its employees and agents. When the employment of an employee or agent with access to eCase is terminated, the Authorized User shall be responsible for ensuring that the terminated employee or agent's ability to access eCase is removed. The Authorized User shall notify the Board that the employment of an employee or agent with access to eCase has ended. Such notification shall be either prior to termination of employment or no later than the next business day after the end of the employee's or agent's employment with the Authorized User. To make this notification, the Authorized User shall notify at least one of the following persons at the Board: (1) Secretary to the Deputy Executive Director for Information and Management Services, or (2) Manager of E-Business Web Applications. Notification shall be via e-mail to the eCase administrator at the Board (eCase.Administrator@wcb.ny.gov). The notification shall contain the terminated employee's name, the employer's name and the terminated employee's user identification code.
9. The Board's web site will sometimes be unavailable due to maintenance or other reasons. The Authorized User is responsible for checking the availability pages on the Board's web site to learn about non-availability maintenance periods and other information about the process.

10. The Authorized User affirms that the information contained in its eCase application, as well as any documentation submitted in support of its application or this Agreement, is correct.

11. The Authorized User is responsible for deleting all eCase or CIS records from any computer equipment it sells or otherwise disposes of.

12. The Authorized User agrees to fully indemnify and save harmless New York State and the Board from suits, actions, damages and costs of every name and description for damages arising from and pertaining to the Authorized User's use of eCase, that are a result of acts or omissions of the Authorized User, and each of its officers, employees or agents, whether said officer, employee or agent is authorized to use eCase or is not authorized to use eCase..

13. If the Authorized User fails to comply with the conditions of this Agreement or the Acceptable Use Policy for Users of NYeNet Applications, the Board, at its sole discretion, may immediately suspend or terminate the Authorized User's access to eCase and may impose any costs associated with the Authorized User's failure to comply. If the Board discovers that the information contained in the Authorized User's eCase application, this Agreement or any supporting documentation is incorrect or inaccurate, the Board, at its sole discretion, may immediately suspend or terminate the Authorized User's access to eCase and may impose any costs associated with the Authorized User's failure to comply.

14. This Agreement shall be construed in accordance with the Laws of the State of New York.

TOWN OF RIVERHEAD

Resolution # 846

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST
NOTICE TO BIDDERS FOR ELECTRIC MOTOR
REPAIR/REPLACEMENT, INCLUDING EMERGENCIES**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for electric motor emergency repair/replacement in the November 24, 2016, issue of ***The News-Review***, and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **ELECTRIC MOTOR REPAIR/REPLACEMENT, INCLUDING EMERGENCIES**, for use by the Town of Riverhead, will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on December 19, 2016**, at which time all bids received shall be opened and read aloud.

Bid Specifications and/or Plans may be obtained by visiting the Town of Riverhead website at www.townofriverheadny.gov on or after **November 24, 2016**. Click on "Bid Requests" and follow the instructions to register.

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR ELECTRIC MOTOR REPAIR/REPLACEMENT, INCLUDING EMERGENCIES – BID #2016-35-RWD**. All bids must be submitted on the bid form provided. Any and all exceptions to the Specifications must be listed on a separate sheet of paper, bearing the designation "**EXCEPTIONS TO THE SPECIFICATIONS**" and be attached to the bid form.

NOTE: Bid responses must be delivered to the Office of the Town Clerk at 200 Howell Avenue, Riverhead, New York, 11901, on or before December 19, 2016 at 11:00 a.m. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 847

**RATIFIES THE APPROVAL OF THE CHAPTER 255 APPLICATION OF HOME
DEPOT DEVELOPMENT OF MARYLAND, INC.
(Carpet and Rug Tent Sale – September 30th, 2016 through November 14th, 2016)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, on October 11, 2016, Andrew Carbone, on behalf of Home Depot Development of Maryland, Inc., submitted a Chapter 255 Application for the purpose of erecting a tent for the display and sale of carpets and rugs at the location of 1550 Old Country Road, Riverhead, New York, to be held on September 30th, 2016 through November 14th, 2016, between the hours of 6:00 a.m. and 10:00 p.m.; and

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

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

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

WHEREAS, that the applicable Chapter 255 Application fee has been paid; and be it further

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

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

RESOLVED, that the application of Home Depot Development of Maryland, Inc. for the purpose of erecting a tent for the display and sale of carpets and rugs at the location of 1550 Old Country Road, Riverhead, New York, to be held on September 30th, 2016 through November 14th, 2016, between the hours of 6:00 a.m. and 10:00 p.m., is hereby approved; and be it further

RESOLVED, that the necessary tent permit must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA

Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 301 Article XLVIII entitled, "Signs" and any other section of the Riverhead Town Code that may apply to this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Home Depot Development of Maryland, Inc., Attn: Suzanne Russo, 2455 Paces Fern Road, NW, Atlanta, Georgia, 30339 and Home Depot, Attn: Andrew Carbone, 1550 Old Country Road, Riverhead, New York, 11901; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 848

AUTHORIZES THE ACCOUNTING DEPARTMENT TO CONVEY FINAL PAYMENT TO BROADVIEW NETWORKS, INC., IN FULL SATISFACTION OF ALL OUTSTANDING CHARGES

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town of Riverhead entered an agreement with Broadview Networks, Inc., on or about June 29, 2005, regarding video transmission signal services concerning video surveillance of the western runway at EPCAL; and

WHEREAS, the Town Engineering Department, Town Police Department and Town Attorney's Office have determined that it is in the best interests of the Town to terminate the present agreement and solicit additional proposals from interested companies; and

WHEREAS, pursuant to an internal audit of contract terms, contractual payments, non-payments and credit adjustments, it has been determined and agreed to by all parties that the Town of Riverhead owes a final payment of \$3079.64 (three-thousand seventy-nine dollars and sixty-four cents), regarding signal services rendered from contract inception to October 31, 2016, the date of disconnect, in full satisfaction of all charges.

NOW, THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the Accounting Department to convey a final payment to Broadview Networks, Inc., in the amount of \$3,079.64 (three-thousand seventy-nine dollars and sixty-four cents) upon receipt of a completed claim voucher in full satisfaction of all charges regarding signal services rendered from contract inception to October 31, 2016, and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 849

**RECOMMENDS MEMBERSHIP ON BROOKHAVEN NATIONAL LABORATORY
COMMUNITY ADVISORY COUNCIL**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Brookhaven National Laboratory Community Advisory Council was formed in 1998 to advise the Laboratory Director on selected issues, particularly on the environment, safety and health; and

WHEREAS, it is the intent of the Brookhaven National Laboratory that the Community Advisory Council represent a diverse range of interests and values of individuals and groups who are interested in or affected by the action of the Laboratory; and

WHEREAS, the Brookhaven National Laboratory Community Advisory Council consists of representatives from 26 local business, civic, education, environment, employee, government, and health organizations and sets its own agenda, brings forth issues important to the community and works to provide consensus recommendations to those responsible for management of the Brookhaven National Laboratory; and

WHEREAS, Isidore Doroski has represented the Town of Riverhead as a Primary Member on the Brookhaven National Laboratory Community Advisory Council for the past five years with the term expiring on December 31, 2016; and

WHEREAS, Isidore Doroski has expressed a desire to continue to represent the Town of Riverhead and serve on the Brookhaven National Laboratory Community Advisory Council as a Primary Member and Janis Rottkamp has expressed a willingness to service as Alternate Member.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby recommends and supports a 5-year membership renewal for Isidore Doroski to serve as Primary Member and Janis Rottkamp to serve as Alternate Member I, subject to approval by the Brookhaven National Laboratory Community Advisory Council; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 850

RATIFIES THE REINSTATEMENT OF A SENIOR CITIZEN AIDE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that effective October 25, 2016 this Town Board hereby ratifies the reinstatement of Assistant Senior Citizens Center Manager Karen Westwood to the position of Senior Citizen Aide at a rate of pay as found in Group 2, Step 7A of the CSEA Clerical and Supervisory Salary Schedule.

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Tabled

TOWN OF RIVERHEAD

Resolution # 851

ADOPTS A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED, "ZONING AND LAND DEVELOPMENT" OF THE CODE OF THE TOWN OF RIVERHEAD
(Article XXIIA Hospital (H) Zoning Use District)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Hubbard

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 301, entitled "Zoning and Land Development" adding Article XXIIA to the Code of the Town of Riverhead ("Town Code"); and

WHEREAS, the proposed amendments are a Type I action pursuant to 6NYCRR Part 617; and

WHEREAS, a Full Environmental Assessment Form, [FEAF], Parts 1, 2 and 3 have been prepared and are on file with the Office of the Town Clerk; and

WHEREAS, The Town Board requested Lead Agency Status and with no objection, is designated Lead Agency for SEQRA review; and

WHEREAS, a SEQRA coordinated review was conducted with involved agencies; and

WHEREAS, the proposed amendments adding Article XXIIA to provide for a new zoning district entitled Hospital (H) Zoning Use District to the Code of the Town of Riverhead were referred to the Suffolk County Planning Commission; and

WHEREAS, the Suffolk County Planning Commission found that the proposed use was consistent with the Town Comprehensive Plan and has recommended that the amendments be approved; and

WHEREAS, a public hearing was held on the 18th day of October, 2016 at 7:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Town Board, after review of the available environmental information pertaining to the action, finds there to be no adverse environmental impacts resulting from the action.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares the amendments of Chapter 301 to be a Type I action for the purposes of SEQRA compliance and declares itself Lead Agency; and be it further

RESOLVED, that coordinated review is not required as the Town Board is the sole involved agency for purposes of implementing the amendment to Chapter 301; and be it further

RESOLVED, that the FEAF has been duly considered and Town Board finds there to be no adverse environmental impacts resulting from the action; and be it further

RESOLVED, that the Town Board, as Lead Agency, issues a Negative Declaration for the action; and be it further

RESOLVED, that the Town Board, be and hereby, directs the Supervisor to sign the Negative Declaration and that the Town Clerk publish and post the Negative Declaration in the Environmental News Bulletin and post the notice of the Negative Declaration on the Town of Riverhead official website; and be it further

RESOLVED, that the local law amending Chapter 301 entitled, "Zoning and Land Development" of the Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 301 entitled "Zoning and " of the Riverhead Town Code, at its regular meeting held on November 15, 2016.

CHAPTER 301
Zoning and Land Development

Article XXIIA Hospital (H) Zoning Use District

§301- 112.1 Legislative Intent.

It is the purpose of the Hospital (H) Zoning Use District to implement the recommendations of the Town of Riverhead Comprehensive Plan (2003), improving the ability to address health and human service needs throughout the community and permitting the continued existence of a community based hospital within the Town of Riverhead. The Hospital (H) Zoning Use District will serve to optimize the hospital's services and meet the growing needs of the Riverhead community, its infrastructure improvements and enhance its services to better align the hospital's services with the Town's growing needs.

§301- 112.2 Authorization.

The Town Board of the Town of Riverhead shall be the designated agency to review, approve, amend, modify or disapprove site plans for all structures and uses in the Hospital (H) Zoning Use District.

§301- 112.3 Permitted Uses.

In the Hospital (H) Zoning Use District, no building or land shall be used and no building shall be erected except for one or more of the following specified uses, unless otherwise provided for herein:

- A. Public or private hospital, whether for profit or not for profit;

§301- 112.4 Accessory Uses.

In the Hospital (H) Zoning Use District, the following uses are permitted as accessory or ancillary to that of a Hospital use:

- A. Offices for hospital staff;
- B. Medical office space;
- C. Extended Care Facility;
- D. Bus passenger shelter;
- E. Public utility structure, right-of-way, sewage treatment plant or water supply facility;
- F. Emergency or supporting power generating equipment;
- G. Wireless and satellite antennas;
- H. Physical therapy;
- I. Pharmaceutical facilities;
- J. Storage facilities for medical equipment, supplies and records;
- K. Food service facilities and cafeterias;
- L. Laundry facilities;
- M. Housekeeping and maintenance storage areas;

N. Medical library, research and educational facilities;

O. Diagnostic clinic and clinical laboratories which provide support to hospital medical functions;

P. Imaging services, including but not limited to magnetic resonance imaging, cat scan and linear accelerator;

Q. Diagnostic and therapeutic radiation, laser, cryotherapy equipment, including portable and accessory buildings to house same;

R. Gift stores;

S. Chapels or places of worship;

T. Off-street parking facilities;

U. Helicopter landing site for the reception and transport of emergency and trauma patients;

V. Garages for parking and storing of emergency and maintenance vehicles subject to the following conditions:

(1) Garages must be designed to be architecturally compatible with the primary hospital building;

(2) Garages shall have a ten (10) foot lot line setback from the property line;

(3) No parking level shall exceed fifty (50) feet above grade, exclusive of mechanical installations, stair bulkheads and elevator bulkheads;

(4) Parking garages and dedicated mechanical equipment space shall be excluded from all calculations for parking requirements;

(5) Parking garage shall be provided upon the same premises they serve, or elsewhere provided that all spaces are on a parcel having a property line located within 200 feet walking distance of the premises served.

(6) Aisle widths as set forth in Section 301-112.6 below.

W. Such other accessory uses customary and ancillary to a Hospital facility.

§301-112.5 Dimensional Regulations.

A. Minimum lot area: 40,000 feet;

B. Minimum yard dimensions for principal buildings:

(1) Front yard: 40 feet;

(2) Rear yard: 25 feet;

(3) Side yard: 25 feet;

(4) Total side yards: 50 feet.

C. Maximum height: 70 feet. The height limitation shall not apply to exposed rooftop bulkheads, elevator bulkheads, stair bulkheads, water towers, fire towers, hose towers, cooling towers, mechanical equipment, helipad, chimneys, parapet walls/cornices or solar energy systems. However, any structure(s) described above that exceed(s) 80 feet in height shall require a Special Permit from the Town Board. Height shall be measured from the average elevation of the finished grade of the building.

D. Maximum lot coverage: 90 percent. The lot areas of all properties owned by the Hospital shall be computed into lot coverage calculations;

E. Maximum impervious surface: 90 percent. Applicable to main hospital campus only and not to lots devoted to parking uses.

F. Maximum floor area ratio: 1.50.

G. Any hospital use shall be developed only on properties that are connected or capable of connection to a sewer district.

§301-112.6 Parking Spaces.

- A. Parking spaces for properties within the Hospital Zoning Use District shall be calculated as follows: One parking space per 1.5 beds.
- B. Parking to satisfy the requirements of the Hospital District may be provided on land that is contiguous with the Hospital building and not owned by the Hospital.
- C. Minimum parking aisle width for ninety (90) degree and seventy (70) degree angle: eighteen point 7 (18.7) feet;
- D. Minimum parking aisle width for sixty (60) degree angle: fifteen (15) feet;
- E. Minimum parking aisle width for forty-five (45) degree angle: twelve (12) feet;
- F. Each parking space required by this section shall be directly accessible from an access aisle without having to pass over any other parking space.

§301-112.7 Off-Street Loading.

- A. One (1) loading berth per every 150,000 square feet of floor area;
- B. Each required loading berth shall be at least 12 feet long and 14 feet wide and in no event smaller than required to accommodate the vehicles normally using such berth;
- C. No parking shall be permitted, nor shall any area be counted, in the parking area within the loading berth area;
- D. Loading berths may be provided in spaces designed to serve jointly two or more adjacent establishments.

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

Dated: Riverhead, New York
November 15, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 852

ADOPTS A LOCAL LAW TO AMEND CHAPTER 301 ENTITLED, "ZONING AND LAND DEVELOPMENT" OF THE CODE OF THE TOWN OF RIVERHEAD
(Article I: Title, Purpose, Definitions and Interpretation [HOSPITAL]
Article XLV: Supplementary Use Regulations.
Article LVI: Site Plan Review)

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 301, entitled "Zoning and Land Development" Article I of the Code of the Town of Riverhead ("Town Code"); and

WHEREAS, the proposed amendments are a Type I action pursuant to 6NYCRR Part 617; and

WHEREAS, a Full Environmental Assessment Form, [FEAF], Parts 1, 2 and 3 have been prepared and are on file with the Office of the Town Clerk; and

WHEREAS, The Town Board requested Lead Agency Status and with no objection, is designated Lead Agency for SEQRA review; and

WHEREAS, a SEQRA coordinated review was conducted with involved agencies; and

WHEREAS, the proposed amendments were referred to the Suffolk County Planning Commission; and

WHEREAS, the Suffolk County Planning Commission has recommended that the amendments be approved; and

WHEREAS, a public hearing was held on the 18th day of October, 2016 at 7:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Town Board, after review of the available environmental information pertaining to the action, finds there to be no adverse environmental impacts resulting from the action.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares the amendments of Chapter 301 to be a Type I action for the purposes of SEQRA compliance and declares itself Lead Agency; and be it further

RESOLVED, that the FEAF and all available environmental information pertaining to the action have been duly considered and Town Board finds there to be no adverse environmental impacts resulting from the action; and be it further

RESOLVED, that the Town Board, as Lead Agency, issues a Negative Declaration for the action; and be it further

RESOLVED, that the Town Board, be and hereby, directs the Supervisor to sign the Negative Declaration and that the Town Clerk publish and post the Negative Declaration in the Environmental News Bulletin and post the notice of the Negative Declaration on the Town of Riverhead official website; and be it further

RESOLVED, that the local law amending Chapter 301 entitled, "Zoning and Land Development" of the Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 301 entitled "Zoning and " of the Riverhead Town Code, at its regular meeting held on November 15, 2016.

CHAPTER 301
Zoning and Land Development

Article I: Title, Purpose, Definitions and Interpretation

§301-3 Definitions; word usage.

HOSPITAL

~~A building or buildings used for the diagnosis, treatment or other care of human ailments, other than primarily for specialized care of mental illness, contagious or infectious disease or liquor or drug addicts, except that facilities for a limited number of such patients may be provided in accordance with the regulations of the State Health Department. A hospital may include auxiliary services and functions and hospital staff residential quarters. No building shall be recognized as a hospital unless it has provision for the accommodation of 20 beds.~~

A facility licensed in accordance with Article 28 of the New York State Public Health Law and 10 N.Y.C.R.R. §700.2 (a) (1), (2), (3) and (5) of the New York State Hospital Code. A "Hospital" shall, at a minimum, include an emergency department, operating room, laboratory, radiology, inpatient beds and an organized department of medicine and department of surgery. No other facility as defined in any other section of 10 N.Y.C.R.R. §700.2 (a) of the New York State Hospital Code shall constitute a "Hospital."

Article XLV: Supplementary Use Regulations.

§301-225 Municipal buildings, ~~hospitals~~, public utility buildings and structures.

A. Municipal buildings ~~and hospitals~~ shall be permitted in all districts, provided that such buildings shall conform to all other provisions of this chapter for the district in which located.

B. Public utility buildings and structures shall be permitted in all districts when approved by special permit of the Town Board upon a finding by the Board that adequate buffers exist to minimize impacts upon adjacent parcels and taking into account, among other things, the existing and permitted uses in the surrounding community. Commercial solar energy production systems shall not be permitted in any district except those districts as provided in Article LII of this chapter.

Article LVI: Site Plan Review

§301-303 General requirements.

A. Authorization. The Town Board hereby authorizes the Planning Board pursuant to

~~§274-a of the Town Law, to review and approve, approve with modifications, or disapprove site plans for the activities and land uses listed herein except for site plan petitions upon real property within urban renewal designated areas pursuant to Article 15 of the General Municipal Law and further excepting site plans that have already been referred to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m as of the date of adoption of this subsection.~~ site plans for the following which shall be reviewed, approved, approved with modifications, or disapproved by the Town Board:

- (1) site plan petitions upon real property within urban renewal designated areas pursuant to Article 15 of the General Municipal Law;
- (2) site plans that have already been referred to the Suffolk County Planning Commission pursuant to General Municipal Law §239-m as of the date of adoption of this subsection;
- (3) site plan applications for properties located within the Hospital (H) Zoning Use District.

To the extent the Town Board continues as the agency reviewing site plans pursuant to this article, references to the “Planning Board” in connection with site plan reviews shall be interpreted to mean the “Town Board”.

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

Dated: Riverhead, New York
November 15, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 853

**DECLARES LEAD AGENCY STATUS, CLASSIFIES ACTION AS TYPE I ACTION
PURSUANT TO SEQRA, ADOPTS AN AMENDMENT TO THE COMPREHENSIVE
PLAN, AMENDS THE ZONING MAP AND APPROVES A CHANGE OF THE ZONING
CLASSIFICATION OF CERTAIN PARCELS FROM SHOPPING CENTER (SC) TO
HOSPITAL (H) ZONING USE DISTRICT ALONG ROANOKE AVENUE, RIVERHEAD,
NEW YORK**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Board of the Town of Riverhead, in accordance with §272-a of Town Law, is authorized to prepare and adopt a comprehensive plan and amendments thereto; and

WHEREAS, the adopted 2003 Town Comprehensive Plan, recognized the existence of the existing hospital within the Town of Riverhead, its central location, and continued need for serving the medical needs of the community; and

WHEREAS, §272-a (2) (a) of Town Law enables a comprehensive plan and subsequent amendments to be prepared in the form of written and/or graphic materials that identify goals, policies, guidelines and other means for the immediate and long range protection, enhancement, growth and development of the Town; and

WHEREAS, the Town Board upon review of the 2003 Town Comprehensive Plan, found that the subject parcels noted below were included in the Shopping Center (SC) Zoning Use District; and

WHEREAS, the Town Board determined that in furthering the findings of the 2003 Town Comprehensive Plan, it would be appropriate to create a new zoning use district known as Hospital (H) Zoning Use District; and

WHEREAS, by Resolution # 768, adopted on October 4, 2016, the Town Board authorized the Town Clerk to publish and post a public hearing to hear all interested persons to consider a local law amending the 2003 Town Comprehensive Plan and make a change to the zoning classification for real properties located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1; and

WHEREAS, the Town Clerk did publish and post a public notice to hear all interested persons to consider a local law amending the 2003 Town Comprehensive Plan and make a change to the zoning classification for real properties located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1; and

WHEREAS, the proposed amendments and change of zone are a Type I action pursuant to 6NYCRR Part 617; and

WHEREAS, a Full Environmental Assessment Form, [FEAF], Parts 1, 2 and 3 have been prepared and are on file with the Office of the Town Clerk; and

WHEREAS, by Resolution # 768, adopted on October 4, 2016, the Town Board requested Lead Agency Status and with no objection, is designated Lead Agency for SEQRA review; and

WHEREAS, a SEQRA coordinated review was conducted with involved agencies; and

WHEREAS, the proposed amendment to the 2003 Town Comprehensive Plan, amendment to the zoning map and change of zone were referred to the Suffolk County Planning Commission; and

WHEREAS, the Suffolk County Planning Commission found that the proposed use was consistent with the Town Comprehensive Plan and has recommended that the amendments be approved; and

WHEREAS, a public hearing was held on the 18th day of October, 2016 at 7:15 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard; and

WHEREAS, the Town Board, after review of the available environmental information pertaining to the action, finds there to be no adverse environmental impacts resulting from the action.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby, declares itself as Lead Agency pursuant to SEQRA; and be it further

RESOLVED, that the Town Board be and hereby declares the amendment of the 2003 Town Comprehensive Plan and the change to the zoning classification for real properties located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1 to be a Type I action for the purposes of SEQR compliance; and be it further

RESOLVED, that the FEAF and all of the available environmental information pertaining to the action has been duly considered and Town Board finds there to be no adverse environmental impacts resulting from the action; and be it further

RESOLVED, that the Town Board, as Lead Agency, issues a Negative Declaration for the action; and be it further

RESOLVED, that the Town Board, be and hereby, directs the Supervisor to sign the Negative Declaration and that the Town Clerk publish and post the Negative Declaration in the Environmental News Bulletin and post the notice of the Negative Declaration on the Town of Riverhead official website; and be it further

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice of adoption updating the Town of Riverhead 2003 Comprehensive Plan and adopting a change of zone as it pertains to two parcels located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1 from the existing Shopping Center (SC) Zoning Use District to Hospital (C) Zoning Use District, 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 Zoning Map of the Town of Riverhead be and is hereby amended to change the zone as it pertains to two parcels located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1 from the existing Shopping Center (SC) Zoning Use District to Hospital (C) Zoning Use; and be it further

RESOLVED, that the GIS Consultant be and is hereby directed to amend the Zoning Map of the Town of Riverhead to change the zone as it pertains to two parcels located on Roanoke Avenue, Riverhead, New York; also known and designated as SCTM # 600-108-3-017.001 and 0600-108-3-22.1 from the existing Shopping Center (SC) Zoning Use District to Hospital (C) Zoning Use; and

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Riverhead Planning Board; the Riverhead Planning & Building Department, and Office of the Town Attorney; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town at Riverhead, on the motion of the Town Board, adopted an amendment to the 2003 Town of Riverhead Comprehensive Plan, approved the change of zone and the amendment of the official Zoning Map of the Town of Riverhead to alter the zoning on the parcels located on the east and west sides of Roanoke Avenue, Riverhead, New York; also known and identified as SCTM # 600-108-3-017.001 and 0600-108-3-22.1 from Shopping Center (SC) Zoning Use District to Hospital (H) Zoning Use District.

Dated: Riverhead, New York
November 15, 2016

**BY THE ORDER OF THE TOWN
BOARD OF THE TOWN OF
RIVERHEAD**
DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 854

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
NOTICE FOR A PUBLIC HEARING FOR A SITE PLAN APPLICATION
KNOWN AS PECONIC BAY MEDICAL CENTER/NORTHWELL HEALTH ON CERTAIN
PARCELS LOCATED AT ROANOKE AVENUE, RIVERHEAD, NY; ALSO IDENTIFIED AS
SCTM NOS. 600-108-3-17.1 AND 0600-108-3-22.1**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board is in receipt of an Application for Site Plan approval from Peconic Bay Medical Center/Northwell Health to construct a three story addition of approximately 54,318 square feet for use as a future emergency room space, a cardiac catheterization/ electrophysiology suite and a new intensive care unit (ICU), together with two new connecting bridges, a new heliport, new elevators/stairs to an existing medical center measuring 244,720 square feet; and

WHEREAS, the existing medical center measuring 244,720 square feet is located on the northeasterly corner of the intersection formed by Old Country Road (Route 58) and Roanoke Avenue, Riverhead, the premise is approximately 8.2 acres in area and is also known and designated as SCTM # 0600-108-3-22.1; and

WHEREAS, an existing parking field measuring about 2.8 acres serves to provide parking for the existing medical center is located on the westerly side of Roanoke Avenue, Riverhead, which premises is also known and designated as SCTM # 0600-108-3-17.1.

RESOLVED, that the Town Clerk is hereby authorized to publish the attached public notice of public hearing once in the November 24, 2016 issue of the News Review, the official newspaper hereby designated for such purpose by the Town of Riverhead, and also to cause a copy of the proposed public notice, to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant, Peconic Bay Medical Center, 1300 Roanoke Avenue, Riverhead, New York 11901; Kimberly A. Judd, Esq., 737 Roanoke Avenue, Riverhead, New York 11782, the Office of the Town Attorney and the Planning Department; and be it further

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD NOTICE OF
PUBLIC HEARING**

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 6th day of December, 2016 at 2:15 o'clock p.m. to consider an Application for Site Plan approval from Peconic Bay Medical Center/Northwell Health to construct a three story addition of approximately 54,318 square feet for use as a future emergency room space, a cardiac catheterization/ electrophysiology suite and a new intensive care unit (ICU) with two new connecting bridges, a new heliport, new elevators/stairs to an existing medical center measuring 244,720 square feet and to convert the existing medical/surgical unit into a sixteen (16) bed intensive care unit (ICU), all upon real property known and designated as Roanoke Avenue, Riverhead; which premises is also known as SCTM No. 600-108-03-17.1 and 0600-108-3-22.1 (the "Subject Properties") and is currently zoned as Hospital (H) Zoning Use District.

Dated: Riverhead, New York
November 15, 2016

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

TOWN OF RIVERHEAD

Resolution # 855

RATIFIES AND APPROVES MEMORANDUM OF AGREEMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

RESOLVED, that the Town Board hereby ratifies and approves the Memorandum of Agreement by and between the Civil Service Employees Association and the Town of Riverhead regarding the 2011-2014 Operational and Technical Salary Schedule; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to CSEA President Theresa Sweeney, the law firm of Lamb & Barnosky, LLP, the Personnel Officer and the Financial Administrator; and

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 856

RATIFIES AND APPROVES MEMORANDUM OF AGREEMENT

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Board hereby ratifies and approves the 2015-2018 Memorandum of Agreement by and between the Civil Service Employees Association and the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to CSEA President Theresa Sweeney, the law firm of Lamb & Barnosky, LLP, the Personnel Officer and the Financial Administrator; and

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 857

RATIFIES AND APPROVES MEMORANDUM OF AGREEMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Board hereby ratifies and approves the Memorandum of Agreement by and between the Civil Service Employees Association and the Town of Riverhead resolving a Grievance filed on April 7, 2016 in relation to PERB Case No. U-35076 and No. E-2619.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to CSEA President Theresa Sweeney, the law firm of Lamb & Barnosky, LLP, the Personnel Officer and the Financial Administrator; and

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

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 858

PAYS BILLS

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

| ABSTRACT #16-23 November 09, 2016 (TBM 11/15/16) | | | |
|---|-------------|---------------------|---------------------|
| Fund Name | Fund | Ckrun | Grand Totals |
| GENERAL FUND | 1 | 971,952.09 | 971,952.09 |
| POLICE ATHLETIC LEAGUE | 4 | 902.5 | 902.5 |
| RECREATION PROGRAM FUND | 6 | 8,335.06 | 8,335.06 |
| HIGHWAY FUND | 111 | 294,256.43 | 294,256.43 |
| WATER DISTRICT | 112 | 189,510.54 | 189,510.54 |
| RIVERHEAD SEWER DISTRICT | 114 | 52,104.15 | 52,104.15 |
| REFUSE & GARBAGE COLLECTION DI | 115 | 211,288.36 | 211,288.36 |
| STREET LIGHTING DISTRICT | 116 | 43,653.21 | 43,653.21 |
| PUBLIC PARKING DISTRICT | 117 | 4.73 | 4.73 |
| AMBULANCE DISTRICT | 120 | 253,386.73 | 253,386.73 |
| EAST CREEK DOCKING FACILITY FU | 122 | 1,836.34 | 1,836.34 |
| CALVERTON SEWER DISTRICT | 124 | 926.52 | 926.52 |
| RIVERHEAD SCAVENGER WASTE DIST | 128 | 23,460.64 | 23,460.64 |
| TOWN HALL CAPITAL PROJECTS | 406 | 85,365.66 | 85,365.66 |
| TRUST & AGENCY | 735 | 462,236.99 | 462,236.99 |
| CALVERTON PARK - C.D.A. | 914 | 1,160.87 | 1,160.87 |
| TOTAL ALL FUNDS | | 2,600,380.82 | 2,600,380.82 |

THE VOTE

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted