

## **RESOLUTION LIST**

**SEPTEMBER 17, 2013**

- Res. #664    General Fund Budget Adjustment**
- Res. #665    Laoudis of Calverton, LLC Water Service Capital Project Budget Adoption**
- Res. #666    Grants Land Clearing Permit to 1998 Peconic, LLC as Provided by Chapter 62 of the Riverhead Town Code**
- Res. #667    Authorizing Removal of Fixed Asset Records from System**
- Res. #668    Declares Certain Informational Kiosk and Related Equipment to be Surplus Property and Authorizes the Disposal Thereof**
- Res. #669    Final Order to Extend Boundaries of Riverhead Sewer District to Accommodate Sewer Connection of Proposed Mattituck Laundry (1044 Parkway Street)**
- Res. #670    Extends Bid Contract for Truck Parts with Long Island Truck Parts, Inc.**
- Res. #671    Authorization to Publish Advertisement for Propane Fuel**
- Res. #672    Approves the Chapter 90 Application of Deep Hole LLC (Grape Harvest Festival – September 21<sup>st</sup>, 2013)**
- Res. #673    Appoints Interpreter for Police Department and Justice Court**
- Res. #674    Resolution Calling Public Hearing Regarding Lateral Water Main Extension for Proposed Subdivision of Kristi Rose Court**
- Res. #675    Authorizes Change Order No. 2 Contract W – Well Work Construction of Supply Well at Plant No. 17, C.R. 105 Riverhead Water District**
- Res. #676    Authorizes the Release of Site Plan Security of NF Management Inc. A/K/A Summerwind**
- Res. #677    Denies Permit/Exemption Application of Driftwood Family Farms LLC Under Chapter 62 “Excavations” of the Riverhead Town Code**
- Res. #678    Pays Bills**

09.17.13  
130664

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 664**

**GENERAL FUND**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, as per Resolution #62 adopted 1/18/2012 the Town of Riverhead entered into an agreement with Black Box Network Services to analyze the telephone billing system; and

**WHEREAS**, the General Fund requires a budget adjustment to pay the invoice for 50% of the credits received as a result of the 2012 telephone audit.

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
001.016200.546100	Telephone	12,500	
001.016200.549000	Miscellaneous		12,500

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

09.17.13  
130665

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 665**

**LAUDIS OF CALVERTON, LLC  
WATER SERVICE CAPITAL PROJECT**

**BUDGET ADOPTION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Superintendent of Water received a check from Laoudis of Calverton LLC for a new water service installation located on Burman Boulevard in Calverton; and

**WHEREAS**, Resolution #120 adopted 2/5/13 renewed a bid award with Bancker Construction allowing the Water District Superintendent to secure purchase orders for the installation of service.

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
412.092705.421050.30117	Developer Fees	4,557.90	
412.083200.523002.30117	Water Main/Service		4,557.90

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

09.17.13  
130666

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 666**

**GRANTS LAND CLEARING PERMIT TO 1998 PECONIC, LLC AS PROVIDED BY  
CHAPTER 62 OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, 1998 Peconic, LLC, Paul Elliot, is the owner of the subject property located at Miller Road, Calverton, New York, further described as Suffolk County Tax Map Number 0600-117.-2-2.8; and

**WHEREAS**, 1998 Peconic, LLC has petitioned the Town Board for an Excavation/Land Clearing Permit pursuant to Chapter 62 of the Riverhead Town Code for the exportation of 5,467 cubic yards of soil in connection with the construction of an industrial building as depicted on a survey dated June 28, 2013, prepared by Young & Young Land Surveyors; and

**WHEREAS**, the Town Board has reviewed and considered the application for the aforementioned Excavation/Land Clearing Permit; and

**WHEREAS**, the applicant's Engineers, Thomas C. Wolpert and Howard M. Young, has submitted a map, dated June 28, 2013, indicating a total of 5,467 cubic yards of soil to be exported from the site and such removal of material will be supported by a manifest from the owner and approved by the Town of Riverhead Engineering and Building Departments; and

**WHEREAS**, the applicant submitted a building permit application to the Building Department and paid a fee of \$10,758.00 as determined by the Building Department; and

**WHEREAS**, the aforementioned building permit application was approved and the applicant was issued Building Permit ZB38926 on September 11, 2013.

**NOW THEREFORE BE IT RESOLVED**, that based upon the foregoing, the Town Board hereby grants the Excavation/Land Clearing Permit requested by the applicant, such excavation permit authorizing the exportation of not more than 5,467 cubic yards of soil in accordance with the application and calculations of Young & Young Land Surveyors, pursuant to map submitted with the application for Excavation/Land Clearing dated July 28, 2013; and be it further

**RESOLVED**, the Building Department is hereby authorized to accept and collect all Excavation/Land Clearing Permit fees, in the amount of Ten Thousand Nine Hundred and Thirty-Four (\$10,934.00) Dollars calculated at \$2.00 per cubic yard for the exportation of said soils, in addition to a permit fee of \$100.00; be it further

**RESOLVED**, that the Excavation Permit is conditioned upon specific hours of operation, between the hours of 7:00 a.m. and 5:00 p.m., Monday through Saturday only; and be it further

**RESOLVED**, that the applicant grants permission to the Town of Riverhead to randomly oversee the exportation of said soils and to enter upon the site to perform soil boring tests, if necessary, during the construction of the said project; be it further

**RESOLVED**, that upon conclusion of the excavation operations that the applicant's engineer will provide certification to the Building Department confirming the total of 5,467 cubic yards was removed from the property; and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 667**

**AUTHORIZING REMOVAL OF FIXED ASSET RECORDS FROM SYSTEM**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, after a thorough review by the Summer Interns, the following computer items listed below by department need to be removed from the Town of Riverheads system. The Accounting Department hereby requests that the Town Board authorize the removal of these records from the Fixed Asset system

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

<b><u>Department</u></b>	<b><u>Tag #</u></b>	<b><u>Description</u></b>
Accounting	25633	AC Adapter
Accounting	25531	AC Adapter
Accounting	28490	Mouse
Accounting	28491	Speaker
Highway	25587	Cisco Modem
Tax Receiver	27245	Printer
Recreation	23112	Copier
Recreation	24581	Printer
Recreation	26776	AC Adapter
Recreation	21559	Speaker
Building	26471	UPS
Building	201BLDG	Computer Improvements
Building	30098	Printer
Police	92000006	AC Adapter
Police	Soft#94	Taser Software
Police	23415	Mouse
Police	24006	Keyboard
Police	25779	Keyboard
Police	25795	Speaker
Police	25885	Video Card
Police	28381	Mouse
Police	28398	Speaker
Fire	27475	Mobile Printer
Fire	29134	Mobile Printer
Town Engineer	25200	Mouse
Town Engineer	27857	CPU
Town Engineer	25451	Printer
Town Attorney	26238	Server

IT	23055	Monitor
IT	23288	Printer
IT	23656	Mouse
IT	24701	Monitor
IT	24705	Monitor
IT	25223	Monitor
IT	25988	Mouse
IT	25962	Monitor
IT	26000	Mouse
IT	26304	Modem
IT	26951	Speakers
IT	26952	Speakers
IT	27496	Monitor
IT	27535	Printer
IT	28436	UPS
IT	28468	Mouse
IT	28893	Mouse
IT	29122	Mouse
IT	29682	Keyboard
IT	29694	Keyboard
IT	29695	Mouse
IT	29697	Keyboard
IT	29700	Keyboard
IT	30145	Mouse
IT	Soft#6	Billing Software
IT	Soft#52	Highway Software
IT	Soft#61	Z-Map Software
IT	Soft#72	Logic Software
IT	Soft#78	Adobe Page Maker
IT	Soft#79	Recreation Software
IT	Soft#87	NFPS Software
IT	Soft#88	MSDS Software
IT	Soft#91	Winfax Software
IT	Soft#94	Taser Software
IT	Soft#97	Electric Software
IT	Soft#100	WS FTP Pro Software
IT	Soft#105	FMLA Software
IT	Soft#147	Adobe Software
IT	Soft#148	Recover Software
IT	Soft#149	Smart Software
IT	Soft#150	PC Code Software
IT	Soft#155	Visual Software
IT	Soft#160	Designer Software
IT	Soft#161	Cyber Software
IT	26207	Keyboard
IT	26211	Keyboard
IT	26216	Keyboard
IT	30563	Keyboard
IT	26204	Keyboard



09.17.13  
130668

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 668**

**DECLARES CERTAIN INFORMATIONAL KIOSK AND RELATED EQUIPMENT TO  
BE SURPLUS PROPERTY AND AUTHORIZES THE DISPOSAL THEREOF**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town of Riverhead Procurement Policy, which was amended by Resolution #198 adopted by the Town Board on March 15, 2011, authorizes the Town to dispose of personal property; and

**WHEREAS**, pursuant to Guideline 8 of the Town's Procurement Policy the Town is authorized to dispose of surplus/obsolete property based upon an evaluation by the Town Financial Administrator, with the assistance of the department head, regarding estimated surplus value and, thereafter, recommendation of Financial Administrator to the Town Board regarding disposal or sale; and

**WHEREAS**, the Town of Riverhead and the Riverhead Chamber of Commerce utilized a 2005 Suffolk County Downtown Revitalization grant to obtain and install installed two informational kiosks that were installed at the East End Arts Council and the Tanger Outlet Center; and

**WHEREAS**, the kiosk at the Tanger Outlets was removed by the town some time ago and the one located at the East End Arts Council is no longer functioning and beyond repair; and

**WHEREAS**, Community Development Department and the Information Technology Department have deemed the remaining kiosk and related equipment to be surplus property with a no value; and

**THEREFORE, BE IT RESOLVED**, that the Town Board is hereby authorized to dispose of said kiosk and related equipment, specifically with the following inventory identification numbers:

KIOSK1  
KIOSK2  
28413  
28412  
28411

28155  
28485.

**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**

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

The Resolution Was  Thereupon Duly Declared Adopted

09.17.13  
130669

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 669**

**FINAL ORDER TO EXTEND BOUNDARIES OF RIVERHEAD SEWER DISTRICT  
TO ACCOMMODATE SEWER CONNECTION OF PROPOSED  
MATTITUCK LAUNDRY (1044 PARKWAY STREET)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, application has been filed by Mattituck Laundry requesting extension of boundary of the Riverhead Sewer District to accommodate sewer connection of the proposed Mattituck Laundry located at 1044 Parkway Street, Riverhead, NY, SCTM No. 0600-125-1-10.1, as more particularly shown on the attached map and plan dated August 9, 2013 as prepared by H2M Group as consulting engineers of the Riverhead Sewer District, and

**WHEREAS**, said improvements are proposed at no cost to the district but at proposed cost of \$102,322.50 “No Net Nitrogen Increase” charges, cost of review of pre-treatment by District engineer, and all costs of pre-treatment as required by the map and plan, and

**WHEREAS**, it has been determined that this is an “unlisted action” under the State Environmental Quality Review Act, the implementation of which, as proposed, will not result in any significant environmental effects, and

**WHEREAS**, in accordance with Section 202-b of the Town Law, a public hearing was held on September 4, 2013, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, upon the proceedings, plans and specifications, and the public hearing, the Town Board of the Town of Riverhead, as governing body of the Riverhead Sewer District hereby determines as follows:

**RESOLVED**, that the extension of boundary to the Riverhead Sewer District as described in the preambles hereof is in the interest of the district and will benefit the project, and be it further

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

**RESOLVED**, that the improvements are proposed at no cost to the district but at proposed cost of \$102,322.50 “No Net Nitrogen Increase” charges and cost of review of

pre-treatment by District engineer all charges being paid prior to connection, and be it further

**RESOLVED**, since district would not undertake this action but for need of applicant this resolution is not effective until countersigned by the applicant and is contingent upon payment of all fees and costs by the applicant with responsibility for any cost increases or costs due to unforeseen circumstances, and be it further

**RESOLVED**, that all conditions outlined in map & plan dated August 9, 2013 are met by applicant, 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.

ACCEPTED AND AGREED TO:

BY: \_\_\_\_\_

Dated: \_\_\_\_\_

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted



architects + engineers

175 Pinelawn Road, Ste 308  
Melville, NY 11747

tel 631.756.8000  
fax 631.393.6322

August 9, 2013

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

Attention: Superintendent Michael P. Reichel

**Re: Riverhead Sewer District Extension  
Map & Plan for Mattituck Laundry Sewer Connection (1044 Parkway Street)  
H2M File No.: RDS13-04**

Dear Superintendent Reichel:

In accordance with the applicant's letter dated November 8, 2012 and Town Purchase Order No. 131367, we are providing this Map & Plan for the extension of the sewer district boundaries to serve the referenced property. The owner wishes to construct a commercial laundry and requires sewer service pursuant to Suffolk County Department of Health Services (SCDHS) requirements to be able to provide the desired laundry facilities.

The Suffolk County Tax Map number for the property is: District 600, Section 125, Block 1, Lot 10.1. The subject property is located outside the boundaries of the Riverhead Sewer District. The attached map is taken from the Suffolk County Real Property Tax Maps and shows the location of the property.

The Riverhead Sewer District's State Pollutant Discharge Elimination System (SPDES) permit requires approval by the New York State Department of Environmental Conservation (NYSDEC) for any extensions to the boundaries of the District. Consequently, following the close of the public comment period as presented via the scheduled public hearing of about September 3, 2013 for this map and plan, H2M (on behalf of the Town Board and if so approved by the Town Board) will advise the NYSDEC of this minor extension and seek approval to revise the boundaries of the District to include the property. The extension will only take place if NYSDEC approves of the request.

### **Discharge Flow**

Based on information provided by the applicant, and verified by H2M, the flow from the facility based on a single 8-hour shift is 4,985 gallons per day (gpd), comprised of laundry flow of 4,760 gpd and restroom flow of 225 gpd. The flow shall be capped at this rate for the 8-hour shift, which calculates to be 10 gallons per minute (gpm) over that 8 hour period.

If the applicant expands the operation to two (2) 8-hour shifts, the total flow discharged shall not exceed 9,745 gpd and shall still remain capped at the rate of 10 gpm. In order to cap the flow at 10 gpm for the double shift, the applicant shall construct a flow equalization facility as generally described hereinafter. A pretreatment system shall also be installed to eliminate lint from entering the sewer system. Design



Superintendent Michael P. Reichel  
Riverhead Sewer District Extension  
Map & Plan  
Mattituck Laundry Sewer Connection (1044 Parkway Street)  
August 9, 2013  
Page 2 of 4

documents for the flow equalization and pretreatment systems shall be prepared by a New York State licensed professional engineer and submitted to the Superintendent of the Riverhead Sewer District for approval prior to construction.

A third shift shall not be permitted without prior approval of the Superintendent and Town Board pursuant to any additional requirements imposed on the discharge.

### Sewage Treatment Plant Capacity

The NYSDEC will require a statement regarding the available capacity of the treatment plant. The following formula is used to establish the available capacity that can be used for sewer district extensions and/or out-of-district sewer connections:

*Available Capacity = ① NYSDEC Permitted Flow – (② Existing Sewer District Flow + ③ Pending Sewer Connection Flow + ④ Remaining Buildout Flow)*

1. The NYSDEC current permitted flow is 1.3 mgd. The permitted flow will increase to 1.5 mgd after the TMDL upgrade of the plant is completed. The new flow is comprised of the Sewer District flow of 1.4 mgd and the Scavenger Waste Plant flow of 0.1 mgd. Therefore, the NYSDEC flow that is used in the formula is **1.4 mgd**.
2. The plant flow is greatest during the summer months. The flow for last year's (2012) summer months averaged 0.842 mgd. The highest flow was processed in June at 0.913 mgd and the lowest flow was processed in May 2012 at 0.773 mgd. The average flow of **0.842 mgd** will be used.
3. The lone pending sewer connection approved by NYSDEC is Blackman Plumbing totaling 2,000 gpd (**.002mgd**).
4. Sewer District Buildout Flow was obtained through the cooperation of Mr. Robert Hubbs and Ms. Laverne Tennenberg. Mr. Hubbs was able to use the tax information and plot the lots located within the Riverhead Sewer District that are not connected for sewer service. For the purposes of this analysis, the flow generated from these properties is called the "Buildout Flow". These unconnected properties were then overlaid onto a zoning map so that we can estimate the flow based on future development. The flow was calculated using the Suffolk County Department of Health Services (SCDHS) standards. The buildout flow is estimated at **0.352 mgd** and includes the Main Street Zoning Use District of 500 residential units.

Therefore, the Available Capacity is calculated as follows:

*Available Capacity = 1.4 mgd – (0.842 mgd + 0.002 mgd + 0.352 mgd) = 0.204 mgd (204,000 gpd)*



Superintendent Michael P. Reichel  
Riverhead Sewer District Extension  
Map & Plan  
Mattituck Laundry Sewer Connection (1044 Parkway Street)  
August 9, 2013  
Page 3 of 4

Therefore, the sewage treatment plant has sufficient flow capacity to handle the additional flow of 9,745 gpd.

### **Sewage Collection and Pump Station Capacity**

A terminus manhole is present on Parkway Street. The Parkway Street sewer flows to downstream sewers which in turn convey the flow to the West Main Street Pump Station. The West Main Street Pump Station discharges to the Defriest Pump Station Collection zone. The Defriest Pump Station pumps the flow to the plant.

The downstream gravity sewers, pump stations and force mains can easily handle the capped equalized flow of 10 gpm.

### **Pretreatment and Flow Equalization Facilities**

The applicant shall install pretreatment equipment to remove lint from the waste stream prior to discharge to the sewer system. The lint removal system shall be screened using a commercially available unit and properly sized for the maximum hourly flow. Lint troughs, where lint is separated by gravity, shall not be allowed. Lint disposal shall remain the responsibility of the owner. Catalog information for the lint screen showing hydraulic capacity shall be submitted to the Superintendent for approval prior to installation.

The applicant shall install a flow equalization system consisting of a flow equalization tank, pumping equipment, constant head box, flow shutoff valve, and a sampling manhole.

The flow equalization tank shall have a minimum effective volume of 1,900 gallons as measured from the invert of the building drain line where it enters the tank to the invert elevation of the tank floor.

The constant head box shall accept the pumped flow from the flow equalization tank and be constructed with two weirs; a broadcrest weir and a v-notch weir. The v-notch weir shall be used to set the forward flow where the head over the v-notch equals the elevation of the broadcrest weir. Therefore, all flow in excess of 10 gpm is to be recycled back to the flow equalization tank. Pump controls shall be provided as required.

The forward flow shall be gravity fed to a manhole located on the property of the owner and a properly sized drain line installed to connect to the District's existing terminus manhole. A flow shut off valve shall be installed on the drain line and located within the public right-of-way. A drop connection inside the terminus manhole shall be provided to match the invert elevation of the existing sewer line. A detail of the drop assembly shall be provided for approval prior to installation.



Superintendent Michael P. Reichel  
Riverhead Sewer District Extension  
Map & Plan  
Mattituck Laundry Sewer Connection (1044 Parkway Street)  
August 9, 2013  
Page 4 of 4

**Applicant Costs**

The applicant shall pay all costs associated with the installation of the facilities. In addition, the applicant is responsible for the District's No Net Nitrogen charges. The charge shall be based on the two shift flow equal to \$102,322.50 (9,745 gpd x \$10.5 per gallon) Also a lump sum fee of \$5,000 shall be required to review the submissions for the pretreatment and flow equalization system. The total cost to the applicant, exclusive of on-site facilities, is \$107,322.50. Standard sewer application fees and sewer district inspection costs in effect at the time of the physical connection are also not included and are sewer code derived.

Please feel free to contact this office should you have any questions. Thank you for considering Holzmacher, McLendon & Murrell, P.C. for this assignment.

Very truly yours,

**HOLZMACHER, McLENDON & MURRELL, P.C.**

Frank M. Russo, P.E.  
Vice President  
Director of Wastewater Engineering

Encl.

CC: Mr. Richard A. Ehlers, Esq. (w/ encl.)  
S. Hearl, C. Weiss (w/ encl.)



**TOWN OF RIVERHEAD**

**Resolution # 670**

**EXTENDS BID CONTRACT FOR TRUCK PARTS WITH LONG ISLAND TRUCK PARTS, INC.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Purchasing Department has requested that the contract with LONG ISLAND TRUCK PARTS, INC. originally awarded by Resolution #11-0697 adopted September 20, 2011 and extended by Resolution #120732 adopted September 18, 2012, be extended for a second year until September 18, 2014.

**WHEREAS**, the above named vendor has agreed to extend the contract until September 18, 2014 for the original bid amounts.

**WHEREAS**, the Town Board has reviewed said request.

**NOW THEREFORE BE IT RESOLVED**, that the bid contract for Truck Parks be and is hereby extended to September 18, 2014; and be it further

**RESOLVED**, that the Town Clerk be directed to forward a certified copy of this resolution to LONG ISLAND TRUCK PARTS, INC.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted



200 Howell Avenue  
Riverhead, NY 11901

MaryAnn Tague  
Purchasing Agent

(631) 727-3200 Ext. 271  
(631) 369-7739 Fax

Email: [tague@townofriverheadny.gov](mailto:tague@townofriverheadny.gov)

Subject: Extension of Bid with Long Island Truck Parts, Inc.

September 9, 2013

Members of the Town Board:

This is a recommendation by the Purchasing Agent to extend this contract as it would be beneficial and a considerable savings to the Town.

Thank you for your consideration.

09.17.13  
130671

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 671**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR  
PROPANE FUEL**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for PROPANE FUEL for the Town of Riverhead, and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the SEPTEMBER 26, 2013 issue of the News Review.

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of PROPANE FUEL for use by the Town of Riverhead will be received by the Town Clerk of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York, 11901 until 11:00 am on October 11, 2013 at which time they will be publicly opened and read aloud.

Bid Packets including specifications may be examined and/or obtained on SEPTEMBER 26, 2013 on the Town's website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov), click on bid requests; or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked bids for "PROPANE FUEL 2013". Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

The Town board reserves the right and responsibility to reject any or all bids or 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

09.17.13  
130672

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 672**

**APPROVES THE CHAPTER 90 APPLICATION OF**  
**DEEP HOLE LLC**  
**(Grape Harvest Festival – September 21<sup>st</sup>, 2013)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on August 9, 2013, Deep Hole LLC submitted a Chapter 90 Application for the purpose of conducting an event entitled “Grape Harvest Festival” to include music, food, wine & beer and related harvest activities, to be held on its property located at 156 Youngs Avenue, Riverhead, New York, on Saturday, September 21, 2013 between the hours of 10:00 a.m. and 6:00 p.m.; and

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

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

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

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid.

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

**RESOLVED**, that the Chapter 90 Application of Deep Hole LLC for the purpose of an event entitled “Grape Harvest Festival” to include music, food, wine & beer and related harvest activities, to be held on its property located at 156 Youngs Avenue, Riverhead, New York, on Saturday, September 21, 2013 between the hours of 10:00 a.m. and 6:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the necessary tent permit(s) 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 the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; and be it further

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 673**

**APPOINTS INTERPRETER FOR POLICE DEPARTMENT AND JUSTICE COURT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

**WHEREAS**, Jessica Ruiz, Contractor, is willing to provide the following services to the Town:

Description of Services: Language Translation – Spanish  
Date(s) and Hours of Service: On – call, Flexible

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the attached Agreement in connection with interpreter services of the aforementioned individual; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Jessica Ruiz, 121 B Robinson Parkway, Riverhead, New York, 11901; and

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## AGREEMENT

BETWEEN, **THE TOWN OF RIVERHEAD**, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "**TOWN**" and **JESSICA RUIZ**, residing at 121 B Robinson Parkway, Riverhead, New York, 11901, hereinafter referred to as "**CONTRACTOR**".

### WITNESSETH

**WHEREAS**, the Town, in connection with its municipal operations, requires services consisting of the following: Language Translation; and

**WHEREAS**, the contractor is willing to provide the following services to the Town:

Description of Services:	Language Translation – Spanish
Date(s) and Hours of Services:	On-call, Flexible

**IT IS HEREBY AGREED**, by the Town and Contractor as follows:

1. That Contractor shall provide and fully perform to the Town's satisfaction the aforementioned services to the Town on the date(s) and times(s) stated above.
2. In return for Contractor's services, the Town shall pay Contractor as follows: The sum of Fifty (\$50.00) Dollars for the first (1<sup>st</sup>) hour of service, or part thereof, and Thirty-Five (\$35.) Dollars for each hour, or part thereof, thereafter. That sum shall be payable after the Contractor performs the services described for the Town and after contractor has filed with the Town of Riverhead, vouchers and any other documents reasonably required for payment.

Dated: Riverhead, New York  
September , 2013

### TOWN OF RIVERHEAD

By: \_\_\_\_\_  
SEAN M. WALTER  
Town Supervisor

\_\_\_\_\_  
JESSICA RUIZ

09.17.13  
130674

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 674**

**RESOLUTION CALLING PUBLIC HEARING  
REGARDING LATERAL WATER MAIN EXTENSION FOR  
PROPOSED SUBDIVISION OF KRISTI ROSE COURT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a petition has been filed by developer Riverhead Builders Corp. requesting that the proposed subdivision of Kristi Rose Court located off of Doctors Path, between Ellen Street and Oak Drive in Riverhead, New York, be served by the Riverhead Water District; and

**WHEREAS**, the proposed subdivision is located within the existing boundaries of the Riverhead Water District; and

**WHEREAS**, a map and plan have been prepared by H2M, consulting engineers to the Riverhead Water District; and

**WHEREAS**, the project will include the construction of water service to nine (9) new single family homes; and

**WHEREAS**, the map and plan are available for review and inspection at the Office of the Riverhead Town Clerk, 200 Howell Avenue, Riverhead, New York, during normal business hours; and

**WHEREAS**, said map and plan call for the installation of approximately 700 linear feet of eight inch diameter water mains along the proposed roadway and the installation of 1-inch water services to each home at a total projected cost of approximately \$96,000; and

**WHEREAS**, all costs associated with this lateral shall be borne by the petitioner and the petitioner will be required to pay key money fees for domestic usage in the amount of \$56,250.00 (9 units @ \$6,250 per dwelling); and

**WHEREAS**, the Town Board desires to call a public hearing on the adoption of a final order concerning the petition.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post notice of public hearing to be held on the 16<sup>th</sup> day of October, 2013 at 7:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead,

New York, to hear all interested persons with regard to the adoption of a final order concerning the petition to construct a lateral water main extension comprised of approximately 700 linear feet of eight inch diameter water main and appurtenances to provide water service to the proposed subdivision known as Kristi Rose Court located off of Doctors Path, Riverhead, New York, at the sole cost of the developer and at no cost to the District and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the September 26, 2013 edition 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**

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

The Resolution Was  Thereupon Duly Declared Adopted



water

575 Broad Hollow Road  
Melville, NY 11747

631 756 8000  
631 694 4122

August 28, 2013

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

**Re: Riverhead Water District  
Proposed Lateral Water Main Extension  
Kristi Rose Court  
S.C.T.M. Parcel No.: 0600-65-01-04  
H2M Project No.: RDWD 13-51**

Dear Supervisor Walter:

As per the Town Board's authorization, we have evaluated the proposal of extending the lateral water mains to the proposed Kristi Rose Court located off of Doctors Path, between Ellen Street and Oak Drive in Riverhead, New York. The developer of this property, Riverhead Builders Corp., has petitioned the Town Board requesting that this proposed subdivision be served by the Riverhead Water District. The subject property is already located within the boundaries of the existing Riverhead Water District. A key map showing the location of this project within the Town is included on Exhibit 'A' of this report.

The subject property is currently vacant. The developer proposes to construct nine (9) new single family homes. The proposed single family homes are to be accessed via the proposed Kristi Rose Court.

In order for the Water District to provide water service to this development, approximately 700 linear feet of eight inch diameter water main will be required to be installed along the proposed roadway. The new main will connect to an existing 8-inch Riverhead Water District main located on Doctors Path and terminate at a new hydrant at the end of the proposed cul-de-sac. To service the individual dwellings, a 1-inch water service will be installed to each unit. We understand that the proposed roadway will be turned over to the Town following construction; therefore a water main easement is not required. A plan of the water main layout is shown in Exhibit 'A'.

We estimate the projected water use from this subdivision to average 4,500 gallons per day (300 gallons/day/dwelling) with a maximum daily water use of 13,500 gallons per day (900 gallons/day/dwelling). These estimates are based on Suffolk County Department of Health Services (SCDH) minimum design sewage flow rates for residential units. With the recent construction of supply wells 15, 16 and 17, the Water District currently has the well and pumping capacity to meet the demand of this proposed development.

We have estimated the cost of the above improvements to be \$96,000 including construction costs, engineering, inspection, administrative fees and contingencies as shown on Table 1. The entire cost of this project shall be borne by the developer, at no cost to the Town or Water District. It should be noted



that the cost includes the cost of installing service lines from the water main to the meter pit, including the pit. The developer is required to purchase the meter and related AMR equipment from the District when they are ready for the actual metered service connection. The current meter cost, including installation and trench line inspection is \$400 per 1-inch meter. Note the meter and inspection costs have been included in the project cost estimate provided above and are subject to change based on the Water District's yearly materials contract.

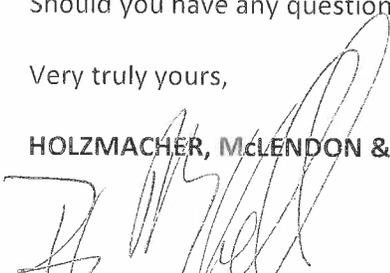
In addition to the construction costs, the Riverhead Water District assesses all new developments a Key Money fee. The fee is levied in order to cover the cost of constructing capital improvement facilities including supply wells, storage tanks and transmission mains. Using the District's Key Money Assessment Method, this development shall be assessed a Key Money Fee of \$6,250 per dwelling. As previously stated, the water usage of each of the proposed residential units has been estimated to be 300 gpd. Therefore, the total Key Money Fees for the 9 new units is \$56,250.

At this time, we recommend that a public hearing be scheduled to approve this lateral water main extension project. Once approved by the Town Board, the developer will need to deposit the balance of the total project cost amount \$92,500 (\$96,000 minus \$3,500 previously deposited) as well as the necessary Key Money Fees, in order that the design and public bidding of the water main installation can proceed. The developer should allow a minimum of three (3) months for the design and bidding of the water main project.

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

Very truly yours,

**HOLZMACHER, McLENDON & MURRELL, P.C.**



Dennis M. Kelleher, P.E.  
President – H2M Water

DMK:JRC

Enclosures

cc:	Supt. Gary Pendzick (w/report)	Town Board Members (via e-mail)
	Diane Wilhelm, Town Clerk (w/report)	Accounting Dept. (via e-mail)
	Richard Ehlers, Esq. (w/report)	Town Assessor's Office (via e-mail)
	Riverhead Builders Corp. (w/report)	Town Attorney's Office (via e-mail)
	Jeffery T. Butler, P.E. (w/report)	



TABLE 1  
 RIVERHEAD WATER DISTRICT  
 PROPOSED LATERAL WATER MAIN EXTENSION  
 KRISTI ROSE COURT  
 Summary of Cost Opinion

Aug-13

ITEM DESCRIPTION	ESTIMATED QUANTITY	UNIT PRICE	TOTAL PRICE
6"/8" CLDI Water Main	700 LF	\$ 58.00	\$ 40,600.00
Special Castings	1,000 LBS	2.00	2,000.00
6" Valves & Boxes	1 UNITS	900.00	900.00
8" Valves & Boxes	3 UNIT	1,200.00	3,600.00
Hydrant Assemblies	1 UNIT	2,700.00	2,700.00
Testing & Compaction	700 LF	2.00	1,400.00
Cut-In to Existing 8" Main	1 UNIT	5,000.00	5,000.00
Asphalt Restoration (Doctors Path)	20 SY	50.00	1,000.00
1" Water Service (Main to Pit)	9 UNITS	1,000.00	9,000.00
<b>SUBTOTAL:</b>			<b>\$66,200.00</b>
Engineering Report, Exhibit & Public Hearing:			\$ 3,500.00
Regulatory Submission, Final Design and Bidding:			4,700.00
Construction Administration :			2,500.00
Construction Observation Services:			3,300.00
Update of Town GIS Maps & As-Built Drawings:			1,000.00
Meter & AMR Fees (9 units @ \$350 each):			3,150.00
Water District Trench Line Inspection Fee (9 units @ \$50 each): *			450.00
Town/District Administrative Fees (approximately 7% of construction cost):			4,600.00
Contingencies (approximately 10% of construction cost):			6,600.00
TOTAL PROJECT COST (Paid by Developer):			\$ 96,000.00
Less Funds Already Deposited:			\$ 3,500.00
<b>BALANCE OF FUNDS REQUIRED:</b>			<b>\$ 92,500.00</b>
KEY MONEY FEES - DOMESTIC USAGE (9 Dwellings x \$6,250/dwellings)			\$ 56,250.00

\* - Trench Line Inspection required at each individual service .



09.17.13  
130675

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 675**

**AUTHORIZES CHANGE ORDER NO. 2 CONTRACT W – WELL WORK  
CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 17, C.R. 105  
RIVERHEAD WATER DISTRICT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, by attached letter dated June 17, 2013 H2M Group, consulting engineers to the Riverhead Water District, has recommended approval of the attached Change Order No. 2 with regard to Contract W – Well Work with Layne Christensen Company for project known as Construction of Supply Well at Plant No. 17, C.R. 105.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Supervisor be and is hereby authorized to execute Change Order No. 2 of the Riverhead Water District for the project known as Construction of Supply Well at Plant No. 17, C.R. 105, Contract W – Well Work, and be it further

**RESOLVED**, that Change Order No. 2 is in the credit amount of \$5,000.00 for underperforming pump and provision of an additional 4-stage 13CHC bowl assembly by Layne Christensen Company as specifically described in the attached change order, and be it further

**RESOLVED**, that the original contract amount for Construction of Supply Well No. 17, Contract W-Well Work with Layne Christensen Company as modified by Change Order No. 1 to a total of \$299,650.00 will now be decreased in the amount of \$5,000.00 totaling a revised contract amount of \$294,650.00, and be it further

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted



water

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

June 17, 2013

Supt. Gary Pendzick  
Riverhead Water District  
1035 Pulaski St.  
Riverhead, New York 11901

**Re: Riverhead Water District  
Construction of Supply Well at Plant No. 17, Rt. 105  
Change Order No. 2 – Contract W – Well Work  
H2M Project No.: RDWD 10-03**

Dear Supt. Pendzick:

Enclosed please find three (3) copies of Change Order No. 2 for the above referenced project. This change order addresses the permanent well pump credit issued to the District.

This Change Order reflects a credit to the Riverhead Water District due to underperformance of the permanent well pump as compared to the specified designed point. Our office has reviewed this issue and has determined that it will not have any negative impact on operation of the well. The contractor is also supplying a spare 4-stage 13CHC bowl assembly.

We recommend that you sign this indicating your approval. Upon approval, please retain one (1) signed copy for your records, forward one (1) signed copy to the attorney for the District, and return one (1) signed copy to our office.

Should you have any questions regarding this change order, please feel free to contact our office.

Very truly yours,

**HOLZMACHER, McLENDON & MURRELL, P.C.**

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

DMK:slj  
Enclosures

cc: Supervisor Sean Walter  
Asst. Supt. Mark Conklin  
Richard Ehlers, Esq.

X:\RDWD (Riverhead Water District) - 10810\RDWD1003 - Plant No 17\04-CHANGE ORDERS & BACKUP\WELL CONSTRUCTION\13.06.17 - Pendzick - Change Order No. 2.doc



RIVERHEAD WATER DISTRICT

CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 17, RT. 105  
H2M PROJECT NO.: RDWD 10-03

LAYNE CHRISTENSEN CO.

CHANGE ORDER NO. 2

May 10, 2013

ITEM 2E -PUMP UNDER PERFORMANCE (CREDIT)

Description of Change:

Credit from the Contractor to the District for underperforming pump. See letter backup attached.

Cost of Change:

Lump sum price of \$5,000.00, and providing a spare replacement pump for Well No. 17.

CONTRACT COST CHANGE

Original Contract Amount	\$314,650.00
Total Cost of previously approved change orders	-\$15,000.00
Cost of this change order	-\$5,000.00
New Contract Amount as Modified by C.O. No.2	\$294,650.00

RECOMMENDED BY:  DATE: 6-7-13  
Holzmacher, Melendon & Murrell, P.C.

ACCEPTED BY:  DATE: 5/27/13  
Layne Christensen Co.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Town of Riverhead / Riverhead Water District

X:\RDWD (Riverhead Water District) - 10810\RDWD1003 - Plant No 17\04-CHANGE ORDERS & BACKUP\WELL CONSTRUCTION\Change Order No. 2.doc

February 20, 2013

James Neri, P.E.  
H2M Group  
575 Broad Hollow Road  
Melville, New York 11747

Re: Riverhead Water District  
Contract W - Well No. 17  
H2M Project No.: RDWD 10-03

Dear Mr. Neri:

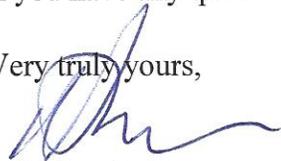
As per our conversation regarding the above-referenced project, we would like to revise our original offer to the District regarding the permanent well pump supplied by ITT Goulds. As you are aware, after several performance tests performed on the pump, along with a test witnessed by a representative of Goulds, it was determined the pump is still not operating at its specified design point.

As originally agreed, it was decided not to pull the pump and that a credit to the District would be in order as compensation for non-performance. Our offer is to supply the District with an additional 4-stage 13CHC bowl assembly, along with the original \$5,000 offered in our letter dated August 28, 2011. The bowl will be of identical construction and include a certified performance test by the factory which will be forwarded to you for your files.

Again, we apologize for the time and inconvenience incurred by your staff and that of the District. We appreciate the understanding and cooperation you have afforded us over this long process.

If you have any questions, please do not hesitate to call me at your earliest convenience.

Very truly yours,



Bob Grecki  
District Manager  
**Layne Christensen Company**

BG:lq

09.17.13  
130676

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 676**

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF  
NF MANAGEMENT INC. A/K/A SUMMERWIND**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, by Resolution #685 dated August 5, 2008, the Riverhead Town Board accepted Capital One Bank Certificate of Deposit #1243384999 in the amount of Thirty Seven Thousand Five Hundred Dollars (\$37,500.00) in connection with Riverhead Town Board Resolution #785 dated August 15, 2006, for the construction of a two story mixed-use building upon real property located on Peconic Avenue, Riverhead, New York, further described as Suffolk County Tax Map Number 0600-128-6-86.3, pursuant to Section 108-133(l) of the Riverhead Town Code; and

**WHEREAS**, pursuant to memorandum dated August 29, 2013, from Vincent A. Gaudiello, P.E., an inspection was performed and it has been determined that the completed site improvements substantially conform to the approved site plan; and

**WHEREAS**, an as-built survey was submitted for review and accepted.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned security in the sum of Thirty Seven Thousand Five Hundred Dollars (\$37,500.00); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to NF Management Inc., P.O. Box 696, Aquebogue, New York, 11931; and be it further

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

**THE VOTE**

Giglio - ABSTAIN                      Gabrielsen Yes No  
Wooten Yes No              Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

09.17.13  
130677

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 677**

**DENIES PERMIT/EXEMPTION APPLICATION OF  
DRIFTWOOD FAMILY FARMS LLC UNDER CHAPTER 62  
"EXCAVATIONS" OF THE RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Driftwood Family Farms, LLC, is the owner of real property located at 3795 Middle Country Road, Calverton, New York, said property being further described as Suffolk County Tax Map Numbers 0600-117.00-01.00-003.000 (the "subject property" or the "Zeh Farm"; and

**WHEREAS**, the Zeh Farm is located within the Industrial "C" Zoning Use District as provided under the Town Code of the Town of Riverhead; and

**WHEREAS**, the Town Code of the Town of Riverhead Industrial "C" Zoning Use District lists "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" as a special permitted use; and

**WHEREAS**, by correspondence dated January 29, 2013, Driftwood Family Farms, LLC (hereinafter "applicant"), submitted an application pursuant to Chapter 62 seeking a certificate of exemption pursuant to Chapter 62 §62-5 to permit the excavation of 427,776 cubic yards of material, exportation of 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property (often referred to as "proposed project" or "project") and/or in the alternative, applicant seeks a permit to conduct the activities described above pursuant to such other applicable provisions of the Town Code of the Town of Riverhead; and

**WHEREAS**, applicant's counsel represented that the subject property is located within an agricultural district as defined in New York State Agriculture & Markets Law and that the subject parcel qualifies for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law; and

**WHEREAS**, applicant asserts that the proposed project are related to and necessary for agricultural production on the subject property by increasing the farmable lands; and

**WHEREAS**, the applicant submitted documents/reports, including but not limited

to, a three page "Mined-Land Use Plan" prepared by Young & Young, engineering diagrams prepared by Howard W. Young, P.E (the "Young & Young Plan"), a report prepared by National Resources Conservation Services with Soil Report dated January 29, 2013 (the "NCRS Plan") as part of and in support of the application pursuant to Chapter 62; and

**WHEREAS**, in addition to the documents identified above, counsel for applicant sent a series of correspondence to the Town Board and/or Office of the Town Attorney, including letters dated January 29, 2013, May 20, 2013, July 16, 2013, August 12, 2013, and September 4, 2013; and

**WHEREAS**, the applicant, individually and by counsel, appeared before the Town Board on several occasions, including Town Board Work Session dated May 9, 2013 as well as Town Board Meetings on May 22, 2013 and September 4, 2013 relating to the Chapter 62 application and proposed and pending amendment to the Town Code Chapter 62; and

**WHEREAS**, as set forth above, the applicant, by counsel, submitted a letter dated January 29, 2013 and wherein counsel for applicant explained that the applicant purchased the Zeh Farmon or about July 2012 and asserted that due to neglect of the farm the proposed excavation of 427,776 cubic yards of material and exportation of 415,160 cubic yards of material was necessary to increase agricultural soils by changing the topography and, in turn, increase the amount of land to be used for agricultural production; and

**WHEREAS**, in addition, by letter dated May 20, 2013, applicant by counsel described that in addition to the excavation, exportation, and grading plan, his client intended on creating a "new wetland meadow system on the real of the parcel to accommodate and improve onsite drainage" and described this activity as a necessary part of phase I of the project; and

**WHEREAS**, the Town Board has reviewed the applicable Town Code provisions related to zoning, site plan, excavations; and

**WHEREAS**, the Town Board has considered all reports/documents submitted by the applicant, correspondence by counsel on behalf of and in support of the application, and statements made and responses to questions by the applicant, applicant's son, applicant's counsel, Alan Connell, and Howard Young, P.E. related to the application; and all such other matters related to the Chapter 62 and agricultural production; and

**WHEREAS**, by Local Law No. 61-2009 adopted on 11/17/2009, Town Code section 62-4 provided, in pertinent part, that "The owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption prior to the excavation, exportation or importation of material ... owner, lessee or agent of the premises shall obtain a Chapter 62 permit or certificate of exemption pursuant to § 62-5 of this chapter from the Town Board ...a permit or certificate of exemption shall not entitle the applicant to clear or grade without obtaining approvals required under § 108-129B and D and/or Chapter 63"; and

**WHEREAS**, by Local Law No. 61-2009 adopted on 11/17/2009, Town Code section 62-5 A (2) provided, in pertinent part, "A. The following uses and operations by an owner or lessee of premises or by his agent qualify for an exemption from the provisions of this chapter such that an applicant may obtain a certificate of exemption from the Town Board: ... (2) An owner or lessee engaged in agricultural production, as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking to remove soil or import material related to or incidental to the harvesting of crops or such other agricultural production shall be exempt from Chapter 62. An applicant may qualify for a certificate of exemption for importation or excavation of material as defined in this chapter, provided that such importation or excavation is necessary for the purpose of establishing an agricultural operation as defined in § 108-3; and

**WHEREAS**, by Local Law No. 10-2013 adopted on 7/16/2013, Town Code section 62-5 A (1) states in pertinent part, "the following uses and operations by an owner or lessee of premises or by his agent qualify are exempt from the provisions of this chapter: (1) An owner or lease engaged in agricultural production as defined in Article 25-AA of the Agriculture and Markets Law and § 108-3 of the Town Code, on lands which qualify for an agricultural assessment, pursuant to Article 25-AA of the Agriculture and Markets Law, seeking remove soil, provided that the removal of soil (1) shall be limited to that amount of material necessary to plant or harvest crops and (2) shall not change the natural grade of slope and/or natural drainage on the subject property; and

**WHEREAS**, the aforementioned Local Laws and the provisions set forth in Chapter 108 and Chapter 44 of the Town Code make clear that the preservation of prime agricultural soils is an important goal of the Town of Riverhead and that removal of soils may threaten the long-term agricultural viability of the land, and as such the exportation of material will not be eligible for a certificate of exemption; and

**WHEREAS**, the NCRS Plan describes the proposed project as a "massive land reclamation project on this farm to make it more farmable" and describes methods to help with soil erosion, recommends planting of side slopes after grading with fescue, recommends deep tillage to improve water and root penetration, methods to manage harmful insect populations and such other matters related to activities post proposed excavation/exportation/grading of the subject property; and

**WHEREAS**, while the NCRS Plan states that "a good portion of the soil is very sandy and not suitable for cultivation" and makes reference to a plan to "increase the organic matter and improve the soil by respreading compost and incorporating it into the soil", the NCRS Plan fails to identify the portion of the subject property that is presently suitable for cultivation, the portion of the subject property that shall be suitable for cultivation post proposed "massive land reclamation project", identify or provide information regarding the existing soil compositions ability to sustain any type of agriculture production be it applicant's desired crops/use (according to letter from NYS Agriculture & Markets dated August 19, 2013 applicant desired to plant privet round perimeter of property, produce

hay, and board horse/cattle) or such other types of agriculture defined by NYS Agriculture & Markets Law, identify types of agricultural production that may be accomplished on the site as it currently exists vs. types of agricultural production that may be accomplished on the site (and portion of the site) post proposed project and include or identify importation of material ( "improvement to soils" referenced under the heading "Objectives") be it type or quantity or method of integration into the soil; and

**WHEREAS**, except for the cursory statements identified above, the NCRS Plan fails to: detail and comment on the necessity of or alternative methods to the proposed excavation of 427,776 cubic yards of material and exportation of 415,160 cubic yards of material, and grading plan as it relates to agricultural production on the subject site; identify existing wetland on the subject property; identify and detail existing drainage; identify and detail "new wetland meadow system"; comment on storm water runoff ; and

**WHEREAS**, the Young & Young Plan described the former use of the Zeh Farm referenced herein as subject property as agricultural use, to wit: agricultural production used primarily for crop production of potato and hay; and

**WHEREAS**, the Young & Young Plan outlines the mining method, grading and slope plan, creation and maintenance of proposed haul roads, control of pollution-air, noise, water, visual, mining schedule, amount of material to be excavated and exported; and finally reclamation plan ; and

**WHEREAS**, similar to the NRCS Plan, the Young & Young Plan fails to provide any information to support the applicant's assertion that the proposed excavation of 427,776 cubic yards of material and exportation of 415,160 cubic yards of material is necessary to sustain existing agriculture on the subject property; that the proposed activity is necessary to increase the amount of land to be used for agricultural production; alternative methods to achieve improvement of soil composition; identify and detail project effect on existing wetlands; comment or identify "new wetland meadow system"; identify and detail current drainage flows and storm water runoff and post project drainage and storm water runoff; and

**WHEREAS**, in response to applicant's challenge/complaint filed with New York State Department of Agricultural & Markets related to the application of Chapter 62 to the proposed project and proposed amendments to the Chapter 62 of the Town Code (referenced above as Local Law No. 10-2013), Robert Somers, Ph.D., Manager of the Agricultural Protection Unit of New York State Department of Agriculture & Markets rendered a determination (letter dated August 19, 2013) that the Agriculture & Markets Law only protects excavation activities that are in "aid of agricultural activities" and as such, applicant's "proposed mining activity" is not eligible for protection under Agriculture & Markets Law as part of a farm operation. The determination also included information from NYSDEC related to NYS DEC exemptions related to agriculture, to wit: proposed mining activity must be directly related to improvements associated with ongoing or imminent agricultural activity" and the proposed mining isn't in aid of existing agricultural activities"; and

**WHEREAS**, while there was a subsequent inquiry by applicant to New York State Department of Agricultural & Markets related to the issue of removal and/or conversation of woodland to lands suitable for agricultural production and minor modifications to surface gradients to facilitate agricultural production and there was an additional determination by letter dated September 3, 2013 from Dr. Somers, the application presented to the Town Board pursuant to Chapter 62 did not seek a permit for removal of trees that present minor modifications to surface gradients to facilitate agricultural production and thus, the letter from Dr. Somers dated September 3, 2013 is not determinative of the issues related to this application; and

**WHEREAS**, applicant stated that prior to purchasing the subject property applicant was aware of and had knowledge of the existing conditions of the premises and the limitations it presented for farming; and

**WHEREAS**, applicant stated that his intent was to purchase land zoned commercial or industrial with the added component of an agricultural easement vs. lands restricted to agricultural use to enable him to expand his farm operation and undertake industrial and/or commercial operations such as processing on the subject property; and

**WHEREAS**, applicant stated that the application for removal of soils was intended, in part, to supplement lands (described as repair of dykes) that it owns in Orient, New York which sustained damage during Hurricane Sandy in 2012 and, in part, offered for sale to recapture monies spent for purchase and improvements made to the subject property; and

**WHEREAS**, applicant, applicant's son, counsel for applicant, Alan Connell and Howard Young, P.E., all documents, reports, and letters provided conflicting and limited information regarding amount of acreage currently used for agricultural production or proposed type of agricultural production to be established post project (i.e. applicant stated that it can't be farmed without implementation of project -Town Board Work Session May 9, 2013), Howard Young stated entire parcel and later clarified the statement explaining that 10 acres are currently tillable-Town Board Work Session May 9, 2013, letter from NYS Department of Agricultural & Markets reciting 15 acres currently planted in hay, Letter from counsel dated January 29, 2013 "planting and harvesting", and letter from NYS Department of Agricultural & Markets describing intended use for hay and boarding of horse/cattle); and

**WHEREAS**, applicant, applicant's son, counsel for applicant, Alan Connell and Howard Young, P.E., all documents, reports, and letters provided conflicting and limited information regarding the necessity to undertake the project related to agriculture (i.e. applicant stated that it can't be farmed without implementation of project -Town Board Work Session May 9, 2013, applicant stated that soil and/or material was needed to repair dykes at site in Orient, NY Town Board Work Session May 9, 2013, applicant stated that sale of exported material would serve to recapture investment on the subject property- Town Board Work Session May 9, 2013, Howard Young stated that based upon applicant's desire and need to address damage to dyke system on applicant's farm in Orient and farm the subject property there was no way to accomplish both goals without undertaking the proposed

project- Town Board Work Session May 9, 2013); and

**NOW THEREFORE BE IT RESOLVED**, the Town Board hereby makes the following findings and determinations:

- (1) The subject property is located within the Industrial C Zoning District; and
- (2) The subject property, "Zeh Farm", was used for agricultural production by its former owner (See Young & Young's "Mined Land Use Plan"-crop production of potato and hay ; Letter of Peter Danowski dated January 29, 2013-prior owner had pig farm on site); and
- (3) The Town Code, including but not limited to, Chapters 108 and Chapter 62, make clear that preservation of prime agricultural soils is an important goal of the Town of Riverhead and removal of soils may threaten the long-term agricultural viability of the land; and
- (4) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property is related to or incidental to the harvesting of crops or such other agricultural production as set forth in Town Code Chapter 62 62-5 (Local Law No. 61-2009 adopted on 11/17/2009) or subsequent amendment to Town Code Chapter 62 62-5 (Local Law No. 10-2013 adopted on 7/16/2013); and
- (5) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property is necessary for the purpose of establishing an agricultural operation as defined in § 108-3; and
- (6) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property is directly related to improvements associated with ongoing or imminent agricultural activity; and
- (7) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property is in aid of agricultural activities; and
- (8) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading of the subject property is related to and/or incidental to the "ongoing or imminent" harvesting of crops or such other agricultural production such to qualify for an exemption under §62-5; and
- (9) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160

- cubic yards of material from the subject property (12,616 cubic yards to remain on site) will increase and/or improve agricultural soils ; and
- (10) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading is required to increase and/or improve agricultural soils; and
- (11) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading is consistent with and adheres to the Town Code provisions recited above requiring preservation of prime agricultural soils and long-term agricultural viability of the land; and
- (12) Applicant Driftwood Family Farms, LLC failed to demonstrate that the proposed activity/project, described by NRCS as “massive land reclamation project” and labeled “Mined Land Use Plan” by Young and Young, to excavate 427,776 cubic yards of material, export 415,160 cubic yards of material from the subject property (12,616 cubic yards to remain on site), and significant grading , is otherwise eligible for an exemption under Chapter 62 of the Town Code (Local Law No. 61-2009 adopted on 11/17/2009) or subsequent amendment to Town Code Chapter 62 62-5 (Local Law No. 10-2013 adopted on 7/16/2013) or such other provisions of the Town Code; and

**RESOLVED**, that the Town Board of the Town of Riverhead hereby denies the Chapter 62 Permit/Exemption Application of Driftwood Family Farms, LLC in its entirety; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, New York 11901; and be it further

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

### THE VOTE

Giglio Yes No      Gabrielsen Yes No

Wooten Yes No      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 678**

**PAYS BILLS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #13-34 September 05, 2013 (TBM 9/17/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	1	943,368.65	943,368.65
RECREATION PROGRAM FUND	6	23,824.75	23,824.75
HIGHWAY FUND	111	125,093.02	125,093.02
WATER DISTRICT	112	128,570.93	128,570.93
RIVERHEAD SEWER DISTRICT	114	26,283.96	26,283.96
REFUSE & GARBAGE COLLECTION DI	115	6,517.99	6,517.99
STREET LIGHTING DISTRICT	116	6,982.87	6,982.87
PUBLIC PARKING DISTRICT	117	181.90	181.90
AMBULANCE DISTRICT	120	1,432.64	1,432.64
EAST CREEK DOCKING FACILITY FU	122	1,206.83	1,206.83
CALVERTON SEWER DISTRICT	124	882.73	882.73
RIVERHEAD SCAVENGER WASTE DIST	128	13,816.75	13,816.75
WORKERS' COMPENSATION FUND	173	132,546.75	132,546.75
RISK RETENTION FUND	175	12,500.00	12,500.00
CDBG CONSORTIUM ACCOUNT	181	707.27	707.27
TOWN HALL CAPITAL PROJECTS	406	1,212.95	1,212.95
RIVERHEAD SEWER CAPITAL PROJEC	414	14,304.79	14,304.79
TRUST & AGENCY	735	1,164,713.37	1,164,713.37
<b>TOTAL ALL FUNDS</b>		<b>2,604,148.15</b>	<b>2,604,148.15</b>

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 678**

**PAYS BILLS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #13-35 September 12, 2013 (TBM 9/17/13)			
FUND NAME		Ckrun Total	GRAND TOTALS
GENERAL FUND	001	101,976.03	101,976.03
POLICE ATHLETIC LEAGUE	004	350.00	350.00
RECREATION PROGRAM FUND	006	22,064.39	22,064.39
CHILD CARE CENTER BUILDING FUND	009	53.68	53.68
HIGHWAY DISTRICT	111	9,301.92	9,301.92
WATER DISTRICT	112	16,597.30	16,597.30
SEWER DISTRICT	114	71,532.83	71,532.83
REFUSE & GARBAGE DISTRICT	115	944.10	944.10
STREET LIGHTING DISTRICT	116	39,003.95	39,003.95
PUBLIC PARKING DISTRICT	117	8,676.67	8,676.67
AMBULANCE DISTRICT	120	52,028.75	52,028.75
CALVERTON SEWER DISTRICT	124	3,618.72	3,618.72
RIVERHEAD SCAVENGER WASTE DIST	128	18,525.26	18,525.26
MAIN STREET REHAB PROGRAM	177	12,500.00	12,500.00
CALVERTON SEWER CAPITAL PROJECT	424	17624.44	17624.44
CALVERTON PARK - CDA	914	3,211.88	3,211.88
<b>TOTAL ALL FUNDS</b>		<b>378,009.92</b>	<b>378,009.92</b>

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted