

## **CDA RESOLUTION LIST:**

### **CDA**

**Res. #6 Authorizes Change Order for Optimized Reconstruction of Calverton Rail Spur**

### **CDA**

**Res. #7 Accepts Annual Report and Annual Financial Report for 2010**

## **TOWN BOARD RESOLUTION LIST:**

**Res. #173 Riverhead Downtown Revitalization Improvement Project Budget Adoption**

**Res. #174 Acceptance of 2008 Audited Financial Statements**

**Res. #175 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Accessory Apartments - §108-34. Purpose; Findings; Standards)**

**Res. #176 Authorizes Change Order for Optimized Reconstruction of Calverton Rail Spur**

**Res. #177 Ratifies and Approves Stipulation of Agreement (CSEA and TOR)**

**Res. #178 Authorizes Town Clerk to Advertise for Bids Project No: RDWD 10-53, Installation of Water Main & Appurtenances Extension No. 89 Peconic River Sportsman’s Club Riverhead Water District**

**Res. #179 Authorizes Town Clerk to Advertise for Bids Project No: RDWD 10-55, Installation of Water Main & Appurtenances Stoneleigh Woods – Phase 2 Riverhead Water District**

- Res. #180 Awards Bid on 1995 Summit Aluminum Trailer**
- Res. #181 Awards Bid on 1979 Peterbilt Tractor**
- Res. #182 Appoints an Intern to the Police Department (Nicholas Prisco)**
- Res. #183 Re-Appoints Member to the Architectural Review Board of the Town of Riverhead (Robert Haynal)**
- Res. #184 Re-Appoints Member to the Architectural Review Board of the Town of Riverhead (Gary Jacquemin)**
- Res. #185 Re-Appoints Member to the Architectural Review Board of the Town of Riverhead (Judith Jacunski)**
- Res. #186 Re-Appoints Member to the Architectural Review Board of the Town of Riverhead (Richard Searles)**
- Res. #187 Re-Appoints Member to the Architectural Review Board of the Town of Riverhead (Roy Sokoloski)**
- Res. #188 Re-Appoints Member to the Conservation Advisory Council of the Town of Riverhead (Alex Galasso)**
- Res. #189 Authorizes Attendance at the 2011 New York Station Association of Municipal Purchasing Officials Annual Spring Conference**
- Res. #190 Appoints a Part-Time Recreation Aide Volleyball Attendant to the Recreation Department (Eugene Barrow)**
- Res. #191 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law for the Proposed Addition of Chapter 99 Entitled 'Taxicabs and Vehicles for Hire' of the Riverhead Town Code**

- Res. #192 Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Accessory Apartments - §108-35 Applications)**
- Res. #193 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-97 – Major Subdivision B (14) (c) Park and Playground Sites)**
- Res. #194 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Peconic River Community Zoning use District)**
- Res. #195 Adopts a Local Law Amending Chapter 37 Entitled “Retirement” of the Riverhead Town Code (Article II, Early Retirement Incentive Program for Eligible Non-Union Full-Time Employees)**
- Res. #196 Adopts a Local Law Amending Chapter 37 Entitled “Retirement” of the Riverhead Town Code (Article III, Early Retirement Incentive Program for Eligible Full-Time Employees Who are Members of the Civil Service Employees Association, Inc.)**
- Res. #197 Adopts a Local Law Amending Chapter 37 Entitled “Retirement” of the Riverhead Town Code (Article IV, Early Retirement Incentive Program for Eligible Full-Time Police Officers Who are Members of the Riverhead Police Benevolent Association, Inc., (PBA)**
- Res. #198 Amendment to Procurement Policy**
- Res. #199 Authorizes the Refund of Over Payment of Various Sunken Pond Estates Water Bills**
- Res. #200 Authorizes the Supervisor to Execute a Professional Services Agreement with Jeffrey T. Butler, P.E. for the Reconstruction of the Town Building Department**

- Res. #201 Awards Bid for PLC Programming/Integration for the Riverhead Water District**
- Res. #202 Awards Bid for 2011 First Responder Vehicle for Town of Riverhead Ambulance District**
- Res. #203 Appoints Interpreter for Police Department and Justice Court**
- Res. #204 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local to Amend Chapter 45 Entitled “Alarm Systems” of the Town Code**
- Res. #205 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local law to Amend Chapter 52 Entitled “Building Construction” of the Riverhead Town Code (Article II Green Building Standards for Town-Owned Buildings)**
- Res. #206 Authorizes One Police Department Employee to Transport the Vehicle Weight Scales to Syracuse for Calibration**
- Res. #207 Established Date and Time of 2<sup>nd</sup> Annual “Great Riverhead Cardboard Boat Race”**
- Res. #208 Awards Bid for Annual Materials and Asphalt Procurement Contract**
- Res. #209 Pays Bills**

**TOWN OF RIVERHEAD**  
**Community Development Agency**

**Resolution # 6**

**AUTHORIZES CHANGE ORDER FOR OPTIMIZED RECONSTRUCTION OF  
CALVERTON RAIL SPUR**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the New York State Department of Transportation (NYS DOT) Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project in the Town of Riverhead, in Suffolk County, (hereinafter “the Municipality/Sponsor”) is eligible for and has been awarded funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

**WHEREAS**, the New York State Empire State Development Corporation through its Downstate Revitalization Fund awarded \$650,000 towards the Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation Project funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

**WHEREAS**, the Town of Riverhead Community Development Agency (CDA) Board desires to foster the continued development of infrastructure at the Calverton Enterprise Park site to attract businesses, improve commerce, enhance the tax base and the local economy and encourage continued economic development at the site consistent with the comprehensive plans; and

**WHEREAS**, on February 11, 2010, the CDA Board adopted Resolution No. 2 entitled, “Awards Calverton Rail Access Rehabilitation Contract” that awarded the construction bid for the above mentioned project to Railroad Construction Co., Inc.; and

**WHEREAS**, on April 6, 2010, the CDA Board adopted Resolution No. 8 entitled, “Awards Calverton Rail Access Rehabilitation Contract” that authorized Change Order #1 to the construction contract for acquisition of the Long Island Rail Road Mainline switch and adopted Resolution No. 6 entitled, “Authorizes Dunn Engineering Associates, P.C. to Proceed with Calverton Rail Construction Administration”, that

authorized Dunn Engineering to proceed with construction inspection for the contract; and

**WHEREAS**, on October 5, 2010, the CDA Board adopted Resolution No. 17 entitled "Authorizes Optimized Reconstruction of the Calverton Rail Spur" to request the remaining ARRA funding certified for the Calverton Rail project to enhance the design and provide more efficient trackage that accommodates modern freight rail cars to eliminate the obsolete runaround track and relocate said runaround track to include an approximately 1800' long runaround track, creates a better functioning spur that will provide more efficient service; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Riverhead Community Development Agency in cooperation with the Town Attorney and the Town Engineering Department are authorized to proceed with Change Order #6 to the construction contract to provide for construction of approximately 1800' long runaround track and elimination of the obsolete runaround track to the north of the Calverton Recreation Center utilizing remaining available grant funds of approximately \$400,000 in ARRA NYSDOT funds towards construction/construction inspection and approximately \$450,000 in NYS Empire State Development grant funds towards construction; and

**BE IT FURTHER RESOLVED**, that the CDA Board be and does hereby authorize the Accounting Department to issue a Town of Riverhead Purchase Order to progress the project described above; and

**BE IT FURTHER RESOLVED**, that the CDA Board does hereby authorize the Chairman to execute Change Order #6 subject to review and approval by the Town Attorney; and

**BE IT FURTHER RESOLVED**, that the Town Clerk forward copies of this resolution to the Accounting Department, the Engineering Department and the Community Development 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

Giglio Yes No

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

03.15.11  
CDA1107

03.15.11 TABLED  
04.05.11 UNTABLED  
04.05.11 ADOPTED

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**Resolution # 7**

**ACCEPTS ANNUAL REPORT AND ANNUAL FINANCIAL REPORT FOR 2010**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Public Authorities Accountability Act of 2005 as amended (the "PAAA") includes Town of Riverhead Community Development Agency (the "CDA") in its definition of a local authority; and

**WHEREAS**, the PAAA requires the preparation and submission of an Annual Report and an Annual Financial Report to the State Comptroller.

**THEREFORE BE IT RESOLVED** that the board of directors of the Community Development Agency hereby accepts the 2010 Annual Report and 2010 Annual Financial Report (attached) of the Town of Riverhead Community Development Agency.

**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 TABLED

**04.05.11**

**On a motion of Councilman Wooten, seconded by Councilman Gabrielsen, CDA resolution #7 was UNTABLED**

**THE VOTE: YES-5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes**

**NO-0**

**On a motion of Councilman Wooten, seconded by Councilman Gabrielsen, CDA resolution #7 was ADOPTED**

**THE VOTE: YES-5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes**

**NO-0**

# 1-CDA of the Riverhead Community Development Agency

ADOPTION OF BY-LAWS

Director Boschetti offered the following resolution which was seconded by Director Artale.

WHEREAS, the Riverhead Community Development Agency has been authorized by the State Legislature, pursuant to Article 15-A of the Urban Renewal Chapter of the General Municipal Law, and

WHEREAS, the Certificate of Establishment has been filed with the Secretary of State and the Commissioner of Labor designating the Directors and Chairman of said Agency, and

WHEREAS, such Board is assembled this day for the purpose of adopting By-Laws pursuant to Section 554 of the General Municipal Law, and

WHEREAS, such By-Laws have been reviewed by the Board and the Board finds them to be necessary for the proper functioning of the Riverhead Community Development Agency,

NOW, THEREFORE, BE IT

RESOLVED, that the directors of the Agency hereby adopt, ratify, and approve the attached By-Laws, to be known and sited as the By-Laws of the Riverhead Community Development Agency.

BY-LAWS  
OF  
THE RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY

Riverhead, New York

ARTICLE I - THE AGENCY

Section 1. Name of Agency. The name of the Agency shall be the "Riverhead Community Development Agency".

Section 2. Members. In accordance with the Special Act of the Legislature establishing the Agency, the Agency shall consist of five members, including the Supervisor who shall be its Chairman, and the four Town Councilmen, or their respective successors to office.

Section 3. Seal of Agency. The seal of the Agency shall be in the form of a circle and shall bear the words Town of Riverhead Community Development Agency and the year of its establishment.

Section 4. Office of Agency. The office of the Agency shall be located at 200 Howell Avenue, Riverhead, New York.

ARTICLE II - OFFICERS

Section 1. Officers. The officers of the Agency shall be a Chairman, (Supervisor), a Vice-Chairman, and a Secretary-Treasurer, who shall also be the Director.

Section 2. Chairman. The Chairman shall preside at all meetings of the Agency. The Chairman shall sign all contracts, deeds and other instruments made by the Agency unless a resolution

has been passed by the Agency making a different designation.  
Such resolution may authorize another member of the Agency or  
its Director to sign a particular contract, deed or other instru-  
ment. At each meeting, the Chairman shall submit such recommenda-  
tions and information as he may consider proper concerning the  
business affairs and policies of the Agency.

Section 3. Vice-Chairman. The Vice-Chairman shall perform  
the duties of the Chairman in the absence or incapacity of the  
Chairman, and in case of a vacancy in the office of the Chairman.

Section 4. Secretary-Treasurer. The Secretary-Treasurer  
shall keep the records of the Agency, shall act as Secretary of  
the meetings of the Agency and shall record or cause there to be  
recorded all votes, and shall keep or cause there to be kept a  
record of the proceedings of the Agency in a minute book to be  
kept for such purposes, shall have the power to certify to the  
correctness of minutes and other records kept by the Agency, and  
shall perform all duties incident to his office. He shall keep  
in safe custody the seal of the Agency and shall have power to  
affix such seal to all contracts and instruments authorized to  
be executed.

At any regular or special meeting in the absence of the  
Secretary-Treasurer, a Secretary pro tempore may be appointed  
from among the members of the Agency who shall serve without  
compensation other than the payment of necessary expenses.

The Secretary-Treasurer will sign all vouchers and checks  
for the payment of money and shall pay out and disburse such  
moneys under the direction of the Agency except as otherwise  
authorized by resolution of the Agency. The Agency may by

resolution designate one or more members to countersign such vouchers and checks, and may from time to time qualify, change or cancel any such designation. Requests for the draw-down of funds from the United States government shall be in accord with federal letter of credit regulations, and such requests shall be signed by the Chairman, or in his absence the Vice-Chairman, or the Secretary-Treasurer. The Secretary-Treasurer and Chairman shall give such bond(s) for the faithful performance of their duties as the Agency shall deem necessary and appropriate.

Section 5. Duties of Members. The Members of the Agency shall perform such duties as are incumbent upon them by reason of their office and shall perform such other duties and functions as may from time to time be required by the Agency or the by-laws, or which may arise by reason of their office and shall perform such other duties and functions as may from time to time be required by the Agency or the by-laws, of which may arise by reason of their appointment to serve on committees functioning within the Agency or in cooperation with other persons or groups.

Section 6. Director. The Director of the Agency shall be the ex-officio Secretary-Treasurer and shall have general supervision over the administration of its business and affairs, subject to the direction of the Agency. He shall take care and custody of all funds of the Agency in such bank or banks as the Agency may select. He shall keep regular records of accounts showing receipts and expenditures and shall report to the Agency at the Agency's next regular meeting, held after the end of the Agency's Fiscal Year, that is, at the next regular meeting after

July 31 of each year, or oftener when requested, an account of his transactions and also of the financial condition of the Agency.

The compensation of the Director shall be determined by the Agency.

Section 7. Appointment of Personnel. The members of the Agency shall appoint one person to fill the office of Director. The person appointed to fill the office of Director, or any vacancy therein, shall have such terms as the Agency fixes, but no member of the Agency shall be eligible for this office.

The Agency may from time to time employ such personnel as it deems necessary to exercise its powers, duties and functions as prescribed by Article XV-A of the General Municipal Law of the State of New York and all other laws of the State of New York applicable thereto.

Section 8. Vacancies. Should a vacancy occur among the members of the Agency, a successor to the vacant elected public office shall be named by the Town Board in accordance with the Town Law and said successor to such elected public office shall automatically become a member of the Agency in accordance with the Special Act of the Legislature creating the Agency.

#### ARTICLE III - MEETINGS

Section 1. General Provisions. All meetings shall be held at Town Hall in absence of the specific designation of some other meeting place by resolution.

Section 2. Annual Meetings. Annual meetings of the Agency shall be held without notice, at a time and place to coincide with the first meeting of the Town Board of the Town of Riverhead in January of each year.

Section 3. Regular Meetings. Regular meetings of the Agency shall be held without notice at least once in each month of January, March, May, July, September and December during the calendar year, upon the third Thursday of the months at 4:00 p.m. in the afternoon or as soon thereafter as is reasonably practicable for the transaction of the business of the Agency. The Chairman may adjourn a regular meeting, without the necessity of a quorum of the Agency being present, and should he so adjourn a meeting he shall notify members who were not present of the adjourned date and time of such adjourned meeting in the manner specified in Section 5 below.

Section 4. Special Meetings. The Chairman, Vice-Chairman, or Director of the Agency may, when any two of them might deem it expedient, call a special meeting of the Agency for the purpose of transacting any business designated in the call. Upon the written request of three members of the Agency, the Chairman shall call a special meeting of the Agency for the purpose of trans- acting any business designated in the call. The call for a special meeting may be delivered to any member of the Agency or may be mailed to his business or home address at least two days prior to the date of such special meeting. At such special meeting, no business shall be conducted other than as designated in the notice, but if all the members of the Agency are present at a special meeting, any and all business may be transacted at such special

meeting.

Section 5. Quorum. The powers of the Agency shall be listed in the members thereof in office from time to time. Three members shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes. They may meet and adjourn from time to time until the five members are available. At least twelve hours notice of the time and place of holding an adjourned meeting shall be given to the member who was not present at the meeting from which adjournment was taken.

Section 6. Order of Business. At the regular meetings of the Agency the following shall be the order of business.

1. Roll Call
2. Reading and approval of the minutes of the previous regular meeting and any intervening special meeting.
3. Report of the Director.
4. Reports of Committees.
5. Unfinished business.
6. New business.
7. Resolutions.
8. Adjournment.

All resolutions shall be in writing and shall be copied in a minute book of the Agency.

Section 7. Manner of Voting. All questions coming before the Agency shall be presented in the form of motions or resolution chronologically numbered. The vote on all resolutions shall be by voice unless a roll call vote is requested by one member

at which time a vote upon the resolution in question shall be by roll call, and each resolution and motion shall be entered in full upon the minutes of the meeting. For all resolutions, the ayes and noes shall be recorded.

ARTICLE IV - AMENDMENTS

Amendment to By-Laws. The by-laws of the Agency shall be amended only by resolution adopted by the affirmative vote of three members of the Agency at a regular or special meeting, held after seven days notice in writing of the proposed amendment shall have been sent to each member.

(5 yes)

12/14/82

AN ACT to amend the laws relating to  
establishing the  
providing for its enforcement.

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

1 Section 1. Article fifteen-B of the general municipal law is amended  
2 by adding a new title one hundred sixteen to read as follows:

3 TITLE 116

4 TOWN OF RIVERHEAD COMMUNITY

5 DEVELOPMENT AGENCY

6 Section 680-c. Town of Riverhead community development agency.  
7 § 680-c. Town of Riverhead community development agency. For the  
8 benefit of the town of Riverhead and the inhabitants thereof, a commu-  
9 nity development agency, to be known as the TOWN OF RIVERHEAD COMMUNITY  
10 DEVELOPMENT AGENCY, is hereby established for the accomplishment of any  
11 or all of the purposes specified in articles fifteen and fifteen-A of  
12 this chapter. It shall constitute a body corporate and politic, and be  
13 perpetual in duration. It shall have the powers and duties now or  
14 hereafter conferred by articles fifteen and fifteen-A of this chapter  
15 upon community development agencies and provided that the exercise of  
16 the powers by such agency with respect to the acquisition of real  
17 property whether by purchase, condemnation or otherwise, shall be lim-  
18 ited to the corporate limits of the town of Riverhead, and such agency  
19 shall take into consideration the local zoning and planning regulations  
20 as well as the regional and local comprehensive land use plans. It  
21 shall be organized in a manner prescribed by and be subject to the  
22 provisions of articles fifteen and fifteen-A of this chapter. Its mem-

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

1 bers shall consist of the supervisor of the town of Riverhead, who shall  
2 be its chairman and the four councilmen of the town of Riverhead. The  
3 agency, its members, officers and employees and its operations and ac-  
4 tivities shall in all respects be governed by the provisions of articles  
5 fifteen and fifteen-A of this chapter.  
6 § 2. This act shall take effect immediately.

EXECUTIVE CHAMBER, Albany, New York

The attached legislation has passed both houses of the Legislature and will shortly be before the Governor for executive action.

The Governor would appreciate the benefit of your analysis, comments and recommendations within five days of receipt of this request. In order to expedite receipt and consideration of your views, please identify your memorandum by the bill's introductory number and use the enclosed envelope to submit your comments.

While the volume of correspondence concerning legislation precludes acknowledgement of every communication, you can be certain that your comments will receive careful consideration.

Thank you for your cooperation.

John G. McGoldrick  
Counsel to the Governor

REC'D  
JUN 29 1947  
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LEGISLATIVE COUNSEL

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4-041136S181002 06/30/82 ICS IPMNTZZ CSP NYAB  
1 5167273200 MGM TDMT RIVERHEAD NY 06-30 0236P EST

TOWN OF RIVERHEAD  
200 HOWELL AVE  
RIVERHEAD NY 11901

THIS MAILGRAM IS A CONFIRMATION COPY OF THE FOLLOWING MESSAGE:

5167273200 MGM TDMT RIVERHEAD NY 95 06-30 0236P EST

ZIP

JOHN A MCGOLDRICH COUNSEL TO GOVERNOR  
EXECUTIVE CHAMBERS STATE CAPITOL  
ALBANY NY 12224

ATTN LEGISLATIVE SECRETARY ROOM 225

RE SENATE BILL 3418 TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
THE TOWN OF RIVERHEAD HAD REQUESTED THAT THE ABOVE CAPTIONED BILL BE  
INTRODUCED FOR THE BETTERMENT OF THE TOWN OF RIVERHEAD AND HAVE  
WORKED FOR ITS PASSAGE THE TOWN OF RIVERHEAD WOULD APPRECIATE THE  
GOVERNOR SEEING FIT TO SIGN SAID BILL INTO LAW. IF THE GOVERNOR  
SHOULD SIGN SENATE BILL NUMBER 3418 I WOULD APPRECIATE RECEIVING A  
PEN CERTIFICATE SINCERELY

JOSEPH F JANOSKI SUPERVISOR TOWN OF RIVERHEAD

14:53 EST

MGMCOMP

## **CDA ANNUAL REPORT for FY 2010**

As required by the Bylaws of the Town of Riverhead Community Development Agency (CDA), the following information is provided for consideration and review by the Members of the CDA:

**MEMBERSHIP**- The Members of the Corporation shall be the members of the Riverhead Town Board, comprised of the following persons during FY 2010: Sean Walter, John Dunleavy, James Wooten, George Gabrielsen and Jodi Giglio. In addition, the 2010 CDA was served by: Executive Director Chris Kempner, Chief Finance Officer Bill Rothaar, Contracting Officer for real property Dawn Thomas and Contracting Officer for personal property Bill Rothaar. Neither members nor staff receives any compensation for their duties and responsibilities to the CDA.

The CDA established a Governance and Audit Committee as required by the Public Authorities Act of 2005 as amended (the "PAAA"). Sean Walter and John Dunleavy were appointed to the Governance Committee. Sean Walter, Deputy Supervisor Jill Lewis and George Gabrielsen were appointed to the Audit Committee. All other CDA policies and procedures required by the PAAA relating to investment, salary/compensation, whistleblowing, acquisition and disposition of real property and personal property, procurement, defense and indemnification for Directors, ethics, travel, remain in place as adopted by CDA Resolution #6 adopted May 1, 2007.

### **BACKGROUND**

The five member Riverhead Town Board is the governing legislative body and consists of a supervisor and four council members, all of whom are elected at large. The Town Board acts separately in its capacity as the CDA Board, which is empowered under New York State General Municipal Law to foster economic development. The CDA consists of the Chairman (the Town Supervisor) and the four Town board members. In the capacity as the economic development agency of the Town of Riverhead, the CDA administers and secures financing for numerous downtown revitalization projects and public improvement projects.

The CDA, established in 1982, has been proactive in fostering economic revitalization in the downtown business district and was a major impetus in the establishment of a 3.2 acre waterfront aquarium. In addition, the CDA took title to the former Naval Weapons Industrial Reserve Plant at Calverton in 1998 as the result of special federal legislation, and as such is charged with the task of

overseeing economic development at the 2,900 acre site. Using powers granted under New York State Urban Renewal Law, pursuant to Section 505 of Article 15, the Community Development Agency has played a critical role in economic development at Calverton Enterprise Park, as well as downtown. Since 1998, the Calverton Enterprise Park real property, improved with buildings and infrastructure, has been leased and sold pursuant to the disposition of property procedures of Section 507 of the Urban Renewal Law. The Community Deve

The Community Development Agency has designated several Urban Renewal Areas for the purpose of encouraging neighborhood revitalization and economic development. The designated Urban Renewal Areas include: Calverton Enterprise Park, Millbrook Gables residential community, East Main Street Downtown Business District and Railroad Avenue Corridor. Within the designated boundaries of the urban renewal areas, available incentives are provided where feasible to attract investment and assist owners and businesses in improving their properties.

Portions of the Calverton Enterprise Park and East Main Street Urban renewal Areas were designated Empire Zones, a program that was sunsetted by New York State on June 30, 2010. This designation was initiated and administered by the CDA for its economic development benefits. Low interest loans and grants have also been made available to increase investment in these targeted areas. For instance, within the East Main Street Urban Renewal Area, the CDA has successfully developed an aquarium as a major tourist attraction, sold the 1930s art deco Suffolk Theatre for reuse, has completed restoration of an 1881 historic opera house, invested \$500,000 in historic restoration of properties occupied by the East End Arts Council, as well as assisting in the development of a 100 room hotel expansion at Atlantis Aquarium and two new mixed use housing/retail developments on Peconic Avenue, one that will incorporate a currently deteriorated structure and the other that revitalized a vacant building located at the gateway to downtown that now is an active revitalized historic anchor building with retail, office and housing completed in 2010.

### **CDA MISSION STATEMENT**

The CDA's mission is to foster economic revitalization in the Town of Riverhead Urban Renewal Areas to implement projects that improve the environment, economy and quality of life of the Riverhead Town residents, businesses and visitors through creation of jobs, development of infrastructure, generation of additional tax revenue, and leveraging investment of capital in the Town of Riverhead.

Measurements by which the CDA and the achievement of its goals may be evaluated by the following:

- Investment dollars and leveraging (public and private funding);
- Infrastructure development;
- Tax base expansion;
- Jobs created; and
- Quality of life enhancements (preservation and open space, recreation, enhancement of environment, transportation and housing choices)

Below is a list of projects that have been advanced these goals during 2010.

### **DOWNTOWN ACTIVITY IN 2010**

The CDA continued to advance the goals of the East Main Street Urban Renewal Plan (<http://riverheadli.com/Urban.Renewal.Plan.Update.October.10.01.08.pdf>), final Generic Environmental Impact Statement (located at <http://riverheadli.com/Final.Generic.Environmental.Impact.Stmt.10.01.08.pdf>), and Findings Statement for the GEIS (located at <http://riverheadli.com/Findings.Statement.10.01.08.pdf>) issued and adopted in October 2008.

In 2010, the CDA and the Town of Riverhead Community Development Department assisted several significant downtown revitalization projects including:

- Atlantis Aquarium Hyatt Hotel expansion to develop 100 room hotel, catering hall and rotating gallery exhibit space through private funding, \$2,400,000 New York State Empire State Development RESTORE NY III Funding and Town of Riverhead Industrial Development Agency incentives
- 1 East Main Street (revitalization of vacant historic anchor property to provide retail, housing and office space through private investment, New York State Department of Housing and Community Renewal Main Street grant funds, Town of Riverhead Industrial Development Agency incentives);
- Revitalization of the 3-acre Grangebél Park – a key greenspace located at the entrance to Downtown Riverhead;
- Summerwind Square (revitalization of three vacant and underutilized parcels to create a 52 unit mixed use workforce housing complex with ground floor retail supported by Suffolk County Workforce Housing Funding and Town of Riverhead Industrial Development Agency incentives);

- Suffolk Theatre Revitalization (former CDA property transferred to private developer to be renovated from vacant building to active theater through private funding and New York State Department of Housing and Community Renewal Main Street grant funds);
- Infrastructure improvements including site redevelopment of the East End Arts Council greenspace and walkway that is a visual and physical connection of Main Street to the Peconic Riverfront and the Peconic Avenue crosswalk connecting the Peconic Riverfront to Grangebél Park (funded by HUD CDBG funds and Suffolk County Downtown Revitalization funds);
- Various other façade and building improvements in the downtown area funded by New York State Department of Housing and Community Renewal Main Street grant funds.

### **RAILROAD AVENUE CORRIDOR ACTIVITY IN 2010**

In 2007, the CDA board held a hearing on the designation of Vintage Group, LLC, as a Qualified & Eligible (Q & E) Sponsor for the purchase and development of the parking lot owned by the Town of Riverhead located on Court Street together with the acquisition and development of some or all of the privately-owned properties located on the adjacent block bordered by Railroad Street, Griffing Avenue, Court Street and Cedar Avenue, for redevelopment consistent with the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997. In 2009, Q & E status was extended after an additional public hearing and extensions of time for an Agreement of Sale to be fully executed were extended through June 15, 2010. On June 15, 2010, the CDA Board authorized amending CDA Resolutions #9, #17 and #27 of 2008 and Resolutions #13 and #19 of 2009 to provide that designation of Vintage Square Properties LLC as a Qualified and Eligible Sponsor would expire and be of no force and effect unless an Agreement of Sale consistent with CDA resolution #9 of 2008 be fully executed on or before December 15, 2010 subject to a new Qualified and Eligible Sponsor hearing if substantive changes made to the draft Agreement of Sale on file with the Town Clerk.

### **CALVERTON ENTERPRISE PARK ACTIVITY IN 2010**

The CDA Board entered into contract with REPCAL LLC in 2007 for the sale of approximately 300 acres in response to a Request for Proposals (“RFP”) to select an experienced developer(s) for the redevelopment of approximately 600 acres of land zoned for industrial and office uses at Calverton Enterprise Park. The CDA Board designated REPCAL, LLC as a Qualified and Eligible Sponsor for the redevelopment project to include 300 acres of land zoned Industrial, a portion of

the 600 acres. The CDA continued to work with REPCAL, LLC through 2009 to progress the project and the CDA agreed to extend the due diligence period as well as to execute a fifth amendment to the agreement of sale dated October 2, 2007, to reduce the sales price for the 300 acres to \$18 million to facilitate the closing. The CDA Board designated REPCAL, LLC as a Qualified and Eligible Sponsor for the new terms of the agreement prior to authorizing the amendment. In 2010 the CDA board authorized the CDA Chair/Town Supervisor to Execute a Sixth Amendment to the Agreement of Sale with REPCAL, LLC, extending the Outside Condition Satisfaction Date for a three month period through October 31, 2010 in exchange for a payment of \$125,000 to be credited to REPCAL, LLC, at closing or in the event that closing does not occur for any reason other than Seller's willful default, to remain the property of the CDA.

In 2007 the CDA Board issued a RFP to select an experienced developer(s) for the redevelopment of approximately 755 acres as a Hotel Conference Center and/or other commercial-recreational uses as permitted by zoning. Several proposals were received and had been presented at public meetings by year-end. During 2007, the CDA board held a hearing on the CDA's designation of Riverhead Resorts LLC as a Qualified & Eligible Sponsor. The CDA Board entered into a contract with Riverhead Resorts LLC for the sale of approximately 755 acres of property within the planned recreational park zone district of Calverton Enterprise Park in early 2008 and designated Riverhead Resorts LLC as a Qualified & Eligible Sponsor for redevelopment of said acreage. In 2009 the CDA board authorized an amendment to the agreement of Sale dated January 15, 2008, with Riverhead Resorts LLC to waive the extension fee due on December 15, 2009 in consideration of extending the date of Closing and releasing the escrow under new terms. In 2010, Riverhead Resorts LLC filed its application for subdivision approval with the Town Planning Board. The CDA Board subsequently authorized the CDA Chair to execute a Second Amendment to Agreement of Sale dated January 15, 2008 (extending the closing date to June 15, 2010) as amended by the First Amendment dated December 15, 2009 (extending the closing date to May 15, 2010) with Riverhead Resorts LLC. The Termination of the Agreement of Sale with Riverhead Resorts LLC was formally terminated by CDA resolution #18 on November 12, 2010 based upon the failure of Riverhead Resorts LLC to extend the Closing Date.

In 2008, the CDA board authorized and issued an RFP for rail design engineers for the Calverton Rail Access and Development Project and selected HDR, Inc., an employee-owned architectural, engineering and consulting firm with rail development expertise as the consultant for the project. In December 2008 the

CDA authorized HDR to proceed with initial preliminary planning for the Calverton Rail Access Rehabilitation Project. In March 2009 the CDA board authorized HDR to proceed with the NYSEERDA funded design portion of the project (NYSEERDA grant of \$75,000) and in December 2009 the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In December 2009 the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million. In April 2010 the project received a Gold GREENLites Transportation Sustainability Award from New York State Department of Transportation. The project broke ground in May 2010 and made significant progress toward completion by the time weather shut down construction in December 2010. Additionally, the CDA board authorized optimized reconstruction of the Rail Project by progressing a Change Order to the construction contract for optimized design and authorizing the CDA Chair to enter into amended professional services agreements with Dunn Engineering Associates, P.C. and/or directly with a rail design firm subject to review and approval by the Town Attorney. It is anticipated construction will be completed and the rail ready for operation by close of 2011.

In 2010 the CDA board held a public hearing and subsequently designated Altitude Express, d/b/a SkyDive Long Island, as a Qualified and Eligible Sponsor for the Extension of an existing runway use agreement.

#### **AGREEMENTS ENTERED INTO BY THE CDA IN 2010**

Agreements entered into by the CDA in 2010 include:

- 1) Acceptance of up to \$4,800,000 in New York State Department of Transportation American Reinvestment and Recovery Act grant funding that included authorizing the Chairman of the CDA/Supervisor of the Town of Riverhead to execute all necessary agreements and certifications on behalf of the CDA/municipality and appropriated capital funds to cover first instance and all non-eligible costs of participation in the reimbursement grant program;
- 2) Award of the Calverton Rail Access Rehabilitation Contract to Railroad Construction Co., Inc. in the amount of \$3,496,684 subject to the terms of a funding agreement with New York State Department of Transportation
- 3) Award of the Calverton Rail Access Rehabilitation Construction Administration Contract to Dunn Engineering Associates, P.C., in the amount of \$439,587 subject to New York State Department of Transportation approval;

- 4) Award of Change Order #1 to the Calverton Rail Access Rehabilitation Contract to Railroad Construction Co., Inc. in the amount of \$310,584.50 subject to approval by the New York State Department of Transportation;
- 5) Authorized Systra to Proceed with Professional Services for the rail planning consulting services not to exceed \$40,000 for reconstruction of the Calverton Rail Rehabilitation;
- 6) Authorized CDA Chair/Town Supervisor to sign a tri-party agreement with New York State Department of Transportation and Long Island Railroad (for direct reimbursement by NYSDOT to LIRR) for the installation of the switch to the Calverton Rail Access on LIRR Right of way to cover LIRR force account labor and other costs subject to review and approval by the Town Attorney;
- 7) Authorized Optimized Reconstruction of the Calverton Rail Access Rehabilitation Project by progressing a Change Order to the construction contract for optimized design and authorizing the CDA Chair to enter into amended professional services agreements with Dunn Engineering Associates, P.C. and/or directly with a rail design firm subject to review and approval by the Town Attorney;
- 8) Authorized the CDA Chair/Town Supervisor to execute and addendum to an existing runway use agreement with Altitude Express, d/b/a SkyDive Long Island, after public hearing and designation of same as a Qualified and Eligible Sponsor resulting in approximately \$32,192 in 2010 lease payments to CDA;
- 9) Authorized the CDA Chair to execute a Second Amendment to Agreement of Sale dated January 15, 2008 (extending the closing date to June 15, 2010) as amended by the First Amendment dated December 15, 2009 (extending the closing date to May 15, 2010) with Riverhead Resorts LLC;
- 10) Formally acknowledged the Termination of the Agreement of Sale with Riverhead Resorts LLC based upon the failure of Riverhead Resorts LLC to extend the Closing Date;
- 11) Amended CDA Resolutions #9, #17 and #27 of 2008 and Resolutions #13 and #19 of 2009 to provided that designation of Vintage Square Properties LLC as a Qualified and Eligible Sponsor to expire and be of no force and effect unless an Agreement of Sale consistent with CDA resolution #9 of 2008 if fully executed on or before December 15, 2010 subject to a new Qualified and Eligible Sponsor hearing if substantive changes made to the draft Agreement of Sale on file with the Town Clerk;
- 12) Authorized the CDA Chair/Town Supervisor to Execute a Sixth Amendment to the Agreement of Sale with REPCAL, LLC, extending the Outside Condition Satisfaction Date for a three month period through October 31, 2010 in exchange for a payment of \$125,000 to be credited to REPCAL, LLC, at

closing or in the event that closing does not occur for any reason other than Seller's willful default, to remain the property of the CDA;

- 13) Authorized the CDA Chair/Town Supervisor to sign and submit subdivision applications to the New York State Department of Environmental Conservation and the Suffolk County Department of Health Services with respect to the Calverton Enterprise Park;
- 14) Authorized the CDA Chair/Town Supervisor to Execute a License Agreement and amendment with Laufer Wind Group to enter and use a portion of the Calverton Enterprise Park to test wireless detection system components for a fee of \$2,000 for the first month and \$1,000 per month thereafter until the agreement is terminated;
- 15) Ratified the Execution of an Agreement with the Isotope Films, LLC and Gotham Arts, Inc. for use of the runway for one day film production of a short film entitled, "Love, Lots of It" for the sum of \$400;
- 16) Expressed Support for the Establishment of a YMCA at EPCAL on Property Adjoining the Town's Park at Calverton Enterprise Park;

### **DESCRIPTION OF MATERIAL PENDING LITIGATION**

The Town of Riverhead Community Development is not a defendant in any pending lawsuits and as such, there is no pending litigation known which will have a material adverse effect on the financial condition of the Town.

### **GRANT FUNDING**

CDA Parks Projects. The CDA applied for and received notification of a \$100,000 grant from the New York State Office of Parks, Recreation and Historic Preservation in 2006 for funding under the Recreational Trails Program towards the development of an 8.9 mile multisport athletic trail. No funds were expended in 2009 and no funds were received for reimbursement by year-end although the project was bid, awarded and substantially constructed in 2010 a significant amount of the grant funds were received for reimbursement by year-end 2010. The project augments a town park project initiated by the CDA in 2001 involving \$600,000 in grant funds from the New York State Office of Parks Recreation and Historic Preservation for public recreational improvements. Phase I was designed and engineered in 2006 and under construction in 2007/8. The majority of funds were expended in 2007 and a majority of the grant funds were received for reimbursement by year-end 2008. Close out and final audit of the Phase I grant funds are anticipated to be completed in 2011.

Calverton Rail Access Rehabilitation Project. The CDA applied for and received notification of a \$75,000 grant from the New York State Energy Research and Development Authority (NYSERDA) in 2008 for funding under the Sustainable Transportation Systems Program towards design and logistics associated with rehabilitation of 2.65 miles of an existing rail spur that links Long Island Rail Road mile post 69.1 to the Calverton Enterprise Park. The infrastructure project is expected to remove vehicles from the roads, mitigate traffic congestion and allow area businesses to compete more effectively through reduced shipping costs and lower the prices of goods. In 2009, the CDA accepted the grant award from NYSERDA and entered into a professional services agreement with HDR, Inc. to proceed with design of the Calverton Rail Access Rehabilitation Project funded by NYSERDA. In December 2009 the CDA board authorized HDR, Inc. to continue planning for the project with additional Town and CDA funds augmented with \$650,000 funding secured in October 2009 from New York State Empire State Development. In 2010 the CDA board authorized the Calverton Rail Access Project to receive American Reinvestment and Recovery Act funding from the New York State Department of Transportation for the construction of the Calverton Rail Access Rehabilitation Project in an amount up to \$4.8 million. In April 2010 the project received a Gold GREENLites Sustainability Award from New York State Department of Transportation. The project broke ground in May 2010 and made significant progress toward completion by the time weather shut down construction in December 2010. It is anticipated construction will be completed and the rail ready for operation by close of 2011.

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2010**

**General Fund (A)  
Balance Sheet**

Code Description	FOR THE FISCAL YEAR ENDED 2009	EDP CODE	FOR THE FISCAL YEAR ENDED 2010
<b>Assets</b>			
Cash	\$ (27,081)	A 200	\$ 3,502,723
Cash - Time Certificates	<u>\$ 4,790,901</u>	A 201	<u>\$ -</u>
<b>TOTAL Cash</b>	<u><u>\$ 4,763,820</u></u>		<u><u>\$ 3,502,723</u></u>
Accounts Receivable	\$ -	A 380	\$ -
Accrued Interest Receivable	\$ -	A 381	\$ -
Allowance for Uncollected Receivable	<u>\$ -</u>		<u>\$ -</u>
<b>TOTAL Other Receivables</b>	<u><u>\$ -</u></u>		<u><u>\$ -</u></u>
Due from Other Governments	<u>\$ -</u>	A 440	<u>\$ 2,635,660</u>
<b>TOTAL Due from Other Governments</b>	<u><u>\$ -</u></u>		<u><u>\$ 2,635,660</u></u>
<b>TOTAL Assets</b>	<u><u>\$ 4,763,820</u></u>		<u><u>\$ 6,138,383</u></u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2010**

**General Fund (A)  
Balance Sheet**

Code Description	FOR THE FISCAL YEAR ENDED 2009	EDP CODE	FOR THE FISCAL YEAR ENDED 2010
<b>Liabilities &amp; Fund Equity</b>			
Accounts Payable	\$ -		\$ 1,194,776
Due to Other Funds	\$ 1,788	A 489	\$ 4,513,915
Due to Other Governments	\$ -	A 631	\$ -
Deferred Rental Revenue	\$ -	A 691	\$ -
<b>TOTAL Due to</b>	<u>\$ 1,788</u>		<u>\$ 4,513,915</u>
<b>TOTAL LIABILITIES</b>	<u>\$ 1,788</u>		<u>\$ 5,708,691</u>
Reserve for Encumbrances	\$ 3,475	A 821	\$ 708,077
<b>TOTAL Reserve for Encumbrances</b>	<u>\$ 3,475</u>		<u>\$ 708,077</u>
Fund Balance - Unreserved	\$ 4,758,557	A 911	\$ (278,385)
<b>TOTAL Fund Balance - Unreserved</b>	<u>\$ 4,758,557</u>		<u>\$ (278,385)</u>
<b>TOTAL Fund Equity</b>	<u>\$ 4,762,032</u>		<u>\$ 429,692</u>
<b>TOTAL Liabilities and Fund Equity</b>	<u>\$ 4,763,820</u>		<u>\$ 6,138,383</u>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2010**

General Fund (A) Results of Operation	FOR THE FISCAL YEAR ENDED 2009	EDP CODE	FOR THE FISCAL YEAR ENDED 2010
Code Description			
<b>Detail Revenues and Other Sources</b>			
Agency Fees	\$ -	A 2170	\$ -
<b>TOTAL Departmental Income</b>	<b>\$ -</b>		<b>\$ -</b>
Interest and Earnings			
Lease Payments	1,026	A 2401	23,486
Sale of Real Property	29,088	A 2410	32,592
Sale of Equipment	4,500,000	A 2660	125,000
<b>TOTAL Use of Money and Property</b>	<b>\$ 4,530,114</b>	A 2665	<b>\$ 181,078</b>
Refund of Prior Years Expenses	-		-
<b>TOTAL Miscellaneous Income</b>	<b>\$ -</b>		<b>\$ -</b>
State Aid			
Federal Aid	-	A3789	134,009
<b>TOTAL Federal/State Aid</b>	<b>\$ -</b>	A4789	<b>\$ 3,585,658</b>
<b>TOTAL REVENUES</b>	<b>\$ 4,530,114</b>		<b>\$ 3,900,745</b>
Interfund Transfers - Other Gov't	17,825	A4789	-
<b>TOTAL Other Sources</b>	<b>\$ 17,825</b>		<b>\$ -</b>
<b>TOTAL Revenues &amp; Other Sources</b>	<b>\$ 4,547,939</b>		<b>\$ 3,900,745</b>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2010**

General Fund (A) Results of Operation	FOR THE FISCAL YEAR ENDED 2009	EDP CODE	FOR THE FISCAL YEAR ENDED 2010
Code Description			
<b>Detail Expenditures and Other Sources</b>			
Planning & Management Development - Equipment	\$ -	A8684.2	\$ 3,123,500
Planning & Management Development - Contr Expen. Prof. Serv.			
Planning & Management Development - Contr Expen.	\$ 174,070	A8684.4	\$ 558,117
<b>TOTAL Planning and Management Development</b>	<b>\$ 174,070</b>	<b>A8684.0</b>	<b>\$ 3,733,085</b>
CDA Administration, Contr Expen.	\$ -	A8686.4	\$ -
<b>TOTAL CDA Administrator</b>	<b>\$ -</b>	<b>A8686.0</b>	<b>\$ -</b>
<b>TOTAL Home and Community Service</b>	<b>\$ 174,070</b>		<b>\$ 3,733,085</b>
<b>TOTAL Expenditures</b>	<b>\$ 174,070</b>		<b>\$ 3,733,085</b>
Other Uses			
Transfer to Other Governments	\$ 17,825		\$ -
<b>TOTAL Other Uses</b>	<b>\$ 17,825</b>		<b>\$ -</b>
<b>TOTAL Detail Expenditures and Other Uses</b>	<b>\$ 191,895</b>		<b>\$ 3,733,085</b>

**RIVERHEAD COMMUNITY DEVELOPMENT AGENCY  
ANNUAL UPDATE DOCUMENT  
FOR THE YEAR ENDED 12/31/2010**

General Fund (A)  
Results of Operation

Code Description	FOR THE FISCAL YEAR ENDED 2009	EDP CODE	FOR THE FISCAL YEAR ENDED 2010
<b>ANALYSIS OF CHANGES IN FUND EQUITY</b>			
FUND EQUITY-BEGINNING OF YEAR*	\$ 405,988	A8021	\$ 4,762,032
<b>EQUITY ADJUSTMENTS</b>			
ADJUSTED EQUITY -BEGINNING OF YEAR	\$ 405,988		\$ (4,500,000)
ADD-REVENUES AND OTHER SOURCES	\$ 4,547,939		\$ 262,032
DEDUCT-EXPENDITURES AND OTHER USES	\$ 191,895		\$ 3,900,745
FUND EQUITY-END OF YEAR*	<u>\$ 4,762,032</u>	A8029	<u>\$ 429,692</u>

\* TOTAL INCLUDES RESERVED AND UNRESERVED FUND BALANCE IN GOVERNMENTAL FUNDS, OR RETAINED EARNINGS OR FUND EQUITY FOR PROPRIETARY FUNDS. ADJUSTMENTS TO BEGINNING FUND EQUITY RESULTING FROM A CORRECTION OF A PRIOR YEAR'S ACCOUNTING ERROR SHOULD BE REPORTED AS A PRIOR PERIOD ADJUSTMENT.

PLEASE EXPLAIN ALL PRIOR PERIOD ADJUSTMENTS BELOW.

Payments for sale of land at EPCAL correctly reported in 2009 as sale of property in CDA was changed when contract was amended. Amendment of contract gave Riverhead Resorts additional time to close on the sale, and changed the classification of the revenue to the Town of Riverhead and not the CDA. The sale was never completed and the CDA still owns the land. The payment is now reported as revenue in the Town of Riverhead General Fund.

DOUBLE ENTRY UNITS \*\* FUND EQUITY-END OF YEAR MUST AGREE WITH TOTAL FUND EQUITY AS SHOWN ON THE BALANCE SHEET.

SINGLE ENTRY FIRE DISTRICTS \*\* FUND EQUITY-BEGINNING OF YEAR PLUS TOTAL REVENUES MUST AGREE WITH FUND EQUITY-END OF YEAR PLUS TOTAL EXPENDITURES.

**TOWN OF RIVERHEAD**

**Resolution # 173**

**RIVERHEAD DOWNTOWN REVITALIZATION  
IMPROVEMENT PROJECT**

**BUDGET ADOPTION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, A fully executed contract has been received from the New York State Local Housing Trust Fund Corporation to provide funds to support Main Street revitalization projects.

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

	<b><u>FROM</u></b>	<b><u>TO</u></b>
177.085100.492170.44019    State Aid – NYS Housing Trust Fund	500,000	
177.085100.541000.44019    Building Renovations & Improvements		212,500
177.085100.541100.44019    Downtown Anchor-Suffolk Theater Imp		250,000
177.085100.549000.44019    Administrative Expenses		37,500

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

**THE VOTE**

Giglio  Yes  No

Gabrielsen  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**ACCEPTANCE OF 2008 AUDITED FINANCIAL STATEMENTS**

**Resolution # 174**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**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, 2008; and

**WHEREAS**, Albrecht, Viggiano, Zureck & Company, P.C has audited the basic financial statements for the year ending December 31, 2008 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, 2008: and

**THEREFORE 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, 2008 on the Town of Riverhead's web site.

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy - ABSTAIN

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 175**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (ACCESSORY APARTMENTS - §108-34. PURPOSE; FINDINGS; STANDARDS.)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the March 24, 2011 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**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF 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 20<sup>th</sup> day of April 2011 at 7:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108  
ZONING  
ARTICLE VIII  
**Accessory Apartments**

**§ 108-34. Purpose; findings; standards.**

Purpose. It is the intent and purpose of this article to allow accessory apartments within Hamlet Residential (HR), Riverfront Corridor (RFC), Commercial/Residential Campus (CRC) , Rural Corridor (RLC), Hamlet Center (HC), the Residence A-40 (RA-40), Residence B-40 (RB-40), Residence A-80 (RA-80), Residence B-80 (RB-80) and Agricultural Protection Zoning (APZ) Use Districts to provide the opportunity for the development of small rental housing units designed to meet the housing needs of median income families, both young and old, and relatives of families residing in the Town of Riverhead and to implement the housing elements and goals of the Town of Riverhead Comprehensive Plan (Town of Riverhead Planning Board et al, 2003) by allowing accessory apartments in designated zoning districts. It is also the intent of this article to increase compliance with building and fire code, property maintenance, preserve property values and the health, safety and welfare of the community.

- Overstrike represents deletion(s)

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM**, Town Clerk

**TOWN OF RIVERHEAD**

**Resolution # 176**

**AUTHORIZES CHANGE ORDER FOR OPTIMIZED RECONSTRUCTION OF  
CALVERTON RAIL SPUR**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the New York State Department of Transportation (NYS DOT) Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project in the Town of Riverhead, in Suffolk County, (hereinafter "the Municipality/Sponsor") is eligible for and has been awarded funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

**WHEREAS**, the New York State Empire State Development Corporation through its Downstate Revitalization Fund awarded \$650,000 towards the Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation Project funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

**WHEREAS**, the Town of Riverhead Board desires to foster the continued development of infrastructure at the Calverton Enterprise Park site to attract businesses, improve commerce, enhance the tax base and the local economy and encourage continued economic development at the site consistent with the comprehensive plans; and

**WHEREAS**, on February 11, 2010, the Town Board adopted Resolution No. 111 entitled, "Awards Calverton Rail Access Rehabilitation Contract" that awarded the construction bid for the above mentioned project to Railroad Construction Co., Inc.; and

**WHEREAS**, on April 6, 2010, the Town Board adopted Resolution No. 268 entitled, "Awards Calverton Rail Access Rehabilitation Contract" that authorized Change Order #1 to the construction contract for acquisition of the Long Island Rail Road Mainline switch and adopted Resolution No. 251 entitled, "Authorizes Dunn Engineering Associates, P.C. to Proceed with Calverton Rail Construction Administration", that authorized Dunn Engineering to proceed with construction inspection for the contract; and

**WHEREAS**, on October 5, 2010, the CDA Board adopted Resolution No. 17 entitled "Authorizes Optimized Reconstruction of the Calverton Rail Spur" to request the remaining ARRA funding certified for the Calverton Rail project to enhance the design and provide more efficient trackage that accommodates modern freight rail cars to eliminate the obsolete runaround track and relocate said runaround track to include an approximately 1800' long runaround track, creates a better functioning spur that will provide more efficient service; and

**NOW, THEREFORE, BE IT RESOLVED**, the Town of Riverhead Community Development Department in cooperation with the Town Attorney and the Town Engineering Department are authorized to proceed with Change Order #6 to the construction contract to provide for construction of approximately 1800' long runaround track and elimination of the obsolete runaround track to the north of the Calverton Recreation Center utilizing remaining available grant funds of approximately \$400,000 in ARRA NYSDOT funds towards construction/construction inspection and approximately \$450,000 in NYS Empire State Development grant funds towards construction; and

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Accounting Department to issue a Town of Riverhead Purchase Order to progress the project described above; and

**BE IT FURTHER RESOLVED**, that the Town Board does hereby authorize the Supervisor to execute Change Order #6 subject to review and approval by the Town Attorney; and

**BE IT FURTHER RESOLVED**, that the Town Clerk forward copies of this resolution to the Accounting Department, the Engineering Department and the Community Development 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**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

03.15.2011  
110177

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 177**

**RATIFIES AND APPROVES STIPULATION OF AGREEMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Board hereby ratifies and approves the provisions of the Stipulation of Agreement by and between the Civil Service Employees Association and the town of Riverhead for the contract years 2011-2014, and

**BE IT FURTHER, RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to CSEA President Matthew Hattorff, 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**

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 # 178**

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS PROJECT NO: RDWD 10-53, INSTALLATION OF WATER MAIN & APPURTENANCES EXTENSION NO. 89 PECONIC RIVER SPORTSMAN'S CLUB RIVERHEAD WATER DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, plans and specifications have been prepared by H2M, consulting engineers to the Riverhead Water District, regarding installation of water main and appurtenances for Extension No. 89, Peconic River Sportsman's Club, of the Riverhead Water District.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the March 24, 2011 edition of The News Review, with regard to receiving bids for the installation of water main and appurtenances for Extension No. 89, Peconic River Sportsman's Club, of the Riverhead Water District, and be it further

**RESOLVED**, that the Town Clerk shall publicly open and read aloud the submitted bids on the date as advertised in the Notice to Bidders; 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

NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "*Installation of Water Mains and Appurtenances; Extension No. 89 – Peconic River Sportsman's Club*" for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 A.M.**, on Thursday, **April 7, 2010** at which time and place all bids will be publicly opened and read aloud for:

**PROJECT NO.: RDWD 10-53,  
Installation of Water Main & Appurtenances  
Extension No. 89  
Peconic River Sportsman's Club**

Plans and specifications may be examined on or after *Thursday, March 24, 2011* at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on "Bid Requests". Plans and specifications are available in electronic format only from the aforementioned website.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informality, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

TOWN CLERK, TOWN OF RIVERHEAD

**TOWN OF RIVERHEAD**

**Resolution # 179**

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS**  
**PROJECT NO.: RDWD 10-55, INSTALLATION OF WATER MAIN &**  
**APPURTENANCES STONELEIGH WOODS – PHASE 2**  
**RIVERHEAD WATER DISTRICT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, plans and specifications have been prepared by H2M, consulting engineers to the Riverhead Water District, regarding installation of water main and appurtenances of the Riverhead Water District at Stoneleigh Woods – Phase 2.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the March 24, 2011 edition of The News Review, with regard to receiving bids for the installation of water main and appurtenances of the Riverhead Water District at Stoneleigh Woods – Phase 2, and be it further

**RESOLVED**, that the Town Clerk shall publicly open and read aloud the submitted bids on the date as advertised in the Notice to Bidders; 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

NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "*Installation of Water Mains and Appurtenances - Stoneleigh Woods, Phase 2*" for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 A.M.**, on Thursday, **April 7, 2010** at which time and place all bids will be publicly opened and read aloud for:

**PROJECT NO.: RDWD 10-55,  
Installation of Water Main & Appurtenances  
Stoneleigh Woods – Phase 2**

Plans and specifications may be examined on or after *Thursday, March 24, 2011* at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on "Bid Requests". Plans and specifications are available in electronic format only from the aforementioned website.

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informality, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD  
TOWN OF RIVERHEAD  
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

TOWN CLERK, TOWN OF RIVERHEAD

DATED: March 24, 2011

03.15.2011  
110180

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 180**

**AWARDS BID ON 1995 SUMMIT ALUMINUM TRAILER**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk was authorized to advertise for sealed bids on a 1995 Summit Aluminum Trailer or Equal for the use of the Riverhead Highway Department, and

**WHEREAS**, all bids were received and read aloud on the 22<sup>nd</sup> of February at 11:05 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

**WHEREAS**, one bid was received,

**NOW THEREFORE BE IT RESOLVED**, that the bid for 1995 Summit Aluminum Trailer be and is hereby awarded to Berry Hill Equipment Leasing Corp., 3 Rhododendron Dr., Center Moriches, New York 11934

**THEREFORE, BE IT FURTHER RESOLVED** that the Town Clerk shall provide a copy of this resolution to Berry Hill Equipment Leasing Corp. and the Highway 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**

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 # 181**

**AWARDS BID ON 1979 PETERBILT TRACTOR**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to advertise for sealed bids on a 1979 Peterbilt Tractor or Equal for the use of the Riverhead Highway Department, and

**WHEREAS**, all bids were received and read aloud on the 22<sup>nd</sup> of February at 11:00 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

**WHEREAS**, one bid was received,

**NOW THEREFORE BE IT RESOLVED**, that the bid for 1979 Peterbilt Tractor be and is hereby awarded to William Shea, 408 Wading River Manor Road, Manorville, New York 11949

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a copy of this resolution to William Shea and the Highway 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**

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 # 182**

**APPOINTS AN INTERN TO THE POLICE DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Suffolk Community College has requested the Riverhead Police Department to partner with them in an internship program; and,

**WHEREAS**, the Riverhead Police Department agrees to expose this student to the police profession as part of his education through a 90-hour training program.

**NOW, THEREFORE, BE IT RESOLVED**, effective March 16, 2011, the Town Board hereby appoints Nicholas Prisco, a student at Suffolk Community College, as an Intern for the Riverhead Police Department through completion of the program; and,

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution #183**

**RE-APPOINTS MEMBER TO THE  
ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**BE IT RESOLVED**, effective January 1, 2011, Robert Haynal is hereby reappointed as a member of the Town of Riverhead Architectural Review Board for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Robert Haynal, the Planning Department, the Architectural Review Board, the Planning Board and the Office of Accounting.

**THE VOTE**

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

03.15.2011  
110184

ADOPTED

TOWN OF RIVERHEAD

Resolution #184

**RE-APPOINTS MEMBER TO THE  
ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**BE IT RESOLVED**, effective January 1, 2011, Gary Jacquemin is hereby reappointed as a member of the Town of Riverhead Architectural Review Board for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Gary Jacquemin, the Planning Department, the Architectural Review Board, the Planning Board and the Office of Accounting.

**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 # 185**

**RE-APPOINTS MEMBER TO THE**  
**ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**BE IT RESOLVED**, effective January 1, 2011, Judith Jacunski is hereby reappointed as a member of the Town of Riverhead Architectural Review Board for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Judith Jacunski, the Planning Department, the Architectural Review Board, the Planning Board and the Office of Accounting.

**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 #186**

**RE-APPOINTS MEMBER TO THE  
ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**BE IT RESOLVED**, effective January 1, 2011, Richard Searles is hereby reappointed as a member of the Town of Riverhead Architectural Review Board for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Richard Searles, the Planning Department, the Architectural Review Board, the Planning Board and the Office of Accounting.

**THE VOTE**

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

03.15.2011  
110187

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution #187**

**RE-APPOINTS MEMBER TO THE  
ARCHITECTURAL REVIEW BOARD OF THE TOWN OF RIVERHEAD**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**BE IT RESOLVED**, effective January 1, 2011, Roy Sokoloski is hereby reappointed as a member of the Town of Riverhead Architectural Review Board for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Roy Sokoloski, the Planning Department, the Architectural Review Board, the Planning Board and the Office of Accounting.

**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 # 188**

**RE-APPOINTS MEMBER TO THE  
CONSERVATION ADVISORY COUNCIL OF THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**BE IT RESOLVED**, effective January 1, 2011, Alex Galasso is hereby reappointed as a member of the Town of Riverhead Conservation Advisory Council for a term of two (2) years through December 31, 2013, and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Alex Galasso, the Planning Department, the Conservation Advisory Council, the Town Board and the Office of Accounting.

**THE VOTE**

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

03.15.2011  
110189

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 189**

**AUTHORIZES ATTENDANCE AT THE 2011 NEW YORK STATION ASSOCIATION  
OF MUNICIPAL PURCHASING OFFICIALS ANNUAL SPRING CONFERENCE**

Drop Down for Councilperson offered the following resolution,

which was seconded by Drop Down for Councilperson

**WHEREAS**, the NYS Association of Municipal Purchasing Officials Association is conducting its annual conference from May 10<sup>th</sup>, 2011 thru May 13<sup>th</sup>, 2011 in Lake George, NY; and

**WHEREAS**, the Purchasing Agent has requested authorization to attend said conference; and

**WHEREAS**, the cost to attend said course shall not exceed \$320 (expenses to include fees for registration, meals and other travel costs such as tolls and gas);

**NOW, THEREFORE BE IT, RESOLVED**, that the Purchasing Agent is authorized to attend the SAMPO Annual Conference in Lake George, NY.

**BE IT FURTHER, RESOLVED**, expenses for the conference and travel will be reimbursed upon proper submission of receipts.

**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

03.15.2011  
110190

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 190**

**APPOINTS A PART-TIME RECREATION AIDE- VOLLEYBALL ATTENDANT TO  
THE RECREATION DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, a Recreation Aide-Volleyball Attendant is needed by the Riverhead Town Recreation Department for work in recreation programs,

**NOW THEREFORE BE IT RESOLVED**, that effective March 15, 2011, this Town Board hereby appoints Eugene Barrow to the position of Part-Time Recreation Aide-Volleyball Attendant , Level 1, to be paid the rate of \$9.00 per hour 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 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

03.15.2011  
110191

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 191**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO  
CONSIDER A LOCAL LAW FOR THE PROPOSED ADDITION OF  
CHAPTER 99 ENTITLED "TAXICABS AND VEHICLES FOR HIRE"  
OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, the Town Clerk is hereby authorized to publish and post the attached public notice to consider a local law for the proposed addition of Chapter 99 entitled "Taxicabs and Vehicles for Hire" to the Riverhead Town Code once in the March 24, 2011 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**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 20<sup>th</sup> day of April, 2011 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code.

A copy of the entire text of the proposed location will be available for review at the Riverhead Town Hall, Office of the Town Clerk, Monday through Friday, between the hours of 8:30 a.m. and 4:30 p.m.

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM**, Town Clerk

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

**§ 99-1. PURPOSE.**

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

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

**§ 99-2. DEFINITIONS.**

**A. Word usage.**

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

**B. Definitions.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZONE – An area within the Town

### **§ 99-3. EXEMPTIONS.**

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

- A. Business vehicles engaged in a business other than transportation for hire, wherein said vehicles are used solely for transportation of clients of said business, whether for a fee or not, and are not made available for hire by persons other than clients of the principal business.
- B. Hotel vehicles engaged in the transportation of hotel guests only.
- C. Club vehicles engaged in the transportation of club members only.
- D. Public or private school vehicles engaged in the transportation of school pupils only.
- E. Buses as defined by the New York State Vehicle and Traffic Law.
- F. Limousines as defined in this chapter.
  
- G. Vehicles for hire engaged in transportation from a point outside the Town of Riverhead to a point within the Town, from a point within the Town to a point outside the Town, or from a point outside the Town to another point outside the Town and

passing through the Town of Riverhead.

#### **§ 99-4. BUSINESS LICENSE.**

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

#### **B. Application.**

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

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

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

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

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

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

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

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

**C. Form.**

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

**D. Term.**

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

**E. Posting of business license.**

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

**F. Renewal.**

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

**G. Modification.**

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

**§ 99-5. OPERATOR'S PERMIT.**

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

**B. Application.**

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

- (1) The name and permanent address of the applicant.
- (2) Any other names ever used by the applicant.

(3) The applicant's place of residence for the past five-year period.

(4) The applicant's age, date of birth, color, height, weight, color of eyes, color of hair, place of birth and citizenship.

(5) Whether or not the applicant has ever been convicted of a crime and, if so, the details of such conviction, including: the offense the applicant was convicted of, the date and court of conviction, and the sentence imposed.

(6) The applicant's license classification and license number. All applicants must hold the proper license from the State of New York to operate a taxicab to be issued an Operator's Permit.

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

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

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

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

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

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

(5) Driver's License and Abstract. The applicant must submit a copy of the applicant's New York State driver's license along with a New York State Driver's Abstract detailing the applicant's driving

history dated with 10 days of the date of the application is submitted to the Town Clerk.

**D. Form.**

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

**E. Term.**

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

**F. Posting.**

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

**G. Renewal.**

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

**H. Temporary permit.**

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

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

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

**I. Modification.**

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

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

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

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

i. A felony within the last 10 years.

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

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

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

v. Reckless driving.

vi. Endangering the welfare of a child.

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

(c). The applicant has been convicted of offense for violating a provision of this chapter a minimum of 3 times.

#### **§ 99-6. VEHICLE PERMIT.**

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

#### **B. Application.**

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

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

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

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

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

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

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

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

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

#### **C. Form.**

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

#### **D. Term.**

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

#### **E. Posting.**

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

#### **F. Identification sticker.**

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

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

## **G. Renewal.**

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

## **H. Modification.**

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

## **§ 99-7. OPERATOR REGULATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### **§ 99-8. OWNER REGULATIONS.**

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

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

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

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

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

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

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

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

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

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

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

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

L. Maintain a maintenance log for each vehicle owned by the Owner for a period of one (1) year and which must be available for inspection by the Town, upon request, at all times during said period.

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

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

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

**§ 99-10. TRANSFER OR ASSIGNMENT.**

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

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

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

**§ 99-12. LOST AND FOUND ARTICLES.**

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

**§ 99-13. INSPECTION.**

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

**§ 99-14. POLICE INSPECTIONS.**

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

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

A. Any member of the Town Attorney Investigation Unit or the Riverhead Town Police Department may, upon reasonable suspicion that an Operator has consumed drugs or alcohol in violation of this chapter, the New York Vehicle and Traffic Law and/or the New York Penal Law, request that the Operator to submit to a drug and/or alcohol test.

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

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

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

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

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

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

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

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

## **§ 99-17. VEHICLE REGULATIONS.**

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

B. The owner of each vehicle shall ensure that the vehicle and its equipment are inspected at least once during each week, the results of which must be noted in the written log

maintained for that vehicle. Each vehicle in use must be capable of passing all Town, state and police inspections. Any and all repairs to the vehicle must be recorded in the maintenance log.

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

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

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

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

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

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

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

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

##### **B. Sales.**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### **§ 99-23. TAXI STANDS**

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

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

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

## **§ 99-23. FEES.**

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

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

(1) For an Owner's License.

(2) For a Vehicle Permit.

(3) For an Operator's permit.

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

(5) For a Revocation Hearing.

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

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

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

### **C. Refunds.**

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

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

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

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

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

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

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

C. Notwithstanding conviction for a violation hereunder, and imposition of a fine and/or

imprisonment therefor, any license or permit holder shall also be liable for suspension, revocation or future disapproval of any license or permit held by him or her in his or her own or any business or corporate name for offense against this chapter. The provisions contained in this chapter regarding disapproval, suspension and revocation shall be controlling to effectuate any disapproval, suspension or revocation provided for herein.

**§ 99-25. SEVERABILITY.**

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

**§ 99-26. WHEN EFFECTIVE.**

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

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

- Underline represents addition(s)

**TOWN OF RIVERHEAD**

**Resolution # 192**

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (Accessory Apartments - §108-35. Applications.)**

Councilwoman Giglio 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 an amendment to Chapter 108 entitled, "Zoning" (Accessory Apartments - §108-35. Applications.) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (Accessory Apartments - §108-35. Applications.) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" at its regular meeting held on March 15, 2011.

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

CHAPTER 108  
ZONING  
ARTICLE VIII  
**Accessory Apartments**

**§ 108-35. Applications.**

A. There shall be submitted to the Building Department the following:

- (1) An application to the Building Department for pre-approval of occupancy and use, together with plans by a licensed design professional and any such other plans, documents or surveys required by the Building Department;
- (2) A non –refundable administration fee of \$150.00;
- (2) (3) An application to the Building Department for all necessary building permits;
- (3) (4) An application to the Accessory Apartment Review Board for an accessory apartment permit.

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

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 193**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING"  
OF THE RIVERHEAD TOWN CODE  
(\$108-97. – Major Subdivision. B. (14) (c) Park and playground sites.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" (§108-97. Major Subdivision. B. (14) (c) Park and playground sites.) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**ZONING  
ARTICLE XX  
Subdivision Regulations**

**§108-97. Major subdivision.**

B. General requirements. The subdivider shall observe the following general requirements and principals of land subdivision:

(14) Park and playground sites.

(c) Where the Planning Board deems it to be in the best interest to require the developer to deposit a payment, the amount to be paid shall be at the rate of ~~\$5,000~~ \$3,000 per each lot in the subdivision effective immediately. In lieu of a cash payment, the subdivider may post certificate of deposit or pass book in the name of the Town of Riverhead equal to the total fee as required herein. Where such cash, certificate of deposit or pass book is deposited, the fee of ~~\$5,000~~ \$3,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures with the subdivision by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor.

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

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**  
**Resolution # 193**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING"**  
**OF THE RIVERHEAD TOWN CODE**  
**(§108-97. – Major Subdivision. B. (14) (c) Park and playground sites.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" (§108-97. Major Subdivision. B. (14) (c) Park and playground sites.) of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**ZONING  
ARTICLE XX  
Subdivision Regulations**

**§108-97. Major subdivision.**

B. General requirements. The subdivider shall observe the following general requirements and principals of land subdivision:

(14) Park and playground sites.

(c) Where the Planning Board deems it to be in the best interest to require the developer to deposit a payment, the amount to be paid shall be at the rate of ~~\$5,000~~ \$3,000 per each lot in the subdivision effective immediately. In lieu of a cash payment, the subdivider may post certificate of deposit or pass book in the name of the Town of Riverhead equal to the total fee as required herein. Where such cash, certificate of deposit or pass book is deposited, the fee of ~~\$5,000~~ \$3,000 shall be paid to the Town of Riverhead prior to the issuance of each certificate of occupancy of residential structures with the subdivision by the Building Inspector. The balance shall be payable in full on the second anniversary date on which this certificate of deposit or passbook was deposited and shall be withdrawn from such account by order to the Town Board. Such interest as may accrue on the certificate of deposit or passbook shall be returned and taxable to the depositor.

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

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 194**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (Peconic River Community Zoning Use District)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**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 108 entitled, "Zoning" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1st day of March, 2011 at 2:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

**THE VOTE**

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

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
ZONING  
ARTICLE XXX  
**Peconic River Community (PRC) Zoning Use District**

**§ 108-147. Purpose.**

It is the intent of the Peconic River Community Zoning Use District to provide for an array of residential, commercial and recreational uses pursuant to the land use policy of the State of New York in the Peconic River Corridor to conserve the legislated ecological resources and the free flowing nature of the River while preserving the existing character and promoting the economic viability of the real property with the River Corridor.

**§ 108-148. Uses.**

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

**A. Permitted uses:**

- (1) Retail stores or shops.
- (2) Wholesale business
- (3) Offices
- (4) Non-motorized open space recreational uses
- (5) Public parks, play grounds
- (6) Restaurants
- (7) Agricultural production

**B. Specially permitted uses, by special permit of the Town Board:**

- (1) Bed and breakfast
- (2) Country inns

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

- (1) Accessory uses shall include those uses customarily incidental to any permitted or specially permitted uses when located on the same lot

(2) Outdoor storage, suitably screened

D. Prohibited uses:

- (1) Industrial uses
- (2) Dry cleaning establishments
- (3) Motor vehicle sales

**§ 108-149. Lot, yard, bulk and height restrictions.**

- A. No building shall be erected or any lot or land area utilized unless in conformity with the Zoning Schedule incorporated herein.
- B. In order to foster conservation of scenic values, all commercial site plans shall have open space designated in such a manner as to have a minimum of fifty percent (50%) of open space areas planted with native species or left undisturbed.

**Lot Coverage**

<u>Minimum Lot Area</u>	<u>Minimum Lot Width</u>	<u>Maximum w/o Sewer</u>	<u>Maximum with Sewer</u>	<u>Maximum Impervious Surface</u>
<u>80,000 sq. ft.</u>	<u>200</u>	<u>20%</u>	<u>30%</u>	<u>40%</u>

**Floor Area**

<u>Maximum Height</u>	<u>Maximum w/o Sewer</u>	<u>Maximum with Sewer</u>	<u>Maximum Front Yard Depth</u>
<u>34 feet</u>	<u>40%</u>	<u>60%</u>	<u>25 feet</u>

**Side Yards**

<u>Minimum Side Yard</u>	<u>Minimum Combined Side Yards</u>	<u>Minimum Rear Yard Depth</u>
<u>15 ft.</u>	<u>30 ft.</u>	<u>50 ft.</u>

- Underline represents addition(s)

Dated: Riverhead, New York  
March 15, 2011

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

**DIANE M. WILHELM, Town Clerk**

**TOWN OF RIVERHEAD**

**Resolution # 195**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 37 ENTITLED**  
**“RETIREMENT” OF THE RIVERHEAD TOWN CODE**  
**(Article II)**

Councilman Gabrielsen 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 37 entitled “Retirement” of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 37 entitled “Retirement” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 37 entitled "Retirement", of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 37  
ARTICLE II**

**EARLY RETIREMENT INCENTIVE PROGRAM  
FOR ELIGIBLE NON-UNION FULL-TIME EMPLOYEES**

**Section 37-8. Legislative Intent and Findings:**

The Town of Riverhead is pleased to offer an early retirement incentive program ("ERIP") in order to bridge budget deficits. This plan is strictly voluntary, and is designed to support positive employee morale by reducing or eliminating the need for involuntary lay-offs. This ERIP will allow the Town to achieve financial goals and objectives while supporting those employees who wish to move into retirement.

**Section 37-9. The Eligibility Group:**

The eligibility group is the set of individuals who will be offered the opportunity to participate in the ERIP.

**Section 37-10. Eligibility Requirements:**

- A. Full-time Non-Union employees who: (i) have at least 20 years of credited service in the New York State Employees Retirement System (the NYSERS) as of March 15, 2011; (ii) are eligible for and actually retire and vest into the NYSERS on or before May 26, 2011; (iii) are at least 55 years of age at the time they retire into the NYSERS; (iv) are employed by the Town on the day before the effective date of their retirement; (v) are not resigning for purposes of retirement pursuant to any prior Stipulation of Agreement with the Town or any State-offered retirement or separation incentive or similar program; and (vi) are one of the employees to fully comply with all of the terms and conditions set forth in the Incentive. Those employees shall be eligible to participate in this Incentive and shall be referred to as an "Eligible Employee."
  
- B. The Eligible Employee must deliver to the Supervisor, by no later than May 2, 2011, an unaltered irrevocable letter of resignation for retirement purposes in the form attached to the Town Incentive-related documents prepared by the Town, referencing that resignation is to be effective on or before May 26, 2011.

- C. In order for this Incentive to be activated, a minimum number of non-union Eligible Employees, to be determined by the Town in its sole discretion on or about May 2, 2011, must opt for the incentive. In the event the incentive is not activated, any resignation letter tendered by an Eligible Employee will be deemed null and void and the Eligible Employee may continue working in the Town. The Eligible Employee may also elect to resign his/her position for retirement purposes, but will not receive the Incentive.
- D. This Incentive is effective solely for the 2011 calendar year.
- E. The Eligible Employee must, at the time of submitting the unaltered irrevocable letter of resignation for retirement purposes referenced in Section 37-10 (B) above, execute the unaltered Waiver and General Release of Claims form attached to the retirement incentive-related documentation prepared by the Town.
- F. An Eligible Employee shall forfeit eligibility for this Incentive if he/she opts for any retirement or separation incentive offered pursuant to New York State law during the 2011 calendar year.
- G. Additional eligibility requirements are set forth elsewhere in this Agreement.

**Section 37-11. Benefit:**

- A. Fully paid health insurance premiums by the Town for a period of 48 months following an Eligible Employee's retirement for all Eligible Employees who are enrolled in a family health insurance plan at the time of their retirement and who remain enrolled in a family health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall pay 75% of the cost of health insurance for the deceased Eligible Employee's dependents, at the time of death, for the remaining months of this 48 month period of time, in accordance with applicable provisions of the New York State Health Insurance Program and applicable law. After the first 48 months, the Town's contribution of health insurance premiums shall be as per current Town policy and/or contract which established the Eligible Employee's terms and conditions of employment.

-or-

- B. A lump sum payment of \$400 per month, payable in quarterly installments, for a period of 48 months following an employee's retirement for all Eligible Employees who are enrolled in an individual health insurance plan at the time of their retirement, for which the Town contributes 100% of the

premium cost, and who remain enrolled in an individual health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall continue to make these payments to the Eligible Employee's estate for the remaining months of the 48 month period of time.

- C. Eligible Employees shall remain eligible for all payments for unused accumulated leave time pursuant to current Town policy and/or contract which established the Eligible Employee's terms and conditions of employment. Payment will be made within 30 days following the Eligible Employee's retirement date, as determined by the NYSERS, for all time which does not exceed an amount of paid time which equates to the value of the full time weeks (to be determined by the Eligible Employee's regular work week as of the date of retirement) remaining in the calendar year following the Eligible Employee's retirement. Payments for leave which exceeds the value of full weeks remaining in the calendar year will be paid in January 2012.

D. INAPPLICABILITY OF OTHER CONTRACTUAL INCENTIVES:

Notwithstanding any Town resolution, policy or procedure to the contrary, any Eligible Employee who opts for this Town Incentive shall be deemed ineligible for any resignation or retirement incentive provided for in that resolution, policy or procedure.

E. RATIFICATION AND APPROVAL:

The terms and conditions of this Incentive were ratified and approved by the Town Board on March 15, 2011.

F. INVALIDITY OR ILLEGALITY:

If any provision of this Incentive is deemed to be invalid by any court, administrative agency or other neutral of competent jurisdiction, then this entire Incentive shall be deemed null and void from its inception.

- Underline represents addition(s)

Dated: Riverhead, New York  
March 15, 2011

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

**TOWN OF RIVERHEAD**

**Resolution # 196**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 37 ENTITLED**  
**“RETIREMENT” OF THE RIVERHEAD TOWN CODE**  
**(Article III)**

Councilman Gabrielsen 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 37 entitled “Retirement” of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:30 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 37 entitled “Retirement” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 37 entitled "Retirement", of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 37  
ARTICLE III**

**EARLY RETIREMENT INCENTIVE PROGRAM  
FOR ELIGIBLE FULL-TIME EMPLOYEES WHO ARE MEMBERS OF THE CIVIL  
SERVICE EMPLOYEES' ASSOCIATION, INC.**

**Section 37-12. Legislative Intent and Findings:**

The Town of Riverhead is pleased to offer an early retirement incentive program ("ERIP") in order to bridge budget deficits. This plan is strictly voluntary, and is designed to support positive employee morale by reducing or eliminating the need for involuntary lay-offs. This ERIP is the result of a cooperative effort between the Town and the Civil Service Employees' Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 ("the CSEA").

**Section 37-13. The Eligibility Group:**

The eligibility group is the set of individuals who will be offered the opportunity to participate in the ERIP.

**Section 37-14. Eligibility Requirements:**

- A. Full-time CSEA bargaining unit members who: (i) have at least 20 years of credited service in the New York State Employees Retirement System (the NYSERS) as of March 15, 2011; (ii) are eligible for and actually, retire and vest into the NYSERS on or before May 26, 2011; (iii) are at least 55 years of age at the time they retire into the NYSERS; (iv) are employed by the Town on the day before the effective date of their retirement; (v) are not resigning for purposes of retirement pursuant to any prior Stipulation of Agreement with the Town or any State-offered retirement or separation incentive or similar program; and (vi) are one of the employees to fully comply with all of the terms and conditions set forth in the Incentive. Those employees shall be eligible to participate in this Incentive and shall be referred to as an "Eligible Employee."
- B. The Eligible Employee must deliver to the Supervisor, by no later than May 2, 2011, an unaltered irrevocable letter of resignation for retirement

purposes in the form attached to the Town Incentive-related documents prepared by the Town, referencing that resignation is to be effective on or before May 26, 2011.

- C. In order for this incentive to be activated, a minimum number of unit members, to be determined by the Town in its sole discretion on or about May 2, 2011, must opt for the incentive. In the event the incentive is not activated, any resignation letter tendered by an employee will be deemed null and void, and the Eligible Employee may continue working in the Town. The employee may also elect to resign his/her position for retirement purposes, but will not receive the Incentive.
- D. This Incentive is effective solely for the 2011 calendar year.
- E. The Eligible Employee must, at the time of submitting the unaltered irrevocable letter of resignation for retirement purposes referenced in Section 37-14 (B) above, execute the unaltered Waiver and General Release of Claims form attached to the retirement incentive-related documentation prepared by the Town.
- F. An Eligible Employee shall forfeit eligibility for this Incentive if he/she opts for any retirement or separation incentive offered pursuant to New York State law during the 2011 calendar year.
- G. Additional eligibility requirements are set forth elsewhere in this Agreement.

**Section 37-15. Benefit:**

- A. Fully paid health insurance premiums by the Town for a period of 48 months following an Eligible Employee's resignation for all Eligible Employees who are enrolled in a family health insurance plan at the time of their retirement and who remain enrolled in a family health insurance plan for this 48 month period. In the event an Eligible employee dies during this 48 month period, the Town shall pay 75% of the cost of health insurance for the deceased Eligible Employee's dependents, at the time of death, for the remaining months of this 48 month period of time, in accordance with applicable provisions of the New York State Health Insurance Program and applicable law. After the first 48 months, the Town's contribution of health insurance premiums shall be as per Article X(1)(C) of the parties' collective bargaining agreement.

-or-

- B. A lump sum payment of \$400 per month, payable in quarterly installments, for a period of 48 months following an Eligible Employee's retirement for

all Eligible Employees who are enrolled in an individual health insurance plan at the time of their retirement, for which the Town contributes 100% of the premium cost, and who remain enrolled in an individual health insurance plan for this 48 month period. In the event an employee dies during this 48 month period, the Town shall continue to make these payments to the employee's estate for the remaining months of the 48 month period of time.

- C. Eligible Employees shall remain eligible for all payments for unused accumulated leave time pursuant to the parties' collective bargaining agreement. Payment will be made within 30 days following the Eligible Employee's retirement date, as determined by the NYSEERS, for all time which does not exceed an amount of paid time which equates to the value of the full time weeks (to be determined by the Eligible Employee's regular work week as of the date of retirement) remaining in the calendar year following the Eligible Employee's retirement. Payments for leave which exceeds the value of full weeks remaining in the calendar year will be paid in January 2012.

D. INAPPLICABILITY OF OTHER CONTRACTUAL INCENTIVES:

Notwithstanding anything to the contrary in the collective bargaining agreement(s) between the Town and the CSEA, any Eligible Employee who opts for this Incentive shall be deemed ineligible for any resignation or retirement incentive provided for in that collective bargaining agreement.

E. RATIFICATION AND APPROVAL:

The terms and conditions of this Incentive were ratified and approved by the Town Board on March 15, 2011.

F. INVALIDITY OR ILLEGALITY:

If any provision of this Incentive is deemed to be invalid by any court, administrative agency or other neutral of competent jurisdiction, then this entire Incentive shall be deemed null and void from its inception.

- Underline represents addition(s)

Dated: Riverhead, New York  
March 15, 2011

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

**TOWN OF RIVERHEAD**

**Resolution # 197**

**ADOPTS A LOCAL LAW AMENDING CHAPTER 37 ENTITLED  
“RETIREMENT” OF THE RIVERHEAD TOWN CODE  
(Article IV)**

Councilman Gabrielsen 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 37 entitled “Retirement” of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 1<sup>st</sup> day of March, 2011 at 2:35 o’clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 37 entitled “Retirement” of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 37 entitled "Retirement", of the Riverhead Town Code at its regular meeting held on March 15, 2011. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 37  
ARTICLE IV**

**EARLY RETIREMENT INCENTIVE PROGRAM  
FOR ELIGIBLE FULL-TIME POLICE OFFICERS WHO ARE MEMBERS OF THE  
RIVERHEAD POLICE BENEVOLENT ASSOCIATION, INC., (PBA)**

**Section 37-16. Legislative Intent and Findings:**

The Town of Riverhead is pleased to offer an early retirement incentive program ("ERIP") in order to bridge budget deficits. This plan is strictly voluntary, and is designed to support positive employee morale by reducing or eliminating the need for involuntary lay-offs. This ERIP is the result of a cooperative effort between the Town of Riverhead ("the Town"), and the Riverhead Police Benevolent Association, Inc., ("the PBA").

**Section 37-17 The Eligibility Group:**

The eligibility group is the set of individuals who will be offered the opportunity to participate in the ERIP.

**Section 37-18 Eligibility Requirements:**

- A. Full-time PBA bargaining unit members who: (i) have at least 20 years of credited service in the New York State Police and Fire Retirement System ("the NYSPFRS") as of March 15, 2011; (ii) are eligible for and actually retire and vest into the NYSPFRS on or before May 26, 2011; (iii) are employed by the Town on the day before the effective date of their retirement; (iv) are not resigning for purposes of retirement pursuant to any prior Stipulation of Agreement with the Town or any State-offered retirement or separation incentive or similar program; and (v) are one of the employees to fully comply with all of the terms and conditions set forth in the Incentive. Those employees shall be eligible to participate in this Incentive and shall be referred to as an "Eligible Employee."
- B. The Eligible Employee must deliver to the Supervisor, by no later than May 2, 2011, an unaltered irrevocable letter of resignation for retirement purposes in the form attached to the Town Incentive-related documents

prepared by the Town, referencing that resignation is to be effective on or before May 26, 2011.

- C. In order for this incentive to be activated, a minimum number of unit members, to be determined by the Town in its sole discretion on or about May 2, 2011, must opt for the incentive. In the event the incentive is not activated, any resignation letter tendered by an employee will be deemed null and void, and the Eligible Employee may continue working in the Town. The employee may also elect to resign his/her position for retirement purposes, but will not receive the Incentive.
- D. This Incentive is effective solely for the 2011 calendar year.
- E. The Eligible Employee must, at the time of submitting the unaltered irrevocable letter of resignation for retirement purposes referenced in Section 37-18 (B) above, execute the unaltered Waiver and General Release of Claims form attached to the retirement incentive-related documentation prepared by the Town.
- F. An Eligible Employee shall forfeit eligibility for this Incentive if he/she opts for any retirement or separation incentive offered pursuant to New York State law during the 2011 calendar year.
- G. Additional eligibility requirements are set forth elsewhere in this Agreement.

**Section 37-19. Benefit:**

- A. Fully paid health insurance premiums by the Town for a period of 48 months following an Eligible Employee's retirement for all Eligible Employees who are enrolled in a family health insurance plan at the time of their retirement and who remain enrolled in a family health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall pay 75% of the cost of health insurance for the deceased employee's dependents, at the time of death, for the remaining months of this 48 month period of time, in accordance with applicable provisions of the New York State Health Insurance Program and applicable law. After the first 48 months, the Town's contribution of health insurance premiums shall be as per Article III(1)(A) of the parties' collective bargaining agreement.

-or-

- B. A lump sum payment of \$400 per month, payable in quarterly installments, for a period of 48 months following an employee's retirement for all Eligible Employees who are enrolled in an individual health insurance plan at the

time of their retirement, for which the Town contributes 100% of the premium cost, and who remain enrolled in an individual health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall continue to make these payments to the Eligible Employee's estate for the remaining months of this 48 month period of time.

C. Eligible Employees shall remain eligible for the "Severance" payment pursuant to Article XV of the parties' collective bargaining agreement except that Eligible Employees shall not be required to provide four months notice of their intent to retire. Instead, Eligible Employees shall receive the "Severance" payment provided they comply with the notice provisions of the Incentive set forth in Section 37-18 (B) and (E) above.

D. INAPPLICABILITY OF OTHER CONTRACTUAL INCENTIVES:

Notwithstanding anything to the contrary in the collective bargaining agreement(s) between the Town and the PBA, any Eligible Employee who opts for this Incentive shall be deemed ineligible for any resignation or retirement incentive provided for in that collective bargaining agreement.

E. RATIFICATION AND APPROVAL:

The terms and conditions of this Incentive were ratified and approved by the Town Board on March 15, 2011.

F. INVALIDITY OR ILLEGALITY:

If any provision of this Incentive is deemed to be invalid by any court, administrative agency or other neutral of competent jurisdiction, then this entire Incentive shall be deemed null and void from its inception.

- Underline represents addition(s)

Dated: Riverhead, New York  
March 15, 2011

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

**TOWN OF RIVERHEAD**

**Resolution # 198**

**AMENDMENT TO PROCUREMENT POLICY**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town adopted a Procurement Policy to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public money.

**WHEREAS**, the Town Board seeks to ensure that the same sound business judgment used for the purchase of personal property and/or assets (i.e. supplies and equipment) is used for the evaluation of personal property and/or asset with respect to its usefulness to the Town now or in the foreseeable future; determination regarding its commercial or salvage value; and finally, cost effective and efficient procedures for disposition of the personal property and/or asset deemed no longer of public use to the Town such that the Town may receive the highest return for resale.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town of Riverhead's Procurement Policy is hereby amended to read as follows:

**TOWN OF RIVERHEAD  
Procurement Policy**

**PURPOSE:**

The purpose of this Procurement Policy is to ensure that sound business judgment is utilized in all procurement transactions and that supplies, equipment, contracts, and services are obtained efficiently and in compliance with applicable laws and to ensure that all procurement transactions will be conducted in a manner that provides full and open competition and prudent and economical use of public money. In addition, this Procurement Policy seeks to ensure that the same sound business judgment used for the purchase of personal property (i.e. supplies and equipment) is used for the evaluation of personal property and/or assets with respect to its usefulness to the Town now or in the foreseeable future and cost effective and efficient procedures for

disposition of the personal property and/or assets deemed no longer of public use to the Town.

**Guideline 1:** Every prospective purchase of goods or services shall be evaluated to determine the applicability of General Municipal Law § 103. Every town officer, board, department head or other personnel with the requisite purchasing authority (hereinafter "purchaser") shall estimate the cumulative amount of the items of supply or equipment needed in a given fiscal year. The information gathered and conclusions reached shall be documented and kept with the file or other documentation supporting the purchase activity.

**Guideline 2:** All purchases of supplies or equipment which will exceed \$20,000 in the fiscal year or public works contracts over \$35,000 shall be formally bid pursuant to General Municipal Law § 103.

**Guideline 3:**

(1) All estimated purchases of less than \$20,000 but greater than \$3,000 shall require a written request for a proposal ("RFP") and written/fax quotes from at least three comparative vendors; less than \$3,000 but greater than \$1,000 require an oral request for proposal for the goods, equipment or supplies and oral/fax quotes from at least two vendors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(2) All estimated public works contracts of less than \$35,000 but greater than \$10,000 require a written request for proposal and fax/proposals from at least three comparable contractors; less than \$10,000 but greater than \$1,000 require a written request for proposal and fax/proposals from at least two contractors and purchaser shall maintain a record of responses whether they are received by phone or in writing; less than \$1,000 are left to the discretion of the purchaser.

(3) All written RFP shall describe the desired goods, quantity and details regarding delivery, including mode of delivery and time parameters for delivery. The purchaser shall compile a list of all vendors from whom written/fax/oral quotes have been requested and the written/fax/oral quotes offered.

(4) All information gathered in complying with the procedures of this guideline shall be preserved and filed with the documentation supporting the subsequent purchase or public works contract. All responses to the RFP shall be kept confidential until such time as the contract for work or goods is awarded and thereafter all documents responsive to the RFP shall be subject to disclosure pursuant to the applicable provisions of the Public Officers Law.

**Guideline 4:** All purchasers shall make a good-faith effort to obtain the required number of proposals or quotations. If the purchaser is unable to obtain the required number of proposals or quotations, the purchaser shall document the attempt made at

obtaining the proposals. In no event shall the inability to obtain the proposals or quotes be a bar to the procurement.

**Guideline 5:** The lowest responsible proposal or quote shall be awarded the purchase or public works contract unless the purchaser prepares written justification providing reasons why it is in the best interest of the town and its taxpayers to make an award to other than the low bidder. If a bidder is not deemed responsible, facts supporting that judgment shall also be documented and filed with the record supporting the procurement.

**Guideline 6:** A request for proposal and/or quotation shall not be required under the following circumstances:

- (1) Contract for professional services subject to resolution of the Town Board.
- (2) Purchase of goods, equipment or supplies or contract for services through the County of Suffolk or through any county within the State of New York subject to County Law 408(a).
- (3) Public emergency arising out of an accident or unforeseen occurrence or condition affecting public buildings, public property or life, health, safety or property of the inhabitants of the Town. Unless exigent circumstances exist such that time is of the essence, Purchaser shall seek to obtain approval of the Town Board prior to purchase or contract.
- (4) Sole-source situations (purchaser must obtain written verification from vendor)
- (5) Surplus and second-hand supplies, material or equipment from federal government, State of New York, or other political subdivisions, districts, or public benefit corporation.
- (6) Purchase of goods, equipment and supplies under State contracts through the Office of General Services and subject to rules promulgated by the Office of General Services.

**Guideline 7:** All purchases of goods or services must be accompanied by a duly signed and completed purchase order. The above guidelines will not deem it unnecessary to obtain a purchase order.

**Guideline 8:** The Town Department responsible for personal property and/or asset(s) it wishes to have declared surplus shall complete a "Plant Asset/Office Equipment Disposal Form" including a description of the item, serial/tag #, location, condition, estimated surplus value, and reason for disposal. The Plant Asset/Office Equipment Disposal Form must be signed by the supervisor/manager of the department and filed with the Office of the Financial Administrator. Town Departments may transfer assets and equipment provided that a Plant Asset/Office Equipment Disposal Form records the transfer and same is filed with the Financial Administrator. Finally, the Office of the Financial Administrator, with the assistance of Department Heads, shall evaluate estimated surplus value of all assets and equipment disposed on a bi-annual basis and make recommendation to the Town Board regarding disposal or sale, subject to all applicable laws and procedures regarding disposition of surplus asset/equipment, including but not limited to bid procedures set forth in General Municipal Law § 103, and receipt of an "As-Is" Statement and/or Liability Waiver. Note, all Town logos or other markings identifying the property as Town property shall be removed prior to sale. This

policy shall not in any way limit or prohibit the Town Board from donating an item of personal property and/or asset as permitted under the law.

For Purposes of Guideline 8: Surplus shall be defined as any Town personal property and/or asset that is no longer needed now or in the foreseeable future or that is no longer of value or use to the Town and Estimated Surplus Value shall be defined as the estimated amount of money an interested party will be willing to pay the Town for the property. This can be determined through an estimate, an appraisal, Kelly blue book value or other sources available to the responsible Department or Office of the Financial Administrator.

**Guideline 89:** This policy shall be reviewed annually by the Town Board.

### **THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

03.15.2011  
110199

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 199**

**AUTHORIZES THE REFUND OF OVER PAYMENT OF  
VARIOUS SUNKEN POND ESTATES WATER BILLS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Sunken Pond Estates, is a residential gated community for individuals age 55 and older, located in Riverhead, NY; and

**WHEREAS**, Sunken Pond Estates is comprised of multiple residential buildings, and other buildings for, or related to, the complex/community with water services to each building; and

**WHEREAS**, the Sunken Pond Estates Homeowners Association inadvertently and mistakenly made duplicate payments to the various Riverhead Water District accounts resulting in a credit balance in said accounts; and

**WHEREAS**, the Sunken Pond Estates Homeowners Association seeks to correct the overpayment and has requested a refund of the overpayment so that each Riverhead Water District account would reflect a zero balance; and

**WHEREAS**, the Riverhead Water District has confirmed that duplicate payments were made by the Sunken Pond Estates Homeowners Association such that there exists a credit balance in the amount of \$8,842.30, and, due to the amount of the requested refund, the Water District seeks approval to grant such refund by resolution.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board, acting as and for Commissioners of the Water District, approve refund to Sunken Pond Homeowners Association for overpayment and hereby authorize the Supervisor to execute a voucher authorizing the refund in the amount of \$8,842.30 to Sunken Pond Estates Homeowners Association; and

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution Sunken Pond Estates Homeowners Association, 1350 Pebble Beach Path, Riverhead, New York 11901; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 200**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH JEFFREY T. BUTLER, P.E. FOR THE RECONSTRUCTION OF THE TOWN BUILDING DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town owned structure/building known and described as Town of Riverhead Building Department located at 201 Howell Avenue, Riverhead, New York, suffered severe damage as a result of a fire on April 16, 2010; and

**WHEREAS**, the fire caused damage to the roof, walls, floor; utilities and property contained in the building such that the building was not fit for use or occupancy; and

**WHEREAS**, the Building Administrator, Engineering Department, and Accounting Department have conducted a physical inspection of the damage; prepared reports related to damage of the structure and infrastructure; evaluated repair, renovation and replacement of the structure and infrastructure; and finally, prepared and filed the necessary claims related to the damage; and

**WHEREAS**, based upon the above, the Building Administrator, Engineering Department, and Accounting Department recommend that the Town retain the services of an engineering consultant to prepare building and construction specifications and plans in accordance with New York State Building Code for interior and exterior repair or replacement of building components. Due to the significant amount of damage to a portion of the roof structure and potential compromise to the roof system and warranty from repair rather than replacement of the roof system, the engineer shall prepare roof design system specifications and plans to include two options, the first to be repair of damaged area and the second to include full replacement of roof system. The Town shall be responsible for preparation of all bidding documents based upon the building and construction specifications and plans prepared by the engineering consultant. It is intended that the bidding documents will include a cost for repair of the roof and replacement of roof system such that prior to the bid award, the Town may determine which option to proceed based upon all relevant factors, including recommendations and funding. Specifications shall include interior demolition plan, interior partition plan, HVAC plan utilizing functioning HVAC unit, window details, ADA details in conformance with New York State Building Code so the Town of Riverhead may proceed with the reconstruction of 201 Howell Avenue; and

**WHEREAS**, Jeffrey T. Butler, P.E., submitted a proposal to perform professional engineering services required to prepare the construction plans and specifications required to competitively bid the project for reconstruction of 201 Howell Avenue.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a Professional Services Agreement with Jeffrey T. Butler, P.E. in substantially the same form annexed hereto; 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

## CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of March, 2011 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the "Town") and Jeffery T. Butler P.E., a corporation existing under the laws of the State of New York with a principal place of business at P.O Box 634, Shoreham, NY 11786 (hereinafter referred to as "Consultant").

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

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth below as an independent contractor and not as an employee of Town. Consultant shall provide engineering services include the following: Consultant shall conduct field survey of the building to determine existing conditions and evaluate the structural and mechanical damage as the result of the fire; prepare building and construction specifications and plans in accordance with New York State Building Code, National Fire Protection Association and ADA for interior and exterior repair or replacement of building components-note due to the significant amount of damage to a portion of the roof structure and potential compromise to the roof system and warranty from repair rather than replacement of the roof system, Consultant shall prepare roof design system specifications and plans to include two options, the first to be repair of damaged area and the second to include full replacement of roof system. Specifically, the plans and specifications shall include interior demolition plan, interior partition plan, interior reflected ceiling and lighting plan, design entrance plan (formerly the glass greenhouse area), HVAC plan utilizing functioning HVAC unit, electrical, telephone/data plan, door schedule/painting and finish specifications, insulation details and specifications, plumbing diagram, window details, ADA details all in conformance with New York State Building Code and such other items Consultant deems necessary and appropriate to repair, renovate, and restore the intended use and occupancy of the building. In addition, Consultant shall utilize, incorporate or make recommendations "green construction" and/or "green purchases" relating to building specifications and plans. It is understood that the plans and specifications shall be relied upon by the Town to bid the repair/renovation project and as such, Consultant shall meet with a representatives of Building, Engineering and Accounting Department after preliminary plans are prepared so comment/recommendations may be made and incorporated into the final building plans and specifications. There shall be no fee for attendance at meeting(s) to discuss preliminary plans or on-site inspections required to prepare final plans. It is anticipated that staff comment will require a minimum of two meetings to discuss revisions prior to preparation of the final plan. Consultant shall provide and deliver a minimum of six copies of the final plans and specifications to Town. Finally, Consultant shall provide two on-site inspections during the construction phase of the project and Consultant shall

coordinate these inspections with a representative from Building, Engineering or Accounting.

## 2. TERM OF AGREEMENT

Agreement shall commence upon the execution of same and terminate upon completion. The Town and Consultant agree that the scope of services does not include: agency fees or permit fees, value engineering studies (cost estimates), special site evaluations relating to future facilities, or identification of hazardous material. Due to the accelerated schedule of proposed work, the Consultant shall have 3 weeks from receipt of purchase order to provide final plans and specifications to the Town for Bidding purposes.

## 3. PAYMENT

For these services Town of Riverhead will pay Consultant a fee not to exceed \$14,500.00 for the services described in paragraph one above. Note, the Town may require the submission of documentation, including time records for performance based contracts solely for the purposes of verification of completion of the project or a portion of the project and the request that consultant provide same shall not convert the performance contract to an hourly rate contract. The Town shall not have any liability for any other expenses or costs incurred by Consultant unless identified in the provisions of this agreement. As time is of the essence, the Consultant shall begin work upon execution of the agreement and seek to complete same as expeditiously as possible. The Consultant will not exceed the amount indicated for the services included in the scope of services without prior written approval of the Town Board and Consultant shall only perform additional work at the Towns request pursuant to Paragraph Nine herein.

## 4. RIGHTS TO DOCUMENTS OR DATA

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

## 5. PUBLICITY

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

the prior written consent of at least three members of the Town board or by resolution of the Town Board.

#### 6. ASSIGNMENT AND SUBCONTRACTING

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

#### 7. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement.

#### 8. RECORDS

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

#### 9. CHANGES

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

#### 10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Engineering Department, 200 Howell Avenue, Riverhead, New York 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Jeffrey T. Butler P.E., P.O. Box 634, Shoreham, NY 11786.

## 11. COMPLIANCE WITH LAWS

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

## 12. INSURANCE, INDEMNITY AND LIABILITY

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement.

## 13. CONFLICT OF INTEREST

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

## 14. DISCLOSURE

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

15. DISPUTES

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

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

TOWN OF RIVERHEAD

JEFFREY T. BUTLER, P.E.

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

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

**TOWN OF RIVERHEAD**

**Resolution # 201**

**AWARDS BID FOR PLC PROGRAMMING/INTEGRATION  
FOR THE RIVERHEAD WATER DISTRICT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for PLC programming/integration for the Riverhead Water District; and

**WHEREAS**, bids were received, opened and read aloud on the 8<sup>h</sup> day of March, 2011, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders; and

**WHEREAS**, the Town Board has reviewed all bids received.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the bid for PLC programming/integration for the Riverhead Water District be and is hereby awarded to Lexington Technologies, 99 Rome Street, Farmingdale, New York, 11735, per the attached bid; and be it further

**RESOLVED**, that a certified copy of this document be forwarded to Lexington Technologies, 99 Rome Street, Farmingdale, New York, 11735; 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

Lexington

APPENDIX B

**BID PROPOSAL  
RIVERHEAD WATER DISTRICT  
PLC PROGRAMMING/INTEGRATION**

Programming and set up of the Riverhead Water District's Allen Bradley Micrologix 1100 Series A PLC and comparable components to be interfaced with existing pump control circuits and replace existing communication equipment between the administrative building and a pump house over existing phone circuit per the District's requirements as set forth in the above document.

Lump Sum Bid: \$ 3995

Hourly rate for any contingency not specifically outlined in this proposal

\$ 120 per hr

**TOWN OF RIVERHEAD**

**Resolution # 202**

**AWARDS BID FOR 2011 FIRST RESPONDER VEHICLE FOR TOWN OF RIVERHEAD AMBULANCE DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for 2011 first responder vehicle for Riverhead Ambulance District and;

**WHEREAS**, bids were received, opened and read aloud on the 23<sup>rd</sup> day of December, 2010 at 11:00 am at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

**NOW THEREFORE BE IT RESOLVED**, that the bid for 2011 first responder vehicle for Riverhead Ambulance District be and hereby is awarded to Proliner for \$66,995.00;

**BE IT FURTHER RESOLVED**, the Town Clerk be and is hereby authorized to forward a copy of this resolution to Proliner, the Riverhead Ambulance Corp and the Purchasing 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 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 # 203**

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

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

**WHEREAS**, Roselle Borrelli, 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 Roselle Borrelli, 470 Moore’s Lane North, Greenport, New York, 11944; 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

03.15.2011  
110204

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 204**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 45  
ENTITLED "ALARM SYSTEMS" OF THE RIVERHEAD TOWN CODE**

Drop Down for Councilperson offered the following resolution,

which was seconded by Drop Down for Councilperson

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 26 entitled "Alarm Systems" of the Riverhead Town Code once in the March 24, 2011 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board 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**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5<sup>th</sup> day of April, 2011 at 2:25 o'clock p.m. to consider a local law amending Chapter 45 entitled "Alarm Systems" of the Riverhead Town Code as follows:

**CHAPTER 45  
ALARM SYSTEMS**

**§ 45-3            Permit required.**

A. All commercial, industrial, cooperative (commercial and residential), condominium (commercial and residential) and apartment property owner(s) or lessee(s) of property in the Town of Riverhead having on his/her/its premises a fire or police alarm device, or system of fire or police alarm devices, shall apply to the ~~Town Clerk~~ Police Department for a permit to own or otherwise operate such device on his/her/its premises. The applicant for a permit shall provide specifications relating to the device or system of devices installed or to be installed on the premises. No such device shall be operated or installed on the premises of the owner or lessee after the effective date of this chapter without first obtaining a permit under this chapter. No such device shall be modified after the effective date of this chapter without first having obtained an amended permit under this chapter. Such permit shall be valid for a period of one year from issuance and must be renewed upon expiration.

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

Dated: Riverhead, New York  
March 15, 2011

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD**

**Resolution # 205**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 52  
ENTITLED "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE  
(ARTICLE II Green Building Standards for Town-Owned Buildings)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 52 entitled "Building Construction" of the Riverhead Town Code once in the March 24, 2011 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board 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**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 5th day of April, 2011 at 2:20 o'clock p.m. to consider a local law amending Chapter 52 entitled "Building Construction" of the Riverhead Town Code as follows:

**CHAPTER 52  
BUILDING CONSTRUCTION  
ARTICLE II Green Building Standards for Town-Owned Buildings**

**§ 52-24. Green building rating system and procurement.**

The Town of Riverhead shall incorporate green building specifications and procurements using environmental standards established by a green purchase guide for the construction of new Town owned buildings or substantial reconstruction or major renovation of Town owned buildings. The Town shall utilize the standards and specifications hereby adopts adopted by the U.S. Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED), New York State Department of Environmental Conservation Green Building Standards, Environmental Protection Agency's Green Purchase Guide and Environmentally preferable Purchasing Guide, Energy Star, Green Seal Responsible Purchasing Net as the applicable standard as guideline for construction and renovation projects and purchases of materials and equipment related to the construction or renovation project. Under the LEED rating system, several levels of environmental achievement are possible, including but not limited to a certified rating to a platinum rating.

**§ 52-25. Applicability; achievement of minimum standard.**

The Building Department Administrator or designee shall review all projects related to construction of All-new Town-owned buildings or Town-owned buildings undergoing substantial reconstruction to determine compliance with the provisions of this article shall utilize LEED design and construction guidelines so as to achieve the minimum standard of LEED certification.

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

Dated: Riverhead, New York  
March 15, 2011

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

**TOWN OF RIVERHEAD**

**Resolution # 206**

**AUTHORIZES ONE POLICE DEPARTMENT EMPLOYEE TO TRANSPORT THE VEHICLE WEIGHT SCALES TO SYRACUSE FOR CALIBRATION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for one Police Department employee to transport the Town's vehicle weight scales to Syracuse, New York, on March 16, 2011 for the purpose of being calibrated.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes one Police Department employee to transport the Town's vehicle weight scales to Syracuse, New York; and,

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes reimbursement of expenses incurred, not to exceed \$350.00, upon submission of proper receipts; and,

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

**THE VOTE**

Giglio Yes No

Wooten Yes No

Gabrielsen Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 207**

**ESTABLISHES DATE AND TIME OF 2nd ANNUAL "GREAT RIVERHEAD  
CARDBOARD BOAT RACE"**

Councilman George Gabrielsen offered the following resolution,  
which was seconded by Councilwoman Giglio

**WHEREAS**, the Riverhead Town Board and the Riverhead Business Improvement District believe in promoting community events in Downtown Riverhead; and

**WHEREAS**, the Riverhead Business Improvement District has undertaken the task of organizing a riverfront event known as the 2nd annual "Great Riverhead Cardboard Boat Race"; and

**WHEREAS**, the Peconic Riverfront is an excellent location for a cardboard boat race; and

**WHEREAS**, the Riverhead Town Board encourages volunteerism; and

**WHEREAS**, the interested parties can contact the Riverhead Business Improvement District or Councilman George Gabrielsen; and

**WHEREAS**, the second annual "Great Riverhead Cardboard Boat Race" will be free of charge and open to all.

**NOW THEREFORE BE IT RESOLVED**, that the 2nd annual "Great Riverhead Cardboard Boat Race" will be held on the Peconic Riverfront in downtown Riverhead at 12:00pm June 26<sup>th</sup> 2011.

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Riverhead Business Improvement District, the Engineering Department, the Town Board, the Chief of Police, the Town Clerk, the Highway Superintendent and the Chief of the Riverhead Fire Department.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 208**

**AWARDS BID FOR ANNUAL MATERIALS AND ASPHALT PROCUREMENT CONTRACT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk was authorized to publish and post a Notice to Bidders for the Annual Materials and Asphalt Procurement Contract; and

**WHEREAS**, eight (8) bids were received, opened and read aloud on the March 11, 2011 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for Annual Materials and Asphalt Procurement Contract be and is awarded as follows:

Award No. 50 - Asphalt Materials loaded into Town of Riverhead Trucks

Low Bidder: East Island Asphalt

Alternate Low Bidder: Inter-county Asphalt

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	East Island Asphalt		InterCounty	
						Unit Cost	Total Price	Unit Cost	Total Price
50	60	NYSDOT Type 1 Base Loaded Into TOR Trucks	Ton	0-500	250	\$ 60.00	\$ 15,000.00	\$ 61.00	\$ 15,250.00
	62	NYSDOT Type 3 Binder Loaded into TOR Trucks	Ton	0-500	250	\$ 62.00	\$ 15,500.00	\$ 63.00	\$ 15,750.00
	64	NYSDOT Type 6F Top Loaded into TOR Trucks	Ton	0-500	250	\$ 68.00	\$ 17,000.00	\$ 69.50	\$ 17,375.00
	68	NYSDOT Type 7 Loaded into Town of Riverhead Trucks	Ton	0-500	250	\$ 68.00	\$ 17,000.00	\$ 71.00	\$ 17,750.00
							<b>\$64,500.00</b>		<b>\$66,125.00</b>

Award No. 51 – Cold Patch loaded into Town trucks

Low Bidder: East Island Asphalt

Alternate Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	East End Asphalt		Empire	
						Unit Cost	Total Price	Unit Cost	Total Price

51	66	Cold Patch Loaded into TOR Trucks	Ton	0-500	250	\$120.00	\$30,000.00	\$135.00	\$33,750.00
							\$30,000.00		\$33,750.00

**Award No. 52 – Sand Asphalt Base Course loaded into Town trucks**

Low Bidder: Inter-County Asphalt  
 Alternate Low Bidder: East End Asphalt

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	InterCounty Unit Cost	InterCounty Total Price	East End Asphalt Unit Cost	East End Asphalt Total Price
52	72	Sand Asphalt Base Course Loaded into TOR Trucks	Ton	0-500	250	\$59.00	\$14,750.00	\$60.00	\$15,000.00
							\$14,750.00		\$15,000.00

**Award No. 53 – Baseball Field Soil Materials – Delivered to Town of Riverhead**

Low Bidder: Barbato Nursery Corp.  
 Alternate Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Barbato		Empire	
						Unit Cost	Total Price	Unit Cost	Total Price
53	28	Baseball Sand Mix- Delivered to TOR Stozky Park	CY	0-500	300	\$29.00	\$8,700.00	\$30.00	\$9,000.00
	29	Baseball Clay Mix - Delivered to TOR Stozky Park	CY	0-500	300	\$46.00	\$13,800.00	\$55.49	\$16,647.00
	33	Road Sand Mix - Delivered to TOR Hwy	CY	0-500	300	\$29.00	\$8,700.00	\$21.00	\$6,300.00
							\$31,200.00		\$31,947.00

**Award No. 54 – Composite Soil Mix, Pea Gravel**

Low Bidder: Empire Asphalt, LLC  
 Alternate Low Bidder: Barbato Nursery Corp.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire		Barbato	
						Unit Cost	Total Price	Unit Cost	Total Price
54	31-S	Composite Soil Mix	CY	0-1000	500	\$32.00	\$16,000.00	\$35.00	\$17,500.00
	31-G	Pea Gravel		0-100	100	49.5	\$4,950.00	50	\$5,000.00
TOTAL:							\$20,950.00		\$22,500.00

**Award No. 55 – Recycled Concrete Aggregate**

Low Bidder: Empire Asphalt, LLC  
 Alternate Low Bidder: Inter-County Asphalt

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire		Inter County	
						Unit Cost	Total Price	Unit Cost	Total Price
55	4-S	Recycled Concrete Aggregate	CY	0-1000	200	\$11.95	\$2,390.00	\$15.00	\$3,000.00
						\$2,390.00		\$3,000.00	

**Award No. 56 – Certified Wood Safety Surface**

Low Bidder: Barbato Nursery Corp.  
 Alternate Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Barbato		Empire	
						Unit Cost	Total Price	Unit Cost	Total Price
56	152	Certified Wood Fiber Safety Surface	CY	Over 500	200	\$21.50	\$4,300.00	\$24.00	\$4,800.00
							<b>\$4,300.00</b>		<b>\$4,800.00</b>

**Award No. 57 – Landscaping Wood Mulch**

Low Bidder: Empire Asphalt, LLC  
 Alternate Low Bidder: Barbato Nursery Corp.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire		Barbato	
						Unit Cost	Total Price	Unit Cost	Total Price
57	160-L	Landscaping Wood Mulch - Low Grade	CY	0-500	200	\$13.50	\$2,700.00	\$14.50	\$2,900.00
	160-H	Landscaping Wood Mulch - High Grade	CY	0-500	200	\$16.50	\$3,300.00	\$19.00	\$3,800.00
							<b>\$6,000.00</b>		<b>\$6,700.00</b>

**Award No. 58 – Blue Stone**

Low Bidder: Atlas Roll Off Corp.  
 Alternate Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Atlas		Empire	
						Unit Cost	Total Price	Unit Cost	Total Price
58	170-3/8"	Blue Stone - 3/8"	CY	0-500	200	\$39.94	\$7,988.00	\$48.00	\$9,600.00
	170-3/4"	Blue Stone - 3/4"	CY	0-500	200	\$35.94	\$7,188.00	\$48.00	\$9,600.00
	170-Screenings	Blue Stone Screenings	CY	0-500	200	\$34.94	\$6,988.00	\$48.00	\$9,600.00
							<b>\$22,164.00</b>		<b>\$28,800.00</b>

**Award No. 59 – Trap Rock**

Low Bidder: Atlas Roll Off Corp.  
 Alternate Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Atlas		Empire	
						Unit Cost	Total Price	Unit Cost	Total Price
59	172	Trap Rock	CY	0-500	200	\$38.94	\$7,788.00	\$48.00	\$9,600.00
							<b>\$7,788.00</b>		<b>\$9,600.00</b>

**Award No. 60 – Ready Mix Concrete 0-4 CY**

Low Bidder: Serafina Industries, Ltd.  
 Alternate Low Bidder: Barbato Nursery Corp.

Award	Item				Estimated	Serafina	Barbato
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No.	No.	Description	Unit	Quantity	Quantity	Unit Cost	Total Price	Unit Cost	Total Price
60	14	Ready-Mix Concrete	CY	0-4	2	\$205.00	\$410.00	\$265.00	\$530.00
							<b>\$410.00</b>		<b>\$530.00</b>

**Award No. 61 – Ready Mix Concrete -5 CY**

Low Bidder: Serafina Industries, Ltd.

Alternate Low Bidder: Barbato Nursery Corp.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Serafina		Barbato	
						Unit Cost	Total Price	Unit Cost	Total Price
61	14	Ready Mix Concrete	CY	5	5	\$153.00	\$765.00	\$165.00	\$825.00
							<b>\$765.00</b>		<b>\$825.00</b>

**Award No. 62 – Ready Mix Concrete-10 CY**

Low Bidder: Serafina Industries, Ltd.

Alternate Low Bidder: Barbato Nursery Corp.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Serafina		Barbato	
						Unit Cost	Total Price	Unit Cost	Total Price
62	14	Ready Mix Concrete	CY	10	10	\$133.00	\$1,330.00	\$139.00	\$1,390.00
							<b>\$1,330.00</b>		<b>\$1,390.00</b>

**Award No. 63 – Drainage Pipe Delivered to Town of Riverhead**

Low Bidder: T. Mina Supply, Inc.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	T. Mina		
						Unit Cost	Total Price	
63	30-4"	4" Dia. Underdrains	LF	0-500	200	\$0.93	\$186.00	
	30-6"	6" Dia. Underdrains	LF	0-500	200	\$1.99	\$398.00	
	30-8"	8" Dia. Underdrains	LF	0-500	200	\$3.54	\$708.00	
	15-12"	12" Dia. PEP	LF	0-500	200	\$6.66	\$1,332.00	
	13-15"	15" Dia. PEP	LF	0-500	200	\$8.66	\$1,732.00	
	15-18"	18" Dia. PEP	LF	0-500	200	\$12.80	\$2,560.00	
	15-24"	24" Dia. PEP	LF	0-500	200	\$19.99	\$3,998.00	
							<b>\$10,914.00</b>	

**Award No. 64 – Granular Fill**

Low Bidder: Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire	
						Unit Cost	Total Price
64	30-F	Granular Fill	CY	0-500	250	\$15.00	\$3,750.00
						<b>Total</b>	<b>\$3,750.00</b>

Award No. 65 – Planting Mix

Low Bidder:

Empire Asphalt, LLC

Alternate Low Bidder:

Barbato Nursery Corp.

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire		Barbato	
						Unit Cost	Total Price	Unit Cost	Total Price
65	34	Planting Mix	CY	0-1000	500	\$62.00	\$31,000.00	\$85.00	\$42,500.00
Total							\$31,000.00		\$42,500.00

Award No. 66 – Topsoil, Fertilizer, Lime

Low Bidder:

Empire Asphalt, LLC

Award No.	Item No.	Description	Unit	Quantity	Estimated Quantity	Empire	
						Unit Cost	Total Price
66	32-T	Topsoil	CY	0-100	100	\$23.00	\$2,300.00
	32-F	Fertilizer	Tons	0-5	5	\$595.00	\$2,975.00
	32-L	Lime	Tons	0-5	5	\$192.50	\$962.50
	32-S	Seed	Lbs.	0-1000	500	\$1.98	\$990.00

\$7,227.50

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

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement for the Annual Materials and Asphalt Procurement Contract; and

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Engineering Department to secure purchase orders, when needed, using the Annual Materials and Asphalt Procurement Contract; and

**BE IT FURTHER RESOLVED**, that the Town Board be and does hereby authorize the Town Clerk to forward a copy of this resolution to the Engineering Department, Purchasing Department and the Office of Accounting.

**NOW, 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

**TOWN OF RIVERHEAD**

**Resolution # 209**

**PAYS BILLS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #11-09 March 10, 2011 (TBM 03/15/11)				
FUND NAME			03/10/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		1,022,963.18	1,022,963.18
POLICE ATHLETIC LEAGUE	4		1,680.00	1,680.00
RECREATION PROGRAM FUND	6		14,139.59	14,139.59
ECONOMIC DEVELOPMENT ZONE FUND	30		3,378.67	3,378.67
HIGHWAY FUND	111		134,855.84	134,855.84
WATER DISTRICT	112		203,654.88	203,654.88
RIVERHEAD SEWER DISTRICT	114		30,381.78	30,381.78
REFUSE & GARBAGE COLLECTION DI	115		7,123.87	7,123.87
STREET LIGHTING DISTRICT	116		11,889.73	11,889.73
PUBLIC PARKING DISTRICT	117		3,063.65	3,063.65
BUSINESS IMPROVEMENT DISTRICT	118		45,879.69	45,879.69
AMBULANCE DISTRICT	120		4,559.32	4,559.32
EAST CREEK DOCKING FACILITY FU	122		25.00	25.00
CALVERTON SEWER DISTRICT	124		2,502.57	2,502.57
RIVERHEAD SCAVANGER WASTE DIST	128		16,203.66	16,203.66
RISK RETENTION FUND	175		6,292.92	6,292.92
CDBG CONSORTIUM ACOUNT	181		692.65	692.65
WATER DISTRICT CAPITAL PROJECT	412		78,542.53	78,542.53
TRUST & AGENCY	735		921,825.29	921,825.29
<b>TOTAL ALL FUNDS</b>			<b>2,509,654.82</b>	<b>2,509,654.82</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 # 209**

**PAYS BILLS**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

ABSTRACT #11-08 March 03, 2011 (TBM 03/15/11)				
FUND NAME			03/03/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		84,951.99	84,951.99
POLICE ATHLETIC LEAGUE	4		500.00	500.00
HIGHWAY FUND	111		143,012.57	143,012.57
WATER DISTRICT	112		25,461.22	25,461.22
RIVERHEAD SEWER DISTRICT	114		13,971.86	13,971.86
REFUSE & GARBAGE COLLECTION DI	115		172.95	172.95
STREET LIGHTING DISTRICT	116		3,956.38	3,956.38
AMBULANCE DISTRICT	120		482.48	482.48
CALVERTON SEWER DISTRICT	124		2,193.76	2,193.76
RIVERHEAD SCAVANGER WASTE DIST	128		6,829.31	6,829.31
RISK RETENTION FUND	175		3,778.46	3,778.46
CDBG CONSORTIUM ACOUNT	181		4,345.86	4,345.86
COMMUNITY DEVELOPMENT AGENCY C	405		2,009.02	2,009.02
WATER DISTRICT CAPITAL PROJECT	412		88,317.94	88,317.94
RIVERHEAD SEWER CAPITAL PROJEC	414		149,550.52	149,550.52
CALVERTON SEWER CAPITAL PROJEC	424		1,969.54	1,969.54
TRUST & AGENCY	735		306,490.71	306,490.71
<b>TOTAL ALL FUNDS</b>			<b>837,994.57</b>	<b>837,994.57</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 # 210**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A STIPULATION OF AGREEMENT WITH THE RIVERHEAD POLICE BENOVELENT ASSOCIATION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town is faced with financial constraints not unlike many towns and villages throughout the State due to our current economy and is cognizant that the residents and business owners located within the Town are facing identical financial hardships; and

**WHEREAS**, as part of a move to become more efficient in the wake of changing economic conditions and determination to demonstrate fiscal responsibility, the Supervisor and all Town Board members are investigating methods and means to gap the revenue shortfall, including reduction in workforce (e.g., job cuts, layoffs, loss of jobs through attrition, demotions) and imposition and/or increase the fees for town services (e.g., permits, rental of showmobile), in order to minimize an increase in property taxes without sacrificing taxpayer services; and

**WHEREAS**, the PBA is cognizant of these difficulties and desires to assist the Town in addressing them while maintaining, to the extent possible, its members' existing terms and conditions of employment; and

**WHEREAS**, the parties have reached an agreement with regard to this issue and wish to codify their understandings in this Agreement.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board hereby ratifies and approves the stipulation of agreement regarding a lag payroll with the PBA.

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dixon Palmer, President of the Riverhead Police Benevolent Association, 210 Howell Avenue, Riverhead, NY 11901, Lamb & Barnosky, LLP, Personnel Director 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**

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

The Resolution Was  Thereupon Duly Declared Adopted

On a motion of Councilman Dunleavy, seconded by Councilman Wooten, resolution #210 was TAKEN OFF THE FLOOR

**THE VOTE:**

Yes – 5      Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes  
No - 0