

CDA RESOLUTION LIST:

CDA

- Res. #5 Authorizes Extension of Due Date for Request for Proposal for Developer of Workforce Housing Unit and Authorizes Town Clerk to Publish and Post Extension of Due Date**

TOWN BOARD RESOLUTION LIST:

- Res. #149 2010 East End Art Council Site Improvement Project Budget Adoption**
- Res. #150 2010 Local Government Records Management Improvement Project Budget Adoption**
- Res. #151 Business Improvement District Budget Adjustment**
- Res. #152 Awards Bid for 23 Foot Pump-Out Vessel**
- Res. #153 Authorizes Submission of Main Street Grant Program Application**
- Res. #154 Resolution Calling Public Hearing Regarding Lateral Water Main Extension for G&Z Retirement Community Subdivision**
- Res. #155 Authorizes Execution of Contract with Seed Clam Administrator**
- Res. #156 Amends Hourly Rate of Pay for Certain Part-Time Employees**
- Res. #157 Approves Request for a Leave of Absence**
- Res. #158 Extends Special Permit of Theodora Cohen Single Family Residence**
- Res. #159 Authorizes Submission of Main Street Grant Application to the New York State Division of Housing and Community Renewal**

Res. #160 Authorization to Publish Advertisement for Fertilizer & Law Chemicals for the Town of Riverhead

Res. #161 Declares NF Development LLC in Default, Regarding the Subdivision Entitled "Reeves Farms"

Res. #162 Accepts 100% Security of Lowe's Home Center

Res. #163 Authorizes the Supervisor to Execute an Amended Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging for the Purpose of Supplemental Nutrition Assistance Program

Res. #164 Offers Support to New York State Legislature to Amend the Public Authorities Law in Relation to the Creation of the Peconic Bay Regional Transportation Authority (Senate Bill #s.1450/Assembly Bill #A.1403)

Res. #165 Offers Support to the New York State Legislature to Amend the General Municipal Law in Relation to the Creation of the Peconic Bay Regional Transportation Council and Provide for the Repeal of Such Provisions Upon Expiration Thereof (Senate Bill #S.1459/Assembly Bill #A.1412)

Res. #166 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 26 Entitled "Officers and Employees" of the Riverhead Town Code (Article III and Article IV)

Res. #167 Authorizes Town Clerk to Publish and Post Notice to Bidders for Dry Hydrated lime (Calcium Hydroxide)

Res. #168 Authorizes Town Clerk to Publish and Post Notice to Bidders for Corrosion Control Chemical (PO4)

Res. #169 Authorizes Publication of Display Ad RE: Attendance at Suffolk County Police Academy

Res. #170 Pays Bills

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 5

**AUTHORIZES EXTENSION OF DUE DATE FOR REQUEST FOR PROPOSAL FOR
DEVELOPER OF WORKFORCE HOUSING UNIT AND AUTHORIZES TOWN
CLERK TO PUBLISH AND POST EXTENSION OF DUE DATE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Suffolk County Office of Economic Development and Workforce Housing has made available to the Town of Riverhead a parcel with existing home for rehabilitation as workforce housing one (1) single family workforce home located at 0600-105.00-02.00-069.000 (aka 27 Wilson Avenue, Riverhead, New York, 11901; and

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency (CDA) Board desires to foster the continued development of workforce housing infrastructure to retain critically important members of our community that typically qualify for workforce housing include young professionals, nurses and nurses aids, teachers, entry-level public safety personnel, grocery clerks, secretaries, mechanics, accounting clerks, retail and restaurant employees, and many other jobs integral to a balanced community; and

WHEREAS, the CDA Board seeking responses from qualified not-for-profits engaged in the development of workforce housing who are specifically qualified to perform the rehabilitation of said property, authorized the issuance of a request for proposals ("RFP") by resolution on February 1, 2011, for such entities to respond by 3:00 p.m. on Friday, February 25, 2011; and

WHEREAS, as several requests for information were submitted close to the deadline for submission of the RFP indicating an insufficient amount of time for potential bidders to prepare and submit proposals and the CDA's desire to secure the best product at the lowest price for the benefit of the taxpayers, the CDA Board would like to extend the deadline for submission to 3:00 p.m. on Wednesday, March 17, 2011; and

NOW, THEREFORE, BE IT RESOLVED, the CDA board authorizes the extension of the deadline for submission of the RFP for solicitation of proposals for this workforce housing unit to 3:00 p.m. on Wednesday, March 17, 2011; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to publish and post the extension of the deadline for submission of the RFP for solicitation of proposals for this workforce housing unit to 3:00 p.m. on Wednesday, March 17, 2011; 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

I. NOTICE TO BIDDERS

TAKE NOTICE, that the deadline for submission of all responses to the Community Development Agency's Request For Proposals ("RFP") from not-for-profit corporations or entities engaged in the development of workforce housing for reconstruction of one (1) single family workforce home located at 0600-105.00-02.00-069.000 (aka 27 Wilson Avenue, Riverhead, New York, 11901 has been extended and the extension of the deadline requires proposals to be received by the Town of Riverhead Community Development Office at 200 Howell Avenue, Riverhead, New York on **March 17, 2011 at 3:00 pm.** prevailing time, for:

REQUEST FOR PROPOSALS

Full specifications and guidelines for submission of proposals are available at the Town of Riverhead Community Development Office at 200 Howell Avenue, Riverhead, NY between the hours of 8:30 am and 4:30 pm, Monday through Friday, or online at the Town website at www.riverheadli.com, click on bids.

Each proposal must be submitted to the Community Development Office at 200 Howell Avenue, Riverhead, NY in a sealed envelope on or before on **March 17, 2011 at 3:00 pm.**

Written questions concerning this request should be directed to Chris Kempner, Director Town of Riverhead Community Development Agency, 200 Howell Avenue, Riverhead, NY 11901 or via e-mail at Kempner@riverheadli.com or via facsimile at (631) 727-5772.

This RFP is not an offer or a binding commitment to contract on the part of the CDA. The CDA retains the right to postpone or cancel the RFP or to reject all proposals, if the CDA or Town determines, in its sole discretion that the best interests of the CDA and Town will be served thereby.

**BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
Diane M. Wilhelm, TOWN CLERK**

TOWN OF RIVERHEAD

Resolution # 149

**2010 EAST END ART COUNCIL
SITE IMPROVEMENT PROJECT**

BUDGET ADOPTION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Suffolk County Department of Economic Development/Workforce Housing is entering into a contract with the Town of Riverhead to improve pedestrian walkways, outdoor performance space and improvements at the East End Art Council;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is authorized to establish the following budget adoption with the provision, should Suffolk County Downtown Revitalization funds not be available, Town funds will be the source of funds:

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|------------------------|--------------------|------------------|
| 406.086620.491000.44017 | County Aid | 87,350 | |
| 406.086620.523004.44017 | EEAC Site Improvements | | 87,350 |

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.01.2011
110150

ADOPTED

TOWN OF RIVERHEAD

Resolution # 150

**2010 LOCAL GOVERNMENT RECORDS
MANAGEMENT IMPROVEMENT PROJECT**

BUDGET ADOPTION

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, \$30,253 has been received from the New York State Archives Local Government Records Management Improvement Fund by the Town of Riverhead for a grant specifically designated for a complete inventory of records at town hall.

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|-----------------------------|-------------|-----------|
| 406.014100.492000.44018 | County Aid | 60,506 | |
| 406.014100.543900.44018 | Records Management Services | | 60,506 |

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 151

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, resolution 2011-147 was adopted on February 15, 2011 adopting a budget for the Business Improvement District and the following budget adjustment has to be made to help fund the Business Improvement District fund their programs;

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|-----------------------------|-------------|-----------|
| 118.000000.499999 | Appropriated Fund Balance | 49,418.76 | |
| 118.064100.543925 | Riverhead B.I.D. Mgmt Assoc | 1,281.24 | |
| 118.064100.542609 | Advertising | | 40,000 |
| 118.064100.544160 | B.I.D. Programs | | 700 |
| 118.064100.522100 | B.I.D. Specialty Buildings | | 10,000 |

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Raymond Pickersgill, President of the Business Improvement District, 1 East Main Street, Suite 4, Riverhead, NY 11901 and the Accounting Department.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 152

AWARDS BID FOR 23 FOOT PUMP OUT VESSEL

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town Clerk was authorized to publish and post a notice for seal bids for a 23 Foot Pumpout Vessel; and

WHEREAS, one (1) bid was received and opened on February 10, 2011 at 4:30 p.m. at Riverhead Town Hall, 200 Howell, Riverhead, New York, the date, place and time given in the Notice to Bidders; and

WHEREAS, grants applied for from the Community Development Department have been awarded in the amounts of \$60,000 from the New York State Environmental Facilities Corporation and \$12,080 from Suffolk County.

THEREFORE, BE IT RESOLVED, that the Town Board hereby awards the bid to Marine Boatbuilders Co. for the bid award amount of \$84,160.00

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Community Development Department and to Richard Audette (Marine Boat Builders Co., PO Box 7826, Warwick, RI 02887).

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 153

AUTHORIZES SUBMISSION OF MAIN STREET GRANT PROGRAM APPLICATION

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the New York State Housing Trust Fund Corporation / Office of Community Renewal has awarded the Town of Riverhead \$500,000 as part of the 2010 New York Main Street Program to provide up to 75% state funds and 25% private funds to support main street revitalization projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the boundaries of the project area are the Riverhead Business Improvement District; and

WHEREAS, the Town of Riverhead desires to foster continued redevelopment in downtown Riverhead;

WHEREAS, the Town Board previously approved the Supervisor to execute a grant agreement with the New York State Housing Trust Fund Corporation by Town Board Resolution #707 (2010); and

WHEREAS, the Community Development Department has solicited project applications for building renovations within the Business Improvement District.

THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the supervisor to sign subrecipient agreements with recipients selected based on criteria established by the Main Street and the New York State Housing Trust Fund Corporation / Office of Community Renewal.

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Community Development Department and the Town Attorney (Dan McCormick, Esq.).

THE VOTE

Giglio Yes No Gabrielsen ABSENT

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 154

**RESOLUTION CALLING PUBLIC HEARING
REGARDING LATERAL WATER MAIN EXTENSION FOR
G&Z RETIREMENT COMMUNITY SUBDIVISION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a petition has been filed by the developer of G&Z Retirement Community requesting that the subdivision located along the north side of Middle Road just east of its intersection with Stoneleigh Drive in Riverhead be served by the Riverhead Water District; and

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

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

WHEREAS, the project will include the construction of water service to eight (8) new residential buildings containing a total of fifteen (15) new dwelling units; and

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

WHEREAS, said map and plan call for the installation of approximately 500 linear feet of eight inch diameter water mains at a total projected cost of approximately \$87,000; and

WHEREAS, all costs associated with this lateral shall be borne by the petitioner and the petitioner will be required to pay key money fees for domestic usage in the amount of \$40,950.00 (15 units @ 300 gpd x \$9.10/gallon) and key money fees for irrigation usage in the amount of \$42,133.00 (52,000 SF @ 1"/week x \$9/10/gallon) for total key money fees in the amount of \$83,083.00; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a Notice of Public Hearing to be held on the 5th day of April, 2011 at 2:05 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to the adoption of a final order concerning the petition to construct a lateral water main extension comprised of approximately 500 linear feet of eight inch diameter water main and appurtenances to provide water service to the proposed subdivision known as G&Z Retirement Community to be located at Middle Road, Riverhead, New York, at the sole cost of the developer and at no cost to the District and the payment of key money pursuant to Chapter 105 of the Riverhead Town Code; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to publish and post a copy of this resolution in full in the March 17, 2011 edition of The News Review; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.01.2011
110155

ADOPTED

TOWN OF RIVERHEAD

RESOLUTION # 155

**AUTHORIZES EXECUTION OF CONTRACT
WITH SEED CLAM ADMINISTRATOR**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the TOWN, in connection with its Municipal Operations, requires services consisting of the following: Seed Clam Administrator – Year 2011

AND

WHEREAS, David Lessard, Contractor, is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services: Year 2011

NOW, THEREFORE, BE IT RESOLVED that David Lessard is appointed Administrator of the Town of Riverhead Seed Clam Program – Year 2011.

And be it further

RESOLVED that the Supervisor be and is hereby authorized to execute the attached Agreement in connection with the administration services of the aforementioned individual 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

AGREEMENT

BETWEEN The TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, New York, hereinafter referred to as "TOWN" and DAVID LESSARD, a partnership/corporation/limited liability partnership, with offices at P.O. Box 139, Jamesport, New York, Vendor Number 029027, hereinafter referred to as "CONTRACTOR".

WITNESSETH

WHEREAS, the TOWN, in connection with its municipal operations, requires services consisting of the following: Seed Clam Administrator – Year 2011; and

WHEREAS, the CONTRACTOR is willing to provide the following services to the Town:

Description of Services: Administration of Seed Clam Program

Date(s) and Hour(s) of Services Year 2011

IT IS HEREBY AGREED by the TOWN and CONTRACTOR as follows:

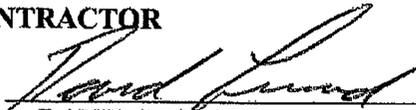
1. That CONTRACTOR shall provide and fully perform, to the TOWN'S satisfaction, the aforementioned services to the TOWN on the date(s) and time(s) stated above.
2. In return for CONTRACTOR'S services, the TOWN shall pay CONTRACTOR as follows: The sum of Four Thousand (\$4,000.00) Dollars payable in half-payments of Two Thousand (\$2,000.00) Dollars each in April, 2011 and September, 2011.
3. Administration shall include the bidding process and oversight of facilities to provide seed. The TOWN is responsible for the cost of repair and materials of their rafts, which contain the clams.

DATED: Riverhead, New York
March ____, 2011

TOWN OF RIVERHEAD

BY: _____
SEAN WALTER
Town Supervisor

CONTRACTOR

BY: 
DAVID LESSARD

TOWN OF RIVERHEAD

Resolution # 156

AMENDS HOURLY RATE OF PAY FOR CERTAIN PART-TIME EMPLOYEES

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

NOW, THEREFORE, BE IT RESOLVED, that in accordance with the 260 day work year in 2011, this Town Board hereby amends the hourly rate of the following part-time employees retroactive to January 1, 2011:

| | | |
|--------------------|-------------------------------|-----------|
| Linda Carr | Homemaker | \$14.4976 |
| Kelly Daniels | Crossing Guard | \$16.4221 |
| Frederick Marsland | Maintenance Mechanic II | \$20.3653 |
| Linda O'Kula | Driver/Messenger | \$13.8158 |
| Nancy Swenk | Homemaker | \$14.4976 |
| Daniel Thompson | Housing Inspector | \$28.4588 |
| Cynthia Trent | Homemaker | \$14.4976 |
| Donna Trojanowski | Senior Citizen Center Manager | \$19.9067 |
| Marie Vigliotti | Clerk Typist | \$17.8711 |
| John Wherry | Building Inspector | \$30.8533 |

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the above employees, the Personnel Officer and the Financial Administrator. 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 can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 157

APPROVES REQUEST FOR A LEAVE OF ABSENCE

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Pursuant to Article XII, Section 4 of the currently negotiated contract between the Town of Riverhead and Civil Service Employees Association, Inc., Local 1000, Tracy Stark-James, the Empire Zone Coordinator, has requested a 6 month non-paid leave of absence from the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that Stark-James' request for a non-paid leave of absence for the 6 month period commencing March 1, 2011 is hereby approved subject to the following condition(s):

(1) To facilitate the proper functioning of the Town offices, the employee shall submit written notice to the Town Supervisor of her intent to return to work, resign, retire or other relief at least thirty (30) days prior to the expiration of the leave of absence, and

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Tracy Stark-James, the Riverhead Town Board, the Personnel Officer and the Financial Administrator. 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 can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 158

**EXTENDS SPECIAL PERMIT OF THEODORA COHEN
SINGLE FAMILY RESIDENCE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Riverhead Town Board granted a special use permit by Resolution No. 247 of March 17, 2009 to Theodora Cohen to allow the conversion of an existing storage building to single family dwelling use on a 0.45ac. parcel zoned Downtown Center, Office (DC-3), located at 761 East Main Street, Riverhead and more particularly described as Suffolk County Tax Map numbers 0600-127-7-14&24, and

WHEREAS, the Town Board conditioned its award to require the use commence within one year of the approval or expire and subsequently extended the permission to March 17, 2011 by Resolution No. 175 of March 2, 2010 in response to a timely request, and

WHEREAS, the use has still not commenced within the prescribed time and the Town Board has been requested to extend the permit a second time by letter of February 16, 2011 which the Town desires to do for another one year period, now

THEREFORE BE IT, RESOLVED, that Riverhead Town Board hereby extends the special use permit of Theodora Cohen for another one year period to expire March 17, 2012, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Theodora Cohen or her agent, the Building Department, the Town Attorney, the Fire Marshall and the Accounting Department and that a copy be scanned onto the Town Hall share drive for future reference.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 159

**AUTHORIZES SUBMISSION OF MAIN STREET GRANT APPLICATION TO THE
NEW YORK STATE DIVISION OF HOUSING AND COMMUNITY RENEWAL**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the New York State Housing Trust Fund Corporation has issued a request for proposals and funding application for funding available under the New York Main Street 2011 Funding Round to help build and preserve affordable housing and revitalize communities across the state; and

WHEREAS, eligible applicants for the 2011 funding round include municipalities and funding awards are available up to \$500,000 and may include administrative overhead, streetscape improvements and capital improvements to private structures; and

WHEREAS, the Community Development Department applied for and received the 2004 Main Street grant award for \$200,000 on behalf of the Business Improvement District and administered the \$200,000 in state funds that leveraged approximately \$500,000 in private funds being used to improve the central district;

WHEREAS, the Community Development Department applied for and received the 2009 Main Street grant award for \$200,000 on behalf of the Business Improvement District and is currently administering the \$200,000 in state funds that will leverage approximately \$1,500,000 in private funds being used to improve the central district;

WHEREAS, the Community Development Department is currently administering the 2010 Main Street grant award for \$500,000 awarded directly to the Town of Riverhead and is currently administering the \$500,000 in state funds that will leverage approximately \$1,500,000 in private funds being used to improve the central district;

WHEREAS, the Community Development Department is working with local stakeholders to develop projects for the Main Street Grant funding that include a Downtown Anchor Grant on East Main Street that will rehabilitate a vacant and deteriorated structure to provide artist preference workforce housing; and

WHEREAS, the Riverhead East Main Street Urban Renewal Area is a priority of the Town of Riverhead Board and has been the focus of numerous plans and studies, capital improvement projects and substantial investment by the Town of Riverhead.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board authorizes the application in the amount of \$500,000 to the New York Main Street Grant Program for \$37,500 towards administrative overhead, \$25,000 towards streetscaping and \$437,500 towards capital improvements to buildings in the East Main Street Urban Renewal Area and BID district; and

AND BE IT FURTHER RESOLVED, that the Supervisor and where applicable, the Community Development staff shall have the authority to execute documents to facilitate submission of the application; and

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a notification of this resolution to 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

03.01.2011
110160

ADOPTED

TOWN OF RIVERHEAD

Resolution # 160

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR FERTILIZER & LAWN
CHEMICALS FOR THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for FERTILIZER & LAWN CHEMICALS for THE TOWN OF RIVERHEAD and;

WHEREAS, the Town Clerk is hereby authorized to publish and post the following public notice in the MARCH 3RD, 2011 issue of the News Review and;

NOW THEREFORE BE IT RESOLVED,

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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of Fertilizer and Lawn Chemicals for the use in the Town of Riverhead, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:15 am on MARCH 11TH, 2011 at which time they will be publicly opened and read aloud.

Specifications may be examined and/or obtained on the Town of Riverhead website at www.riverheadli.com, click on bid requests, or at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

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

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

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

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 161

**DECLARES NF DEVELOPMENT LLC IN DEFAULT REGARDING
THE SUBDIVISION ENTITLED "REEVES FARMS"**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Planning Board, by resolution dated May 3, 2002, approved the final plat subdivision map entitled "Reeves Farms"; and

WHEREAS, NF Development LLC has posted Greenwich Insurance Company Subdivision Bond #45013765 in the amount of \$333,333.00 for improvements to be completed within said subdivision; and

WHEREAS, NF Development LLC has failed, or neglected to perform, the required site improvements within the subdivision entitled "Reeves Farms"; and

WHEREAS, NF Development LLC is in default in connection with said subdivision; and

WHEREAS, pursuant to Planning Board Resolution #2010-0068, dated December 16, 2010, it is requested that the Town Board call and draw upon the performance security posted in connection with this subdivision and retain the services of a licensed engineer to design the required improvements, suitable for public bid, and construct same at the expense of the developer.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby declares NF Development LLC in default and calls upon NF Development LLC to perform in all respects, all road and drainage improvements within the subdivision entitled "Reeves Farms" or reimburse the Town for the costs and damages which the Town may sustain by reason of failure of default, and for any and all costs associated with corrective action the Town takes in the interest of protecting the health, safety and well being of the community and its residents; and be it further

RESOLVED, that the Town Attorney is hereby directed to present Greenwich Insurance Company Subdivision Bond #45013765 in the amount of

\$333,333.00 to Greenwich Insurance Company for payment by reason of default of NF Development LLC; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to NF Development LLC, Peter S. Danowski, Jr., Attorney for NF Development LLC, 616 Roanoke Avenue, Riverhead, New York, 11901; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen ABSENT

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared TABLED

TOWN OF RIVERHEAD

Resolution # 162

ACCEPTS 100% SECURITY OF LOWE'S HOME CENTER

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, Lowe's posted cash security (Check #1969456) in the sum of Ten Thousand Dollars (\$10,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #2010-0043, dated June 3, 2010, for the demolition of an existing one story structure and to construct a 128,250 sq. ft. one story home center (with mezzanine) with a 31,131 sq. ft. garden center and associated improvements, upon real property located at 1461 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-101-2-15.6 and #0600-125-1-1 & 2.2, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said security and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the cash security in the sum of Ten Thousand Dollars (\$10,000.00) issued to the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a copy of this resolution to Joseph Buzzell, Esq., of the Law Firm of Buzzell, Blanda & Visconti, LLP, 535 Broadhollow Road, Suite B-4, Melville, NY, 11747; 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 163

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AMENDED AGREEMENT
AUTHORIZING THE TOWN TO ACCEPT FUNDS FROM SUFFOLK COUNTY
OFFICE FOR THE AGING FOR THE PURPOSE OF SUPPLEMENTING THE
TOWN'S SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Senior Citizen Department offers a wide variety of programs, activities and support services including meals for the elderly residents of the Riverhead community; and

WHEREAS, Suffolk County Office for the Aging is interested in defraying in part the costs for meals incurred by the Senior Citizen Department; and

WHEREAS, the Senior Citizen Department is interested in supplementing its budget regarding the costs for meals incurred by the Senior Citizen Department; and

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached amended agreement authorizing the Town of Riverhead to accept funds from Suffolk County Office for the Aging for the purpose of supplementing the budget of the Town's Supplemental Nutrition Assistance Program in an amount not to exceed \$237,436 for 2011/2012; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Joanne Kandell, Principal Accountant, Suffolk County Office for the Aging, H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, NY 11788; 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

Amendment of Agreement

This is the **Fourth Amendment of an Agreement (Agreement)**, last dated August 15, 2007 is between the **County of Suffolk (County)**, a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted **Office for the Aging (Aging)**, having its principal office at the H. Lee Dennison Building – 3rd Floor, 100 Veterans Memorial Highway, Hauppauge, New York (Mailing address: P.O. Box 6100, Hauppauge, New York 11788-0099), and the **Town of Riverhead (Contractor)**, a New York municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901.

The parties hereto desire to modify the Agreement to extend the term of the Agreement from April 1, 2011 through March 31, 2012 (the period April 1, 2011 through March 31, 2012 being hereinafter called the "2011/2012 Extension Period") and to add and amend other contract provisions to comply with current County Standards, as set forth herein.

Term of Agreement: Shall be April 1, 2007 through March 31, 2012.

Total Meals: **Daily Congregate Meals: 67**
Daily Home-Delivered Meals: 96

Total Cost of Agreement: Shall be on a fee-for- service basis, not to exceed \$1,157,208 (with \$237,436 for the 2011/2012 Extension Period), as set forth in Exhibits A-2011/2012, and C-2011/2012 attached.

Terms and Conditions: Shall be as set forth in Exhibits A-2011/2012, C-2011/2012, and the "Suffolk County Legislative Requirements Exhibit" revised 11/10 attached.

In Witness Whereof, the parties hereto have executed this Fourth Amendment of Agreement as of the latest date written below.

Town of Riverhead

County of Suffolk

By: _____
Sean M. Walter
Supervisor

By: _____
Name:
Deputy County Executive

Fed. Taxpayer ID #: 11-6001935
Date: _____

Date: _____
Approved:

_____, hereby certifies under penalties of perjury that I am an officer of _____, that I have read and I am familiar with §A5-7 of Article V of the Suffolk County Code, and that _____ meets all requirements to qualify for exemption thereunder.

By: _____
Holly S. Rhodes-Teague Date
Director, Office for the Aging

Signature Date _____

Recommended:
By: _____
Anna Prencipe Date
Food Service Supervisor

Approved as to Legality:

Christine Malafi
Suffolk County Attorney



By: _____
Jacqueline Caputi Date
Assistant County Attorney

Exhibit A-2011/2012

Whereas, the County and Contractor have entered into an Agreement (Law No. AG004M/0021-12R), last dated August 15, 2007, for a term from April 1, 2007 through March 31, 2008 for a senior citizen supplemental nutrition assistance program at a Total Cost of \$221,490; and

Whereas, the County and Contractor have entered into a First Amendment of Agreement (Law No. AG004M/0021-12RA) extending the term from April 1, 2008 through March 31, 2009 and (at an additional cost of \$228,169) increasing the Total Cost of the Agreement to \$449,659; and

Whereas, the County and Contractor have entered into a Second Amendment of Agreement (Law No. AG004M/0021-12RB) extending the term from April 1, 2009 through March 31, 2010 and (at an additional cost of \$232,677) increasing the Total Cost of the Agreement to \$682,336; and

Whereas, the County and Contractor have entered into a Third Amendment of Agreement (Law No. AG004M/0021-12RC) extending the term from April 1, 2010 through March 31, 2011 and (at an additional cost of \$237,436) increasing the Total Cost of the Agreement to \$919,772; and

Whereas, the parties hereto desire to modify the Agreement, to extend the term from April 1, 2011 through March 31, 2012 and (at an additional cost of \$237,436) to increase the Total Cost of the Agreement to \$1,157,208, and to add and amend other contract provisions to comply with current County Standards, as set forth below, and;

Now, therefore, in consideration of the covenants, promises and consent herein contained, the parties hereto agree as follows:

1. Term of Agreement:

The Term of Agreement paragraph on page 1 of the Agreement is amended to read April 1, 2007 through March 31, 2012 as set forth on the page 1 of this Fourth Amendment of Agreement.

2. Meals:

Effective as of the beginning of the Extension Period, the approximate daily number, and the maximum annual number, if any, of Congregate and/or Home-Delivered Meals included in the Program shall be as set forth on the cover page of this Fourth Amendment of Agreement.

3. Payment for Services:

The Total Cost of Agreement \$1,157,208 is comprised as follows:

- a. \$221,490 for the 2007/2008 contract term;
- b. \$228,169 for the 2008/2009 Extension Period;
- c. \$232,677 for the 2009/2010 Extension Period;
- d. \$237,436 for the 2010/2011 Extension Period;
- e. \$237,436 for the 2011/2012 Extension Period;

4. Rate Page:

The rate at which the Contractor shall be paid for this Extension Period is set forth in Exhibit C-2011/2012, which is attached and made part of the Agreement.

5. Poverty Threshold

Paragraph 8 (3) of Exhibit B to the Agreement entitled "Reporting Requirements, Demographics", referring to the Poverty Threshold, is amended to read as follows:

| Size of Family Unit | 100 % of Poverty Threshold (for IIC Nutrition program(s)) | 150% of Poverty Threshold (for SNAP Program(s)) |
|---------------------|--|--|
| 1 | \$10,830/year | \$16,245/year |
| 2 | \$14,570/year | \$21,855/year |

The Contractor will comply with the following amended provisions in conformance with current County requirements

6. Paragraph 8 of the Second Amendment to the Agreement, entitled "Contractor Responsibilities", is amended to add the following subparagraph iv.) under subparagraph a. "Duties and Obligations".

iv.) Services provided under this Contract shall be open to all residents of the County age 60 and over.

7. Paragraph 7 of the First Amendment entitled "Notices and Contact Persons" is replaced in its entirety with the following:

Notice

Unless otherwise expressly provided, all notices shall be in writing and shall be deemed sufficiently given if sent by regular first class mail and certified mail, or personally delivered during business hours as follows: 1.) to the Contractor at the address on page 1 of the Contract and 2.) to the County at the Department, or as to either of the foregoing, to such other address as the addressee shall have indicated by prior written notice to the addressor. All notices received by the Contractor relating to a legal claim shall be immediately sent to the Department and also to the County Attorney at H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, (Sixth Floor), Hauppauge, New York, 11788-0099.

8. Paragraph 8 of the First Amendment to the Agreement, entitled "Indemnification," is replaced in its entirety with the following:

Indemnification and Defense

- a. The Contractor shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses caused by the negligence or any acts or omissions of the Contractor, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of, or in connection with, the Contract.
- b. The Contractor hereby represents and warrants that it will not infringe upon any copyright in performing the Services. The Contractor agrees that it shall protect, indemnify, and hold harmless the County, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suits or actions, costs, and expenses arising out of any claim asserted for infringement of copyright, including reimbursement of the cost of reasonable attorneys' fees incurred by the County, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with any claim asserted for infringement of copyright.
- c. The Contractor shall defend the County, its agents, servants, officials, and employees in any proceeding or action, including appeals, arising out of, or in connection with, the Contract, and any copyright infringement proceeding or action. At the County's option, the

County may defend any such proceeding or action and require the Contractor to pay reasonable attorneys' fees of salary costs of County employees of the Department of Law for the defense of any such suit.

9. Paragraph 8 i). of the Third Amendment to the Agreement is replaced in its entirety with the following:

Budget and/or Services Revisions

- i.) The parties shall use the Contract Budget/Services Revision Approval Form (Budget /Services Revisions) for revisions to the Budget and Services involving any change to the total cost of the Contract due to a resolution of the Legislature, changes to the County's adopted annual budget, or for any other reason necessitating revisions to the Budget or Services.

The Contractor shall comply with the following added provisions in conformance with current County Standards.

10. Changes to Contractor

- a. The Contractor may, from time to time, only with the County's written consent, enter into a Permitted Transfer. For purposes of the Contract, a Permitted Transfer means:
- i.) if the Contractor is a partnership, the withdrawal or change, whether voluntary, involuntary or by operation of law, of the partners, or transfer of partnership interests (other than the purchase of partnership interests by existing partners, by the partnership itself or the immediate family members by reason of gift, sale or devise), or the dissolution of the partnership without immediate reconstitution thereof, and
- ii.) if the Contractor is a closely held corporation (i.e. whose stock is not publicly held and not traded through an exchange or over the counter):
1. the dissolution, merger, consolidation or other reorganization of the Contractor; and
 2. the sale or other transfer of twenty percent (20%) or more of the shares of the Contractor (other than to existing shareholders, the corporation itself or the immediate family members of shareholders by reason of gift, sale or devise).
- b. If the Contractor is a not-for-profit corporation, a change of twenty percent (20%) or more of its shares or members shall be deemed a Permitted Transfer.
- c. The Contractor shall notify the County in writing, which notice (the "Transfer Notice") shall include:
- i.) the proposed effective date of the Permitted Transfer, which shall not be less than thirty (30) days nor more than one hundred eighty (180) days after the date of delivery of the Transfer Notice;
 - ii.) a summary of the material terms of the proposed Permitted Transfer;
 - iii.) the name and address of the proposed transferee;
 - iv.) such information reasonably required by the County, which will enable the County to determine the financial responsibility, character, and reputation of the proposed transferee, nature of the proposed assignee/transferee's business and experience;

- v.) all executed forms required pursuant to **Article IV** of the Contract, that are required to be submitted by the Contractor; and
 - vi.) such other information as the County may reasonably require.
- d. The County agrees that any request for its consent to a Permitted Transfer shall be granted, provided that the transfer does not violate any provision of the Contract, and the transferee has not been convicted of a criminal offense as described under Article II of Chapter 143 of the Suffolk County Code. The County shall grant or deny its consent to any request of a Permitted Transfer within twenty (20) days after delivery to the County of the Transfer Notice, in accordance with the provisions of Paragraph 24 of **Article III** of the Contract. If the County shall not give written notice to the Contractor denying its consent to such Permitted Transfer (and setting forth the basis for such denial in reasonable detail) within such twenty (20)-day period, then the County shall be deemed to have granted its consent to such Permitted Transfer.
- e. Notwithstanding the County's consent,
- i.) the terms and conditions of the Contract shall in no way be deemed to have been waived or modified; and
 - ii.) such consent shall not be deemed consent to any further transfers.

11. Non Responsible Bidder

The Contractor represents and warrants that it has read and is familiar with the provisions of Suffolk County Code Chapter 143, Article II, §§143-5 through 143-9. Upon signing this Agreement the Contractor certifies that he, she, it, or they have not been convicted of a criminal offense within the last ten (10) years. The term "conviction" shall mean a finding of guilty after a trial or a plea of guilty to an offense covered under the provision of Section 143-5 of the Suffolk County Code under "Nonresponsible Bidder."

12. Gratuities

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

13. Full Force and Effect

Except as herein amended, all other representations, terms and conditions of said Agreement, including any and all amendments or budget modifications executed prior to the date hereof, are hereby ratified and confirmed to be in full force and effect.

— End of Text of Exhibit —

**Exhibit C-2011/2012
Rate Page**

TOWN of RIVERHEAD

Schedule of Fees for Services

| | Congregate Midday Meals | Home-Delivered Meals |
|--|------------------------------------|---------------------------------|
| Fifth Contract Year 2011/2012 | \$4.56 | \$6.44 |

Meals in excess of the number stated on the cover page will be used as local match for the Title III C program

TOWN OF RIVERHEAD

Resolution # 164

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE TO AMEND THE
PUBLIC AUTHORITIES LAW IN RELATION TO THE CREATION OF THE
PECONIC BAY REGIONAL TRANSPORTATION AUTHORITY**
(Senate Bill #S.1450/Assembly Bill #A.1403)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the legislature finds that the East End of Long Island possesses a unique infrastructure and population. Local towns and residents have had a longstanding disappointment with the Long Island Rail Road and its inaction and inattentiveness to problems on the East End. It is the goal of this legislation to create a regional transportation authority that is familiar with and can concentrate on local, regional transportation matters. Its purpose will be the continuance, further development and improvement of transportation and other related services; and

WHEREAS, Bill S.1450/A.1403 has been introduced in the New York State Assembly with the intent that such legislative act would create the Peconic Bay Regional Transportation Authority. The Peconic Bay Regional transportation district shall be comprised of the Towns of Brookhaven, East Hampton, Riverhead, Shelter Island, Southampton and Southold. The six members of the Authority would be the town supervisors (or their appointed designee) of each of these towns, one of which would be elected chairperson by the members; and

WHEREAS, the Authority will be responsible for the preparation of a plan relating to the continuance, further development and improvement of transportation and other related services of the District. The plan would discuss transportation alternatives including, but not limited to, creation of park and rail facilities, establishment of shuttle trains, addition of more nonstop trains from New York City to the Peconic Bay, and reconfiguration of the county-wide bus system; and

WHEREAS, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature for the creation of the Peconic Bay Regional Transportation Authority; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road - Suite #4, Selden, NY, 11784, Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932; the Community Development Office and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 165

**OFFERS SUPPORT TO THE NEW YORK STATE LEGISLATURE TO AMEND
THE GENERAL MUNICIPAL LAW IN RELATION TO THE CREATION OF THE
PECONIC BAY REGIONAL TRANSPORTATION COUNCIL AND PROVIDE
FOR THE REPEAL OF SUCH PROVISIONS UPON EXPIRATION THEREOF**
(Senate Bill #S.1459/Assembly Bill #A.1412)

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the legislature finds that over the past thirty years, rapid growth and development in the Peconic Bay region of Long Island, while providing for a successful economy, has also resulted in some unavoidable, adverse impacts that threaten the region's future quality of life and future economic prosperity. Traffic congestion has been one of the primary adverse impacts from such rapid development; and

WHEREAS, Bill S.1459/A.1412 has been introduced in the New York State Assembly with the intent that such legislative act would create the Peconic Bay Regional Transportation council. This act would foster the cooperation necessary to implement a public transit proposal for the Peconic Bay region. This legislation will give the local governments the regional framework to develop and implement this initiative, and will mandate the cooperation of state and federal agencies. Further, it will provide for the involvement of all stakeholders and community members in the development process to insure an open and comprehensive decision making process; and

WHEREAS, a proposition to approve the implementation plan shall be submitted to the voters as a referendum in each of the towns in the Peconic Bay region at the general election to be held at least ninety (90) days after the completion of the minimum of five public hearings to be held in each town of the Peconic Bay region. Such referendum shall be deemed approved if it is approved by a majority of the voters voting on such referendum in each town in the Peconic Bay region; and

WHEREAS, a Home Rule request has been received by the Town of Riverhead in support of the above captioned legislation; and

WHEREAS, the Town recognizes the adverse impacts resulting from growing traffic congestion and the need to explore other transportation options such as public transit.

NOW THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature to authorize the Towns of the Peconic Bay region to create the Peconic Bay Regional Transportation Council and provide for the repeal of such provisions upon expiration thereof; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road - Suite #4, Selden, NY, 11784, Assemblyman Fred W. Thiele, Jr., 2302 Main Street, P.O. Box 3062, Bridgehampton, NY, 11932; the Community Development Office and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 166

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 26 ENTITLED
"OFFICERS AND EMPLOYEES" OF THE RIVERHEAD TOWN CODE
(Article III and Article IV)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 26 entitled "Officers and Employees" of the Riverhead Town Code once in the March 10, 2011 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and 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 ABSENT
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 15th day of March, 2011 at 7:05 o'clock p.m. to consider a local law amending Chapter 26 entitled "Officers and Employees" of the Riverhead Town Code as follows:

**CHAPTER 26
OFFICERS AND EMPLOYEES**

Article III
Office of the Town Attorney (§ 26-10 — § 26-14)

§ 26-10. Title.

This article shall be known as "Office of the Town Attorney".

§ 26-11. Definitions.

Whenever used in this article, words in the singular include the plural and vice versa, and the following terms shall have the meaning indicated:

CODE -- The Code of the Town of Riverhead.

DEPUTY TOWN ATTORNEYS -- The Deputy Town Attorneys of the Office of the Town Attorney, one of whom shall act generally for and in place of the Town Attorney.

SUPERVISOR -- The Supervisor of the Town of Riverhead.

TOWN -- The Town of Riverhead.

TOWN ATTORNEY -- The head of the Office of the Town Attorney.

TOWN BOARD -- The Town Board of the Town of Riverhead.

§ 26-12. Establishment; Department head; functions, powers and duties.

A. Establishment. There shall be established herewith Office of the Town Attorney.

B. The principal executive officer and administrative head of the Office of the Town Attorney shall be the Town Attorney, who shall be appointed by the Town Board for the terms fixed by law at such salary as may from time to time be fixed by the Town Board. The Town Attorney shall be appointed on the basis of his administrative experience and

qualifications for the duties of such office. The Town Board may appoint Deputy Town Attorneys, one of whom shall generally act for and in behalf of the Town Attorney, at such salary and for such term as may from time to time be fixed by the Town Board, and who shall perform such duties as may be directed by the Town Board and as are vested in and imposed upon that office by the provisions of this article or any other statute or law.

C. Functions, powers and duties. The Town Attorney shall be the attorney for the Town Board and all of the Town officers in their official capacity and shall be the counsel and legal representative of the Town Board in all proceedings, undertakings or activities which the Town Board is concerned with or involved in. In addition, the Town Attorney shall have the following powers and duties:

- (1) To render legal advice to all Town departments, agencies and offices, as well as to special boards established by the Town Board.
- (2) To prepare or approve and process all leases and land acquisitions on behalf of the Town.
- (3) To prepare or approve and process all contracts entered into by the Town, its agencies and departments, including, where required, approval of notices to bidders, specifications, contract documents, insurance and bonds; to supervise the review and preparation of contracts and related local laws and any and all change orders and notices of lien; and to attend all necessary conferences involving departments, consultants and contractors and render legal advice and assistance during the term of such contracts.
- (4) To prepare and process all special agreements entered into by and on behalf of the Town, such as consultant agreements and concession agreements.
- (5) To prepare, review and recommend all Town local laws and amendments thereto and related public notices and local laws.
- (6) To perform legal research and render legal opinions.
- (7) To review all petitions and exhibits for changes of zone and special use permits, including preparation of public notices and related, local laws.
- (8) To review all applications and petitions in relation to special district improvements or extensions, including preparation of related public notices, local laws, orders and other required documents.
- (9) Except as otherwise provided, to represent the Town in all litigation matters, including the preparation and filing of all necessary pleadings, briefs, memoranda of law, etc., and make recommendations as to settlement or appeal of such matters.
- (10) To prosecute violations of Town local laws; provided, however, that the Town Attorney may negotiate dispositions in such matters.

(11) The Town Attorney shall be empowered to commence, defend or appeal actions and proceedings in the name of the Town as in his judgment may be necessary for the benefit or protection of the Town in any of its rights or property.

(12) The Town Attorney shall be empowered to perform such other duties and functions which are prescribed to be performed by him in any local law or resolution of the Town Board or lawful directive of the Supervisor. However, the Town Attorney may delegate any of his powers to or direct any of his duties to be performed to any Deputy Town Attorney.

(13) Furthermore, the Town Attorney is hereby authorized and empowered, subject to the prior approval of the Town Board, except that such prior approval will not be required in cases of emergency, to retain and employ private consultants, experts and other parties which the Town Attorney deems proper and appropriate in promulgating the responsibilities and obligations of his office.

(14) To assume any additional duties as may be assigned by the Town Board.

§ 26-13. Enactment pursuant to municipal home rule.

The provisions set forth in this Article are enacted pursuant to Municipal Home Rule Law §§ 10(1)(ii)(a)(1) and 10(1)(ii)(d)(3), and is intended to supersede Town Law § 65(1).

§ 26-14. Powers of Supervisor.

Nothing herein contained shall be construed to delegate or transfer any powers of the Supervisor contained in the Town Law of the State of New York or any other statutory or other powers which may be exercised lawfully by the Supervisor.

Article IV **Zoning Officer of the Town of Riverhead (§26-15 - §26-21)**

§26-15. Title.

This article shall be known as “Zoning Officer of the Town of Riverhead”.

§ 26-16. Purpose.

This article is adopted to codify a series of resolutions adopted in 1976 creating the position of Building & Zoning Administrator, the title “Building Inspector” was substituted in place of the title “Building & Zoning Administrator”, and defining duties, including enforcement of the zoning code referred to as Ordinance 29, now known as Chapter 108. In addition, it is the intent of this article to clarify and designate additional town personnel to interpret and enforce the zoning provisions set forth in Chapter 108.

§ 26-17. Administrator of the Building Department.

The Administrator of the Building Department, also known as Senior Building Inspector, shall be the principal executive officer and administrative head of the Building Department.

§26-18. Establishment, powers and duties.

The Administrator of the Building Department shall administer, supervise, manage, coordinate and enforce the zoning laws and applicable local laws, ordinances, rules and regulations of the Town of Riverhead and the applicable building codes, state and/or local, and applicable laws of the State of New York as legally required throughout the properties of the Town of Riverhead, including issuance of appearance tickets as set forth in §3-1; issue stop work orders as set forth in §52-4 and §108-74.1; and, such other powers or duties set forth in the provisions of the Town Code or as in his judgment may be necessary for the benefit or protection of the Town in any of its rights or property. In addition, the Administrator of the Building Department shall have the authority to review, evaluate, judge and advise on applications related to the Town Code of the Town of Riverhead, and such other applicable laws, ordinances and regulations of the Town of Riverhead and applicable laws of the State of New York. The Administrator of the Building Department, in conformance with the Civil Service Law, may designate such building inspectors as he/she deems necessary to enforce the zoning laws and applicable local laws, ordinances, rules and regulations of the Town of Riverhead and the applicable building codes, state and/or local, and applicable laws of the State of New York. Nothing herein above, shall be deemed to diminish or restrict the performance of such duties as are vested in and imposed upon the Building Administrator, Senior Building Inspector, Building Inspector or such other officers or persons employed in the Building Department.

§26-19. Investigations Unit of the Office of the Town Attorney.

The Investigations Unit of the Office of the Town Attorney, commonly referred to as "Code Enforcement", shall have authority to enforce the zoning laws and applicable local laws, ordinances, rules and regulations of the Town of Riverhead and the applicable building codes, state and/or local, and applicable laws of the State of New York as legally required throughout the properties of the Town of Riverhead. In addition, the Town Investigator and such other persons who are certified as Code Enforcement Officials as provided by Title 19 NYCRR Part 434, are authorized to issue appearance tickets as defined by §150.10 of the Criminal Procedure Law, summonses or any other notices as permissible by law for violation of the sections of the Town Code of the Town of Riverhead over which they have jurisdiction. Nothing herein above, shall be deemed to diminish or restrict the performance of such duties as are vested in and imposed upon the departments, officers or employees identified above. Nothing herein above, shall be deemed to diminish or restrict the performance of such duties as are vested in and imposed upon the Investigations Unit, Senior Town Investigator, Town Investigator and such other officers or persons employed in the Investigations Unit.

§26-20. Planning Director for the Town of Riverhead.

The Planning Director of the Town of Riverhead shall be vested with authority to make, issue, and render determinations regarding compliance with the provisions of the zoning code for site plan, special permit, and subdivision applications, however, the Director of Planning shall not have authority as granted to "authorized issuing officers" as set forth in §3-1 of the Town Code. Nothing herein above shall be deemed to diminish or restrict the performance of such duties as are vested in and imposed upon the Planning Director or such officers or persons under the supervisor of the Planning Director.

§26-21. Enactment pursuant to Town Law §268, §138 and Municipal Home Rule.

The provisions set forth in this Article are enacted pursuant to Town Law §268, Town Law §138, Municipal Home Rule Law §§ 10(1)(ii)(a)(1) and 10(1)(ii)(d)(3), and is intended to supersede Town Law § 65(1).

- Underline represents addition(s)

Dated: Riverhead, New York
March 1, 2011

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

03.01.2011
110167

ADOPTED

TOWN OF RIVERHEAD

Resolution # 167

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR DRY HYDRATED LIME (CALCIUM HYDROXIDE)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for Dry Hydrated Lime (calcium hydroxide) in the March 10, 2011, issue of *The News-Review*; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **DRY HYDRATED LIME (CALCIUM HYDROXIDE)** for use by the Town of Riverhead will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:10 a.m. on March 24, 2011.**

Bid Specifications and/or Plans may be examined at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. Bid Specifications and/or Plans may be obtained by visiting the Town of Riverhead website at www.riverheadli.com. Click on "Bid Requests" and follow the instructions for registration and obtaining a copy of the bid document.

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

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

All bids are to be submitted in a sealed envelope bearing the designation **BID #2011-16-RWD DRY HYDRATED LIME – RIVERHEAD WATER DISTRICT.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

03.01.2011
110168

ADOPTED

TOWN OF RIVERHEAD

Resolution # 168

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR
CORROSION CONTROL CHEMICAL (PO4)**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders for Corrosion Control Chemical (PO4) in the March 10, 2011, issue of *The News-Review*; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **CORROSION CONTROL CHEMICAL (PO4)** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 a.m. on March 24, 2011.**

Bid Specifications and/or Plans may be examined at the Town Clerk's office at Town Hall Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. A copy of the bid specifications may be obtained by visiting the Town of Riverhead website at www.riverheadli.com. Click on "Bid Requests".

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

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

All bids are to be submitted in a sealed envelope bearing the designation **BID FOR CORROSION CONTROL CHEMICAL (PO4) – RIVERHEAD WATER DISTRICT BID #2011-19-RWD**

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

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 169

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

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the below advertisement as a display ad in the March 10, 2011, issue of The News Review.

TOWN OF RIVERHEAD
PUBLIC NOTICE

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

1. Apply to the Riverhead Town Police Department no later than March 25, 2011; and
2. Have reached age twenty (20) by date of application; and
3. Be a high school graduate or possess a high school equivalency diploma, recognized by the New York State Department of Education; and
4. Successfully pass a qualifying psychological evaluation as directed by the Suffolk County Department of Civil Service; and
5. Successfully pass a qualifying medical evaluation as directed by the Suffolk County Department of Civil Service; and
6. Successfully pass a qualifying physical fitness agility evaluation at the direction of the Suffolk County Department of Civil Service; and
7. Submit to polygraph testing as directed; and
8. Be a United States citizen; and

9. Possess a valid New York State operator's or chauffeur's license at the time of original appointment and throughout their employment; and
10. Successfully pass an applicant background investigation conducted by the Suffolk County Police Department; and
11. Attend the Suffolk County Police Academy for a minimum of 587 hours of instruction.
12. The course of instruction is **TENTATIVELY** scheduled to begin in the Fall of 2011.

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

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

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

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

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 ABSENT
 Wooten Yes No Dunleavy Yes No
 Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #170

PAYS BILLS

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

| RESOLUTION # | | ABSTRACT #11-07 February 17 & 24, 2011 (TBM 03/02/11) | | |
|---------------------------------|-----|---|---------------------|---------------------|
| FUND NAME | | 02/17/11 CHECKRUN | 02/24/11 CHECKRUN | GRAND TOTALS |
| GENERAL FUND | 1 | 357,809.92 | 902,832.73 | 1,260,642.65 |
| RECREATION PROGRAM FUND | 6 | 63.70 | 5,105.74 | 5,169.44 |
| CHILD CARE CENTER BUILDING FUND | 9 | 50.82 | - | 50.82 |
| ECONOMIC DEVELOPMENT ZONE FUND | 30 | 750.30 | 3,409.30 | 4,159.60 |
| HIGHWAY FUND | 111 | 45,492.39 | 101,440.06 | 146,932.45 |
| WATER DISTRICT | 112 | 30,377.20 | 506,592.28 | 536,969.48 |
| RIVERHEAD SEWER DISTRICT | 114 | 16,943.54 | 27,601.31 | 44,544.85 |
| REFUSE & GARBAGE COLLECTION DI | 115 | 2,202.92 | 362,261.11 | 364,464.03 |
| STREET LIGHTING DISTRICT | 116 | 3,918.65 | 21,891.17 | 25,809.82 |
| PUBLIC PARKING DISTRICT | 117 | 673.64 | - | 673.64 |
| BUSINESS IMPROVEMENT DISTRICT | 118 | - | 38,429.64 | 38,429.64 |
| AMBULANCE DISTRICT | 120 | 113.99 | 14.82 | 128.81 |
| EAST CREEK DOCKING FACILITY FU | 122 | - | 1,987.96 | 1,987.96 |
| CALVERTON SEWER DISTRICT | 124 | 4,941.08 | 1,513.64 | 6,454.72 |
| RIVERHEAD SCAVANGER WASTE DIST | 128 | 6,969.51 | 45,694.09 | 52,663.60 |
| WORKERS' COMPENSATION FUND | 173 | - | 61,561.77 | 61,561.77 |
| RISK RETENTION FUND | 175 | 1,135.61 | - | 1,135.61 |
| CDBG CONSORTIUM ACOUNT | 181 | 5,000.00 | 715.53 | 5,715.53 |
| GENERAL FUND DEBT SERVICE | 384 | - | 86,127.60 | 86,127.60 |
| WATER DISTRICT CAPITAL PROJECT | 412 | 31,823.75 | 146,394.09 | 178,217.84 |
| RIVERHEAD SEWER CAPITAL PROJ. | 414 | 2,250.00 | - | 2,250.00 |
| TRUST & AGENCY | 735 | 359,766.16 | 1,103,087.70 | 1,462,853.86 |
| CALVERTON PARK - C.D.A. | 914 | 25.26 | 1,086.05 | 1,111.31 |
| TOTAL ALL FUNDS | | 870,308.44 | 3,417,746.59 | 4,288,055.03 |

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

03.01.2011
110171

ADOPTED

TOWN OF RIVERHEAD

Resolution #171

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AN
EMPLOYEE**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute an agreement, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Meg Ferris, Personnel Director, the Office of the Town Attorney and the Office of Accounting.

THE VOTE

Giglio Yes No Gabrielsen ABSENT
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 the resolution was taken OFF THE FLOOR

THE VOTE:

Yes – 4 Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

03.01.2011
110172

ADOPTED

TOWN OF RIVERHEAD

Resolution # 172

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO REPEAL AND REPLACE ARTICLE XXIII, RESIDENCE RC DISTRICT (RETIREMENT COMMUNITY) OF CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, that the Town Clerk is hereby authorized to publish the attached public notice to consider a proposed local law to repeal and replace Article XXIII, Residence RC District (Retirement Community) of Chapter 108 entitled "Zoning" of the Riverhead Town Code once in the March 10, 2011 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose and 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 - ABSENT
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 the resolution was taken OFF THE FLOOR

THE VOTE:

Yes – 4 Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes
NO - 0

**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 2:10 o'clock p.m. to consider a local law to repeal and replace Article XXIII, Residence RC District (Retirement Community) of Chapter 108 entitled "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING**

**ARTICLE XXIII, Residence RC District (Retirement Community)
(~~§ 108-116 — § 108-119~~)**

~~§108-116. Purpose.~~

~~It is the purpose of this article to implement the recommendations of the Master Plan to permit the construction of high density living accommodations and attendant services within a hamlet area as specifically mapped within the Town of Riverhead through the use of transferred development rights.~~

~~§108-117. Uses.~~

~~In the Residence RC District (Retirement Community), 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 or occupied, unless otherwise provided in this chapter for the following special permitted uses:~~

- ~~A. One-family dwelling units, either attached or designed to provide living accommodations for persons over the age of 55 years.~~
- ~~B. Accessory uses. Accessory uses shall include those uses customarily incidental to the above permitted uses.~~

~~§108-118. General lot, yard and height requirements.~~

~~No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified. The as-of-right development yield shall not exceed one dwelling unit per 40,000 square feet of land area without the use of transferred development rights.~~

~~§108-119. Additional requirements.~~

~~There shall be a protective planting strip or buffer, not less than 10 feet in width, along any lot line abutting a residential district or use. No structure, storage or parking or other uses shall be permitted within this strip or buffer. Said buffer or strip will be planted with evergreens or similar vegetation which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen between districts.~~

~~B. The site plan shall show, in addition to all other requirements of this chapter, the following:~~

- ~~(1) The proposed method of collection and disposal of stormwater, designed so as not to interfere with adjoining properties or burden public facilities.~~
- ~~(2) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.~~
- ~~(3) The method of water supply and of sewage disposal, conforming to Health Department requirements.~~

~~C. Parking shall be provided in conformity with the Parking Schedule and § 108-60 of this chapter. For each parking space required, there shall be provided 30 square feet of landscaped island or green area. Such areas shall not be less than eight feet in width, measured on the shortest side. Such areas shall be contained by curbs conforming to the Town of Riverhead highway specifications. Said areas shall be landscaped in accordance with § 108-64.1D of this chapter and shall be maintained as set forth in Subsection A above.~~

(§108-116 – §108-120)

§108-116. Purpose.

It is the purpose of this article to implement the recommendations of the Master Plan to permit the construction of high density living accommodations with suitable and adequate facilities and services for older persons and disabled individuals, including but not limited to congregate living, housekeeping services, social, cultural and recreational activities all designed to meet the needs of the elderly and disabled and permit these individual's to enjoy an independent, pleasant and safe lifestyle. In addition, it is the intent of the Town Board to provide a diversity of housing types and locate this housing in areas located in close proximity to shopping, medical offices, public services and public transportation.

§108-117. Definitions.

ADULT DAY HEALTH CARE -- Health services and activities provided to a group of individuals with functional impairments to maintain their health status and enable them to remain in the community.

ASSISTED LIVING -- A facility providing basic residential services, such as laundry, housekeeping, and meals, 24 hour supervision (scheduled and unscheduled) in a physical environment designed to maximize autonomy, privacy and independence. An assisted living unit shall not be equipped with a full complement of kitchen facilities, i.e. oven or stove top, instead, the kitchen area shall be shared and recreation area.

ASSISTED LIVING RESIDENTS -- Are those residents who are mobile, with or without aids, need minimum assistance with activities of daily living and do not require 24 hour nursing care.

HEALTH RELATED SERVICE -- Facility which provides lodging board and physical care.

HOSPITAL OR HOSPITAL SERVICE -- The preadmission, out-patient and post discharge care provided in or by a hospital and such other items or services as are necessary for such care, which are provided by or under the supervisor of a physician for the purpose of prevention, diagnosis or revetment of human disease, pain, injury deforming it, including but not limited to nursing service, home-care nursing, ambulance service, laboratory survive, medical social service.

INDEPENDENT LIVING -- Senior citizens who are generally in good health such that they are independent in daily living activities and do not require assisted living or skilled nursing services.

NURSING HOME -- A facility providing nursing care to sick, invalid, infirm, or convalescent persons in addition to lodging and board or health related services or a combination thereof.

RESIDENTIAL HEALTH CARE FACILITY -- A nursing home or a facility providing health related service.

SKILLED NURSING CARE -- Require 24 hour nursing care.

§ 108-118. Uses.

- A. In the Residence RC District (Retirement Community), 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 or occupied, unless otherwise provided in this chapter except for the following special permitted uses: Senior Citizen single family residential dwelling units, detached, semidetached or attached, designed to provide independent living accommodations for persons over the age of 55 years. Planned retirement housing community with senior citizen single family residential dwelling units, detached, semidetached or attached, designed to provide living accommodations for persons over the age of 55 years, together with intermediate, chronic and/or convalescent residential units and care facilities, including nursing home, assisted living, skilled nursing care, continuum of care ranging from minimal care to intensive health and personal care for persons over the age of 55 years licensed by the State of New York. At least 30% of the residential units or accommodations (beds) shall be designed and dedicated to intermediate or chronic care.
- B. Accessory uses. Accessory uses shall include structures, buildings, or improvements which are located on the same lot as the principal permitted use and clearly incidental to the principal use and designed for the sole use of the residents of the community or their guests. An accessory use shall not include any activity conducted as a business (financial gain) or open to the general public.

§ 108-119. Dimensional, height, and lot requirements.

- A. No building shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be modified by the provisions set forth under this Article Retirement Community.
- B. There shall be dimensional/square footage requirements for all residential units within a planned retirement community, to wit: independent single family dwelling units shall not exceed 1200 square foot and may not be less than 600 square feet, the intermediate/assisted living residential units shall not exceed 1000 square feet and may not be less than 400 square feet, and the convalescent care units shall not exceed 600 square feet.
- C. The independent single family residential unit's component of the Planned Retirement Community shall be built primarily for first floor living, with master bedroom and wheel chair accessible bathroom provided on the first floor. In addition at least 25% of the single family dwelling units shall be built to meet senior daily accessibility requirements with doorways of sufficient width to accommodate a wheelchair and at least one bathroom and kitchen appropriately designed to enable wheelchair turning in a single turn and meet ANSI standards. There shall be a maximum of two (2) bedrooms per dwelling unit.

D. The development yield or lot requirements for residential units shall be as follows:

(1) The as-of-right development yield shall not exceed one dwelling unit per 40,000 square feet of land area without the use of transferred development rights for senior citizen single family housing development

(2) The as-of-right development yield for residential dwelling units within a planned retirement housing community provided that least 30% of the residential units or accommodations (beds) shall be designed and dedicated to intermediate or chronic care shall be as follows:

(a) Independent single family residential dwelling units shall not exceed four dwelling units per 40,000 square feet of land without the use of transferred of development rights

(b) Intermediate/assisted living residential units (shared amenities) shall not exceed six units per 40,000 square feet of land without the use of transfer of development rights

(c) Chronic/convalescent residential units shall not exceed eight units per 40,000 square feet without the use of development rights.

(d) The maximum height of the building shall not exceed 2.5 stories or 35 feet

(e) The lot size shall consist of at least fifteen acres of contiguous land in single or consolidated ownership the development shall be non-sub dividable. Multiple lots shall be consolidated prior to approval of this development.

§108-120. Additional requirements.

A. There shall be a protective planting strip or buffer, not less than 10 feet in width, along any lot line abutting a residential district or use. No structure, storage or parking or other uses shall be permitted within this strip or buffer. Said buffer or strip will be planted with evergreens or similar vegetation which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide and effective natural screen between districts.

B. The site plan shall show, in addition to all other requirements of this chapter the following:

(1) All lots shall be located within the Town of Riverhead Water District and Sewer District or located within 1500 feet of the Water District and Sewer District and subject to approval for the requisite capacity for the proposed development. Applicant shall be responsible for all costs related to application for Water and or Sewer District extension and costs related to extension of the appurtenances to include the parcel in the water/sewer district.

- (2) The method of water supply and of sewage disposal, conforming to Health Department requirements.
- (3) At least 30 % of the total site area shall be devoted to open space which shall be kept in its natural state or landscaped and maintained with grass for passive recreational uses such as picnic area, walking trails, gardening and horticultural.
- (4) Pedestrian traffic: the use of interconnecting walkways, trails and natural walking paths shall be an integral part of the design of any development to facilitate access between common areas, groups of dwellings units and open space areas.
- (5) All primary walkways and sidewalks shall meet Americans with Disabilities Act (ADA) requirements. Trails and natural walking paths are exempt from this requirement however the Town encourages maximizing accessibility to all residents. Due consideration shall be given to planning walks, ramps, driveways to prevent slipping, stumbling and handrails and ample places for rest shall be strategically provided.
- (6) A buffer strip of not less than 50' feet in width, consisting of massed trees and shrubbery or existing mature vegetation supplemented by new landscaping shall be maintained alongside and rear property lines. The trees and shrubbery shall consist of evergreens and deciduous plant material which, when planted, shall be at least six feet tall and when mature shall be maintained at a height of not less than eight feet, so as to provide an effective natural screen. No structure, storage or parking or other uses shall be permitted within this strip or buffer.
- (7) All utilities shall be placed underground, including telephone, electric and cable telephone service.
- (8) All parking shall comply with the parking schedule set forth in Chapter 108 Attachments 1:1 through 1:4.
- (9) No parking shall be provided within 50' of the principal frontage. Parking and loading areas shall be placed as far from adjacent residences as possible and surrounded by landscaping.
- (10) The proposed method of collection and disposal of storm water, designed so as not to interfere with adjoining properties or burden public facilities.
- (11) The proposed lighting facilities for the safety of pedestrian and vehicular traffic, with exterior spotlighting of buildings or grounds to be from shaded sources and located so that the light beams are not directed toward any lot in a residential district or toward a public highway.

(12) Parking shall be provided in conformity with the Parking Schedule Editor's Note:
The Parking Schedule is included at the end of this chapter and § 108-60 of this
chapter.

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

Dated: Riverhead, New York
March 1, 2011

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

02.15.11 TABLED
03.01.11 UNTABLED
03.01.11 ADOPTED

02.15.2011
110122

TOWN OF RIVERHEAD

Resolution # 122

APPOINTS A PART-TIME ANIMAL CONTROL OFFICER I TO THE ANIMAL CONTROL DIVISION OF THE RIVERHEAD TOWN POLICE DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the need for a Part-time Animal Control Officer I exists in the Animal Control Division of the Riverhead Town Police Department; and

WHEREAS, this position was duly posted for in accordance with Article XII, Section 3 of the CSEA Contract, advertised for on the Riverhead Town website, interviews were conducted; and

WHEREAS, pursuant to a completed background investigation, a recommendation has been made by the Chief of Police and the Personnel Committee to appoint Maureen Schneider to this part-time position.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby appoints Maureen Schneider to the part-time position of Animal Control Officer I at an hourly rate of \$15.00 effective February 28, 2011; and

BE IT FURTHER, RESOLVED that the Town Clerk be and is hereby directed to forward a copy of this resolution to Maureen Schneider, the Chief of Police, the Financial Administrator and the Personnel Officer. 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 can 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**

03.01.11

On a motion of Councilman Wooten, seconded by Councilwoman Giglio, resolution #122 was UNTABLED

THE VOTE:

ABSENT Gabrielsen

Yes – 4 Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO – 0

Immediately thereafter, on a motion of Councilman Wooten, seconded by Councilman Dunleavy resolution #122 was ADOPTED

THE VOTE:

ABSENT Gabrielsen

Yes – 4 Giglio, yes; Wooten, yes; Dunleavy, yes; Walter, yes

No - 0