

August 18, 2009

The Town Clerks Office is responsible for assigning the Councilpersons' names to each resolution without any particular preference to content.

PUBLIC COMMENT ON ANY TOWN BOARD RESOLUTION

- Res. #778 Business Improvement District Budget Adjustment**
- Res. #779 George Young Community Center Capital Improvement Project Budget Adoption**
- Res. #780 General Town Budget Adjustment**
- Res. #781 Authorization to Discard Fixed Assets**
- Res. #782 Accepts 100% Site Plan security of Tyree Service Corp. (7-Eleven Store, Route 58, Riverhead**
- Res. #783 Authorizes the Release of Site Plan Security of Montgomery Distributors LLC (American Service Station)**
- Res. #784 Amends Resolution #751**
- Res. #785 Authorizes CSEA Vice President to Attend Annual Delegates Meeting**
- Res. #786 Ratifies the Appointment of a Call-In Lifeguard to the Recreation Department (Charles Patrick Thomas)**
- Res. #787 Appoints a Recreation specialist to the Riverhead Recreation Department (Kristin Realander)**
- Res. #788 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for a Part-Time Kennel Attendant**
- Res. #789 Authorizes Norton Brothers Dunn to Perform Survey of Main Street, Jamesport**

- Res. #790** Authorizes Martin Sendlewski to Proceed with Architectural Design Services for the Cupola Improvement Project at the George Young Community Center
- Res. #791** Declares Wading Woods Associates, LLC in Default Regarding Condominium Project Entitled, “Condominium Map of Wading Woods”
- Res. #792** Authorization to Publish Advertisement for Propane for the Town of Riverhead
- Res. #793** Authorizes Town Clerk to Publish and Post Notice of Public Hearing Special Use Permit of Maryann Diliberto
- Res. #794** Authorizes the Supervisor to Execute an Amended Agreement Authorizing the Town to Accept Funds from Suffolk County Office for the Aging to Supplement the Town’s Expanded In-Home Services for the Elderly Program
- Res. #795** Authorizes the Supervisor to Execute an Agreement with the Riverhead Fire District (Data Sharing of GIS Data)
- Res. #796** Approves the Application for Fireworks Permit of Gabriella Billanti (Wedding at Vineyard Caterers)
- Res. #797** Approves the Chapter 90 Application of Darkside Productions Inc.
- Res. #798** Approves the Chapter 90 Application of Fink’s Country Farm, Inc.
- Res. #799** Approves the Chapter 90 Application of Garden of Eve, LLC
- Res. #800** Approves Chapter 90 Application of St. John the Evangelist R.C. Church (Chinese Auction – October 17, 2009)
- Res. #801** Approves Chapter 90 Application of St. John the Evangelist R.C. Church (Craft Fair – December 5, 2009)
- Res. #802** Awards Bid for Calcium Hypochlorite Tablets

- Res. #803 Awards Bid on a 1981 Mack Model RM Cab and Chassis with a Combination Dump Body**
- Res. #804 Adopts a Local Law Amending Chapter 76 Entitled “Loitering” of the Riverhead Town Code**
- Res. #805 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-56 Signs)**
- Res. #806 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-60 Off-Street Parking)**
- Res. #807 Adopts a Local Law Amending Chapter 44 Entitled “Agricultural Land Preservation” of the Riverhead Town Code**
- Res. #808 Adopts a Local Law Amending Chapter 65 Entitled “Flood Damage Prevention” of the Riverhead Town Code**
- Res. #809 Rescinds Resolution #768 (to Authorize the Town Clerk to Post and Publish a Notice to Bidders for West Main Street Comfort Station Renovation Project)**
- Res. #810 Authorizes the Town Clerk to Post and Publish the Attached Notice to Bidders for the Town of Riverhead West Main Street Comfort Station Renovation Project**
- Res. #811 Authorizes Release of Developer Money Fedun Estates**
- Res. #812 Authorizes Release of Developer Money Demchuk Estates**
- Res. #813 Awards Bid for Peconic Avenue Crosswalk Improvement Project**
- Res. #814 Authorizes Dunn Engineering Associates, P.C. to Proceed with Grangebél Park Timber Pedestrian Bridge Design and Preparation of Bid Document Specifications**
- Res. #815 Pays Bills**

August 18, 2009

Adopted

TOWN OF RIVERHEAD

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 778

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

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

		<u>FROM</u>	<u>TO</u>
118.064100.543925	Riverhead BID Mgt. Assoc.	10,000	
118.064100.542609	Promotions-Special Projects		10,000

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

August 18, 2009

Adopted

TOWN OF RIVERHEAD

GEORGE YOUNG COMMUNITY CENTER

CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 779

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by **COUNCILMAN WOOTEN**.

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.70902	Special Trust Transfers	35,000	
406.071400.523004.70901	Cupola Improvements- GYCC		35,000

THE VOTE

Wooten Yes No

Dunleavy Yes No Blass Yes No

Cardinale Yes No

August 18, 2009

Adopted

TOWN OF RIVERHEAD

GENERAL TOWN

BUDGET ADJUSTMENT

RESOLUTION # 780

COUNCILMAN WOOTEN

offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**.

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

		<u>FROM</u>	<u>TO</u>
001.016240.545110	Building Rent Expense	13,700	
001.072300.524000	Equipment		13,700

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



TOWN OF RIVERHEAD

AUTHORIZATION TO DISCARD FIXED ASSETS

RESOLUTION # 781

COUNCILWOMAN RIASS offered the following resolution, which was seconded by COUNCILMAN DUNLEAVY.

WHEREAS, the indicated broken equipment has been salvaged for parts and is no longer usable; and

WHEREAS, after careful consideration the following departments have made recommendations to the Accounting Department that this equipment has no residual value and should be discarded. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

WHEREAS, unless the Sanitation Supervisor determines the item can be disposed of through the STOP Program.

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

<u>Department</u>	<u>Tag #</u>	<u>Description</u>
Police	4548	2 Drawer File Cabinet
Police	4550	2 Drawer File Cabinet
Police	20926	2 Drawer File Cabinet
Water	29472	Back-up UPS
Fire Marshal	22816	Sony Mavica Camera
Fire Marshal	24162	Sony Mavica Camera
Accounting	23232	Sony Mavica Camera
Accounting	3928	Grey Cabinet
Police	21263	Brown High Back Chair
Police	21279	Alcosensor
Police	20295	Camera
Police	27544	Shredder
Sewer	757	Storage Cabinet
Sewer	2322	Fire Extinguisher
Sewer	5959	Folding Chair
Sewer	5966	Folding Chair
Sewer	5967	Folding Chair
Sewer	5991	Folding Chair
Seniors	28215	Folding Chair
Seniors	28251	Folding Chair
Seniors	28202	Folding Chair
Seniors	28221	Folding Chair
Seniors	28223	Folding Chair
Seniors	28227	Folding Chair
Seniors	28226	Folding Chair
Seniors	21369	Power Control
Seniors	20408	UPS

Sewer 5959
Sewer 5966
Sewer 5967
Sewer 5991
Sewer 757
Sewer 2322
Tax Receiver 26429
Accounting 1018
Accounting 4260
Accounting 1052
Accounting 49
Accounting 20232
Accounting 6086
Accounting 22040
Police 24631
Police 20195
Police 24556

Folding Chair
Folding Chair
Folding Chair
Folding Chair
Metal Cabinet
Fire Extinguisher
Calculator
File Cabinet
File Cabinet
File Cabinet
Metal Desk
Chair
Table
Chair
Nikon Camera (broken)
Canon Camera (broken)
Nikon Camera (broken)

THE VOTE

Wooten Yes No
Dunleavy Yes No Blass Yes No
Cardinale Yes No



8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 782

**ACCEPTS 100% SITE PLAN SECURITY OF TYREE SERVICE CORP.
(7-ELEVEN STORE, ROUTE 58, RIVERHEAD)**

COUNCILMAN DUNLEAVY offered the following resolution,
which was seconded by COUNCILMAN WOOTEN:

WHEREAS, Tyree Service Corp. has submitted Westchester Fire Insurance Company Performance Bond #K08108079 in the sum of Fifty-Six Thousand Dollars (\$56,000.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #18, dated February 19, 2009, for improvements to be completed at 1733 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map #0600-119-1-8, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said performance bond 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 above referenced performance bond in the amount of Fifty-Six Thousand Dollars (\$56,000.00) bound unto 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 Charles R. Cuddy, Esq., 445 Griffing Avenue, Riverhead, NY, 11901 and Westchester Fire Insurance Company, 1601 Chestnut Street, Philadelphia, PA, 19103; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 783

**AUTHORIZES THE RELEASE OF SITE PLAN SECURITY OF
MONTGOMERY DISTRIBUTORS LLC
(American Service Station)**

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS :

WHEREAS, Montgomery Distributors LLC posted an M & T Bank Irrevocable Standby Letter of Credit No. SB-912074-0001 in the amount of Ninety Three Thousand Five Hundred Dollars (\$93,500.00) for connection with Riverhead Planning Board Resolution #73, dated August 7, 2008, for improvements to be made at an existing gas station located on the southeast corner of Main Road (Route 25) and Washington Avenue, Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-68-4-1, pursuant to Section 108-133(I) of the Riverhead Town Code; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned security in the sum of Ninety Three Thousand Five Hundred Dollars (\$93,500.00); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Montgomery Distributors LLC, 90 Merrick Avenue, Suite 510, East Meadow, New York, 11554 and M & T Bank, 25 South Charles Street – 11th Floor, Baltimore, MD, 21201; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

August 18, 2009

Tabled

TOWN OF RIVERHEAD

Resolution # 784

AMENDS RESOLUTION #751

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

RESOLVED, that Resolution #751 dated August 4, 2009 appointing Steven Sanders as a Recreation Specialist Level I to the Recreation Department effective August 3, 2009 be amended to state Mr. Sander's title as a Recreation Leader Level III; and

BE IT FURTHER, RESOLVED, that Mr. Sanders rate of pay as a Recreation Leader Level III be set at \$13.60 per hour.

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Steven Sanders, the Superintendent of Recreation, the Personnel Officer and the Office of Accounting.

The Vote

Wooten	Yes No	Dunleavy	Yes No
Blass	Yes No	Cardinale	Yes No

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

August 18, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 785

AUTHORIZES CSEA VICE PRESIDENT TO ATTEND ANNUAL DELEGATES MEETING

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN.

WHEREAS, the Civil Service Employees Association (CSEA) is holding the Annual Delegates Meeting from Monday, September 14, 2009 through Friday, September 18, 2009; and

WHEREAS, attendance at the Annual Delegates Meeting is mandatory for elected CSEA delegates; and

WHEREAS, it is the desire of William J. Walsh, President of CSEA Suffolk Local 852 that the CSEA Suffolk Local 852 2nd Vice President Matthew Hattorff attend such meeting.

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes Administrative Leave for Matthew Hattorff to attend the aforementioned meeting providing the leave is cost neutral to the Town; and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to William J. Walsh, CSEA Local 852 President, Matthew Hattorff, the Personnel Officer, and the Office of Accounting..

The Vote

WOOTEN yes no

DUNLEAVY yes no

BLASS yes no

CARDINALE yes no

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 786

**RATIFIES THE APPOINTMENT OF
A CALL-IN LIFEGUARD TO THE
RECREATION DEPARTMENT**

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that the Town Board appoints Charles Patrick Thomas to the Recreation Department as a Call-In Lifeguard, Level I, to be paid at the rate of \$11.00, effective August 5, 2009, and to serve as needed on an at will basis and to serve at the pleasure of the Town Board.

BE IT FURTHER, RESOLVED, that this position is subject to the following conditions:

1. All applications and appropriate forms are to be completed (in the Office of Accounting) **PRIOR** to start
2. Subject to Suffolk County Lifeguard Certifications.
3. Current CPR/ AED Certifications

BE IT FURTHER RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk. ¹

WOOTEN yes no

DUNLEAVY yes no BLASS yes no

CARDINALE yes no

THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec.Colleen/Res.Lifeguard Patrick Thomas

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 787

APPOINTS A RECREATION SPECIALIST
TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN BLASS offered the following Resolution,
which was seconded by COUNCILMAN DUNLEAVY

RESOLVED, that Kristin Realander is hereby appointed as a Call-In Recreation Specialist Level I for Sailing effective, August 19, 2009 to serve as needed on an at will basis to be paid at the rate of \$20.00 per hour, and to serve at the pleasure of the Town Board; and

BE IT FURTHER, RESOLVED, that this position is subject to the following condition(s):

All applications and appropriate forms are to be completed (in the Office of Accounting) PRIOR to start date; and

BE IT FURTHER, RESOLVED, that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk¹

WOOTEN yes no
DUNLEAVY yes no BLASS yes no
CARDINALE yes no
THIS RESOLUTION is is not
DECLARED DULY ADOPTED

¹ Rec Tom.Res.K.Realander

August 18, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 788

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD
FOR
A PART-TIME KENNEL ATTENDANT**

COUNCILMAN DUNLEAVY offered the following
resolution, which was seconded by COUNCILMAN WOOTEN

RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help
Wanted Ad in the August 27, 2009 issue of The News Review;

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

HELP WANTED

PLEASE TAKE NOTICE, that the Town of Riverhead is seeking a qualified individual to serve in the position of PT Kennel Attendant. Applicants must be at least 18 years of age, possess a clean, current driver's license, and be available on weekends. Applications are to be submitted to the Personnel Office, 1295 Pulaski Street, Riverhead, NY, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on September 4, 2009. EOE

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

THE VOTE

WOOTEN ___yes___no

DUNLEAVY ___yes___no

BLASS ___yes___no

CARDINALE ___yes___no

THIS RESOLUTION _____is_____is not

DECLARED DULY ADOPTED

August 18, 2009

TOWN OF RIVERHEAD
RESOLUTION # 789

AUTHORIZES NORTON BROTHERS DUNN TO PERFORM SURVEY OF
MAIN STREET, JAMESPORT

COUNCILMAN WOOTEN offered the following resolution which was
seconded by COUNCILWOMAN BLASS

WHEREAS, the Town of Riverhead wishes to investigate the feasibility of sidewalk installation along Main Street in Jamesport; and

WHEREAS, in order to determine the scope of work and costs associated with the proposed sidewalk installation, it is necessary to obtain a survey of the Main Street area from Circle Drive to the beginning of a curve east of Manor Lane; and

WHEREAS, the Town Board and the Engineering Department requested a proposal to provide professional surveying service for the above referenced area; and

WHEREAS, Norton Brothers Dunn has submitted a proposal to perform the required survey work; and

WHEREAS, the submitted proposal has been reviewed and discussed by the Engineering Department and the members of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize Norton Brothers Dunn to proceed with surveying the Jamesport Main Street area as outlined on the proposal in the amount, not to exceed, Thirteen Thousand Eight Hundred Forty Five & 00/100 (\$13,845.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead Purchase Order in the amount listed above; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to forward a certified copy of this resolution to Norton Brother Dunn, 294 Medford Avenue, Patchogue, NY 11772 and to make this resolution available on the ecabinet to the Engineering Department, Community Development, Purchasing Department and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.

Adopted

August 18, 2009

TOWN OF RIVERHEAD
RESOLUTION # 790

AUTHORIZES MARTIN SENDLEWSKI TO PROCEED WITH ARCHITECTURAL DESIGN SERVICES FOR THE
CUPOLA IMPROVEMENT PROJECT AT THE
GEORGE YOUNG COMMUNITY CENTER

COUNCILWOMAN BLASS offered the following resolution which was

seconded by COUNCILMAN DUNLEAVY.

WHEREAS, the cupola at the George Young Community Center is deteriorating and in need of improvements; and

WHEREAS, it is necessary to obtain a structural assessment of the existing cupola to define the extent of work required.

WHEREAS, the Town Board and the Engineering Department requested proposals to provide professional architectural services to perform the required work; and

WHEREAS, two proposals were received, reviewed and discussed by the Engineering Department and the members of the Town Board.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby accept the proposal submitted by Martin F. Sendlewski, AIA and authorize him to proceed with the scope of services outlined in his proposal in the, not to exceed, amount of Two Thousand Eight Hundred & 00/100 (\$2,800.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Engineering Department to secure a Town of Riverhead purchase order in the amount of \$2,800; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to forward a certified copy of this resolution to Martin F. Sendlewski, AIA, 215 Roanoke Avenue, Riverhead, New York 11901 and make this resolution available on the ecabinet for the Engineering Department, Purchasing Department and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.

8/18/09

TOWN OF RIVERHEAD

Adopted

Resolution # 791

**DECLARES WADING WOODS ASSOCIATES, LLC IN DEFAULT REGARDING
CONDOMINIUM PROJECT ENTITLED, "CONDOMINIUM MAP OF WADING WOODS"**

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by
COUNCILMAN WOOTEN :

WHEREAS, the Riverhead Planning Board by resolution dated February 5, 2001, approved the final map entitled, "Condominium Map of Wading Woods" situated at Wading River, New York; and

WHEREAS, by Resolution #958 dated September 18, 2001, the Riverhead Town Board accepted Nova Casualty Company Performance Bond #15547 in the amount of \$42,600.00 to ensure the performance of the work to be completed at the condominium project; and

WHEREAS, by Resolution #356 dated April 3, 2001, the Riverhead Town Board accepted Nova Casualty Company Performance Bond #11687 in the amount of \$282,500.00 to ensure the performance of the work to be completed at the condominium project; and

WHEREAS, pursuant to Riverhead Planning Board resolution dated December 20, 2002, based upon the inspection and recommendation of John J. Raynor, consulting engineer to the Planning Board, it was recommended that the performance bond posted for the improvements to be completed in the condominium development be reduced from \$282,500.00 to the amount of \$94,166.77; and

WHEREAS, by Resolution #44 dated January 7, 2003, the Riverhead Town Board approved the reduction of the performance bond from \$282,500.00 to the amount of \$94,166.67; and

WHEREAS, Wading Woods Associates, LLC has failed or neglected to fully and properly complete the required site improvements in accordance with their site plan approval.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby declares Wading Woods Associates, LLC in default and calls upon Wading Woods Associates, LLC to complete in all respects, all improvements in connection with their site plan approval 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 wellbeing of the community and its residents; and be it further

RESOLVED, that the Town Attorney is hereby directed to present the Nova Casualty Company Surety Bond #NYCR11687 and Nova Casualty Company Performance Bond #15547 for receipt of payment under the terms of said approval hereunder; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Wading Woods Associates, LLC, Attn: David Marom, Principal, 130 Post Avenue, Westbury, New York, 10022; Nova Casualty Company, 726 Exchange Street, Suite 1020, Buffalo, New York 14210; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

AUGUST 18, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 792

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR
PROPANE
FOR THE TOWN OF RIVERHEAD

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for PROPANE FOR THE TOWN OF RIVERHEAD and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 27, 2009 issue of the News Review and;

BE IT RESOLVED, that the Town Clerk be, and hereby is, authorized to forward a copy of this resolution to the Purchasing Department.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **PROPANE** for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on SEPTEMBER 8, 2009.**

Bid packets, including Specifications, may be obtained on our website at www.riverheadli.com Or at the Town Clerk's office at Town Hall Monday through Friday between the hours of 8:30 a.m. and 4:30 p.m.

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 to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR PROPANE 2009-10.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

August 18, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 793

**Authorizes Town Clerk to Publish and Post Notice of Public Hearing
Special Use Permit of Maryann Diliberto**

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Maryann Diliberto seeking a special use permit for a bed-and-breakfast facility on premises located at Manor Lane, Jamesport, New York more particularly described as Suffolk County Tax Lot Number 0600-47-2-5.5 pursuant to Town Code provisions 108-22 (B)(1) and 108-64.5; and

WHEREAS, the application submitted by applicant, Maryann Diliberto, describes the work on the site as construction of a breezeway between the single family residence and a wine tasting house and internal renovations of a portion of the second story of the wine tasting house; and

WHEREAS, the applicant has appeared before the Town Board with respect to the special use permit petition, and

WHEREAS, pursuant to Town Code 108-133.4, the Riverhead Town Board desires to hold a public hearing on the subject special use permit at this time; and

THEREFORE BE IT RESOLVED, that the Town Clerk hereby be authorized to publish and post the attached notice of public hearing, and

BE IT FURTHER

RESOLVED, applicant is directed to comply with the Town Code 108-133.4(c) regarding notification to all property owners located within 500' radius of the subject property and such other and all conditions set forth in the Town Code.

BE IT FURTHER

RESOLVED, that a copy of this resolution be forwarded to Maryann Diliberto, the Town Attorney, the Planning Department and if needed a certified copy of same may be obtained from the office of Town Clerk.

. THE VOTE

DUNLEAVY YES ___ NO
BLASS YES ___ NO WOOTEN YES ___ NO
CARDINALE YES ___ NO
THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at the Wading River Congregational Church, North Country Road, Wading River, New York, on the 15th of September 2009 at 7:05 o'clock pm, to consider the special use permit petition of Maryann Diliberto seeking a special use permit for a bed-and-breakfast facility and a description of proposed work on the site as: construction of a breezeway between the single family residence and a wine tasting house and internal renovations of a portion of the second story of the wine tasting house together with renovations to the second floor portion of the existing wine tasting house to operate the bed and breakfast at Manor Lane, Jamesport, New York; such property more particularly described as Suffolk County Tax Lot Number 0600-47-2-5.5.

Dated: Riverhead, New York

Date: August 18, 2009

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

August 18, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 794

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AMENDED AGREEMENT
AUTHORIZING THE TOWN TO ACCEPT FUNDS FROM SUFFOLK COUNTY
OFFICE FOR THE AGING TO SUPPLEMENT THE TOWN'S EXPANDED
IN-HOME SERVICES FOR THE ELDERLY PROGRAM**

COUNCILMAN DUNLEAVY, offered the following resolution, which was seconded
by COUNCILMAN WOOTEN.

WHEREAS, the Senior Citizen Department offers a wide variety of programs, activities and support services including non-medical in-home personal care to the elderly residents of the Riverhead community; and

WHEREAS, Suffolk County Office for the Aging is interested in defraying a portion of the non-medical in-home personal care costs incurred by the Senior Citizen Department; and

WHEREAS, the Senior Citizen Department is interested in supplementing its in-home personal care to the elderly residents of the Riverhead community; 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 non-medical in-home personal care program for the elderly residents of Riverhead; 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 E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

Amendment of Agreement

This is the Fourth Amendment of an Agreement (Agreement), last dated October 14, 2005, 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 H. Lee Dennison Building, 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 terms of the Agreement for the in-home personal care services under the Expanded In-Home Services for the Elderly Program (EISEP) and the Community Services for the Elderly Program (CSE) for the period from April 1, 2009 through March 31, 2010 (the period April 1, 2009 through March 31, 2010 being hereinafter called the "2009/2010 Extension Period"), and to add and amend certain contract provisions to comply with current County Standards, as set forth herein.

Term of Agreement: Shall be April 1, 2005 through March 31, 2010.

Total Cost of Agreement: Shall be paid on a fee-for-service basis for each contract year (April 1 through the following March 31), at the rate of \$14.44 for the current contract, as set forth in Exhibit C-2009/2010 attached.

Terms and Conditions: Shall be as set forth in Exhibit A-2009/2010, C-2009/2010 and the "Suffolk County Legislative Requirements Exhibit" revised 11/08, 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: _____
Philip Cardinale
Supervisor

By: _____
Name:
Deputy County Executive

Fed. Taxpayer ID #: 11-6001935

Date: _____

Approved as to Legality:
Town of Riverhead

Approved:

By: _____ Date
Dawn Thomas
Town Attorney

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

Date: _____

Recommended:

_____, 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: _____ Date
Ritva Gottesman
Asst. Senior Citizen Program Coordinator

Signature Date



0003463

Approved as to Legality:

Christine Malafi
Suffolk County Attorney

By: _____ Date
Jacqueline Caputi
Assistant County Attorney

Exhibit A –2007/2010

Whereas, the County and Contractor have entered into an Agreement (Law No. AG002M/0015-10R), last dated October 14, 2005, for a term from April 1, 2005 through March 31, 2006 with four one-year extensions at the County's option for an EISEP/CSE Housekeeper/Chore Program; and

Whereas, the County and Contractor have entered into a First Amendment of Agreement (Law No. AG002M/0015-10RA) extending the term of the Agreement from April 1, 2006 through March 31, 2007; and

Whereas, the continuity of service delivery is considered to be in the best interest of the County and the frail, elderly clients and their families for the best possible outcomes, so the County and Contractor entered into a Second Amendment of Agreement (Law No. AG002M/0015-10RB) extending the term of the Agreement from April 1, 2007 through March 31, 2010; and

Whereas, the County and Contractor have entered into a Third Amendment of Agreement (Law No. AG002M/0015-10RC) increasing the unit cost to \$14.07; and

Whereas, the parties hereto desire to modify the Agreement to increase the unit cost to \$14.44, as stated on the cover page of this Fourth Amendment of Agreement and in Exhibit C-2009/2010, and to add and amend certain contract provisions to comply with current County standards, as set forth below;

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 the cover page of the Agreement remains April 1, 2005 through March 31, 2010 as set forth on page 1 of this Fourth Amendment of Agreement.

2. Rate Page:

The rate at which the Contractor shall be paid for the 2009/2010 Extension Period is as set forth in Exhibit C-2009/2010, annexed hereto and made part of the Agreement.

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

3. Contractor Responsibilities

Paragraph 1 of Exhibit A1 is deleted in its entirety and replaced with the following:

Contractor Responsibilities

a. Duties and Obligations

- i.) It shall be the duty of the Contractor to discharge, or cause to be discharged, all of its responsibilities and to administer funds received in the interest of the County in accordance with the provisions of the Contract.
- ii.) The Contractor shall promptly take all action as may be necessary to render the Services.
- iii.) The Contractor shall not take any action that is inconsistent with the provisions of the Contract.

b. Qualifications, Licenses, and Professional Standards

- i.) The Contractor represents and warrants that it has, and shall continuously possess, during the Term, the required licensing, education, knowledge, experience, and character necessary to qualify it to render the Services.
- ii.) The Contractor shall continuously have during the Term of the Contract all required authorizations, certificates, certifications, registrations, licenses, permits, and other

approvals required by Federal, State, County, or local authorities necessary to qualify it to render the Services.

c. Notifications

- i.) The Contractor shall immediately notify the County, in writing, of any disciplinary proceedings, commenced or pending, with any authority relating to a license held by any person necessary to qualify him or the Contractor to perform the Services.
- ii.) In the event that a person is no longer licensed to perform the Services, the Contractor must immediately notify the Department, but in no event shall such notification be later than five (5) days after a license holder has lost the license required to qualify him or the Contractor to perform the Services.
- iii.) In the event that the Contractor is not able to perform the Services due to a loss of license, the Contractor shall not be reimbursed for the Services rendered after the effective date of termination of such license. Without limiting the generality of the foregoing, if any part of the Contract remains to be performed, and the termination of the license does not affect the Contractor's ability to render the Services, every other term and provision of the Contract shall be valid and enforceable to the fullest extent permitted by law.

d. Documentation of Professional Standards

The Contractor shall maintain on file, in one location in Suffolk County, all records that demonstrate that it has complied with sub-paragraphs (b) and (c) above. The address of the location of the aforesaid records and documents shall be provided to the County no later than the date of execution of the Contract. Such documentation shall be kept, maintained, and available for inspection by the County upon 24 hours notice.

4. Agreement Subject to Appropriation of Funds

Paragraph 3, subparagraph f of Exhibit A1 to the Agreement is deleted in its entirety and replaced with the following:

f. Subject to Appropriation of Funds

- i. The Contract is subject to the amount of funds appropriated and any subsequent modifications thereof by the Legislature, and no liability shall be incurred by the County beyond the amount of funds appropriated by the Legislature for the Services.
- ii. If the County fails to receive Federal or State funds originally intended to pay for the Services, or to reimburse the County, in whole or in part, for payments made for the Service, the County shall have the sole and exclusive right to:
 - a) Determine how to pay for the Services;
 - b) Determine future payments to the Contractor; and
 - c) Determine what amounts, if any, are reimbursable to the County by the Contractor and the terms and conditions under which such reimbursement shall be paid.
- iii. The County may during the Term impose a Budget Deficiency Plan. In the event that a Budget Deficiency Plan is imposed, the County shall promptly notify the Contractor in writing of the terms and conditions thereof, which shall be deemed incorporated in and made a part of the Contract, and the Contractor shall implement those terms and conditions in no less than 14 days.

- iv. Any Budget Deficiency Plan shall be deemed to be incorporated by reference and made part of the Contract.

5. Publications and Publicity

Paragraph 27 of Exhibit A1 to the Agreement is deleted in its entirety and replaced with the following:

Publications and Publicity

- a. The Contractor shall not issue or publish any book, article, report, or other publication related to the Services without first obtaining written prior approval from the County. After approval in writing is obtained, all such printed matter or other publication shall contain the following statement in clear and legible print:

"This publication is fully or partially funded by the Suffolk County Executive's Office."

- b. The Contractor shall not issue press releases or any other information to the media, in any form, concerning the Services without obtaining prior written approval from the County.

6. 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."

7. 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).

8. 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-2009/2010
RATE PAGE
EISEP Housekeeper/Chore Program
Town of Riverhead
April 1, 2009– March 31, 2010

Non Medical in-home personal care to be paid at the rate of \$14.44 per unit of service, as authorized in the care plan, for April 1, 2009 through March 31, 2010.

Exhibit
Suffolk County Legislative Requirements revised 11/08

1. Contractor's/Vendor's Public Disclosure Statement

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section A5-7 of Article V of the Suffolk County Code.

Unless certified by an officer of the Contractor as being exempt from the requirements of section A5-7 of Article V of the Suffolk County Code, the Contractor represents and warrants that it has filed with the Comptroller the verified public disclosure statement required by Suffolk County Administrative Code Article V, Section A5-7 and shall file an update of such statement with the Comptroller on or before the 31st day of January in each year of the Contract's duration. The Contractor acknowledges that such filing is a material, contractual and statutory duty and that the failure to file such statement shall constitute a material breach of the Contract, for which the County shall be entitled, upon a determination that such breach has occurred, to damages, in addition to all other legal remedies, of fifteen percent (15%) of the amount of the Contract.

Required Form: Suffolk County Form SCEX 22; entitled "Contractor's/Vendor's Public Disclosure Statement"

2. Living Wage Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 347, of the Suffolk County Code.

This Contract is subject to the Living Wage Law of the County of Suffolk. The law requires that, unless specific exemptions apply all employers (as defined) under service contracts and recipients of County financial assistance, (as defined) shall provide payment of a minimum wage to employees as set forth in the Living Wage Law. Such rate shall be adjusted annually pursuant to the terms of the Suffolk County Living Wage Law of the County of Suffolk. Under the provisions of the Living Wage Law, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Forms: Suffolk County Living Wage Form LW-1; entitled "Suffolk County Department of Labor – Living Wage Unit Notice of Application for County Compensation (Contract)"

Suffolk County Living Wage Form LW-38; entitled "Suffolk County Department of Labor – Living Wage Unit Living Wage Certification/Declaration – Subject To Audit"

3. Use of County Resources to Interfere with Collective Bargaining Activities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 466 of the Suffolk County Code.

County Contractors (as defined by section 466-2) shall comply with all requirements of Chapter 466 of the Suffolk County Code including the following prohibitions:

- a. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- b. No County funds shall be used to reimburse the Contractor for any costs incurred to assist, promote, or deter union organizing.
- c. The Contractor shall not use County funds to assist, promote, or deter union organizing.
- d. No employer shall use County property to hold a meeting with employees or supervisors if the purpose of such meeting is to assist, promote, or deter union organizing.

If the Services are performed on County property the Contractor must adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, non-intimidation agreement, and a majority authorization card agreement.

If the Services are for the provision of human services and are not to be performed on County property, the Contractor must adopt, at the least, a neutrality agreement.

Under the provisions of Chapter 466, the County shall have the authority, under appropriate circumstances, to terminate the Contract and to seek other remedies as set forth therein, for violations of this Law.

Required Form: Suffolk County Labor Law Form DOL-LO1; entitled "Suffolk County Department of Labor – Labor Mediation Unit Union Organizing Certification/Declaration – Subject to Audit"

4. Lawful Hiring of Employees Law

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 234 of the Suffolk County Code.

The Contract is subject to the Lawful Hiring of Employees Law of the County of Suffolk. It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

All contractors and subcontractors (as defined) of covered employers, and the owners thereof, as the case may be, that are assigned to perform work in connection with a County contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit to the covered employer a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees and with respect to the alien and nationality status of the owners thereof, as the case may be. The affidavit shall be executed by an authorized representative of the contractor, subcontractor, or owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement between the covered employer and the County; and shall be made available to the public upon request.

An updated affidavit shall be submitted by each such employer, owner, contractor and subcontractor no later than January 1 of each year for the duration of any contract and upon the renewal or amendment of the contract, and whenever a new contractor or subcontractor is hired under the terms of the contract.

The Contractor acknowledges that such filings are a material, contractual and statutory duty and that the failure to file any such statement shall constitute a material breach of the Contract.

Under the provisions of the Lawful Hiring of Employees Law, the County shall have the authority to terminate the Contract for violations of this Law and to seek other remedies available under the law.

The documentation mandated to be kept by this law shall at all time be kept on site. Employee sign-in sheets and register/log books shall be kept on site at all times during working hours and all covered employees, as defined in the law, shall be required to sign such sign-in sheets/register/log books to indicate their presence on the site during such working hours.

Required Forms: Suffolk County Lawful Hiring of Employees Law Form LHE-1; entitled "Suffolk County Department of Labor –"Notice Of Application To Certify Compliance With Federal Law (8 U.S.C. SECTION 1324a) With Respect To Lawful Hiring of Employees"
"Affidavit of Compliance with the Requirements of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

5. Gratuities

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Chapter 386 of the Suffolk County Code.

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of the County or the 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.

6. Prohibition Against Contracting with Corporations that Reincorporate Overseas

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of §§ A4-13 and A4-14 of Article IV of the Suffolk County Code.

The Contractor represents that it is in compliance with §§ A4-13 and A4-14 of Article IV of the Suffolk County Code. Such law provides that no contract for consulting services or goods and services shall be awarded by the County to a business previously incorporated within the U.S.A. that has reincorporated outside the U.S.A.

7. Child Sexual Abuse Reporting Policy

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article IV of Chapter 577 of the Suffolk County Code.

The Contractor shall comply with Article IV of Chapter 577, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy," as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of the Contract with regard to child sexual abuse reporting policy.

8. Non Responsible Bidder

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of Article II of Chapter 143 of the Suffolk County Code.

Upon signing the Contract, the Contractor certifies that it has 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."

9. Use of Funds in Prosecution of Civil Actions Prohibited

It shall be the duty of the Contractor to read, become familiar with, and comply with the requirements of section 590-3 of Article III of Chapter 590 of the Suffolk County Code.

The Contractor shall not use any of the moneys, in part or in whole, and either directly or indirectly, received under the Contract in connection with the prosecution of any civil action against the County in any jurisdiction or any judicial or administrative forum.

10. Work Experience Participation

If the Contractor is a nonprofit or governmental agency or institution, each of the Contractor's locations in the County at which the Services are provided shall be a work site for public-assistance clients of Suffolk County pursuant to Local Law No. 15-1993 at all times during the term of the Contract. If no Memorandum of Understanding ("MOU") with the Suffolk County Department of Labor for work experience is in effect at the beginning of the term of the Contract, the Contractor, if it is a nonprofit or governmental agency or institution, shall enter into such MOU as soon as possible after the execution of the Contract and failure to enter into or to perform in accordance with such MOU shall be deemed to be a failure to perform in accordance with the Contract, for which the County may withhold payment, terminate the Contract or exercise such other remedies as may be appropriate in the circumstances.

11. Suffolk County Local Laws Website Address

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County website at <http://www.co.suffolk.ny.us>."

End of Text for Exhibit

SUFFOLK COUNTY DEPARTMENT OF LABOR – LABOR MEDIATION UNIT
UNION ORGANIZING CERTIFICATION/DECLARATION – SUBJECT TO AUDIT

If the following definition of "County Contractor" (Union Organizing Law Chapter 466-2) applies to the contractor's/beneficiary's business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

County Contractor: "Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above."

Section I



Check if
Applicable

The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as to the goods and/or services that are the subject of the contract with the County of Suffolk shall not use County funds to assist, promote, or deter union organizing (Chapter 466-3 A), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing. (Chapter 466-3 B)

I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing. (Chapter 466-3 H)

I/we further agree that I/we will not use County property to hold meetings to assist, promote, or deter union organizing. (Chapter 466-3E)

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made,

I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request. (Chapter 466-3 I)

I/we further affirm to the following as to the goods and/or services that are the subject of the contract with the County of Suffolk:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by prerecognition labor disputes through the adoption of nonconfrontational procedures for the resolution of prerecognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

Section II



Check if
Applicable

The Union Organizing Law does not apply to this contract for the following reason(s): _____

Section III

Contractor Name: Town of Riverhead Federal Employer ID#: 11-600-1935

Contractor Address: 200 Howell Ave Amount of Assistance: _____

Riverhead, New York 11901 Vendor #: _____

Contractor Phone #: 727-3200

Description of project or service: EISEP Expanded In-Home Services for the Elderly

Section IV

In the event any part of the Union Organizing Law, Chapter 466 of the Laws of Suffolk County, is found by a court of competent jurisdiction to be preempted by federal and/or state law, this certification/declaration shall be void *ab initio*.

Section V

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

Authorized Signature

Date

Phil Cardinale, Supervisor
Print Name and Title of Authorized Representative

STATEMENT OF OTHER CONTRACTS

CONTRACTOR NAME

Town of Riverhead

ADDRESS

200 Howell Ave. Riverhead, N.Y. 11901

CONTACT

Judy Doll

PHONE NUMBER

722-4444

PROGRAM	AGREEMENT NUMBER	*CONTRACT WITH	TERM OF AGREEMENT	AMOUNT
SNAP	IFM No. SE exe 08 000001865	SCOPA	4/1/08 - 3/31/09	228,169
AIAA transportation	IFM NO SC exe 08 000001424	SCOPA	4/1/08 - 3/31/09	10,361
Res: Repair		SCOPA	1/1/09 - 12/31/09	27,701

*Indicate (a) type of organization - County, State, Federal or Other and (b) name of Department, Agency or Organization

8/18/09

TOWN OF RIVERHEAD

Adopted

Resolution # 795

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT
WITH THE RIVERHEAD FIRE DISTRICT
(Data Sharing of GIS Data)**

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, at a significant expense, the Town of Riverhead has developed a geographic database file in the Town; and

WHEREAS, the Riverhead Fire District desires to utilize the Town's geographic database in its geographic information system ("GIS") to locate existing building structures and utilities related to its fire protection functions; and

WHEREAS, the Town desires to cooperate with the Riverhead Fire District; and

WHEREAS, the District desires to use the Town's geographic database file(s) in its geographic information system ("GIS")/computer aided dispatch system (CAD) related to its fire protection functions;

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the supervisor to execute an Agreement (copy attached hereto) between the Town of Riverhead and the Riverhead Fire District; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Fire District, 540 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 E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES ___ NO DUNLEAVY YES ___ NO

BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

**AGREEMENT
for**

Data Sharing of GIS Data

This Agreement is made by and between the Town of Riverhead ("Town"), a municipal corporation of the State of New York, located at 200 Howell Avenue, Riverhead, New York, and the

Riverhead Fire District ("District"), a municipal corporation of the State of New York, located at Roanoke Avenue, Riverhead New York.

Whereas, at significant expense, the Town has developed a geographic database file in the Town; and

Whereas, the District desires to use the Town's geographic database file(s) in its geographic information system ("GIS")/computer aided dispatch system (CAD) related to its fire protection functions; and

Whereas, the Town desires to cooperate with the District and provide the Town's GIS database file subject to and with the caveat that the District shall not have access to or connection with the Town's enterprise GIS systems or such other computer technology systems of the Town; and

Now Therefore, for the mutual promises contained in this MOU and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties agree as follows:

1. Data Sharing and Data Distribution

The Town will provide to the District the following GIS data ("Data") located only within the Town boundaries in an ESRI digital shapefile on a compact disc (CD) on or about September 1, 2009 and each succeeding year of this agreement:

- a. Planimetric Features (polygon file roadways, large building footprints, sports fields etc.)
- b. Street centerlines (line file road names only. Geocoding is not entirely available)
- c. Fire hydrant locations (point file schematic Riverhead Water District locations only)
- d. Water main locations (line file schematic Riverhead Water District locations only)
- e. Pine barrens boundaries (polygon outline of said features)
- f. Points of interest (point file with common name of sites)
- g. Parks and Recreation locations (polygon file parcel boundaries)
- h. Fire District Boundaries (polygon file boundaries)
- i. Riverhead Volunteer Ambulance District Boundary (polygon file boundary)

2. Town Use of Data

- a. The Town grants to the District a non-exclusive license to use the Data in its GIS for fire protection and CAD system viewing purposes only.
- b. The District agrees that it will not transfer, distribute or sell the Data, in its original form provided by the Town or any amended version of the Data as provided by the Town or District, to the public or any other entity.

3. As set forth in provision (2)(b) above, the District shall not transfer to any other entity, distribute or sell the Data for any purposes and the use of the Data is limited to use necessary to perform Fire District functions. The District shall advise the Town's Engineering/GIS Department as to any inquiries made to the District for copies of the Data. In the event the District violates this provision and provision 2(b) with respect to transfer, distribution or sale of the Data, the District shall pay the Town the sum of \$5000.00 for every breach of this provision of this agreement.

4. Severability

It is expressly agreed that if any term or provision of this MOU, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this MOU, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this MOU shall be valid and shall be enforced to the fullest extent permitted by law.

6. Merger; No Oral Changes

It is expressly agreed that this MOU represents the entire agreement of the parties, that all previous understandings are merged in this MOU. No modification of this MOU shall be valid unless written in the form of an Amendment and executed by both parties.

7. Section Titles

The section titles in this MOU are for convenience only and have no legal or contractual effect.

8. Governing Law

This MOU shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County; New York or the United States District Court for the Eastern District of New York.

9. Term of MOU

The term of this MOU shall commence on September 1, 2009 and shall continue until September 1, 2011. This MOU may be terminated at the option of the Town or the District at any time. This MOU may also be extended by mutual consent of the Town and the District, by amendment to this MOU

10. Notices and Contact Persons

- a. Any communication, notice, claim for payment, report, or other submission necessary or required to be made by the parties regarding this MOU shall be in writing and shall be given to the Town or the District or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For the Town:

**By First Class or Certified Mail, return Receipt Requested in Postpaid Envelope
or by Courier Service or by Fax or by Email**

Town of Riverhead
Engineering Department/GIS
Att. Robert Hubbs, GIS Supervisor
Tel 631 727-3200 ext 628

For the District:

**By First Class or Certified Mail, return Receipt Requested in Postpaid Envelope
or by Courier Service or by Fax or by Email**

Riverhead Fire District
___ Roanoke Avenue
Riverhead, New York 11901

Att.
Tel: 631

In the event the District receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third part defendant) to a lawsuit or any legal proceeding related to this MOU, the District shall immediately forward to the Town Attorney, at the addresses set forth above, copies of all papers filed by or against the District.

- c. Notices shall be deemed to have been duly delivered (i) if mailed, upon the seventh business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof; or (iii) if personally, pursuant to New York Civil Practice Law and Rules Section 311; or (iv) if by fax or email, upon the transmittal thereof. "Business Day" shall be defined as any day except a Saturday, a Sunday, or any day in which commercial banks are required or authorized to close in Suffolk Town, New York.
- d. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

11 No Intended Third Party Beneficiaries

This MOU is entered into solely for the benefit of Town and the District. No third party shall be deemed a beneficiary of this MOU, and no third party shall have the right to make any claim or assert any right under this MOU.

12. Limitation of Liability

The Town makes no warranties, express or implied, including, but not limited to, implied warranties of merchantability and fitness for a particular purpose. The Data was developed for governmental use by the Town. The Town makes no representations as to the accuracy, completeness, reliability, usability, or suitability for any purpose of the data or information contained or furnished in connection herewith and the Town shall be under no liability whatsoever for any use made thereof.

The Town shall not be liable for indirect, special, incidental, or consequential damages related to the District's use of the Data.

13. Entire Agreement

This MOU expresses the final agreement and understanding between the parties regarding the subject matter hereof. Any and all prior agreements, understandings, and representations are hereby terminated and cancelled in their entirety and are of no further force or effect.

In Witness Whereof, the parties have caused this MOU to be executed as of the date signed by the last party as indicated below:

Town of Riverhead

Riverhead Fire District

By: _____

By: _____

Name:
Title: Town Supervisor

Name:
Title: Chairman, Board of Commissioners

Date: _____

Date: _____

8/18/09

TOWN OF RIVERHEAD

Tabled

Resolution # 796

APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
GABRIELLA BILLANTI
(Wedding at Vineyard Caterers)

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

_____:

WHEREAS, on August 10, 2009, Gabriella Billanti submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the Vineland Caterers at 978 Main Road, Riverhead, New York on September 12, 2009 at 7:45 p.m.; and

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

WHEREAS, Gabriella Billanti has paid the applicable Fireworks Permit Application fee.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Gabriella Billanti for the purpose of conducting a fireworks display to be held at the Vineyard Caterers at 978 Main Road, Riverhead, New York on September 12, 2009, at 7:45 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department who must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 10:00 a.m. and 12:00 noon on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Jamesport Fire Chief in attendance.
- Fireworks and technicians must arrive at the Vineyard Caterers no later than 12:00 noon on the day of the event.
- Fire Marshal to be present 60 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells indicated on the application.
- The Fire Marshal shall have the final authorization to allow the show to proceed or cancel the show if there are unsafe conditions, lightning and/or wind in excess of 30

miles per hour; and be it further

RESOLVED, the Town Board hereby authorizes the Fire Marshal to post closure notices within the required safety zone; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Gabriella Billanti, 405 East 63rd Street, Apt. 4G, New York, NY, 10065; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

Adopted

8/18/09

TOWN OF RIVERHEAD

Resolution # 797

APPROVES THE CHAPTER 90 APPLICATION OF DARKSIDE PRODUCTIONS INC.

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN

:

WHEREAS, on August 10, 2009, Darkside Productions Inc. submitted a Chapter 90 Application for the purpose of conducting a Haunted House Walk-Through to be held at 5184 Route 25A, Wading River, New York from October 1, 2009 through November 2, 2009 between the hours of 12:00 noon and 12:00 midnight; and

WHEREAS, Darkside Productions Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application; and

WHEREAS, the applicable Chapter 90 fee has been paid.

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

RESOLVED that the Chapter 90 Application of Darkside Productions Inc. for the purpose of conducting a Haunted House Walk-Through to be held at 5184 Route 25A, Wading River, New York from October 1, 2009 through November 2, 2009 between the hours of 12:00 noon and 12:00 midnight is hereby approved subject to the following conditions:

- Appropriate fire safety inspections by the Town Fire Marshal are required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted no later than September 4, 2009 to set up an appropriate inspection

schedule at (631) 727-3200 extension 601.

- Approval from New York State Department of Labor prior to opening to the public.
- Approval of parking plan, traffic and security by the Riverhead Police Department.
- As this event will take place in the evening hours, additional lighting shall be required along the roadway to ensure the health, safety and welfare of the patrons attending said event; and be it further

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

RESOLVED, that the necessary tents permits be obtained and any tent installations and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Darkside Productions Inc., 4 Olive Street, Rocky Point, New York, 11778; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

8/18/09

TOWN OF RIVERHEAD

Resolution # 798

APPROVES THE CHAPTER 90 APPLICATION OF FINK'S COUNTRY FARM, INC.

COUNCILMAN WOOTEN offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, on August 4, 2009, Fink's Country Farm Inc. submitted a Chapter 90 Application for the purpose of conducting a fall event to include, u-pick pumpkins, a corn maze, hayrides, an animal farm, and crafts sales to be held at 6242 Middle Country Road, Manorville, on Saturdays and Sundays between the hours of 9:00 a.m. and 5:00 p.m., beginning September 19, 2009 and ending on November 8, 2009 and for the month of October only, Friday and Saturday evenings between 7:00 p.m. and 10:00 p.m.; and

WHEREAS, Fink's Country Farm Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application; and

WHEREAS, the applicable Chapter 90 fee has been paid.

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

RESOLVED that the Chapter 90 Application of Fink's Country Farm Inc. for the purpose of conducting a fall event to include, u-pick pumpkins, a corn maze, hayrides, an animal farm, and crafts sales to be held at 6242 Middle Country Road, Manorville, beginning September 19, 2009 and ending on November 8, 2009, to be held on Saturdays and Sundays between the hours of 9:00 a.m. and 5:00 p.m., and for the month of October only, the addition of Friday and Saturday evenings between 7:00 p.m. and 10:00 p.m., is hereby approved; and be it further

RESOLVED, as this event will take place in the evening hours, additional lighting shall be required along the roadway to ensure the health, safety and welfare of the patrons attending said event; and

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

RESOLVED, that the necessary tents permits be obtained and any tent installations and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Fink's Country Farm Inc., 8 Wyandanch Trail, Ridge, New York, 11961; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 799

APPROVES THE CHAPTER 90 APPLICATION OF GARDEN OF EVE, LLC

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

:

WHEREAS, on July 29, 2009, Garden of Eve, LLC submitted a Chapter 90 Application for the purpose of conducting an Annual Long Island Garlic Festival featuring vendors selling garlic and garlic related products and crafts to be held at 4558 Sound Avenue, Riverhead on Saturday, September 26, 2009 and Sunday, September 27, 2009 between the hours of 10:00 a.m. and 6:00 p.m.; and

WHEREAS, Garden of Eve, LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application; and

WHEREAS, the applicable Chapter 90 fee has been paid.

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

RESOLVED that the Chapter 90 Application of Garden of Eve, LLC for the purpose of conducting an Annual Long Island Garlic Festival featuring vendors selling garlic and garlic related products and crafts to be held at 4558 Sound Avenue, Riverhead on Saturday, September 26, 2009 and Sunday, September 27, 2009 between the hours of 10:00 a.m. and 6:00 p.m. is hereby approved; and be it further

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

RESOLVED, that the necessary tents permits be obtained and any tent installations and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Garden of Eve, LLC, P.O. Box 216, Aquebogue, New York, 11931; and be it further

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

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

Adopted

8/18/09

TOWN OF RIVERHEAD

Resolution # 800

**APPROVES CHAPTER 90 APPLICATION OF
ST. JOHN THE EVANGELIST R.C. CHURCH
(Chinese Auction – October 17, 2009)**

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN

_____ :

WHEREAS, on June 30, 2009, St. John the Evangelist R.C. Church submitted a Chapter 90 Application for the purpose of conducting an annual “Chinese Auction” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, October 17, 2009 between the hours of 10:00 a.m. and 3:00 p.m.; and

WHEREAS, St. John the Evangelist R.C. Church has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

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

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

RESOLVED that the Chapter 90 Application of St. John the Evangelist R.C. Church for the purpose of conducting an annual “Chinese Auction” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, October 17, 2009 between the hours of 10:00 a.m. and 3:00 p.m. is hereby approved; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 108-56, "Signs" and any other sections of the Town Code that may apply to this event; and be it further

RESOLVED, that the necessary tent permits be obtained and any tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to St. John the Evangelist R.C. Church, 546 St. John's Place, 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 E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 801

**APPROVES CHAPTER 90 APPLICATION OF
ST. JOHN THE EVANGELIST R.C. CHURCH
(Craft Fair – December 5, 2009)**

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

WHEREAS, on June 30, 2009, St. John the Evangelist R.C. Church submitted a Chapter 90 Application for the purpose of conducting an annual “Craft Fair” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, December 5, 2009 between the hours of 9:00 a.m. and 3:00 p.m.; and

WHEREAS, St. John the Evangelist R.C. Church has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

WHEREAS, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

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

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

RESOLVED that the Chapter 90 Application of St. John the Evangelist R.C. Church for the purpose of conducting an annual “Craft Fair” to be held on their property located at 546 St. John’s Place, Riverhead, New York on Saturday, December 5, 2009 between the hours of 9:00 a.m. and 3:00 p.m. is hereby approved; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 108-56, "Signs" and any other sections of the Town Code that may apply to this event; and be it further

RESOLVED, that the necessary tent permits be obtained and any tent installation and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

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

RESOLVED, that the Town Board hereby waives the Chapter 90 Application fee in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to St. John the Evangelist R.C. Church, 546 St. John's Place, 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 E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

August 18, 2009

Adopted

TOWN OF RIVERHEAD

AWARDS BID FOR CALCIUM HYPOCHLORITE TABLETS

RESOLUTION # 802

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for calcium hypochlorite tablets; and

WHEREAS, bids were received, opened and read aloud on the 10th day of July, 2009, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders; and

WHEREAS, the bids were reviewed by the Riverhead Water District.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for calcium hypochlorite tablets be and is hereby awarded to Eagle Control Corp. as follows: \$103.50 per 50-lb pail, and \$99.50 per 50-lb pail for 240 or more pails; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Eagle Control Corp., 23 Old Dock Road, Yaphank, New York, 11980.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

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

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 803

AWARDS BID ON A 1981 MACK MODEL RM CAB AND CHASSIS WITH A COMBINATION DUMP BODY

COUNCILMAN DUNLEAVY

_____ offered the following resolution which was seconded by COUNCILMAN WOOTEN_____.

WHEREAS, the Town Clerk was authorized to advertise for sealed bids on a 1981 Mack Model RM Cab and Chassis with a Combination Dump Body or Equal for the use of the Riverhead Highway Department, and

WHEREAS, all bids were received and read aloud on the 10th of August at 11:00 A.M. at the Town Hall, 200 Howell Avenue, Riverhead, New York the date, time and place given in the Notice to Bidders, and

WHEREAS, one bid was received,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the 1981 Mack Model RM Cab and Chassis with a Combination Dump Body be and is hereby awarded to Trius, Inc., 458 Johnson Ave., PO Box 158, Bohemia, New York 11716 in the amount of \$15,000.00, and

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

BLASS YES NO

DUNLEAVY YES NO WOOTEN YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT DECLARED DULY ADOPTED

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 804

**ADOPTS A LOCAL LAW AMENDING CHAPTER 76
ENTITLED "LOITERING" OF
THE RIVERHEAD TOWN CODE**

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 76 entitled "Loitering" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:05 o'clock p.m. at the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 76 entitled "Loitering" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 76 entitled "Loitering" of the Riverhead Town Code at its regular meeting held on August 18, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 76
LOITERING**

§76-3. Public urination prohibited.

No person shall urinate in any public place, other than restroom facilities, or in public view within the Town of Riverhead.

§76-3 4. Penalties for offenses.

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

Dated: Riverhead, New York
August 18, 2009

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

DIANE M. WILHELM, Town Clerk

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 805

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108
ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", §108-56 entitled "Signs" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:10 o'clock p.m. at the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", §108-56 entitled "Signs" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning", Article XIII entitled "Supplementary Use Regulations", §108-56 entitled "Signs" of the Riverhead Town Code at its regular meeting held on August 18, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 108
ZONING
ARTICLE XIII
Supplementary Use Regulations

§108-56. Signs.

A. Definitions. As used in this section, the following terms shall have the meanings set forth herewith:

PUBLIC INFORMATION SIGN – Any sign erected by a governmental agency or at its direction warning the public of a specific danger, with no other advertising on such sign. Such signs shall include direction flow of traffic signs and entering and exiting parking lot signs and shall be designed and placed in accordance with the New York State Manual of Uniform Traffic Control Devices.

~~TEMPORARY SIGN – Any sign erected on a ninety-day basis~~ Any sign or advertising display constructed of cloth, canvas, fabric, plywood or other light material and designed or intended to be displayed for a 90-day period following receipt of necessary approvals by Town agencies or departments. A temporary sign may not exceed 32 square feet.

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

Dated: Riverhead, New York
August 18, 2009

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

DIANE M. WILHELM, Town Clerk

August 18, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 806

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED
"ZONING" OF THE RIVERHEAD TOWN CODE**

COUNCILMAN DUNLEAVY offered the following resolution, which was seconded
by COUNCILMAN WOOTEN :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on August 18, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 108
ZONING
ARTICLE XIII
Supplementary Use Regulations**

§108-60. Off-street parking.

E. Size of parking spaces and aisles for various angles of parking.

(1) Parking space* and aisle width* shall be provided in accordance with the following:

Parking Angle (degrees)	Aisle Width (feet)
90	24
60	18
45	12

*Parallel parking may be permitted at the discretion of the board responsible for review with a 24 foot parking aisle.

(2) ~~Where vehicles park perpendicular or at a right angle to a barrier curb, parking spaces shall be 10 feet by 20 feet.~~

All parking spaces shall be 10 feet by 20 feet. The Board responsible for review shall have discretion to approve 9 feet by 20 feet parking spaces provided they are double striped (see 108 Attachment 1:4), except for handicapped and parallel parking spaces.

(3) ~~No other parking angles shall be permitted.~~

(3) Unobstructed access to and from a street shall be provided. Where there is two-way traffic, such access shall consist of a minimum width of ~~25~~ 24 feet at the curb cut, whether there is a single lane or multiple lanes. Where one-way traffic in a single lane is provided, the minimum width shall be ~~15~~ 16 feet at the curb cut. No entrance

or exit shall be located within 75 feet of any street intersection. Entrance and exit lanes shall be suitably marked.

(4) Access for emergency vehicles. Emergency vehicle access shall comply with the New York State Fire Code as contained in the New York State Building and Fire Prevention Code.

(5) ~~Access for emergency vehicles.~~

~~(a) In the design of any business or industrial parking lot or parking area, at least one emergency accessway from the public road to the area designated as the "primary fire-fighting surface" for the proposed buildings shall be provided which use the following minimum vertical and horizontal clearances. Said emergency vehicle accessways shall be shown on the required site plan and/or building elevations which accompany any site plan.~~

~~[1] Minimum outside turning radius: 50 feet.~~

~~[2] Minimum inside turning radius: 34 feet.~~

~~[3] Minimum width for a fire lane: 18 feet.~~

~~[4] Minimum vertical clearance: 15 feet (height).~~

~~(b) The site plan and/or building elevations shall show the appropriate "primary fire-fighting surface" to any proposed business or industrial buildings and designate same as a "Fire Lane No Parking" zone. An applicant for a business or industrial site plan shall submit a site plan with such emergency accessway shown.~~

~~(c) The minimum requirements stated in §108-60E(5)(a) may be reduced by written application to the applicable Board. Said application for relief shall be accompanied by the following:~~

~~[1] Description of the relief sought.~~

~~[2] Hardship to the applicant.~~

~~[3] Report and recommendations of the Town Fire Marshall.~~

F. ~~An individual may apply to the Building Department to use a substitute mix. Said permission, which will be for two years, will be granted by the Building Department. Except for single family and two family dwellings, all open parking areas shall be properly drained within the premises. Minimum acceptable paving requirements are as follows:~~

~~(1) For retail businesses, a home occupation or a home professional office with a total business area not exceeding 600 square feet: four inches of crushed stone of a stable base. Each parking space shall have wheel or bumper guards.~~

~~(2) For a business building with a total building area not exceeding 1,800 square feet: two inches of stone blend on a stable base with a wearing course of two inches, after compaction, of New York State mix Type 1A. Each parking space shall have wheel or bumper guards.~~

~~(3) All other buildings: two inches of bituminous plant mix, after compaction, with a wearing course of two inches, after compaction, of New York State mix Type 1A or four inches of reinforced concrete surface. Each parking space shall have wheel or bumper guards. When the parking area is in use during periods of darkness, it shall be properly illuminated. When said parking area is surfaced with asphalt or concrete, the parking spaces shall be clearly marked, and the Town Clerk is hereby authorized to publish and post a notice of adoption.~~

The minimum acceptable pavement improvements required for parking areas shall be as follows:

- (1) For retail businesses, a home occupation or home professional office with a maximum required number of 4 parking spaces: a crushed stone aggregate with a sieve size no greater than ¾-inch placed at a rate of 25 pounds per square yard on a compacted 4-inch thick stone blend base and stabilized subgrade.
- (2) For a business and commercial building with a maximum required number of 12 parking spaces: a 2-inch thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on a compacted 4-inch thick stone blend or approved equal aggregate base and stabilized subgrade.
- (3) For a business or commercial building with a maximum required number of parking spaces exceed 12 spaces: a 1 ½-inch thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on one 2 ½-inch thick binder base course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on compacted 4-inch thick stone blend or approved equal aggregate subbase and stabilized subgrade.
- (4) For retail businesses accessory to an agricultural use or zoning districts where pervious parking surface is recommended pursuant to the supplementary guidelines, or as required as part of the review or approval process: a crushed stone aggregate with a sieve size no greater than ¾-inch placed at a rate of 25 pounds per square yard on a compacted 4-inch thick stone blend base and stabilized subgrade.
- (5) For designated handicapped accessible parking spaces, access aisles and pathways: the surface improvement must conform the design requirements and standard specifications of the American's Disability Act, while the balance of the parking improvement (subsurface layers) must comply with the minimum requirements as noted in Subsections F(1) through F(4) of this section.

G. Curbing shall be constructed, where required, in accordance with the Town of Riverhead Road and Drainage Standard. These requirements may be altered at the discretion of the Board responsible for review.

H. When any parking area serves two or more uses having different parking requirements, the parking requirements for each use shall apply to the extent of the use. Where, however, it can

be conclusively demonstrated that one or more of such uses will be generating a demand for parking spaces primarily during periods when another use or uses has or have a significantly lower parking demand, the ~~Town Board~~ board responsible for review may, upon application, reduce the total parking spaces required for that use with the least requirement.

- I. Required parking spaces shall be provided upon the same premises to which they serve or elsewhere, provided that all spaces are located within 200 feet walking distance of the premises served. In all cases such parking spaces shall conform to all regulations of the district in which they are located. Parking spaces shall not be located in any residence district unless the use to which the spaces are accessory is permitted in such residence district.
- J. Land provided by the Town of Riverhead for off-street parking shall not be used in determining the parking areas required by this chapter. However, where a public parking district has been created, the owner of property within such district need not provide off-street parking areas required by this chapter.

K. Self-contained drainage.

- (1) ~~There shall be shown, installed and maintained leaching pools which will self-contain the rainwater from each site. The minimum standards for sites under five acres shall be one precast drainage ring, four feet six inches high by eight feet in diameter, for every 1,250 square feet of site area. Such precast drainage ring, footings, covers and cast iron grates shall be as approved by the Planning Board. For on-site areas in excess of five acres, a recharge basin shall be provided. The size of the recharge basin shall be based on the following formula:~~

All parking areas shall be improved with drainage facilities for the purposes of containing and managing stormwater runoff on-site. The minimum design standard for sites less than 5 acres shall be 211 cubic feet of capacity for every 1,250 square feet of impervious parking surface area. The applicable board and/or department shall approve such drainage facilities and improvements. For parking areas in excess of 5 acres, a positive drainage area or recharge basin shall be provided. The stormwater capacity of the recharge area will be based on the following formula:

$$V = A \times .66 \times C$$

Where:

- V = Volume of recharge basin in cubic feet
- A = Area of site in square feet
- C = Coefficient of runoff as follows:
 - Roofs and pavements 100%
 - Landscaped areas 10%
 - Other areas 40%

- (2) ~~Where an outlet for stormwater is available or other extenuating conditions prevail, these requirements may be altered as directed by the Building Department or the Town Engineer.~~

Where stormwater runoff from parking areas would be naturally contained on-site or other extenuating conditions prevail, these requirements may be altered at the discretion of the applicable board and/or department.

(3) Excepted from Subsection J(1) above shall be the following:

- (a) ~~Single family and two family parking areas.~~
- (b) ~~A parking area serving a retail business, a home occupation or a home professional office with a total building area not exceeding 600 square feet, provided that a test hole shows that water will leach at a rate which prevents ponding.~~

The standards specified under this subsection shall not supersede or exempt compliance with Chapter 110 of the Riverhead Town Code, Stormwater Management and Erosion and Sediment Control.

L. No more than two business commercial vehicles may be allowed to park per residence in a residential area zoning district. If more than two vehicles are located in such residential area zoning district, the occupier of the residence shall be presumed to be in violation of this chapter.

M. In the event that an applicant can demonstrate to the Town Board that his present parking needs do not necessitate the construction of the number of parking spaces required hereunder, the Town Board board responsible for review may approve a site plan requiring present construction of a lesser number of parking spaces. for a duration decided by the Town Board and specified in the Town Board's resolution. If the Town Board fails to specify a period, the period shall be two years from the date of site plan approval. In the event that a lesser number of parking spaces are constructed proposed, the site plan shall show sufficient spaces reserved for future parking requirements, with the combined number of parking spaces being not less than that required by this chapter, thereby superseding § 108-76 of this chapter. The Town Board board responsible for review may order the property owner to install the future parking spaces when the need arises. In the event that the owner fails to install the additional spaces within 120 days of being so ordered, the Building Inspector shall revoke the certificate of occupancy for the premises, and the Town Attorney may take appropriate action in a court of competent jurisdiction to restrain the use of the subject premises. The property owner shall be required to file a covenant indicating his consent to and understanding of the provisions of this subsection.

In the event that an applicant can demonstrate that the off-street parking required is in excess of the parking demand generated by the use or building proposed, the number of improved parking spaces may be reduced by the Board responsible for review and approval upon a finding that any proposed modification shall be sufficient to serve the demand. In all cases, at least 2/3 of the number of required parking spaces shall be provided. In such an event, the site plan shall show both the reduced number of parking spaces to be improved and the additional parking spaces meeting the total requirement of parking spaces established by this chapter, reserved in a configuration that could be improved and used in the future. The area reserved for future parking needs shall either be landscaped or kept as existing vegetation at

the discretion of the Board responsible for review. When this subsection is utilized, the applicant shall submit a properly executed instrument in a form approved by the Town Attorney, specifying that all parking spaces required by the Parking Schedule shall be improved upon subsequent findings by the appropriate Board that such improvement is needed and the approved document shall be filed in the office of the Suffolk County Clerk.

N. Handicapped-Accessible Parking Spaces

(1) Handicapped-accessible parking stalls spaces shall be provided in a number as required by the following schedule. Further, handicapped accessible stalls spaces shall be ~~appropriately located proximate~~ located in close proximity to building entrances and ~~dispersed pursuant to~~ such other areas required by site plan approval.

Total Parking Stalls <u>Spaces</u> Required	Handicapped-Accessible Parking Stalls <u>Spaces</u> Required ^{1,2,3}
1 to 25	1
26 to 50	2
51 to 75	3
76 to 100	4
101 to 150	5
151 to 200	6
201 to 300	7
301 to 400	8
401 to 500	9
501 or greater	2% of total parking stalls <u>spaces</u> required

Notes:

- 1 For a retail sales facility having at least 20 but not more than 500 off-street parking stalls spaces, handicapped-accessible stalls spaces shall be provided at a minimum of 5% of the total number of spaces, or 10 spaces, whichever is less.
- 2 For an outpatient medical facility, a minimum of 10% of the total number of parking spaces shall be handicapped accessible.
- 3 For a facility which specializes in treatment of services for persons with mobility impairments, a minimum of 20% of the total number of parking spaces shall be handicapped accessible.

~~N. (2) Handicapped- A~~accessible parking spaces shall conform to the dimensions set forth in this section, ~~except that access aisles shall be eight feet zero inches in width~~ be 10 feet by 20 feet and shall be provided with striped handicapped access aisles of 8 feet in width. Handicapped aisles may be shared by two adjacent handicapped parking spaces.

~~O. (3) Handicapped- A~~accessible parking stalls spaces shall be designated with a permanently installed above-grade sign which displays the international symbol of accessibility and which shall be positioned from the parking space surface at a height of seven 5 feet to its highest lowest point, as measured from the pavement surface. In an instance where the sign pole is

not protected by a wheel stop or curb, such a sign pole must be installed within a six-inch-diameter pipe filled with cement.

P. (4) The international symbol of accessibility shall be displayed on the parking surface of each handicapped-accessible stall space.

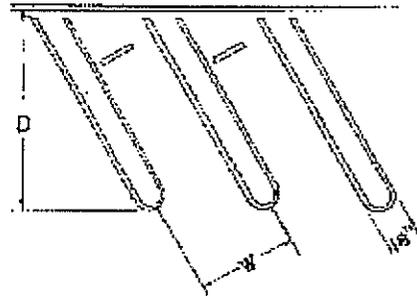
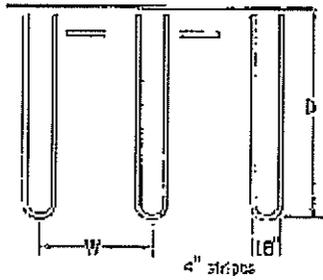
Q. (5) All buildings, structures and facilities constructed and all sites developed prior to the adoption of these provisions related to handicapped-accessible parking shall comply with ~~these provisions~~ 108-60 N(1)-(5) within 12 months from the date of adoption. Failure to so comply shall result in the revocation of the applicable certificate of occupancy.

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

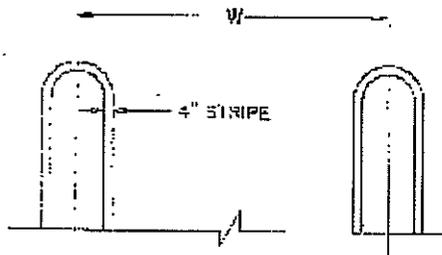
Dated: Riverhead, New York
August 18, 2009

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

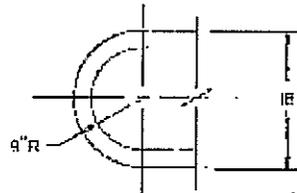
DIANE M. WILHELM, Town Clerk



DOUBLE STRIPING



NOTE: 4" STRIPE APPROXIMATELY 10' APART
WITH ROUNDED OR SQUARED ENDS



STALL DOUBLE STRIPING DETAIL

108 Attachment 1:4

8/18/09

Adopted

TOWN OF RIVERHEAD

Resolution # 807

**ADOPTS A LOCAL LAW AMENDING CHAPTER 44
ENTITLED "AGRICULTURAL LAND PRESERVATION" OF
THE RIVERHEAD TOWN CODE**

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 44 entitled "Agricultural Land Preservation" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:25 o'clock p.m. at the Town of Riverhead, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 44 entitled "Agricultural Land Preservation" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 44 entitled "Agricultural Land Preservation" of the Riverhead Town Code at its regular meeting held on August 18, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 44
AGRICULTURAL LANDS PRESERVATION**

§44-6. Administration by Farmland Preservation Committee.

A. The Farmland Preservation Committee shall be composed of seven members appointed by the Town Board for staggered two-year terms as follows:

(1) Four members of the agricultural community of the Town who are actively engaged in the ownership ~~and~~ and/or operation of a farm located on the agricultural lands within the Town of Riverhead, as appointed by the Town Board.

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

Dated: Riverhead, New York
August 18, 2009

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

DIANE M. WILHELM, Town Clerk

August 18, 2009

TOWN OF RIVERHEAD

Resolution # 808

Adopted

**ADOPTS A LOCAL LAW AMENDING CHAPTER 65 ENTITLED
"FLOOD DAMAGE PREVENTION" OF THE RIVERHEAD TOWN CODE**

COUNCILWOMAN BLASS offered the following resolution, which was seconded

by COUNCILMAN DUNLEAVY :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 65 entitled "Flood Damage Prevention" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 4th day of August, 2009 at 2:30 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that a local law amending Chapter 65 entitled "Flood Damage Prevention", of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

WOOTEN YES NO

DUNLEAVY YES NO BLASS YES NO

CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on August 18, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 65
FLOOD DAMAGE PREVENTION**

§ 65-4. ~~Word usage; definitions.~~

~~A. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meanings they have in common usage and to give this chapter its most reasonable application.~~

~~B. As used in this chapter, the following terms shall have the meanings indicated:~~

~~APPEAL—A request for a review of the local administrator's interpretation of any provision of this chapter or a request for a variance.~~

~~AREA OF SHALLOW FLOODING—A designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.~~

~~AREA OF SPECIAL FLOOD HAZARD—The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1 A30, A99, V, VO, VE, or V1 V30. It is also commonly referred to as the "base floodplain" or "one hundred year floodplain."~~

~~BASE FLOOD—The flood having a one percent chance of being equaled or exceeded in any given year.~~

~~BASEMENT—That portion of a building having its floor subgrade (below ground level) on all sides.~~

~~BREAKAWAY WALL—A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.~~

~~BUILDING—See "structure."~~

~~CELLAR—The same meaning as "basement."~~

~~COASTAL HIGH HAZARD AREA~~—An area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high-velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone V1-V30, VE, VO or V.

~~DEVELOPMENT~~—Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

~~ELEVATED BUILDING~~—A nonbasement building built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, to have the top of the elevated floor or, in the case of a building in Zones V1-30, VE or V, to have the bottom of the lowest horizontal structure member of the elevated floor above the ground level by means of pilings, columns posts and piers) or shear walls parallel to the flow of the water and adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter wall with openings sufficient to facilitate the unimpeded movement of floodwaters. In the case of Zones V1-V30, VE or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building" even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

~~EXISTING MANUFACTURED HOME PARK OR SUBDIVISION~~—A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads) is complete before the effective date of the floodplain management regulations adopted by the community.

~~EXPANSION TO AN EXISTING MANUFACTURED HOME PARK OR SUBDIVISION~~—The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets and either final site grading or the pouring of concrete pads).

~~FEDERAL EMERGENCY MANAGEMENT AGENCY~~—The Federal agency that administers the National Flood Insurance Program.

~~FLOOD BOUNDARY AND FLOODWAY MAP (FBFM)~~—An official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The "FBFM" delineates a regulatory floodway along watercourses studied in detail in the Flood Insurance Study.

~~FLOOD ELEVATION STUDY~~—An examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

~~FLOOD OR FLOODING~~

(1) —A general and temporary condition of partial or complete inundation of normally dry land areas from:

(a) —The overflow of inland or tidal waters.

~~(b) — The unusual and rapid accumulation of runoff of surface waters from any source.~~

~~(2) — "Flood or flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in Subsection (1)(a) of this definition above.~~

~~FLOOD HAZARD BOUNDARY MAP (FHBM) — An official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.~~

~~FLOOD INSURANCE RATE MAP (FIRM) — An official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.~~

~~FLOOD INSURANCE STUDY — See "flood elevation study."~~

~~FLOODPLAIN OR FLOOD PRONE AREA — Any land area susceptible to being inundated by water from any source. (See definition of "flooding.")~~

~~FLOODPROOFING — Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.~~

~~FLOODWAY — The same meaning as "regulatory floodway."~~

~~FUNCTIONALLY DEPENDENT USE — A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding and ship repair facilities. The term does not include long-term storage, manufacturing, sales or service facilities.~~

~~HIGHEST ADJACENT GRADE — The highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.~~

~~HISTORIC STRUCTURE — Any structure that is:~~

~~(1) — Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;~~

~~(2) — Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;~~

~~(3) — Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of the Interior; or~~

~~(4) — Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:~~

~~(a) — By an approved state program as determined by the Secretary of the Interior; or~~

~~(b) — Directly by the Secretary of the Interior in states without approved programs.~~

~~LOCAL ADMINISTRATOR~~—The person appointed by the community to administer and implement this chapter by granting or denying development permits in accordance with its provisions. This person is often the Code Enforcement Officer, Building Inspector or employee of an engineering department.

~~LOWEST FLOOR~~—Lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's "lowest floor," provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

~~MANUFACTURED HOME~~—A structure, transportable in one (1) or more sections, which is built on a permanent chassis and designated to be used with or without a permanent foundation when connected to the required utilities. The term does not include a recreational vehicle.

~~MEAN SEA LEVEL~~—For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

~~MOBILE HOME~~—The same meaning as "manufactured home."

~~NATIONAL GEODETIC VERTICAL DATUM (NGVD)~~—As corrected in 1929, a vertical control used as a reference for establishing varying elevations within the floodplain.

~~NEW CONSTRUCTION~~—Structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

~~NEW MANUFACTURED HOME PARK OR SUBDIVISION~~—A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

~~ONE HUNDRED YEAR FLOOD~~—The same meaning as "base flood."

~~PRIMARY FRONTAL DUNE~~—A continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the "primary frontal dune" occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

~~PRINCIPALLY ABOVE GROUND~~—At least fifty one percent (51%) of the actual cash value of the structure, excluding land value, is above ground.

~~RECREATIONAL VEHICLE~~—A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less when measured at the largest horizontal projections;

- (3) Designed to be self propelled or permanently towable by a light duty truck; and
- (4) Not designed for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

~~REGULATORY FLOODWAY~~—The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies in § 65-14B of this chapter.

~~SAND DUNES~~—Naturally occurring accumulations of sand in ridges or mounds landward of the beach.

~~START OF CONSTRUCTION~~—Includes substantial improvement and means the initiation, excluding planning and design, of any phase of a project and physical alteration of the property and shall include land preparation, such as clearing, grading and filling; installation of streets and/or walkways; excavation for a basement, footings, piers or foundations or the erection of temporary forms. It also includes the placement and/or installation on the property of accessory buildings (garages, sheds, storage trailers), and building materials. For manufactured homes, the "actual start" means affixing of the manufactured home to its permanent site.

~~STRUCTURE~~—A walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

~~SUBSTANTIAL DAMAGE~~—Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

~~SUBSTANTIAL IMPROVEMENT~~—Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure before the start of construction of the improvement. The term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.

~~VARIANCE~~—A grant of relief from the requirements of this chapter which permits construction or use in a manner that would otherwise be prohibited by this chapter.

~~§ 65-5. Applicability.~~

~~This chapter shall apply to all areas of special flood hazard within the jurisdiction of the Town of Riverhead.~~

~~§ 65-6. Basis for establishing areas of special flood hazard.~~

A. The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map (multiple panels) Index No. 360805-0001-0025, whose effective date in June 2, 1992.

(2) A scientific and engineering report entitled "Flood Insurance Study, Town of Riverhead, New York, Suffolk County," dated June 1, 1982.

§65-4. Word Usage; definitions.

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Appeal" means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of moderate wave action" means the portion of the SFHA landward of a V zone or landward of an open coast without mapped V zones, in which the principal sources of flooding are astronomical tides, storm surges, seiches, or tsunamis, not riverine sources. Areas of moderate wave action may be subject to wave effects, velocity flows, erosion, scour, or combinations of these forces and are treated as V zones. The area of moderate wave action is an area within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, A1-A30, A99, V, VO, VE, or V1-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Breakaway wall" means a wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or the supporting foundation system.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. The area is designated on a FIRM as Zone VI-V30, VE, VO or V. The "Coastal high hazard area" shall also include areas on a FIRM within a Zone AE that is bounded by a line labeled "Limit of Moderate Wave Action."

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones V1-30, VE, or V, or area of moderate wave action to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones V1-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood" or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood- related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" - has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (a) by an approved state program as determined by the Secretary of the Interior or

(b) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle"

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" - has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively steep slope to a relatively mild slope.

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

- (1) built on a single chassis;
- (2) 400 square feet or less when measured at the largest horizontal projections;
- (3) designed to be self-propelled or permanently towable by a light duty truck; and
- (4) not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 65-14B of this Law.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

§65-5. Applicability.

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Town of Riverhead, Suffolk County.

§65-6. Basis for establishing areas of special flood hazard.

A. The areas of special flood hazard for the Town of Riverhead, Community Number 360805, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

(1) Flood Insurance Rate Map Panel Numbers:

36103C0427H, 36103C0428H, 36103C0429H, 36103C0433H, 36103C0434H,

36103C0437H,

36103C0439H, 36103C0440H, 36103C0441H, 36103C0442H, 36103C0443H,

36103C0444H,

36103C0451H, 36103C0452H, 36103C0453H, 36103C0454H, 36103C0456H,

36103C0457H,

36103C0460H, 36103C0461H, 36103C0462H, 36103C0463H, 36103C0466H,

36103C0467H, 36103C0476H, 36103C0477H, 36103C0478H, 36103C0479H,

36103C0483H, 36103C0486H, 36103C0487H, 36103C0491H

whose effective date is September 25, 2009, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction.

(2) A scientific and engineering report entitled "Flood Insurance Study, Suffolk County, New York, All Jurisdictions" dated September 25, 2009.

B. The above documents are hereby adopted and declared to be a part of this chapter. The Flood Insurance Study and/or maps are on file at the Town Clerk's Office, 200 Howell Avenue, Riverhead, New York 11901, and the ~~Building Engineering~~ Department, 1295 Pulaski Street, Riverhead, New York 11901.

§ 65-7. Interpretation and conflict with other laws.

A. This chapter includes all revisions to the National Flood Insurance Program through ~~November 1, 1989~~ October 27, 1997, and shall supersede all previous laws adopted for the purpose of flood damage prevention.

B. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements, adopted for the promotion of the public health, safety and welfare. Whenever the requirements of this chapter are at variance with the requirements of any other lawfully adopted rules, regulations or ordinances, the most restrictive or that imposing the higher standards shall govern.

§ 65-11. Designation of local administrator.

The ~~Building Inspector~~ GIS Coordinator is hereby appointed local administrator to administer and implement ~~this chapter~~ mapping and the Building Inspector is hereby appointed local

administrator to administer and implement this chapter by granting or denying floodplain development permits in accordance with its provisions.

§ 65-12. The floodplain development permit.

B. Fees. All applications for floodplain development permits shall be accompanied by an application fee of ~~thirty~~ fifty dollars (\$~~30~~ 50). In addition, the applicant shall be responsible for reimbursing the Town of Riverhead for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than five hundred dollars (\$500.) to cover these additional costs.

§ 65-13. Application for permit.

I. In Zones V1-V30 and VE, and also Zone V if base flood elevation are available, or in an area of moderate wave action, designs and specifications, certified by a licensed professional engineer or architect, for any breakaway walls in a proposed structure with design strengths in excess of 20 pounds per square foot.

J. In Zones V1-V30 and VE, and also Zone V if base flood elevations are available, or in an area of moderate wave action, for all new and substantial improvements to structures, floodplain development permit applications, accompanied by design plans and specifications, prepared in sufficient detail to enable independent review of the foundation support and connection components. Said plans and specifications shall be developed or reviewed by a licensed professional engineer or architect and shall be accompanied by a statement, bearing the signature of the architect or engineer, certifying that the design and methods of construction to be used are in accordance with accepted standards of practice and with all applicable provisions of the chapter.

§ 65-14. Duties and responsibilities of local administrator.

Duties of the local administrator shall include, but not be limited the following:

B. Use of other flood data.

(1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate Map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source, including data development pursuant to §65-13HG, as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this chapter.

D. Construction stage.

(2) In Zones V1-V30 and VE, and also Zone V if base flood elevation data are available, or in an area of moderate wave action, upon placement of the lowest floor of a new or substantially improved structure, the permit holder shall submit to the local administrator a certificate of elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor (excluding pilings and columns). The certificate shall be prepared by or under the

direct supervision of a licensed land surveyor or professional engineer and certified by same. .
For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. An elevation certificate must also be submitted for a recreational vehicle if it remains on a site one hundred eighty (180) consecutive days or longer (unless it is fully licensed and ready for highway use).

H. Information to be retained. The local administrator shall retain and make available for inspection copies of the following:

~~(4) Certificates required pursuant to §§ 65-18N and 65-13H.~~

~~(5) Variances issued pursuant to §§ 65-22 and 65-23.~~

~~(6) Notices required under Subsection C of this section.~~

§ 65-15. General standards.

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designed in §65-6:

A. Coastal high-hazard areas. The following requirements apply within Zones V1-V30, VE and V or in an area of moderate wave action:

B. Subdivision approvals proposals. The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured homes and recreational vehicle parks and subdivisions):

§ 65-16. Standards for all structures.

B. New construction and substantial improvements to structures shall be constructed with materials and utility equipment resistant to flood damage.

B-C. Construction materials and methods.

(1) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.

(2) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE or AH, and also Zone A if base flood elevation data are available, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.

(a) Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following criteria:

[1] A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding.

[2] The bottom of all such openings no higher than one (1) foot above the lowest adjacent finished grade.

(b) Openings may be equipped with louvers, valves, screens or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

(3) Within Zones V1-V30 and VE, and also within Zone V if base flood elevation are available, or in an area of moderate wave action, new construction and substantial improvements shall have the space below the lowest floor either free from obstruction or constructed with nonsupporting breakaway walls, open wood latticework or insect screening intended to collapse, under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. The enclosed space below the lowest floor shall be used only for parking vehicles, building access or storage. Use of this space for human habitation is expressly prohibited. The construction of stairs, stairwells and elevator shafts are subject to the design requirements for breakaway walls.

C D. Utilities.

~~(1) Machinery and equipment servicing a building must either be elevated to or above the base flood level or designed to prevent water from entering or accumulating within the components during a flood. This includes heating, ventilating and air conditioning equipment, hot water heaters, appliances, elevator lift machinery and electrical junction and circuit breaker boxes. When located below the base flood elevation, a professional engineer's or architect's certification of the design is required.~~

New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at or above the base flood elevation or be designed to prevent water from entering and accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated to or above the base flood elevation unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet locations;

§ 65-17. Residential structures Elevation (except coastal high hazard areas).

The following standards, in addition to the standards in Subsections B and C of § 65-15 and §65-16, apply to structures located in areas of special flood hazard as indicated:

~~A. Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above the base flood level.~~

Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.

C. Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in § 65-6.

Within Zone AO, new and substantially improved structures shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in §65-6 (at least two feet if no depth number is specified).

~~§ 65-18. Residential structures (coastal high hazard areas).~~

~~The following standards, in addition to the standards in § 65-15 A and B, and § 65-16, Standards for all structures, apply to structures located in areas of special flood hazard as shown as Zones V1-V30, VE or V on the community's Flood Insurance Rate Map designated in § 65-6.~~

~~A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand stone action or break away without imparting damaging loads to the structure) is elevated to or above the level of the base flood so as not to impede the flow of water.~~

~~B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.~~

~~(1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.~~

~~(2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.~~

~~(3) Wind loading values used shall be those required by the Building Code. EN~~

~~C. Foundation standards.~~

~~(1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).~~

~~(2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.~~

~~D. Pile foundation design.~~

~~(1) The design ratio of pile spacing to pile diameter shall not be less than eight to one (8:1) for individual piles. (This shall not apply to pile clusters located below the design grade.) The maximum center-to-center spacing of wood piles shall not be more than twelve (12) feet on center under load-bearing sills, beams or girders.~~

~~(2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads and shall include consideration of decreased resistance~~

capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to be an elevation of five (5) feet below mean sea level (msl) datum if the base flood elevation BFE is +10 msl or less or to be at least ten (10) feet below msl if the BFE is greater than +10 msl.

(3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.

(4) The minimum acceptable sizes for timber piles are a tip diameter of eight (8) inches for round timber piles and eight by eight (8 x 8) inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.

(5) Reinforced concrete piles shall be cast of concrete having a twenty-eight day ultimate compressive strength of not less than five thousand (5,000) pounds per square inch and shall be reinforced with a minimum of four (4) longitudinal steel bars, having a combined area of not less than one percent (1%) nor more than four percent (4%) of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than one and one fourth (1 1/4) inches for No. 5 bars and smaller and not less than one and one half (1 1/2) inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than two (2) inches.

(6) Piles shall be driven by means of a pile driver or drop hammer, jettied or augured into place.

(7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.

(8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scourred from beneath.

(9) Diagonal bracing between pile, consisting of two by eight inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation and aligned in the line. Galvanized steel rods

(10) Knee braces, which stiffen both the upper portion of a pile and the beam to pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be a two by eight inch timber bolted to the sides of the pile/beam or four by four inch or larger braces framed into the pile/beam. Bolting shall consist of two (2) five eighths inch galvanized steel bolts (each end) for two by eight inch members or one (1) five eighths inch lag bolt (each end) for square members. The knee brace shall not extend more than three (3) feet below the elevation of the base flood.

E. Column foundation design. Masonry piers of poured in place concrete piers shall be internally reinforced to resist vertical and lateral loads and be connected with a mount resisting connection to a pile cap or pile shaft.

F. Connectors and fasteners. Galvanized metal connectors, wood connectors or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel hot dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

G. Beam to pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or, if precast, shall be securely connected by bolting and welding. If sills, beams or girders are attached to a wood piling at a notch, a minimum of two (2) five eighths inch galvanized steel bolts or two (2) hot-tipped galvanized straps three-

sixteenths by four by eighteen (3/16 x 4 x 18) inches each, bolted with two (2) one-half inch lag bolts per beam member, shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross-section is reduced below fifty percent (50%).

H. Floor and deck connections.

(1) Wood two-by-four inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be one-by-three inch members, placed eight (8) feet on center maximum, or solid bridging of same depth as joist at same spacing.

(2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than three-fourths (3/4) inch total thickness and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32 inch or thicker plywood sheathing overlapping the top wall plate and continuing down to the sill, beam, or girder may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then two-by-four inch nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of one-half inch diameter or galvanized steel straps not less than one (1) inch wide by one-sixteenth (1/16) inch thick may be used to connect from the top wall plate to the sill, beam or girder. Washers with a minimum diameter of three (3) inches shall be used at each end of the one-half inch round rods. These anchors shall be installed no more than two (2) feet from each corner rod, no more than four (4) feet on center.

J. Ceiling joist/rafter connections.

(1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

(2) Gable roofs shall be additionally stabilized by installing two-by-four inch blocking on two-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of eight (8) feet toward the house interior from each gable end.

K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of two (2) feet, and joist overhangs and porches will be permitted if designed or reviewed by a registered professional engineer or architect and certified in accordance with § 65-13J of this chapter.

L. Roof sheathing.

(1) Plywood or other wood material, when used as roof sheathing, shall not be less than fifteen thirty-seconds (15/32) inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.

(2) All corners, gable ends and roof overhangs exceeding six (6) inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end or roof overhang.

(3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys and other points of discontinuity in the roofing surface.

M. Protection of openings. All exterior glass panels, windows and doors shall be designed, detailed and constructed to withstand loads due to the design wind speed of seventy five (75) miles per hour. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three (3) feet.

N. Breakaway wall design standards.

(1) The breakaway wall shall have a design safe loading resistance of not less than ten (10) and not more than twenty (20) pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure shall be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.

(2) Use of breakaway wall strengths in excess of twenty (20) pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components and certifies that the breakaway walls will fail under water loads less than those that would occur during the base flood; and the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the Building Code. EN

§ 65-19. Nonresidential structures (except coastal high hazard areas).

The following standards apply to new and substantially improved commercial, industrial and other nonresidential structures, in addition to the requirements in §§ 65-15B and C and § 65-16, Standards for all structures.

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall either:

(1) Have the lowest floor, including basement or cellar, elevated to or above the base flood elevation; or

(2) Be floodproofed so that the structure is watertight below the base flood level with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of nonresidential structures shall:

(1) Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM [at least two (2) feet if no depth number is specified]; or

(2) Together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in § 65-19A(2).

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications and plans for construction. A floodproofing certificate or other certification shall be provided to the local administrator that

certifies the design and methods of construction are in accordance with accepted standards or practice for meeting the provisions of § 65-19A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three (3) feet above the highest adjacent grade.

§ 65-20. Nonresidential structures (coastal high hazard areas):

In Zones V1-V30, VE, and also Zone V if base flood elevations are available, new construction and substantial improvements of any nonresidential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to the base floor elevation in Zones V1-V30, VE and V.

§ 65-21. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in §§ 65-15 and 65-17 apply to areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:

A. Recreational vehicles.

(1) Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V and VE shall either:

(a) Be on site fewer than one hundred eighty (180) consecutive days;

(b) Be fully licensed and ready for highway use; or

(c) Meet the requirements for manufactured homes in Subsections B, D and E below.

(2) A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30 or VE that is on a site either outside of an existing manufactured home park or subdivision, as herein defined; in a new manufactured home park or subdivision, as herein defined; in an expansion to an existing manufactured home park or subdivision, as herein defined; or in an existing manufactured home park or subdivision, as herein defined, on which a manufactured home has incurred substantial damage as the result of a flood shall, within Zones A1-A30, AE and AH, be elevated on a permanent foundation such that the lowest floor is elevated to or above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement or, within Zones V1-V30 and VE, be elevated on a pile foundation such that the bottom of the lowest structural member of the lowest floor (excluding pilings and columns) is elevated to or above the base flood elevation and securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited. Methods of anchoring may include, but are not limited to, use of over the top or frame ties to ground anchors.

C. A manufactured home to be placed or substantially improved in Zone A1-A30, AE, AH, V1-V30 or VE, in an existing manufactured home park or subdivision, that is not to be placed on a site on which a manufactured home has incurred substantial damage shall be elevated in a manner such as required in Subsection B above or elevated such that the manufactured home

chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry-stacked blocks is prohibited.

D. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six (36) inches in height above the lowest adjacent grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry-stacked blocks is prohibited.

E. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in § 65-6 [at least two (2) feet if no depth number is specified]. Elevation on piers consisting of dry-stacked blocks is prohibited.

§ 65-18. Residential structures (coastal high hazard areas).

The following standards, in addition to the standards in §65-15 A, Coastal high hazard areas, and §65-15 B, Subdivision proposals, and §65-16, Standards for all structures, apply to new and substantially improved residential structures located in areas of special flood hazard shown as Zones V1-V30, VE or V, or in an area of moderate wave action, on the community's Flood Insurance Rate Map designated in §65-6.

A. Elevation. New construction and substantial improvements shall be elevated on pilings, columns or shear walls such that the bottom of the lowest horizontal structural member supporting the lowest elevated floor (excluding columns, piles, diagonal bracing attached to the piles or columns, grade beams, pile caps and other members designed to either withstand storm action or break away without imparting damaging loads to the structure) is elevated to or above two feet above base flood elevation so as not to impede the flow of water.

B. Determination of loading forces. Structural design shall consider the effects of wind and water loads acting simultaneously during the base flood on all building components.

(1) The structural design shall be adequate to resist water forces that would occur during the base flood. Horizontal water loads considered shall include inertial and drag forces of waves, current drag forces, and impact forces from waterborne storm debris. Dynamic uplift loads shall also be considered if bulkheads, walls, or other natural or man-made flow obstructions could cause wave runup beyond the elevation of the base flood.

(2) Buildings shall be designed and constructed to resist the forces due to wind pressure. Wind forces on the superstructure include windward and leeward forces on vertical walls, uplift on the roof, internal forces when openings allow wind to enter the house, and upward force on the underside of the house when it is exposed. In the design, the wind should be assumed to blow potentially from any lateral direction relative to the house.

(3) Wind loading values used shall be those required by the building code.

C. Foundation standards.

(1) The pilings or column foundation and structure attached thereto shall be adequately anchored to resist flotation, collapse or lateral movement due to the effects of wind and water pressures acting simultaneously on all building components. Foundations must be designed to transfer safely to the underlying soil all loads due to wind, water, dead load, live load and other loads (including uplift due to wind and water).

(2) Spread footings and fill material shall not be used for structural support of a new building or substantial improvement of an existing structure.

D. Pile foundation design.

(1) The design ratio of pile spacing to pile diameter shall not be less than 8:1 for individual piles (this shall not apply to pile clusters located below the design grade). The maximum center-to-center spacing of wood piles shall not be more than 12 feet on center under load bearing sills, beams, or girders.

(2) Pilings shall have adequate soil penetration (bearing capacity) to resist the combined wave and wind loads (lateral and uplift) associated with the base flood acting simultaneously with typical structure (live and dead) loads, and shall include consideration of decreased resistance capacity caused by erosion of soil strata surrounding the piles. The minimum penetration for foundation piles is to an elevation of 5 feet below mean sea level (msl) datum if the BFE is +10 msl or less, or to be at least 10 feet below msl if the BFE is greater than +10 msl.

(3) Pile foundation analysis shall also include consideration of piles in column action from the bottom of the structure to the stable soil elevation of the site. Pilings may be horizontally or diagonally braced to withstand wind and water forces.

(4) The minimum acceptable sizes for timber piles are a tip diameter of 8 inches for round timber piles and 8 by 8 inches for square timber piles. All wood piles must be treated in accordance with requirements of EPEE-C3 to minimize decay and damage from fungus.

(5) Reinforced concrete piles shall be cast of concrete having a 28-day ultimate compressive strength of not less than 5,000 pounds per square inch, and shall be reinforced with a minimum of four longitudinal steel bars having a combined area of not less than 1% nor more than 4% of the gross concrete area. Reinforcing for precast piles shall have a concrete cover of not less than 1 1/4 inches for No. 5 bars and smaller and not less than 1 1/2 inches for No. 6 through No. 11 bars. Reinforcement for piles cast in the field shall have a concrete cover of not less than 2 inches.

(6) Piles shall be driven by means of a pile driver or drop hammer, jetted, or augured into place.

(7) Additional support for piles in the form of bracing may include lateral or diagonal bracing between piles.

(8) When necessary, piles shall be braced at the ground line in both directions by a wood timber grade beam or a reinforced concrete grade beam. These at-grade supports should be securely attached to the piles to provide support even if scoured from beneath.

(9) Diagonal bracing between piles, consisting of 2-inch by 8-inch (minimum) members bolted to the piles, shall be limited in location to below the lowest supporting structural member and above the stable soil elevation, and aligned in the vertical plane along pile rows perpendicular to the shoreline. Galvanized steel rods (minimum diameter 1/2 inch) or cable type bracing is permitted in any plane.

(10) Knee braces, which stiffen both the upper portion of a pile and the beam-to-pile connection, may be used along pile rows perpendicular and parallel to the shoreline. Knee braces shall be 2-by-8 lumber bolted to the sides of the pile/beam, or 4-by-4 or larger braces framed into the pile/beam. Bolting shall consist of two 5/8-inch galvanized steel bolts (each end) for 2-by-8 members, or one 5/8-inch lag bolt (each end) for square members. Knee braces shall not extend more than 3 feet below the elevation of the base flood.

E. Column foundation design. Masonry piers or poured-in-place concrete piers shall be internally reinforced to resist vertical and lateral loads, and be connected with a movement-resisting connection to a pile cap or pile shaft.

F. Connectors and fasteners. Galvanized metal connectors, wood connectors, or bolts of size and number adequate for the calculated loads must be used to connect adjoining components of a structure. Toe nailing as a principal method of connection is not permitted. All metal connectors and fasteners used in exposed locations shall be steel, hot-dipped galvanized after fabrication. Connectors in protected interior locations shall be fabricated from galvanized sheet.

G. Beam to pile connections. The primary floor beams or girders shall span the supports in the direction parallel to the flow of potential floodwater and wave action and shall be fastened to the columns or pilings by bolting, with or without cover plates. Concrete members shall be connected by reinforcement, if cast in place, or (of precast) shall be securely connected by bolting and welding. If sills, beams, or girders are attached to wood piling at a notch, a minimum of two (5/8)-inch galvanized steel bolts or two hot-dipped galvanized straps 3/16 inch by 4 inches by 18 inches each bolted with two 1/2 inch lag bolts per beam member shall be used. Notching of pile tops shall be the minimum sufficient to provide ledge support for beam members without unduly weakening pile connections. Piling shall not be notched so that the cross section is reduced below 50%.

H. Floor and deck connections.

(1) Wood 2- by 4-inch (minimum) connectors or metal joist anchors shall be used to tie floor joists to floor beams/girders. These should be installed on alternate floor joists, at a minimum. Cross bridging of all floor joists shall be provided. Such cross bridging may be 1- by 3-inch members, placed 8 feet on-center maximum, or solid bridging of same depth as joist at same spacing.

(2) Plywood should be used for subflooring and attic flooring to provide good torsional resistance in the horizontal plane of the structure. The plywood should not be less than (3/4)-inch total thickness, and should be exterior grade and fastened to beams or joists with 8d annular or spiral thread galvanized nails. Such fastening shall be supplemented by the application of waterproof industrial adhesive applied to all bearing surfaces.

I. Exterior wall connections. All bottom plates shall have any required breaks under a wall stud or an anchor bolt. Approved anchors will be used to secure rafters or joists and top and bottom plates to studs in exterior and bearing walls to form a continuous tie. Continuous 15/32-inch or thicker plywood sheathing--overlapping the top wall plate and continuing down to the sill, beam, or girder--may be used to provide the continuous tie. If the sheets of plywood are not vertically continuous, then 2-by-4 nailer blocking shall be provided at all horizontal joints. In lieu of the plywood, galvanized steel rods of 1/2-inch diameter or galvanized steel straps not less than 1 inch wide by 1/16 inch thick may be used to connect from the top wall plate to the sill, beam, or girder. Washers with a minimum diameter of 3 inches shall be used at each end of the 1/2-inch round rods. These anchors shall be installed no more than 2 feet from each corner rod, no more than 4 feet on center.

J. Ceiling joist/rafter connections.

(1) All ceiling joists or rafters shall be installed in such a manner that the joists provide a continuous tie across the rafters. Ceiling joists and rafters shall be securely fastened at their intersections. A metal or wood connector shall be used at alternate ceiling joist/rafter connections to the wall top plate.

(2) Gable roofs shall be additionally stabilized by installing 2-by-4 blocking on 2-foot centers between the rafters at each gable end. Blocking shall be installed a minimum of 8 feet toward the house interior from each gable end.

K. Projecting members. All cantilevers and other projecting members must be adequately supported and braced to withstand wind and water uplift forces. Roof eave overhangs shall be limited to a maximum of 2 feet and joist overhangs to a maximum of 1 foot. Larger overhangs and porches will be permitted if designed or reviewed and certified by a registered professional engineer or architect.

L. Roof sheathing.

(1) Plywood, or other wood material, when used as roof sheathing, shall not be less than 15/32 inch in thickness, and shall be of exterior sheathing grade or equivalent. All attaching devices for sheathing and roof coverings shall be galvanized or be of other suitable corrosion resistant material.

(2) All corners, gable ends, and roof overhangs exceeding six inches shall be reinforced by the application of waterproof industrial adhesive applied to all bearing surfaces of any plywood sheet used in the sheathing of such corner, gable end, or roof overhang.

(3) In addition, roofs should be sloped as steeply as practicable to reduce uplift pressures, and special care should be used in securing ridges, hips, valleys, eaves, vents, chimneys, and other points of discontinuity in the roofing surface.

M. Protection of openings. All exterior glass panels, windows, and doors shall be designed, detailed, and constructed to withstand loads due to the design wind speed of 75 mph. Connections for these elements must be designed to transfer safely the design loads to the supporting structure. Panel widths of multiple panel sliding glass doors shall not exceed three feet.

N. Breakaway wall design standards.

(1) The breakaway wall shall have a design safe loading resistance of not less than 10 and not more than 20 pounds per square foot, with the criterion that the safety of the overall structure at the point of wall failure be confirmed using established procedures. Grade beams shall be installed in both directions for all piles considered to carry the breakaway wall load. Knee braces are required for front row piles that support breakaway walls.

(2) Use of breakaway wall strengths in excess of 20 pounds per square foot shall not be permitted unless a registered professional engineer or architect has developed or reviewed the structural design and specifications for the building foundation and breakaway wall components, and certifies that (1) the breakaway walls will fail under water loads less than those that would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system will not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and non-structural). Water loading values used shall be those associated with the base flood. Wind loading values shall be those required by the building code.

§ 65-19. Nonresidential structures (except coastal high hazard areas).

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in §65-15 B, Subdivision proposals, and §65-15 C, Encroachments, and §65-16, Standards for all structures.

A. Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall either:

(1) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or

(2) be floodproofed so that the structure is watertight below two feet above the base flood elevation with walls substantially impermeable to the passage of water. All structural components located below the base flood elevation must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

B. Within Zone AO, new construction and substantial improvements of non-residential structures shall:

(1) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as two feet above the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or

(2) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in §65-16 D.

C. If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of §65-19 A(2), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.

D. Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

E. Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

§ 65-20. Non-residential structures (coastal high hazard areas).

In Zones V1-V30, VE and also Zone V if base flood elevations are available, or in an area of moderate wave action, new construction and substantial improvements of any non-residential structure, together with attendant utility and sanitary facilities, shall have the bottom of lowest member of the lowest floor elevated to or above two feet above the base flood elevation. Floodproofing of structures is not an allowable alternative to elevating the lowest floor to two feet above the base flood elevation in Zones V1-V30, VE and V.

§65-21. Manufactured homes and recreational vehicles.

The following standards in addition to the standards in §65-15, General standards, and §65-16, Standards for all structures, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard.

A. Recreational vehicles placed on sites within Zones A1-A30, AE, AH, V1-V30, V, and VE shall either:

- (1) be on site fewer than 180 consecutive days,
- (2) be fully licensed and ready for highway use, or
- (3) meet the requirements for manufactured homes in §65-21 B, C and D.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. A manufactured home that is placed or substantially improved in Zones A1-A30, AE, AH, V1-V30, V, and VE shall be elevated on a permanent foundation such that the lowest floor is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

C. Within Zones A or V, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement. Elevation on piers consisting of dry stacked blocks is prohibited.

D. Within Zone AO, the floor shall be elevated above the highest adjacent grade at least as high as the depth number specified on the Flood Insurance Rate Map enumerated in §65-6 (at least two feet if no depth number is specified). Elevation on piers consisting of dry stacked blocks is prohibited.

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

Dated: Riverhead, New York
August 18, 2009

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

August 18, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 809

RESCINDS RESOLUTION #768 (TO AUTHORIZE THE TOWN CLERK TO POST AND PUBLISH A NOTICE TO BIDDERS FOR WEST MAIN STREET COMFORT STATION RENOVATION PROJECT)

~~COUNCILMAN DUNLEAVY~~ offered the following resolution which was seconded by COUNCILMAN WOOTEN.

WHEREAS, there was an error in the published Notice to Bidders authorized by Town Board Resolution #768 and the Notice to Bidders was published in the August 6, 2009 issue of the official Town newspaper, and

WHEREAS, the bid package was not made available to the public by either the Town Clerk's office, or the Town of Riverhead website, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby rescind Town Board Resolution #768, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Christine Fetten, P.E., Purchasing Department and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED.

August 18, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 810

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH THE ATTACHED NOTICE TO BIDDERS FOR THE TOWN OF RIVERHEAD WEST MAIN STREET COMFORT STATION RENOVATION PROJECT

COUNCILMAN WOOTEN offered the following resolution which

Was seconded by COUNCILWOMAN BLASS.

RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to post and publish the attached Notice to Bidders in the August 27, 2009 issue of the official Town newspaper for the Town of Riverhead West Main Street Comfort Station Renovation Project, Riverhead, New York; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kenneth Testa, P.E., Christine Fetten, P.E., Purchasing Department, and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED.

Engineering Dept

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed proposals for the West Main Street Comfort Station Renovation Project, Riverhead, New York will be received by the Town of Riverhead the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 am September 18, 2009 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about August 27, 2008 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on Bid Requests.

A non-refundable fee of \$50.00 will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "West Main Street Comfort Station Renovation Project" and must be accompanied by a bid surety as stated in the Instruction to Bidders.

PLEASE TAKE FURTHER NOTICE THAT the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lower bidder.

The Town of Riverhead reserves the right to reject any and all bids.

BY THE ORDER FO THE RIVERHEAD TOWN BOARD
Diane M. Wilhelm, Town Clerk
Riverhead, New York 11901

Dated: August 18, 2009

August 18, 2009

Adopted

TOWN OF RIVERHEAD

AUTHORIZES RELEASE OF DEVELOPER MONEY
FEDUN ESTATES

RESOLUTION # 811

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by _____

COUNCILMAN DUNLEAVY

WHEREAS, Vicam Development, deposited monies for expansion of the Riverhead Water District, Capital Project 30089, with the Town of Riverhead on May 8, 2006 (G-12812) - \$3000.00 and May 2, 2007 (H-12216) - \$189,000.00, totaling One Hundred Ninety Two Thousand Dollars (\$192,000.00)

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M) and the Riverhead Water District has determined that all work for this extension has been completed and the developer is due back a refund of Forty Seven Thousand Five Hundred Sixty Four Dollars and Ninety Two Cents (\$47,564.92)

WHEREAS, that the Town of Riverhead Administration fee should be released to General Town (\$5,656.86) and to the Riverhead Water District (\$4,243.14) in the total amount of Nine Thousand Nine Hundred Dollars (\$9,900.00).

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Accounting Department to release said monies in the sum of Forty Seven Thousand Five Hundred Sixty Four Dollars and Ninety Two Cents (\$47,564.92) to Vicam Development; and Five Thousand Six Hundred Fifty Six Dollars and Eighty Six Cents (\$5,656.86) to General Town Administration Fee; and Four Thousand Two Hundred Forty Three Dollars and Fourteen Cents (4,243.14) to the Water District Administration Fee; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this Resolution to Vicam Development, 1303 Main Street, Suite 1A, Port Jefferson, NY 11777; H2M Group, 575 Broad Hollow Road, Melville, NY 11747; Riverhead Sewer District and the Accounting Department.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



Engineers | Architects | Scientists | Planners | Surveyors

575 Broad Hollow Road | Melville, New York 11747
v 631.756.8000 f 631.694.4122
www.h2m.com

Holzmacher, McLendon & Murrell, P.C. | H2M Associates, Inc.
H2M Labs, Inc. | H2M Architects & Engineers, Inc.

July 14, 2009
(Revised August 11, 2009)

Mr. William J. Rothaar, Financial Administrator
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Re: Riverhead Water District
Fedun Estates
H2M Project No. RDWD 06-52
Riverhead Town No.: 30089

Dear Mr. Rothaar:

The above referenced developer project has been completed and in service for a minimum of one year. Therefore, the project can be closed. We have prepared the following summary of final costs based on our records. We ask that you confirm these costs with your records.

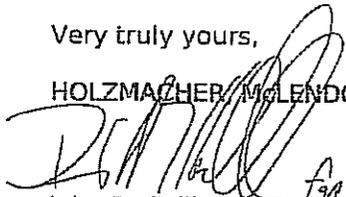
Total Deposits:	\$192,000.00
Construction Cost:	105,312.25
Engineering Costs:	18,722.83 (PO# 07-1220)
Town/District Admin. Fees:	9,900.00
Meter & AMR Fees:	<u>10,500.00</u>
BALANCE:	\$47,564.92*

* - Summary does not account for any legal, advertisement or Key Money fees which apply to the project.

Please note the contractor has been paid in full for all invoices submitted. H2M has one outstanding invoice for \$357.86. Based on this summary, we recommend that the Town release the balance of funds to the owner/developer.

Very truly yours,

HOLZMACHER, MCLENDON & MURRELL, P.C.


John R. Collins, P.E.

cc: Supt. Gary Pendzick
Melissa Peeker, Accounting Dept.
Joe Campo

x:\rdwd (riverhead water district) - 10810\rdwd0652 - fedun estates_water main\correspondence\out_rdwd 0652.doc



CELEBRATING 75 YEARS



August 18, 2009

Adopted

TOWN OF RIVERHEAD

AUTHORIZES RELEASE OF DEVELOPER MONEY
DEMCHUK ESTATES

RESOLUTION # 812

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

WHEREAS, CTR Development, deposited monies for expansion of the Riverhead Water District, Capital Project 30088, with the Town of Riverhead on May 8, 2006 (G-12811) - \$3000.00 and May 2, 2007 (H-12215) - \$83,000.00 totaling Eighty Six Thousand Dollars (\$86,000.00)

WHEREAS, Holzmacher, McLendon & Murrell, P.C. (H2M) and the Riverhead Water District has determined that all work for this extension has been completed and the developer is due back a refund of Eleven Thousand Six Hundred Seventeen Dollars and Thirty Nine Cents (\$11,617.39)

WHEREAS, that the Town of Riverhead Administration fee should be released to General Town (\$2399.88) and to the Riverhead Water District (\$1800.12) in the total amount of Four Thousand Two Hundred Dollars (\$4,200.00).

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Accounting Department to release said monies in the sum of Eleven Thousand Six Hundred Seventeen Dollars and Thirty Nine Cents (\$11,617.39) to CTR Development; and Two Thousand Three Hundred Ninety Nine Dollars and Eighty Eight Cents (\$2399.88) to General Town Administration Fee; and One Thousand Eight Hundred Dollars and Twelve Cents (1,800.12) to the Water District Administration Fee; and

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a copy of this Resolution to CTR Development, 1303 Main Street, Suite 1A, Port Jefferson, NY 11777; H2M Group, 575 Broad Hollow Road, Melville, NY 11747; Riverhead Sewer District and the Accounting Department.

THE VOTE

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



Engineers | Architects | Scientists | Planners | Surveyors

575 Broad Hollow Road
Melville, New York 11747
v 631.756.8000 f 631.694.4122
www.h2m.com

Holzmacher, McLendon & Murrell, P.C. | H2M Associates, Inc.
H2M Labs, Inc. | H2M Architects & Engineers, Inc.

July 14, 2009

Mr. William J. Rothaar, Financial Administrator
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

Re: Riverhead Water District
Demchuk Estates
H2M Project No. RDWD 06-51
Riverhead Town No.: 30088

Dear Mr. Rothaar:

The above referenced developer project has been completed and in service for a minimum of one year. Therefore, the project can be closed. We have prepared the following summary of final costs based on our records. We ask that you confirm these costs with your records.

Total Deposits:	\$ 86,000.00
Construction Cost:	56,549.00
Engineering Costs:	9,883.61 (PO# 07-1221)
Town/District Admin. Fees:	4,200.00
Meter & AMR Fees:	<u>3,750.00</u>
BALANCE:	\$ 11,617.39 *

* - Summary does not account for any legal, advertisement or Key Money fees which apply to the project.

Please note that H2M and the contractor have been paid in full for all invoices submitted. Based on this summary, we recommend that the Town release the balance of funds to the owner/developer.

Very truly yours,

HOLZMACHER, McLENDON & MURRELL, P.C.

cc: Supt. Gary Pendzick
Melissa Peeker, Accounting Dept.
Joe Campo

X:RDWD (Riverhead Water District) - 10810\RDWD0651 - Demchuk Estates_Water Mains\Correspond\closeout.doc



CELEBRATING 75 YEARS



Adopted

August 18, 2009

TOWN OF RIVERHEAD
RESOLUTION # 813
AWARDS BID FOR PECONIC AVENUE CROSSWALK IMPROVEMENT PROJECT

~~COUNCILMAN WOOTEN~~ offered the following resolution which was seconded

by COUNCILMAN BLASS

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Peconic Avenue Crosswalk Improvement Project; and

WHEREAS, two (2) bids were received, opened and read aloud on the 30th day of April, 2009 at 11:30 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Peconic Avenue Crosswalk Improvement Project be and is hereby awarded to Coazzini Asphalt, Inc. in the amount of Sixty Eight Thousand Five Hundred Twenty & 00/100 (\$68,520.00); and

BE IT FURTHER RESOLVED, that Corazzini Asphalt, Inc. agrees to complete any/and all Federal Contractor Certification forms and worksheets as attached and as outlined in the contract specifications and will forward completed documents to the Office of Community Development; and

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

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute an agreement for the Peconic Avenue Crosswalk Improvement Project; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Assistant Town Engineer to secure a Town of Riverhead purchase order from the Purchasing Department in the amount of \$68,520.00; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Corazzini Asphalt, Inc., P. O. Box 1281, Cutchogue, NY 11935, Dunn Engineering, 66 Main Street, Westhampton Beach, NY 11978, Christine Fetten, P.E., Assistant Town Engineer, Purchasing Department and the Office of Accounting.

THE VOTE

Blass Yes No

Dunleavy Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.

August 18, 2009

TOWN OF RIVERHEAD
RESOLUTION # 814

AUTHORIZES DUNN ENGINEERING ASSOCIATES, P.C. TO PROCEED WITH GRANGEBEL
PARK TIMBER PEDESTRIAN BRIDGE DESIGN AND PREPARATION OF BID DOCUMENT
SPECIFICATIONS

Councilwoman Blass offered the following resolution which was
seconded by Councilman Dunleavy.

WHEREAS, as part of the planned park improvements, the Town of Riverhead wishes to reconstruct the timber pedestrian bridge in Grangebél Park, Riverhead; and

WHEREAS, the Town Board and the Engineering Department requested a proposal to provide professional engineering services to design the pedestrian bridge and to prepare bid document specifications; and

WHEREAS, Dunn Engineering Associates, P.C. has submitted a proposal to perform the above referenced work; and

WHEREAS, the submitted proposal annexed hereto has been reviewed and discussed by the Engineering Department and the members of the Town Board, and

WHEREAS, Dunn Engineering Associates, P.C. has provided a Professional Services Agreement for the Grangebél Park Timber Pedestrian Bridge Design and Preparation of Bid Document Specifications annexed hereto; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby accept the proposal submitted and does hereby authorize Dunn Engineering Associates, P.C. to proceed with the work proposed for the not to exceed lump sum amount of Thirty Five Thousand and 00/100 (\$35,000); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Engineer to secure a Town of Riverhead Purchase order in the amount listed above; and

BE IT FURTHER RESOLVED, that the Supervisor is authorized to execute the attached Professional Service Agreement for the Grangebél Park Timber Pedestrian Bridge Design and Preparation of Bid Document Specifications agreement; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby authorize the Town Clerk to forward a copy of this resolution to Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978; and

BE IT FURTHER RESOLVED, that all Town Hall departments may review and obtain a copy of this resolution from the e-cabinet and if needed a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

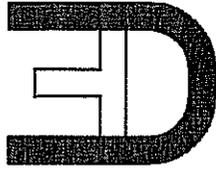
Dunleavy Yes No

Blass Yes No

Wooten Yes No

Cardinale Yes No

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED.



Dunn Engineering Associates, P.C.

Consulting Engineers

66 Main Street
Westhampton Beach, N.Y. 11978
631-288-2480
631-288-2544 Fax

August 18, 2009

Mr. Ken Testa, P.E.
Town Engineer
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901-2593

Via Fax: 369-7739

Re: Grangebél Park
Timber Pedestrian Bridge

Dear Ken:

In accordance with your request I have prepared a proposal for professional engineering services in connection with the design of a new timber pedestrian bridge at the location of the current washed out County culvert pipes. Included in our proposal is the necessary coordination work required to ensure that the waterway opening is consistent with the hydraulic requirements for the proposed rock ramp and also the required modifications to the existing Department of Environmental Conservation permit.

It is our understanding that the scope of work shall consist of the following:

1. Structural Design of a timber pedestrian bridge capable of accommodating vehicles up to a maximum gross weight of 4 tons.
2. Hydraulic analysis of a riprap channel to be consistent with requirements of the proposed rock ramp.
3. Foundation design to address the difficult soil conditions demonstrated by the recent soil boring done by Land Air Water Environmental Services, Inc.
4. Bridge to have a curved vertical alignment and ornamental metal railing to match those already proposed for the park.
5. Plans and specifications will be provided to the Town electronically in Microsoft Word format, and AutoCad, as well as one (1) original set of hard copy signed and sealed for bidding and reproduction purposes.

The lump sum cost to provide these services will be \$35,000.

Mr. Ken Testa, P.E.
August 18, 2009
Page 2

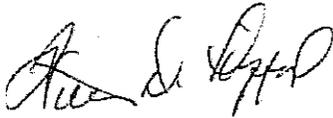
Technical Assumptions

No construction services costs have been included.

Our firm is prepared to begin work immediately following receipt of a purchase order so that the bridge can be included in the Grangebel Park restoration project if so desired by the Town.

We look forward to working with you once again.

Sincerely,



William D. Lifford, P.E.
Vice President, Structural Engineering

WDL:as
A1619RevB \ P28035.99

AGREED TO AND ACCEPTED TO:

By: _____

Dated: _____

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the 17 day of August, 2009 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York, 11901, Dunn Engineering Associates, P.C., a corporation existing under the laws of the State of New York with a principal place of business at 66 Main Street, Westhampton Beach, New York 11978, ("Consultant").

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

1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the services set forth in the Schedule attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town.

2. TERM OF AGREEMENT

The Agreement shall commence on 8/18/2009 [date] and terminate on 12/15/2009 [date].

3. PAYMENT

For these services Town of Riverhead will pay Consultant a fee (performance based contract) or at the rate (hourly fee based contract) set forth in the attached schedule. Note, the Town may require the submission of documentation, including time records for performance based contracts solely for the purposes of verification of completion of the project or a portion of the project and the request that consultant provide same shall not convert the performance contract to an hourly rate contract. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

4. RIGHTS TO DOCUMENTS OR DATA

All information and data, regardless of form, generated in the performance of, or delivered under, this Agreement, as well as any information provided to Consultant

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

5. PUBLICITY

Consultant shall not, without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any document, data, written material of any kind without the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

6. ASSIGNMENT AND SUBCONTRACTING

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

7. TERMINATION

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

8. RECORDS

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

9. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Consultant, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that the Consultant determines that a change order is

required, Consultant shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Consultant must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between the Consultant and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

10. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Mr. Ken Testa, PE, 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to ^{Dunn Engineering} ~~_____~~ *[name and address]*.
ASSOCIATES, P.C.

11. COMPLIANCE WITH LAWS

66 Main Street, Westhampton Beach, NY 11978

Consultant shall comply with all applicable federal, state, and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify

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

12. INSURANCE, INDEMNITY AND LIABILITY

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

13. CONFLICT OF INTEREST

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

14. DISCLOSURE

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

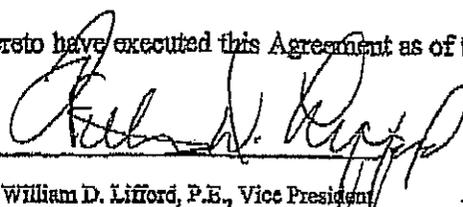
15. DISPUTES

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

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

by:

Town Of Riverhead
200 Howell Avenue
Riverhead, New York


William D. Lifford, P.E., Vice President
Vice President
Dunn Engineering Associates, P.C.
66 Main Street
Westhampton Beach, New York 11978

Adopted

RESOLUTION # <u>815</u> ABSTRACT #09-31 August 6, 2009 (TBM 08/18/09)				
Councilman <u>Dunleavy</u> offered the following Resolution which was seconded by				
Councilman <u>Wooten</u> .				
FUND NAME			08/06/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		4,613,460.54	4,613,460.54
ECONOMIC DEVELOPMENT ZONE FUND	30		2,834.34	2,834.34
HIGHWAY FUND	111		735,080.46	735,080.46
WATER DISTRICT	112		116,914.08	116,914.08
RIVERHEAD SEWER DISTRICT	114		329,819.93	329,819.93
REFUSE & GARBAGE COLLECTION DI	115		581,994.34	581,994.34
STREET LIGHTING DISTRICT	116		139,519.72	139,519.72
PUBLIC PARKING DISTRICT	117		20,150.00	20,150.00
BUSINESS IMPROVEMENT DISTRICT	118		13,125.00	13,125.00
AMBULANCE DISTRICT	120		87,870.00	87,870.00
EAST CREEK DOCKING FACILITY FU	122		14,240.00	14,240.00
CALVERTON SEWER DISTRICT	124		42,083.50	42,083.50
RIVERHEAD SCAVANGER WASTE DIST	128		27,164.12	27,164.12
RIVERHEAD SEWER DENITRIFICATIO	130		75,000.00	75,000.00
WORKERS' COMPENSATION FUND	173		32,255.47	32,255.47
RISK RETENTION FUND	175		350.33	350.33
CDBG CONSORTIUM ACOUNT	181		79.93	79.93
RESTORE GRANT PROGRAM	184		7,500.00	7,500.00
TOWN HALL CAPITAL PROJECTS	406		210,809.58	210,809.58
TRUST & AGENCY	735		3,321,762.12	3,321,762.12
CALVERTON PARK - C.D.A.	914		1,800.00	1,800.00
TOTAL ALL FUNDS			10,373,813.46	10,373,813.46

THE VOTE

Buckley yes no Wooten yes no
 Dunleavy yes no Blass yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
 THEREFORE DULY ADOPTED

RESOLUTION # 815 ABSTRACT #09-32 August 13, 2009 (TBM 08/18/09)				
<u>Councilman Dunleavy</u> offered the following Resolution which was seconded by <u>Councilman Wooten</u> .				
FUND NAME			08/06/09 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		949,836.37	949,836.37
RECREATION PROGRAM FUND	6		86,439.92	86,439.92
ECONOMIC DEVELOPMENT ZONE FUND	30		3,157.04	3,157.04
HIGHWAY FUND	111		93,750.68	93,750.68
WATER DISTRICT	112		100,238.42	100,238.42
RIVERHEAD SEWER DISTRICT	114		45,717.61	45,717.61
REFUSE & GARBAGE COLLECTION DI	115		349,271.82	349,271.82
STREET LIGHTING DISTRICT	116		9,189.32	9,189.32
AMBULANCE DISTRICT	120		40.3	40.3
EAST CREEK DOCKING FACILITY FU	122		628.31	628.31
CALVERTON SEWER DISTRICT	124		931.4	931.4
RIVERHEAD SCAVANGER WASTE DIST	128		8,713.14	8,713.14
WORKERS' COMPENSATION FUND	173		21,078.20	21,078.20
RISK RETENTION FUND	175		35,099.13	35,099.13
CDBG CONSORTIUM ACOUNT	181		631.15	631.15
RESTORE GRANT PROGRAM	184		7,500.00	7,500.00
TOWN HALL CAPITAL PROJECTS	406		75,301.91	75,301.91
WATER DISTRICT CAPITAL PROJECT	412		55,765.77	55,765.77
TRUST & AGENCY	735		629,692.53	629,692.53
COMMUNITY PRESERVATION FUND	737		1,715.96	1,715.96
CALVERTON PARK - C.D.A.	914		6,042.00	6,042.00
TOTAL ALL FUNDS			2,480,740.98	2,480,740.98