

RESOLUTION LIST

MAY 3, 2016

- Res. #295** Amends Resolution #810 of 2011 and #162 of 2012 the Establishment of the Audit Committee
- Res. #296** Capital Project #20045 Prohealth Care/21st Century Oncology Budget Adjustment
- Res. #297** General Fund Wading River Parking Lot Budget Adjustment
- Res. #298** Authorizes the Qualified Municipal Advisor to Undertake Review
- Res. #299** Authorizes Town Clerk to Publish and Post Pubic Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Movie Theater Definition)
- Res. #300** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Movie Theater Use)
- Res. #301** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Theater Parking)
- Res. #302** Authorizes the Town Supervisor to Execute a Professional Service Agreement with Robert Hubbs
- Res. #303** Authorizes Fire Safety Inspector to Attend Level II Fire/Arson Investigation Training
- Res. #304** Ratifies the Appointment of a Part-Time Public Safety Dispatcher I to the Police Department (William M. Fleming)
- Res. #305** Amends Resolution #98 (Ratifies the Appointment of a Full-Time Temporary Bus Drive to the Seniors Center – Laurie McKillop)
- Res. #306** Accepts the Resignation of an Account Clerk Typist (Kim Fuentes)
- Res. #307** Ratifies the Appointment of a Fire Prevention Inspector (Andrew Smith)
- Res. #308** Appoints Seasonal Pump Out Boat Operator

- Res. #309** Ratifies the Reinstatement and Transfer of an Account Clerk Typist (Joan Mottern)
- Res. #310** Classifies SEQRA Action/Assumes Lead Agency Status/Adopts Negative Declaration/Approves Site Plan application to Replace an In-Kind Guy-Wired Tower at Old Castle Retail at EPCAL
- Res. #311** Appoints Member to the Planning Board of the Town of Riverhead (Joseph H. Baier)
- Res. #312** Authorization to Publish Advertisement for Ford Automotive Replacement Parts for the Town of Riverhead
- Res. #313** Awards Bid for Paint 2016
- Res. #314** Amending Terms and Conditions of Employment for Deputy Supervisor (Jill Lewis)
- Res. #315** Amends and Ratifies Authorization for Town Clerk Attendance at the 2016 New York State Town Clerks Association Annual State Conference
- Res. #316** Approves Free Yard Waste (Mulch) for Residents, Non-Residents and Commercial Entities
- Res. #317** Authorization to Publish Advertisement for Highway Department Grinding of Town Yard Waste On-Site at South Side Young's Avenue Yard Waste Facility
- Res. #318** Ratifies Adoption of Amendment to Alcohol Policy for the Town of Riverhead
- Res. #319** Approves the Chapter 90 Application of Aaron Environmental Group, Inc. ("Grateful Festival" Music & Art Festival – Sunday, May 22, 2016)
- Res. #320** Authorizes the Sale of 1995 GMC Bucket Truck "as is" Condition
- Res. #321** Approves Chapter 90 Application of Bubble Palooza, LLC 5K Family Fun Run with Color – Saturday, June 11, 2016
- Res. #322** Approves Chapter 90 Application of the Cystic Fibrosis Foundation Greater New York Chapter ("CF Cycle for Life" – Saturday, September 24, 2016)

- Res. #323** Authorizes the Supervisor to Execute a License Agreement with Eastern Bays Company, Inc. to Allow the Installation of Floating Upweller Systems (FLUPSY) in East Creek
- Res. #324** Approves Chapter 90 Application of Hallockville Inc. (Country Style Fair – May 14th and 15th, 2016)
- Res. #325** Approves Chapter 90 Application of Long Island Antique Power Association (Antique Engine and Antique Tractor Show – May 14th & 15th, 2016 and July 9th & 10th, 2016)
- Res. #326** Town Board Direction to Personnel Director & Financial Administrator to Process Zoning Board of Appeals Member Request for Retirement Benefits (Frederick J. McLaughlin)
- Res. #327** Approves the Application for Fireworks Permit of Riverhead Raceway (Saturday, May 7, 2016)
- Res. #328** Approves Chapter 90 Application of Rugged Races LLC (5K Obstacle Race entitled “Rugged Maniac” – Saturday, September 17, 2016)
- Res. #329** Approves the Chapter 90 Application of the Survival Race, LLC (5K Adventure Run – Saturday, May 7, 2016)
- Res. #330** Approves Chapter 90 Application of the Survival Race, LLC (Zombie Adventure Run & Festival – Saturday, May 21, 2016)
- Res. #331** Authorizes Town Supervisor to Execute Lease Termination Agreement and General Release Between Riverhead Water District and Nextel of New York, Inc.
- Res. #332** Appoints Member to the Zoning Board of Appeals of the Town of Riverhead (Frederick J. McLaughlin)
- Res. #333** Pays Bills
- Res. #334** Ratifies Request for a Leave of Absence (Arthur Fogal)

TOWN OF RIVERHEAD

Resolution # 295

AMENDS RESOLUTION #810 OF 2011 AND #162 OF 2012 THE ESTABLISHMENT OF THE AUDIT COMMITTEE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Resolution #810 adopted by the Town Board on November 1, 2011 established an Audit Committee to independently oversee and ensure the adequacy of internal controls; confirm the reliability of accounting and reporting systems and the adequacy of information contained therein; assure compliance with established policies and procedures; appraise program performance in the conduct of financial, compliance and performance audits; and report material findings with recommended corrective action; and

WHEREAS, Resolution #162 adopted by the Town Board on February 22, 2012 appointed Jack Orben, Susan Bandiera and Stephen Patterson as members of the Audit Committee; and

WHEREAS, Susan Bandiera and Stephen Patterson no longer serve as members of the Audit Committee; and

WHEREAS, Martin Burrows, Virginia Lewin, Joel Hockett and Kenneth Abruzzo have expressed a desire to fill those vacated positions and to fill additional seats.

RESOLVED, that the Town Board hereby appoints Jack Orben, Martin Burrows, Virginia Lewin (advisory member), Joel Hockett and Kenneth Abruzzo as members of the audit committee; and be it further

RESOLVED, that all other terms and conditions of Resolution #810 shall remain in full force and effect; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 296

CAPITAL PROJECT #20045
PROHEALTH CARE/21ST CENTURY ONCOLOGY

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Riverhead Sewer District has received \$56,000.00 from the developer, CAV 896 LLC for additional Map and Plan engineering services needed at 21st Century Oncology, ProHealth Care located at 896 Old Country Road.

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

	<u>FROM</u>	<u>TO</u>
414.092705.421050.20045 Developer Fees	56,000.00	
414.081300.543504.20045 Professional Services-Engineer		56,000.00

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 297

GENERAL FUND
WADING RIVER PARKING LOT

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Town Engineer is requesting a budget adjustment to repair and repave the Wading River Beach parking lot.

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

		<u>FROM</u>	<u>TO</u>
001.016250.541200	Grounds, Repair & Maintenance	39,290.00	
001.016250.541305	Parking Lot Repair & Maintenance		39,290.00

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 298

AUTHORIZES THE QUALIFIED MUNICIPAL ADVISOR TO UNDERTAKE REVIEW

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by resolution #103, adopted on February 17, 2016, the Town Board awarded the bid for a Qualified Municipal Advisor to Capital Markets Advisors, LLC (CMA, LLC); and

WHEREAS, CMA, LLC has submitted a proposal to review and conduct an analysis of the benefits of re-structuring and going out to bond sale regarding current bond indebtedness, to prepare a written report, to make a presentation to Moody's and assist in the marketing/issuance of bonds, if determined by the Town Board, for a fixed cost of \$30,000.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes CMA, LLC to undertake an analysis of the benefits of re-structuring and re-issuing said bonds, to prepare a written report of those findings, to make a presentation to Moody's and assist in the marketing/issuance of bonds, if determined by the Town Board, for a fixed cost of \$30,000.00; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute an Agreement and further authorizes the Financial Administrator to establish a budget line for same; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Capital Markets Advisors, LLC, One Great Neck Road, Suite 1, Great Neck, New York 11201; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 299

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER
A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF
THE RIVERHEAD TOWN CODE
(Movie Theater Definition)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the May 12, 2016 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of June, 2016 at 2:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108
Zoning

108-3 Definitions; word usage.

Movie Theater

A building devoted to the showing of motion pictures on one or more screens within the building(s) on a paid-admission basis

- Underscore represents addition(s)

Dated: Riverhead, New York
May 3, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 300

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF
THE RIVERHEAD TOWN CODE
(Movie Theater Use)**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the May 12, 2016 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of June, 2016 at 2:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108
Zoning

Article XLVII. Shopping Center (SC) Zoning District
108-262 Uses.

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

A. Permitted uses:

- (1) Shopping centers (with a minimum size of 50,000 square feet of gross floor area).
- (2) Office campuses.
- (3) Health clubs and spas.
- (4) Restaurants.
- (5) Indoor sports and ~~recreation~~ recreation facilities.

B. Special permit uses:

- (1) Movie Theaters.

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

- (1) Drive-through windows for banks and pharmacies.

~~C D.~~ D. Prohibited uses:

- (1) Motor vehicle dealerships.
- (2) Boat dealerships.

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

Dated: Riverhead, New York
May 3, 2016

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

TOWN OF RIVERHEAD

Resolution # 301

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF
THE RIVERHEAD TOWN CODE
(Theater Parking)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the May 12, 2016 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of June, 2016 at 2:05 o'clock p.m. to amend Chapter 108, entitled "Zoning" of the Riverhead Town Code.

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

CHAPTER 108
Zoning

108 Attachment 1:1

Parking Use	Number of Minimum Spaces
One-family and two-family dwellings	1 per dwelling unit
Multiple dwellings	1 1/2 per dwelling unit
Hotels, motels, tourist homes, cabins, lodging, rooming and boarding houses	1 per guest sleeping room or suite
Fraternities, sororities or dormitories	1 per 2 sleeping rooms
Hospitals	1 per 1 1/2 patient beds
Sanatoriums or convalescent homes	1 per 3 patient beds
Medical or dental office	1 per 150 square feet of floor area
Mortuary or funeral directors' establishments	1 per 75 square feet of floor
Bowling alleys	4 per alley
Theaters, auditoriums or any public assembly area with fixed seats, including churches, schools above elementary levels, colleges and universities	1 per 3 seats
<u>Movie Theaters</u>	<u>1 per 4 seats</u>

- Underscore represents addition(s)

Dated: Riverhead, New York
May 3, 2016

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 302

AUTHORIZES THE TOWN SUPERVISOR TO EXECUTE A PROFESSIONAL SERVICE AGREEMENT WITH ROBERT HUBBS

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Engineering Department is desirous of retaining the services of Robert Hubbs to perform GIS and AutoCAD remote services in connection with various Engineering and Town projects; and

WHEREAS, Robert Hubbs is ready, willing and able to provide such services as desired by the Town of Riverhead pursuant to the attached proposed agreement.

NOW, THEREFORE BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached Professional Services Agreement with Robert Hubbs for GIS and AutoCAD remote services and activities pursuant to a \$60.00/hour fee delineated in the attached proposed agreement from May 1, 2016 through to August 31, 2016 with a 100-hour cap for services rendered; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Robert Hubbs, 42 Marvin Street, Patchogue, NY 11772, Engineering Department, and the Office of Accounting; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

CONSULTANT/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the _____ day of _____, 2016 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, and Robert Hubbs, with a principal place of business at 42 Marvin St., Patchogue, NY 11772, ("Consultant Address").

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 professional GIS services to include preparation of maps and plans, and assignment of addresses, and shall furnish CAD services in assistance with preparing engineering drawings. 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 May 1, 2016 and terminate on August 31, 2016 with a cap of 100 hours for services rendered.

3. PAYMENT

For these services Town of Riverhead will pay Consultant a fee \$60/hour for services provided. 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. 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." 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. 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.

8. 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.

9. 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: Drew Dillingham, 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Rob Hubbs, 42 Marvin St., Patchogue, NY 11772.

10. COMPLIANCE WITH LAWS

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

11. 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.

12. 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.

13. 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) terminate this agreement.

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

by:

Robert Hubbs
42 Marvin St.
Patchogue, New York

TOWN OF RIVERHEAD

Resolution # 303

**AUTHORIZES FIRE SAFETY INSPECTOR TO ATTEND
LEVEL II FIRE/ARSON INVESTIGATION TRAINING**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the New York State Fire Academy conducts a Level II Fire/Arson Investigator class in Montour Falls on June 13 - 17, 2016 and June 20 – 24, 2016 consecutively; and

WHEREAS, the attendance of said class will provide specific training techniques to be utilized by the Fire Marshal's office; and

WHEREAS, it is the recommendation of the Building and Planning Administrator that Andrew Smith attend this class; and

WHEREAS, the cost of the Level II Fire/Arson Investigation class shall not exceed \$500.00 including materials, accommodations and meals;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does authorize the Fire Safety Investigator to attend the Level II Fire/Arson Investigation class and that the cost not exceed \$500.00 including materials, accommodations and meals, and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 304

**RATIFIES THE APPOINTMENT OF A PART-TIME PUBLIC SAFETY DISPATCHER I
TO THE POLICE DEPARTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the need for Part-Time Public Safety Dispatchers exists in the Police Department; and,

WHEREAS, it is the recommendation of Chief David J. Hegermiller that William M. Fleming be appointed to this position.

NOW, THEREFORE, BE IT RESOLVED, effective April 28, 2016, the Town Board hereby ratifies the appointment of William M. Fleming to the position of Part-Time Public Safety Dispatcher I at an hourly rate of \$19.51; and,

BE IT FURTHER RESOLVED, that this appointment is contingent upon the candidate successfully passing a drug test administered by the Town of Riverhead; and,

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 305

AMENDS RESOLUTION #98

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, Resolution #98 was adopted on February 17, 2016 ratifying the appointment of a full-time temporary Bus Driver to the Seniors Programs; and

WHEREAS, this temporary appointment was only approved for a period of time of up to sixty calendar days; and

WHEREAS, the need for this temporary appointment still exists.

RESOLVED, that this Town Board hereby amends the terms of Resolution #98 and approves the appointment of this temporary full-time Bus Driver for an additional sixty calendars days, for a period of time not to exceed a total of 120 calendar days in its entirety, and only until such time that the merger of the Recreation Department and the Seniors Program is completed, whichever comes first.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 306

ACCEPTS THE RESIGNATION OF AN ACCOUNT CLERK TYPIST

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town has received written notification from Kim Fuentes, an Account Clerk Typist in the Planning Department, and Secretary to the Planning Board and Zoning Board of Appeals, giving notice of her intent to resign effective May 6, 2016.

RESOLVED, that this Town Board hereby accepts the resignation of Kim Fuentes.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 307

RATIFIES THE APPOINTMENT OF A FIRE PREVENTION INSPECTOR

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, Andrew Smith has been serving as a provisional appointment in the position of Fire Prevention Inspector; and

WHEREAS, on February 12, 2016 the Suffolk County Department of Civil Service established a certified List of Eligibles, list # 15-5122-401, for the position of Fire Prevention Inspector, and in accordance with Civil Service regulations, Andrew Smith was immediately reachable on the Town-wide list; and

WHEREAS, Civil Service regulations require that a permanent appointment of a provisional employee be made within sixty days of the date a Certified List of Eligibles is first established.

RESOLVED, that pursuant to Civil Service regulations, this Town Board hereby removes the provisional status of Andrew Smith and ratifies his appointment to the title of Fire Prevention Inspector effective as of April 11, 2016 at no change to his current salary or other level of benefits.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 308

APPOINTS SEASONAL PUMP OUT BOAT OPERATOR

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a vacancy exists for a Seasonal Pump Out Boat Operator; and

WHEREAS, this position was duly advertised, interviews were conducted and a recommendation of a suitable candidate has been made by the supervising Police Officer.

RESOLVED, that effective for the period of May 4, 2016 through September 15, 2016 this Town Board hereby appoints Arthur Reichel to the position of Seasonal Pump Out Boat Operator at an hourly rate of \$10.50.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 309

**RATIFIES THE REINSTATEMENT AND TRANSFER OF AN ACCOUNT CLERK
TYPIST**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, a vacancy exists for the position of Account Clerk Typist in the Highway Department; and

WHEREAS, the Town Board wishes to transfer Senior Account Clerk Typist Joan Mottern from the Accounting Department to this vacant position, and the Highway Superintendent is desirous that she be appointed to same; and

WHEREAS, Ms. Mottern has held the title of Account Clerk Typist on a post-probationary basis during her tenure at the Town of Riverhead, and Civil Service rules and regulations allow for reinstatement to a title an employee has held on a post-probationary basis.

RESOLVED that effective April 19, 2016 this Town Board hereby ratifies the reinstatement of Joan Mottern to the title of Account Clerk Typist as found in Group 9, Step 13A of the Clerical and Supervisory Salary Schedule and simultaneously ratifies and approves her transfer to the Highway Department effective this same day.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 310

**CLASSIFIES SEQRA ACTION / ASSUMES LEAD AGENCY STATUS / ADOPTS
NEGATIVE DECLARATION / APPROVES SITE PLAN APPLICATION TO REPLACE
AN IN-KIND GUY-WIRED TOWER AT OLD CASTLE RETAIL AT EPCAL**

Councilman Hubbard offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, a site plan application was submitted to remove and replace one, like-kind guyed – tower located on the rooftop of the Oldcastle Retail facility; and

WHEREAS, the subject property is located at 931 Burman Boulevard Calverton, situate at SCTM # 135.1-1-3 in the former air traffic control tower at the former Grumman facility; and

WHEREAS, the purpose of the replacement is to upgrade the tower using the existing mounts and guyed posts for compliance with the New York State Building Code as it pertains to wind and ice loads and all existing antennas currently utilized by the landowner will be re-installed using updated mounts and hardware; and

WHEREAS, the tower space will also allow use by the Riverhead Volunteer Ambulance Corp, and

WHEREAS, the height of the building where the existing and new tower will be located is 58 ft tall above ground elevation (AGL) and the combined building and tower height is, and will remain, 168.5 ft AGL; and

WHEREAS, the Planning Department staff has reviewed the site plan application, site plans and Full Environmental Impact Statement (FEAF) Part 1 and has completed Parts 2 and 3 of the FEAF, dated March 31, 2016 and prepared a Staff Report dated April 18, 2016; and

WHEREAS, the subject application is classified as an Unlisted action pursuant to SEQRA in that it is not included in statewide or individual agency lists of either a Type I or Type II action; and

WHEREAS, the subject application was referred to the Suffolk County Planning Commission (SCPC) which by letter dated March 7, 2016, determined it to be a matter for local determination; and

WHEREAS, the Town Board of the Town of Riverhead has carefully reviewed the site plan application, staff report and SEQRA submittals.

NOW, THEREFORE BE IT RESOLVED, the Town of Riverhead Town Board assumes Lead Agency status pursuant to SEQRA; and be it further

RESOLVED, the site plan application is classified as an unlisted action pursuant to SEQRA with no coordination with other involved agencies; and be it further

RESOLVED, that that in the matter of the site plan application for Old Castle Retail, the Town of Riverhead Town Board hereby determines that it will not have a significant environmental impact and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the Town of Riverhead Town Board hereby approves the site plan application for Old Castle Retail; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Randall Weichbrodt, Esq, 436A Montauk Highway, East Quogue, NY 11942; Old Castle Retail, Inc, 8201 Arrowridge Blvd, Charlotte, NC 28273; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #311

**APPOINTS MEMBER TO THE
PLANNING BOARD OF THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

BE IT RESOLVED, effective January 1, 2016, Joseph H. Baier is hereby appointed as a member of the Town of Riverhead Planning Board for a term of five (5) years through December 31, 2020 and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Joseph H. Baier, the Planning Department, the Planning Board and the Office of Accounting. All Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 312

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR
FORD AUTOMOTIVE REPLACEMENT PARTS
FOR THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead wishes to publish and post a notice to bidders for the purchase of FORD AUTOMOTIVE REPLACEMENT PARTS for use by the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, the Town Board be and does hereby authorize the Town Clerk to publish and post the following public notice in the **MAY 12, 2016** issue of the News Review; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **FORD AUTOMOTIVE REPLACEMENT PARTS** will be received by the Office of the Town Clerk at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on or before **2:00 pm on June 1, 2016**, at which time they will be publicly opened and read aloud.

Specifications and guidelines for submission of bids are available on the Town website at www.townofriverheadny.gov, click on "Bid Requests" beginning **May 12, 2016**.

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.

All bids must be submitted to the Town Clerk's Office, at the address stated above, in a sealed envelope clearly marked **FORD AUTOMOTIVE REPLACEMENT PARTS**. Proposals must be received by the Office of the Town Clerk by no later than **2:00 pm on June 1, 2016**.

Please take 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 lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

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

TOWN OF RIVERHEAD

Resolution # 313

AWARDS BID FOR PAINT 2016

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, that the Town Clerk did publish and post a Notice to Bidders for the Town of Riverhead Annual Paint Bid; and

WHEREAS, five (5) bids were received, opened and read aloud in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, NY 11901 on February 29, 2016 at 2:00 pm; and

WHEREAS, the bids were reviewed and a bid tabulation was prepared and presented to the Town Board for review.

NOW, THEREFORE, BE IT RESOLVED, that the Annual Paint Bid for 2016 be awarded as follows:

Aboff's, Inc. – Item 1, 4, 6, 19,21, 22, 23, 25, 26, 37, 38,51a, 51b, 51c, 52a, 52b, 52c, 52d, 53a, 53b, 54a, 54b, 56, 57, 65

Fourmen Corp. d/b/a Willis Paint – Item 66, 67

Mercury Paint Corporation – Item 7, 18, 27, 31, 32, 44, 45, 49, 51d, 51f, 53c, 53d, 58, 59, 60, 64

Sherwin Williams Company – Item 2, 3, 5, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 24, 30, 33, 34, 35, 36, 39, 40, 41, 42, 43, 46, 47, 50,55, 61, 62, 63

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to all vendors listed above, the Purchasing Department and the Office of Accounting; and

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

THE VOTE

Hubbard Yes No Giglio Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 314

**AMENDING TERMS AND CONDITIONS OF
EMPLOYMENT FOR DEPUTY SUPERVISOR**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, effective January 1, 2010, by Resolution #15 adopted on January 5, 2010, Jill Lewis, was appointed to the position of Deputy Town Supervisor effective January 1, 2010; and

WHEREAS, the Town Board seeks to amend the terms and conditions set forth in such Resolution Setting Terms and Conditions of Employment.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves and authorizes the Supervisor to execute the attached Addendum to Resolution Setting Terms and Conditions of Employment for Jill Lewis/Deputy Town Supervisor; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

ADDENDUM
TO
EMPLOYMENT CONTRACT/RESOLUTION SETTING
TERMS AND CONDITIONS OF EMPLOYMENT

This Addendum to the Employment Contract/Resolution Setting Terms and Conditions of Employment is made this ____ day of _____, _____ by and between the Town of Riverhead (employer) and Jill Lewis (Deputy Town Supervisor).

The employer and employee hereby supplement the Employment Contract/Resolution Setting Terms and Conditions of Employment dated January 5, 2010 by adding and/or modifying the following provisions:

TERM

2. The employee is employed as Deputy Town Supervisor at the will of the Town Board and for no specific term or duration. The position of Deputy Town Supervisor who duties and responsibilities include and require employee to act generally for and in place of the Supervisor during the Supervisor's absence or inability to act as more fully set forth in Town Law Article 3 §42 is deemed a separate, distinct and unique class of management within the Town of Riverhead.

HEALTH INSURANCE

1. The Town shall pay, on the employee's behalf, seventy five (75%) percent of the cost of either the individual or family coverage for hospitalization under the Town's Health Insurance Program. The Town shall pay for one hundred (100%) percent coverage for the employee if she retires from the Town and Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for her family. In the event that employee elects not to enroll or obtain hospitalization coverage through the Town for any calendar year, and makes said declaration in writing that employee has been offered health insurance coverage and declined coverage through the Town (referred to as "no coverage" option), employee will be reimbursed at or near the close of such calendar for the cost of alternate hospitalization coverage subject to proof that such reimbursement has not exceeded the cost of hospitalization coverage that said employee would otherwise be eligible for through the Town and instead proves a cost savings to the Town.

*strikethrough indicates deletion

* underline indicates addition

The employer and employee acknowledge that the Employment Contract/Resolution Setting Terms and Conditions of Employment is being modified only by the above provisions and agree that nothing else in the Employment Contract/Resolution Setting Terms and Conditions of Employment shall be affected by this Addendum such that all

other terms and conditions contained therein shall remain in full force and effect throughout the term of employment.

In Witness Whereof the parties have caused this Addendum to be executed as of the date first written above.

_____ (Supervisor) _____ (Employee)

TOWN OF RIVERHEAD

Resolution # 315

**AMENDS AND RATIFIES AUTHORIZATION FOR TOWN CLERK ATTENDANCE AT
THE 2016 NEW YORK STATE TOWN CLERKS ASSOCIATION ANNUAL STATE
CONFERENCE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by Resolution #133 adopted on March 1, 2016, the Town Board authorized the Town Clerk to attend the New York State Town Clerk's Association Annual Conference scheduled for April 17th thru April 20th, 2016 in Saratoga Springs, NY at a cost not to exceed \$1,200.00 (expenses to include fees for registration, meals, hotel accommodations and travel expenses); and

WHEREAS, prior to completion of travel and lodging arrangements, the Town Clerk received an offer to travel with a Town Clerk from an adjacent municipality on April 16th, one day earlier from the dates approved above, at no cost for travel but additional costs for one additional night's lodging resulting in an overall savings of more than \$100.00 (estimated travel cost of \$298.74 less cost for additional night lodging \$170.00 *no meals equals savings of \$128. 74) and within the expense limitation set by Resolution #133.

NOW THEREFORE BE IT RESOLVED, that the Town Board amends and ratifies authorization for Town Clerk attendance at the New York State Town Clerk's Association Annual Conference for April 16th thru April 20th, 2016; and

BE IT FURTHER RESOLVED, that expenses for the conference will be reimbursed upon proper submission of receipts and consistent with the expense detail identified above; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 316

**APPROVES FREE YARD WASTE (MULCH) FOR RESIDENTS,
NON-RESIDENTS AND COMMERCIAL ENTITIES**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead provides a yard waste “drop-off” location to Town residents, for loose (not bagged) yard waste including grass, leaves, brush, logs, and branches at the Town’s Yard Waste Facility; and

WHEREAS, the Town accepts the material for grinding and screening and makes the mulch available to Town residents; and

WHEREAS, the Town currently has a surplus of approximately 3,000 cubic yards of ground material, leaves, brush, and branches at the Facility; and

WHEREAS, the Town seeks to make available and offer for free the above described material to residents and non-residents, including commercial entities.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby approves “free” mulch to residents, non-residents, and commercial entities during standard Facility hours of operation: Thursday through Monday between the hours of 7:30 a.m. and 3:30 p.m.; and be it further

RESOLVED, that the Town shall make available machinery assistance for truck or trailer loading subject to prior scheduling and approval with Engineering Department (phone # 727-3200 ext. 391) and providing individuals and entities complete necessary and required waivers and hold harmless agreements; and be it further

RESOLVED, Engineering Department is hereby directed to post a notice on the Town Website in such form as approved by the Office of the Town Attorney; and be it further

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

THE VOTE

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

TOWN OF RIVERHEAD

Resolution # 317

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR HIGHWAY DEPARTMENT
GRINDING OF TOWN YARD WASTE ON-SITE AT SOUTH SIDE
YOUNG'S AVENUE YARD WASTE FACILITY**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for **HIGHWAY DEPARTMENT GRINDING OF TOWN YARD WASTE ON-SITE AT SOUTH SIDE YOUNG'S AVENUE YARD WASTE FACILITY**.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the May 12, 2016 issue of the News-Review; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

TAKE NOTICE that sealed bids for **HIGHWAY DEPARTMENT GRINDING OF TOWN YARD WASTE ON-SITE AT SOUTH SIDE YOUNG'S AVENUE YARD WASTE FACILITY** 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 May 26, 2016.**

Bid packets, including Specifications, may be examined and/or obtained by visiting the Town of Riverhead website at www.townofriverheadny.gov and click on Bid Requests beginning **May 12, 2016.**

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.

All bids are to be submitted in a sealed envelope bearing the designation **HIGHWAY DEPARTMENT GRINDING OF TOWN YARD WASTE ON-SITE AT SOUTH SIDE YOUNG'S AVENUE YARD WASTE FACILITY.** Bids must be received by the Office of the Town Clerk by no later than **11:00 a.m. on May 26, 2016.**

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 lowest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

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

TOWN OF RIVERHEAD

Resolution # 318

**RATIFIES ADOPTION OF AMENDMENT TO ALCOHOL POLICY
FOR THE TOWN OF RIVERHEAD**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, The Town has experienced exponential growth in the use of the Town facilities and an increase in the number of Special Events as defined and provided under Chapter 90 of the Town Code of the Town of Riverhead; and

WHEREAS, those Special Events seek use of the several facilities that are Town-owned, as well as well as Town highways, parking fields; and

WHEREAS, the Town of Riverhead seeks to protect the health, safety, and welfare of all attendees at events proposing to serve alcohol; and

WHEREAS, the Town Board, by Resolution #706 adopted on October 6, 2015, adopted an Alcohol Policy for the Town of Riverhead; and

WHEREAS, the Town Board desires to amend the current Alcohol Policy for the Town of Riverhead regarding comprehensive general liability and liquor liability insurance policy limits as stated on Page 6 of 10.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby adopts the attached amended Alcohol Policy for the Town of Riverhead; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD ALCOHOL POLICY

PURPOSE

The Town has experienced exponential growth in the use of the Town facilities and an increase in the number of Special Events as defined and provided under Chapter 90 of the Town Code of the Town of Riverhead. With increasing frequency, those Special Events seek use of the several facilities that are Town-owned, as well as Town highways, parking fields. The purpose of this Policy is to ensure that oversight and sound judgment are exercised by all organizations when, in connection with a Special Event as approved under Chapter 90 of the Town Code of the Town of Riverhead, such entity is proposing to allow the serving of alcohol to attendees. The intent of this policy is to allow limited alcohol consumption at such events while protecting the Town, its citizens, visitors and Town property. The Town of Riverhead seeks to establish the following guidelines under this policy with the principal goal being one to protect our underage attendees and prevent to the greatest extent possible any underage consumption of alcohol; together with a secondary goal to reduce or diminish excessive consumption of alcohol by adults and attendees of a Special Event and the attendant consequences that result. In addition, the Town Board, be and hereby, determines that the within policy shall assist in effectuating public safety, public order and decorum. The Town believes in a positive recreational experience for its youth and as such requires that all events geared toward youth prohibit alcohol.

SCOPE

This policy applies to all persons sponsoring a Chapter 90 Event (sometimes “Permit Holders” or “Applicant/Lessee), occurring at a Town of Riverhead facility or on municipally owned or leased property where alcohol is being served. In case of a conflict between this policy and the Laws of the State of New York, the New York State Laws, rules and regulations take preference.

OBJECTIVES

The objectives of RIVERHEAD’s Municipal Facility Alcohol Policy are as follows:

- To allow limited alcohol consumption during events at Town facilities, highways, parking fields or other Town owned properties.
- To promote the safety and protection of the members of the community and the public, and to protect property owned by the Town of Riverhead.
- To endorse self-responsibility and respect for others in the use of alcohol at events on Town property and discourage high-risk alcohol-related practices that may endanger individuals or result in damage to property.
- To assure that Town facility-use priorities are maintained.

PRIORITIES FOR USAGE

Town events that are presented by the various departments and committees have preference over private functions for available dates. Once a date is selected, only the Town Board can overrule a booking.

- Town Departments, Town Committees and Town Events

- Meetings of groups to which the Town is a sponsor or member
- Uses requested by agencies or officials of county, state or federal governments
- Not-for-Profit and Civic Organizations where the meeting is open to the general public or which are intended to provide information to the general public
- Other Not-for-Profit and Civic Organizations events
- Residents and Town Businesses
- Non-residents

The Board approves each application and reserves the right to deny any permit for any reason.

The following considerations and subsequent risk chart provides specific details regarding the implementation of this policy and objectives above.

GENERAL CONSIDERATIONS

Alcohol may only be consumed as part of an event that is approved by the Town through this alcohol policy. Town playing fields, playgrounds are off limits to alcohol at all times; Town family areas, such as picnic areas are be off limits, except as otherwise permitted pursuant to Chapter 90 and Chapter 46 of the Town Code of the Town of Riverhead. Notwithstanding the exception recited above, no permit or waiver shall be issued for the service and consumption of alcohol at or within the following Town parks and playgrounds: Stotzky Park, Veterans Memorial Park and Bayberry Park.

The Town Board requires that participants in all events be respectful of the neighbors in surrounding homes and businesses. Pursuant to Chapter 90, all Applicants must comply the required filing dates set forth in Chapter 90-3(B), provide all such material and information required and set forth in the provisions of Chapter 90, and pay such fees or provide such bond or security to secure compliance with the permit as determined appropriate by the Town Board.

The Responsible Party is the contact person during the event and as such must be present for the entire event. All event workers shall refrain from consuming alcohol while working at the event. All event workers should be provided with highly visible identification such as a button, badge, apron, uniform or other form of identification. If the risk associated with the event, as set forth in the Alcohol Risk Chart included below, requires that a police officer be hired, this expense will be borne by the Applicant/Lessee.

Alcohol may be sold and/or served providing all local, state and federal alcohol laws and policies are adhered to, and any permits conspicuously posted. The Applicant/Lessee must obtain all required local and/or state permits that are necessary for the sale and distribution of alcoholic beverages. The Applicant/Lessee must serve alcohol responsibly. Patrons of the event are strictly prohibited from bringing in their own alcoholic beverages or "brown bagging." The Applicant/Lessee is responsible for the purchase and transportation of all alcoholic beverages. All alcohol and related containers must be removed from the premises immediately after the event. Non-alcoholic beverages are to be available at all events. Food must be served in conjunction with alcohol service. Appropriate cleaning of the area to minimize any alcohol smell shall be accomplished by the Applicant/Lessee.

There will be no unreasonably loud noise or music allowed after 10:00 PM, including departing guests and vehicles. The Town has a Noise Ordinance, which is listed under Chapter 81 of the Code of the Town of Riverhead and applies to all events.

- The activity shall not extend beyond the hours approved in the request.
- Activities shall be restricted to the area for which permission is granted.
- The organization using a Town facility shall be responsible for moving its equipment, material and supplies into and out of the facility.
- If custodial assistance is needed, as determined by the administration, a charge will be assessed and must be paid within 30 days.
- The facility will be carefully examined after use. The applicant will promptly reimburse the Town for any loss or damage occurring as a result of the use of the facility.
- No property or equipment is to be altered or removed from the premises.
- No decorations or materials will be attached to the walls; floor or ceiling in any manner which damages the building or is permanent in nature.
- No reservation will be considered secured until the Town's administrative official approves the use and the fees are paid.
- Special permission and training is required for use of the Handicapped Lift.

SERVING CONSIDERATIONS

The Town Board requires that all alcohol servers have TIPS training (Training for Intervention Procedures) approved by the State of New York. TIPS training shall be undertaken not less than 30 days prior to the Special Event. Alcohol must be served only from area(s) designated by the application at the time of event booking (social room, porch, and/or tent, etc.). The Applicant/Lessee must designate a caterer/TIPS trained server or bartender to serve and oversee the alcoholic beverage area at all times. This person is responsible for verifying the legal age of each person consuming alcohol. The permit holders shall affix a non-removable wristband or bracelet to a person verified to be of legal age and shall place signage at the Special Event. Bottled beer and other alcoholic beverages must be served in paper or plastic containers or glassware provided by the caterer, not greater than 12 ounces for beer or cider and 5 ounces for wine/champagne. Proper recycling of empty alcohol containers is the responsibility of the Applicant/Lessee. All bottles must remain behind the bar area. No person less than 21 years of age may serve, possess and/or consume alcoholic beverages on Town properties. Oversized drinks, contests, volume discounts or similar incentives are not permitted. The Applicant/Lessee shall ensure signs are posted indicating any alcohol-restricted areas.

An adequate supply of food must be served/available to persons attending the event. It is recommended that all event organizers take steps to encourage food consumption to help reduce the risk of intoxication. The caterer/TIPS trained server must file liquor liability insurance with the Town named as additional insured. **Alcoholic drinks (limited to beer, cider, wine and champagne) are allowed. No liquor or mixed drinks are allowed under any circumstances.** Only a caterer or TIPS trained server may dispense beer from kegs or barrels. Non-alcoholic beverages must be made available and at a lower cost than any alcoholic beverages. The serving of all alcoholic beverages must cease at least one (1) hour prior to the specified ending time on the special event and/or municipal facility use application signed by the permit holder.

The following controls must also be adhered to by the permit holder:

- In the event that attendees are able to walk around the event with alcohol, ensure that the event area where alcohol is being served is secured.
- Be on duty to ensure the physical setting is safe at all times. Any unsafe condition must be reported to the facility representative and addressed appropriately.
- Ensure that guests at the event are properly supervised and ensure no one consumes alcohol in an unauthorized location.
- In the event of an approved outdoor 'beer garden', fencing is required for the outdoor designated area. It shall be a single row of fencing which is 36 inches high and be securely erected. The cost and set up of fencing is the responsibility of the event organizer.
- Ensure that all entrances and exits to the event are adequately supervised.
- Ensure that food and non-alcoholic drinks are available at all times.

LOSS OF SERVING PRIVILEGE/REVOCAION OF RENTAL OR USE AGREEMENT

Violations of any State of New York laws will result in loss of serving privileges and may result in loss of facility use privileges. All posted rules must be adhered to. Violations of posted rules may result in loss of service to specific individuals, loss of serving privileges, or termination of the rental/use agreement depending on the severity of the violation. It is the responsibility of the permit holder to prevent underage consumption of alcohol, to prevent intoxicated or rowdy persons from entering events, to manage patrons from becoming intoxicated, to refuse service to intoxicated patrons, and to facilitate the safe removal of patrons from the event, if their actions warrant removal. Alcohol distribution may be discontinued for any patron or for an entire event at the discretion of the caterer, TIPS-trained staff, police officer, Town staff person, or the Town Board. Profanity, disorderly acts or illegal activities of any kind are absolutely prohibited. Those violating this prohibition will be ejected from the premises. If any individuals at the event become too disruptive, the Town staff person on duty is authorized to order them to leave or notify law enforcement. The Town Board or its designee reserves the right to discontinue the service of alcoholic beverages at any time during a function. Chapter 90 approval and/or rental/use agreements can be revoked at any time and any violation of this policy may result in immediate termination of the event without refund.

CLEAN UP AND DAMAGE ASSESSMENT

The Town staff or designee will determine adequacy of clean up and extent of damages. A preliminary assessment will be done at the time of closing; final assessment will occur on the next business day preferably with the permit holder present. Assessment includes, but is not limited to, areas inside the building, the porch area, parking areas, tent site, outbuildings and facility grounds. If clean up or damages exceed the damage deposit, the Applicant/Lessee will be responsible for the remaining balance. If no damage occurs during the event, a refund check of the entire amount will be mailed to the permit holder within ten (10) days after the event. Partial refund checks will be issued after expenses have been determined to remedy issues. If damages exceed the deposit, it is the responsibility of the permit holder to, within three (3) business days of the event, either cover the cost of the excess damages or submit an insurance claim against the event policy and assure that the claim is processed to the satisfaction of the Town. The Town Board reserves the right to refuse to rent to a particular group or individual at any time and in the future if a rental results in excessive clean up or damage.

Requirements for the Refund of the Security Deposit

- The building, entrances, common areas, and equipment are left in a clean, secure and reasonable manner.
- Bathrooms are left in sanitary condition and ready for the next renter or user.
- Floors are swept and ready for another rental.
- No food items are left over in the cupboards, sink, stove, or refrigerator.
- All dishes are clean and dry.
- Common use/kitchen items are left for the next renter(s).
- The rental spaces are to be left set up for a meeting with tables and chairs as found with remaining chairs and tables properly stored.
- The renter shall remove all trash, garbage and recyclables from the premises.
- Grassy areas will be cleaned.
- Any other items as assigned by Town staff.

INSURANCE AND INDEMNIFICATION

The permit holder must 1) comply with all general liability insurance requirements set forth in the relevant special event and/or municipal facility use applications; and 2) submit a liquor liability insurance certificate naming the Town of Riverhead as additional insured. The Applicant/Lessee must also indemnify, defend and hold harmless the Town of Riverhead, its elected officials, public officials, employees and volunteers from claims, damages, losses and expenses, which might arise as a result of the event taking place. A copy of the caterer's or TIPS-trained server's liquor liability insurance policy, with the Town named as additional insured, must be submitted to the Town staff no less than 30 days prior to the event.

DRINKING AND DRIVING

The permit holder will be responsible for promoting safe transportation options for all the drinking participants.

SECURITY

As set forth in Chapter 90, the Town, including the Police Chief, Fire Marshall, Ambulance Chief and such other Town department head, shall evaluate the need and costs related to police protection and such other town services necessary to ensure public health and safety. The applicant/lessee shall be responsible for all reimbursement costs i.e. staffing of police personnel, hiring of special police officers, town employees etc deemed appropriate by the Town Board and required pursuant to the conditions of the Chapter 90 permit.

**TOWN OF RIVERHEAD MUNICIPAL FACILITY USE APPLICATION & AGREEMENT
FOR USE OF ALCOHOL**

(This form does not reserve any facility for exclusive use by the applicant. Additional special event/and or municipal facility use applications may be required.)

Applicant/Lessee's Name: _____

Applicant/Lessee's Address: _____

Applicant/Lessee's Telephone numbers): _____

Kind of Function/Event: _____

Day and Date of Function/Event: _____

Time of the Function/Event: _____

Facility Requested to be Used: _____

Approximate # Invited/Expected: _____

Name of Responsible Party: _____

The Responsible Party is the contact person during the event and as such must be present for the entire event.

Will alcohol be served by you or by another person or party? (Circle one) YES NO
A State-licensed caterer or Town-approved Victualer/Liquor License is required for functions where alcohol is served and must be provided to the Town at least thirty (30) days prior to the event

Do you agree to execute an agreement that you and/or your company will indemnify, defend and hold the Town of Riverhead harmless from all claims arising out of the use of the requested facility?
(Circle one) YES NO

**If you circled Yes, then execute the agreement attached.
If you circled No, then do not complete and do not file this application and seek another location for your event.**

Do you agree that your company, your caterer or a TIPS-trainer server working at the event, will provide the Town of Riverhead with a copy of a commercial general liability insurance policy (~~minimum liability coverage is \$2 million; for over 1,000 people, \$5 million is the minimum~~) and a liquor liability insurance policy both naming the Town of Riverhead as an additional insured party, providing no less than \$1,000,000.00 (one million dollars) per occurrence/\$2,000,000.00 (two million dollars) in the aggregate of general liability insurance coverage and no less than \$2,000,000.00 (two million dollars) per occurrence/\$2,000,000.00 (two million dollars) in the aggregate of liquor liability insurance coverage and each policy(ies) naming the Town of Riverhead, as an additional insured party and that you will exhibit evidence showing that this has been done and showing the amount of insurance carried to the Town office at least thirty (30) days before the commencement of the event indicated. (Circle one) YES NO

If you circled No, do not complete and do not file this application and seek another location.

*Strikethrough represents deletion

*Underline represents addition

Is this event a public or private event? **Public** **Private**

I UNDERSTAND THAT IF MY APPLICATION IS APPROVED, I MUST ADHERE TO ALL OF THE REQUIREMENTS OF THE TOWN OF RIVERHEAD ALCOHOL POLICY FOR MUNICIPAL FACILITIES, AS WELL AS OTHER RELEVANT TOWN POLICIES.

These items are required at the time of the application submission

- **Insurance Policy**
- **Non-refundable deposit**
- **TIPS training certificates for any alcohol server**
- **Damage/clean-up deposit**
- **Victualer or catering license**
- **Listing of who is staffing event**
- **Name of the Responsible Party (individual and corporation)**

The Town requires a non-refundable deposit with this application. The deposit, along with all appropriate documents, must be submitted at the same time.

Please sign this application and the attached referenced Agreement to Defend, Hold Harmless and Indemnify the Town of Riverhead for use of Town-owned Real Property.

Town of Riverhead)
County of Suffolk) s.s.:
State of New York)

I, _____, being duly sworn, swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the Town Code and all other laws pertaining to the proposed application shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner.

Signature _____
Owner, Agent or Responsible Party

Sworn to be before this _____ day
of _____ 20 _____

Notary Public, Suffolk County, New York

Application determined to be complete:

Signature: _____
Town

Date: _____, 20.

_____ Application approved subject to proof of required insurance
(conditions, if any, are listed below)

_____ Application denied
(statement of reasons are listed below)

PROMISE AND AGREEMENT TO DEFEND, HOLD HARMLESS, AND INDEMNIFY THE TOWN OF RIVERHEAD, NEW YORK FOR USE OF TOWN-OWNED REAL PROPERTY

Completion and execution of this form is required in conjunction with use of a facility or property of the Town of Riverhead a private event or function and/or for the approval of a Special Event under Town Code Chapter 90 where alcohol is being served or sold.

THIS IS AN IMPORTANT LEGAL DOCUMENT, IN WHICH THE SIGNER MAKES SIGNIFICANT AND POTENTIALLY COSTLY FINANCIAL COMMITMENTS TO THE TOWN OF RIVERHEAD. NO ONE SHOULD SIGN THIS DOCUMENT WITHOUT FIRST CONSIDERING HAVING LEGAL COUNSEL OF HER OR HIS CHOICE REVIEW IT.

This Agreement to Defend, Hold Harmless, and Indemnify the Town of Riverhead, New York is made by the undersigned ("Applicant/Lessee"), of _____, Town of _____ County of _____ and State of _____, in favor of the Town of Riverhead, a municipal corporation located in York County and State of New York ("the Town"), its successor and assigns.

In consideration for the Town's permitting Applicant/Lessee to host a private function or event, specifically a _____, on Town-owned property, specifically on/at _____, on _____ 20____, which I acknowledge to be good and valuable consideration for the undertakings I make here, I, the undersigned Applicant/Lessee, do hereby promise and covenant that I will defend and hold harmless the Town, its officers and officials, employees, volunteers, agents, and representatives, and its and their successors and assigns ("Town Parties"), from and against any and all actions, causes of action, suits, claims, proceedings, judgments, losses, recoveries, damages and expenses of every kind, including, but not limited, to attorney's fees, reasonable investigative and discovery costs, and court costs, as well as for injunctive or non-monetary relief, arising in any way from the use of the property described above on the date(s) stated above and that I will indemnify the Town Parties for all sums that it or they may pay or become obligated to pay, to anyone or any entity on account of or arising in any way whatsoever from the use of the property described above on the date(s) stated above; and I further say that I understand and intend that this commitment can and will be enforced against me to the maximum extent allowed by law, and without regard to whether a claim (or cause of action, etc., as described above) arises out of contract or negligence, including but not limited to claims for property damage or death, and without regard to whether any such claim arises from or is alleged to arise in part or in whole from the negligence of the Town Parties.

If I sign below in a representative capacity, then I represent and personally warrant that I am duly authorized to sign in that representative capacity, and I acknowledge, understand, and agree that by signing I bind the entity for which I sign, and its successors and assigns, to every undertaking in this document.

In witness whereof, I acknowledge that I have read and executed this Agreement to Defend, Hold Harmless and Indemnify the Town Parties, at the place and on the day appearing below, that I fully understand its terms and understand that I am making a substantial, binding legal commitment, constituting a potentially financially expensive commitment, by signing it, and that I intend my signature to evidence this my undertaking of my commitment and intention to defend and to hold harmless, and to indemnify as described above, and in all instances and in any event, to the greatest and fullest extent allowed by law, and I intend my commitment to be enforceable against me, the Applicant/Lessee, to that same extent.

Town of Riverhead)
County of Suffolk) s.s.:
State of New York)

I, _____, being duly sworn, swear that to the best of my knowledge and belief the statements contained in this application, together with the plans and specifications submitted, are true and complete statements of proposed work to be done on the described premises and that all provisions of the Town Code and all other laws pertaining to the proposed application shall be complied with, whether specified or not, and that such work and inspections are authorized by the owner.

Signature _____
Owner, Agent or Responsible Party

Sworn to be before this _____ day
of _____ 20 _____

Notary Public, Suffolk County, New York

TOWN OF RIVERHEAD

Resolution # 319

APPROVES THE CHAPTER 90 APPLICATION OF
AARON ENVIRONMENTAL GROUP, INC.
("Grateful Festival" Music & Art Festival – Sunday – May 22, 2016)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on April 4, 2016, Richard Rivkin, on behalf of Aaron Environmental Group, Inc., submitted a Chapter 90 Application for the purpose of conducting a music and art festival entitled "Grateful Festival", to include live music, art, food and children's activities, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Sunday, May 22, 2016, between the hours of 12:00 noon and 8:00 p.m.;

WHEREAS, Aaron Environmental Group, 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, the applicant has paid the applicable Chapter 90 fee; 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 Board hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of Richard Rivkin of Aaron Environmental Group, Inc. for the purpose of conducting a music and art entitled "Grateful Festival", to include live music, food and children's activities, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Sunday, May 22, 2016, between the hours of 12:00 noon and 8:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to:

- Receipt of required Suffolk County Department of Health permit(s), including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State

- Department of Labor;
- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;

and be it further

RESOLVED, that all of the above are to be received **no later than May 13, 2016**; and be it further

RESOLVED, should it be determined that this approval is subject to a license agreement for purposes of the utilization of police personnel and patrol vehicles, said license agreement, together with the requisite license fee as stated in said license agreement, shall be received **no later than May 13, 2016**; and be it further

RESOLVED, that any necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Aaron Environmental Group, Inc. Attn: Richard Rivkin, 46 Steers Avenue, Northport, New York, 11768; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 320

AUTHORIZES THE SALE OF 1995 GMC BUCKET TRUCK “AS IS” CONDITION

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town of Riverhead Lighting District is the owner of a 1995 GMC Bucket Truck; and

WHEREAS, the 1995 GMC Bucket Truck is non-operational, outdated and no longer useful to the Town of Riverhead Lighting District; and

WHEREAS, the Town of Riverhead Lighting District seeks to declare this item obsolete/surplus property and dispose of this property by sale/auction; and

WHEREAS, the Town of Riverhead Procurement Policy, which was amended by Resolution #17 adopted by the Town Board on January 5, 2016, authorizes the Town to dispose of personal property; and

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

WHEREAS, the Lighting District and the Financial Administrator agree that the item be deemed obsolete and the Lighting District offer the 1995 GMC Bucket Truck for sale “AS IS” by competitive bid; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board, acting as governing body of the Town of Riverhead Lighting District, hereby declares the 1995 GMC Bucket Truck to be surplus/obsolete property; and be it further

RESOLVED, that the Town Clerk is hereby authorized to publish and post the following public notice in the May 12, 2016 issue of the News-Review; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for **SALE OF 1995 GMC BUCKET TRUCK “AS IS” CONDITION** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York until **11:00 a.m. on June 2, 2015** at which time they will be publicly opened and read aloud.

Bid specifications and guidelines for bid submission may be obtained on the Town website at <http://townofriverheadny.gov>, click on “Bid Requests” beginning **May 12, 2016**.

Any and all exceptions to the specifications must be listed on the sheet provided in the Bid Specification at “**EXCEPTIONS TO SPECIFICATIONS**” and attached to the bid form.

Each bid must be submitted on the form provided and must be in a sealed envelope clearly marked **SALE OF 1995 GMC BUCKET TRUCK “AS IS” CONDITION**. Bids must be received by the Office of the Town Clerk by no later than **11:00 am on June 2, 2016**.

Please take 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 highest bidder. Note: Bid responses must be delivered to the Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely, and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

TOWN OF RIVERHEAD

Resolution # 321

APPROVES CHAPTER 90 APPLICATION OF
BUBBLE PALOOZA, LLC
(5K Family Fun Run with Color – Saturday, June 11, 2016)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, on March 17, 2016, Dean Del Prete, on behalf of Bubble Palooza, LLC, submitted a Chapter 90 Application for the purpose of conducting a 5K Family Fun Run with bubbles and foam machines, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, June 11, 2016, between the hours of 8:00 a.m. and 12:00 noon; and

WHEREAS, Bubble Palooza LLC has completed and filed a Chapter 90 Special Events – Short Form Application, together with a Short Environmental Assessment Form, in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617; and

WHEREAS, the applicable Chapter 90 Application fee has been paid for this event; 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.

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

RESOLVED that the Chapter 90 Application of Bubble Palooza LLC for the purpose of conducting a 5K Family Fun Run with bubbles and foam machines, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, June 11, 2016, between the hours of 8:00 a.m. and 12:00 noon, is hereby approved; and be it further

RESOLVED, should it be determined that this approval is subject to a license

agreement for purposes of the utilization of police personnel and patrol vehicles, said license agreement, together with the requisite license fee as stated in said license agreement, shall be received **no later than May 20, 2016**; and be it further

RESOLVED, that approval for this event shall be subject to receipt of an acceptable Outdoor Public Safety Plan to be submitted to the Riverhead Fire Marshal, **no later than May 20, 2016**;

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

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Bubble Palooza LLC, Attn: Dean Del Prete, 149 Edwards Avenue, Calverton, New York 11933; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 322

**APPROVES CHAPTER 90 APPLICATION OF THE
CYSTIC FIBROSIS FOUNDATION GREATER NEW YORK CHAPTER
("CF Cycle For Life" – Saturday, September 24, 2016)**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on March 30, 2016, Martine Denis, on behalf of the Cystic Fibrosis Foundation Greater New York Chapter ("CFF") submitted a Chapter 90 Application for the purpose of conducting a bicycle tour entitled "CF Cycle For Life" event (choice of 32, 62, or 100 mile routes within the Town of Riverhead), to include food concessions and the sale and service of beer, and to raise public awareness and funds to help children and young adults struggling with cystic fibrosis, said routes to commence and end at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Saturday, September 24, 2016, having a rain date of Sunday, September 25, 2016, between the hours of 7:00 a.m. and 4:00 p.m.; and

WHEREAS, CFF 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, the applicant has requested the application fee be waived due to its not-for-profit status; 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.

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 the Cystic Fibrosis Foundation Greater New York Chapter ("CFF"), for the purpose of conducting a bicycle tour event entitled "CF Cycle For Life" (choice of 32, 62, or 100 mile routes within the Town of

Riverhead), to include food concessions and the sale and service of beer, to raise public awareness and funds to help children and young adults struggling with cystic fibrosis, said routes to commence and end at Splish Splash Water Park, 2549 Splish Splash Drive, Calverton, New York, on Saturday, September 24, 2016, having a rain date of Sunday, September 25, 2016, between the hours of 7:00 a.m. and 4:00 p.m., is approved; and be it further

RESOLVED, that approval for this event shall be subject to:

- Receipt of required Suffolk County Department of Health permit(s),
- including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of a Certificate(s) of Insurance to include general liability and liquor liability having acceptable limits naming the Town of Riverhead as an additional insured;
- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;

RESOLVED, that all of the above are to be received **no later than July 25, 2016**; and be it further

RESOLVED, should it be determined that this approval is subject to a license agreement for purposes of the utilization of police personnel and patrol vehicles, said license agreement, together with the requisite license fee as stated in said license agreement, shall be received **no later than July 25, 2016**; and be it further

RESOLVED, that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event at location(s) delineated on the associated site plan, provided further that service be by licensed alcohol service providers/TIPS-certified (Training for Intervention Procedures) waitstaff and properly identified individuals will be given a wristband for identification purposes; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee due to the applicant's not-for-profit status; and be it further

RESOLVED, that any tent installations, including the obtainment of any necessary tent permits, and any 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 the provisions of Riverhead Town Code Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Cystic Fibrosis Foundation Greater New York Chapter, Attn: Martine Denis, 1 Huntington Quadrangle, Suite 2513, Melville, New York, 11747; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 323

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH EASTERN BAYS COMPANY, INC. TO ALLOW THE INSTALLATION OF FLOATING UPWELLER SYSTEMS (FLUPSY) IN EAST CREEK

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Peconic Estuary Management Conference has identified six priority management issues facing the estuary, one of which is the threat to habitat and living resources; and

WHEREAS, the Peconic watershed contains a large variety of natural communities, all of which are important to the ecology and productivity of the ecosystem; and

WHEREAS, Eastern Bays Company, Inc. is in the business of cultivating oysters, scallops and hard clams for the purpose of providing cultivated shellfish to entities wishing to aid in the proliferation of shellfish; and

WHEREAS, Eastern Bays Company, Inc. wishes to install one (1) Floating Upweller System in East Creek for the purposes of cultivating shellfish; and

WHEREAS, it is in the best interests of the residents of the Town of Riverhead to encourage such environmental companies to locate within the Township; and

WHEREAS, Eastern Bays Company, Inc. has agreed to provide monthly tours of its East Creek facility.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with Eastern Bays Company, Inc.; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Eastern Bays Company, Inc., P.O. Box 1606, Jamesport, NY 11947, the Office of the Town Attorney and the Office of Accounting; and be it further

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

THE VOTE

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

LICENSE

License ("License"), made as of the day of April, 2016, by and between the Town of Riverhead, ("Licensor") having and address at 200 Howell Avenue, Riverhead, New York and Eastern Bays Company, Inc. ("Licensee"), having an address at P.O. Box 1606, Jamesport, New York 11947, a New York corporation.

W I T N E S S E T H

WHEREAS, Eastern Bays Company, Inc. wishes to utilize Floating Upweller Systems (FLUPSY) to be located at the northerly terminus of East Creek, in Jamesport, for the purpose of culturing seed hard clams, bay scallops and oysters set forth in the contract between the parties, and

WHEREAS, the Town of Riverhead wishes to grant the Licensor the right to install and utilize one (1) FLUPSY tank at the aforementioned location.

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the licensed premises, a copy of which is annexed hereto as Exhibit A.
2. Term of the License. The term of this License (the "term") shall commence on March 1, 2016 and shall end on December 31, 2016.
3. Condition of the License Properties. Licensee is familiar with the licensed premises, has examined same and is aware of defects, if any, in it.

Notwithstanding the foregoing, Licensee agrees to accept the licensed properties “as is”.

4. License Fee. Licensee shall pay to Licensor, upon the execution of this agreement the License fee of \$50.00 per month for each FLUPSY installed at the Town’s site for the term of the License, in full. In addition, Licensee agrees to pay metered electric and water charges related to use of the site.

a) The License fee and any other monies payable by the Licensee shall be paid by check made payable to the Town of Riverhead and delivered to William Rothaar, Financial Administrator, at 1295 Pulaski Street, Riverhead, New York, 11901.

5. Use of License Property. Licensee agrees to utilize the licensed properties exclusively for the purpose of operating the FLUPSY and to provide educational tours of the facility. The Town of Riverhead shall issue to the Licensee four (4) temporary parking permits to enable Licensee, its employees and agents to gain access to the East Creek Marina for the sole purpose of accessing the FLUPSY dock and tanks located at the northern terminus of the creek. The temporary parking permits shall be limited to the duration of this License Agreement.

6. Repair, Maintenance and Inventory of License Properties.

a) Licensee agrees to maintain the licensed area free of trash and debris.

b) The Licensee shall not be permitted to alter the licensed

property without the prior permission of the Licensor.

7. Damage to Property on Premises. Licensee agrees that all property of every kind and description kept, stored or placed in or on the licensed premises shall be at Licensee's sole risk and hazard and that Licensor shall not be responsible for any loss or damage to any of such property resulting from the elements, electric or fire, whether or not originating in the premises, caused by or from leaks or defects in or breakdown of plumbing, piping, wiring, or any other facility, equipment or fixtures or any other cause or act and whether or not resulting from the negligence of Licensor or other tenants of Licensor or anyone for whom Licensor may be responsible.

8. Damage by Casualty. In case the licensed premises shall be destroyed or shall be so damaged by fire or other casualty as to become untenable, then, in such event, at the option of Licensor, this Licensee shall terminate from the date of such damage or destruction and Licensee shall immediately surrender such premises and all interest in the premises to Licensor, and Licensee shall pay rent only to the time of such surrender. Licensor shall exercise such option to terminate this License by notice in writing, delivered to Lessee within 10 days after such damage or destruction. In case Licensor shall not elect to terminate this License in such event, this License shall continue in full force and effect and Licensor shall repair the licensed premises with all reasonable promptness, placing the same in as good a condition as they were at the time of the damage or destruction and for that purpose may enter such premises, and rent shall abate in proportion to the

extent and duration of un-tenantability. In either event, Licensee shall remove all rubbish, debris, equipment and other personal property within five days after the request of Licensor. If the licensed premises shall be only slightly injured by fire or the elements, so as not to render the same un-tenantable and unfit for the use described above, then Licensor shall repair the same with all reasonable promptness, and in that case the rent shall not abate. No compensation or claim shall be made by or allowed to Licensee by reason of any inconvenience or annoyance arising from the necessity of repairing any portion of the bulkhead, dock or the licensed premises, however the necessity may occur.

9. Insurance. Eastern Bays Company, Inc. further agrees to carry General Liability Insurance and in an amount not less than \$1,000,000.00 combined single limit covering bodily injury and property damage per occurrence in a company(ies) acceptable to the Town of Riverhead, in which policy the Town of Riverhead shall be named as additional insured. Eastern Bays Company, Inc. shall furnish satisfactory evidence that such insurance is in effect and will not be canceled during the term of this Agreement without thirty (30) days prior written notice of such cancellation to Licensor.

10. Indemnity: In addition to the Comprehensive General Liability Coverage set forth in paragraph 9, if applicable Licensee shall carry worker's compensation insurance. Licensee shall indemnify and hold the Licensor, its departments, officers, agents and employees harmless against any and all claims, actions, liabilities, losses (including, without limitation, consequential

and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the acts, omissions, or use of the licensed property by Licensee, its employees, agents, or invitees.

11. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this License or otherwise transfer the rights set forth in this License, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly shall be deemed to be an assignment of this License.

12. Compliance with Laws. Licensee shall comply with all laws and ordinances and other public requirements now or later affecting the premises or the use of the premises, and save Licensor harmless from expense or damage resulting from failure to do so.

13. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York, 11901. If such notice is directed at the Licensee, it shall be addressed to P.O. Box 1606, Jamesport, New York, 11947.

14. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This License may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

15. Cross Default. To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this License shall be deemed a default under such similar agreements.

16. Approval by Town Board. This License is not effective until it is approved by Resolution of the Town Board of the Town of Riverhead.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
Sean M. Walter, Supervisor

EASTERN BAYS COMPANY, INC.

By: _____
William Raisch, President

TOWN OF RIVERHEAD

Resolution # 324

**APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.
(Country Style Fair – May 14th and 15th, 2016)**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on March 30, 2016, Herbert J. Strobel, on behalf of Hallockville Inc., submitted a Chapter 90 Application for the purpose of conducting a “Country Style Fair” to include craft vendors, children’s activities and museum tours to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, May 14th, 2016 and Sunday, May 15th, 2016, between the hours of 10:00 a.m. and 4:00 p.m. each day; and

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

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

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

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 Hallockville Inc. for the purpose of conducting a “Country Style Fair” to include craft vendors, children’s activities and museum tours to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, May 14th, 2016 and Sunday, May 15th, 2016, between the hours of 10:00 a.m. and 4:00 p.m. each day, is hereby approved; and be it further

RESOLVED, that the Riverhead Town Board hereby waives the Chapter 90

Application fee for this event due to the applicant's not-for-profit status; and be it further

RESOLVED, that approval for this event shall be subject to

- Receipt of required Suffolk County Department of Health permit(s), including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;

and be it further

RESOLVED, that all of the above permits and insurance are to be received **no later than May 6, 2016**; and be it further

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Hallockville, Inc., Attn: Herbert J. Strobel, 6038 Sound Avenue, Riverhead, New York, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 325

**APPROVES THE CHAPTER 90 APPLICATION OF
LONG ISLAND ANTIQUE POWER ASSOCIATION
(Antique Engine and Antique Tractor Show -
May 14th & 15th, 2016 and July 9th & 10th, 2016)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, on March 28, 2016, Stephen Barker, on behalf of Long Island Antique Power Association (LIAPA), submitted a Chapter 90 Application for the purpose of conducting an Antique Power Show and Tractor Show, to be held on their property located at 6000 Sound Avenue, Riverhead, New York, on Saturday and Sunday, May 14th and 15th, 2016 and Saturday and Sunday, July 9th and 10th, 2016, between the hours of 9:00 a.m. and 5:00 p.m.; and

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

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

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

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 LIAPA for the purpose of conducting an Antique Power Show and Tractor Show, to be held on their property located at 6000 Sound Avenue, Riverhead, New York, on the aforementioned dates and times, is hereby approved; and be it further

RESOLVED, that the Riverhead Town Board hereby waives the Chapter 90 Application fee for this event due to the applicant's not-for-profit status; and be it further

RESOLVED, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health permit(s), including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal's office; and be it further

RESOLVED, that all of the above permits and Outdoor Public Safety Plan are to be received **no later than May 31, 2016**; and be it further

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Long Island Antique Power Association, P.O. Box 1134, Riverhead, New York, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 326

TOWN BOARD DIRECTION TO PERSONNEL DIRECTOR & FINANCIAL ADMINISTRATOR TO PROCESS ZONING BOARD OF APPEALS MEMBER REQUEST FOR RETIREMENT BENEFITS

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, pursuant to the applicable provisions of the Town of Riverhead Employee Benefits and Policies and pursuant to the rules and regulations of the New York State & Local Retirement System, Frederick McLaughlin, member of the Zoning Board of Appeals, has sufficient years of service credit and otherwise qualifies to retire; and

WHEREAS, pursuant to the rules and regulations of the New York State & Local Retirement System, a retiree may continue public employment subject to such other applicable provisions of law, i.e. RSSL §§211, 212; and

WHEREAS, Frederick McLaughlin completed and filed his application for service retirement with the New York State & Local Retirement System and, in turn, the New York State & Local Retirement System notified the Town that Mr. McLaughlin applied for retirement effective March 17, 2016 and requested that the Town complete Accrued Payment and Leave Credits (Form RS6221) as and for the effective date of retirement; and

NOW THEREFORE BE IT RESOLVED, that the Town Board does hereby direct the Personnel Department and Office of the Financial Administrator to complete Accrued Payment and Leave Credits (Form RS6221) and such other forms to accept and effectuate Frederick McLaughlin's retirement effective March 17, 2016; and be it further

RESOLVED, that the Personnel Director shall advise Mr. McLaughlin of his responsibility to comply with the rules and regulations of New York State & Local Retirement System regarding post retirement public employment, to wit: member of the Zoning Board of Appeals, that may affect his retirement benefits; and

RESOLVED, the Town Clerk is hereby directed to forward a certified copy of this resolution to Frederick McLaughlin, the Personnel Officer and the Financial Administrator; and be it further

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

THE VOTE

Hubbard Yes No

Giglio Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 327

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD RACEWAY
(Saturday, May 7, 2016)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, on March 15, 2016, Tom Gatz, on behalf of the Riverhead Raceway, submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on Saturday, May 7, 2016, at approximately 9:00 p.m., having a rain date of Saturday, May 14, 2016; and

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

WHEREAS, the \$500.00 administrative fee has been paid to the Office of the Fire Marshal; and

WHEREAS, the \$200.00 Fireworks Permit Application fee has been paid.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of Riverhead Raceway, for the purpose of conducting a fireworks display to be held at the center of the racetrack at 1797-1785 Old Country Road, Riverhead, New York on Saturday, May 7, 2016, at approximately 9:00 p.m., having a rain date of Saturday, May 14, 2016; is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by Riverhead Raceway. Riverhead Fire Department may provide additional fire apparatus at the discretion of the Chief of the Riverhead Fire Department.
- Scheduling a pre-event inspection between 4:00 p.m. and 6:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Riverhead Raceway no later than 4:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for

purpose of final inspection and safety review.

- Firework shell size shall be limited to the size described 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, lighting and/or wind in excess of 30 miles per hour; and be it further

RESOLVED, that the Riverhead Fire Marshal is hereby authorized to receive overtime expenditures for the necessary public safety and security purposes 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 Riverhead Raceway, Attn: Tom Gatz, 1797 Old Country Road, Riverhead, New York, 11901 and Pyro Engineering, Inc., 999 South Oyster Bay Road, Suite 111, Bethpage, New York, 11714; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 328

**APPROVES CHAPTER 90 APPLICATION OF
RUGGED RACES LLC**

(5K Obstacle Race entitled "Rugged Maniac" – Saturday, September 17, 2016)

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on March 22, 2016, Brad Scudder, on behalf of Rugged Races LLC, submitted a Chapter 90 Application for the purpose of conducting a 5K obstacle race entitled "Rugged Maniac", having an expected attendance of 3,500 attendees, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, September 17, 2016, between the hours of 8:00 a.m. and 4:00 p.m.; and

WHEREAS, Rugged Races LLC has completed and filed a Chapter 90 Special Events – Short Form Application, together with a Short Environmental Assessment Form, in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617; and

WHEREAS, the applicable Chapter 90 Application fee has been paid for this event; 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.

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

RESOLVED that the Chapter 90 Application of Rugged Races LLC for the purpose of conducting a 5K obstacle race entitled "Rugged Maniac", having an expected attendance of 3,500 attendees, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York on Saturday, September 17, 2016, between the hours of 8:00 a.m. and 4:00 p.m. is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to:

- Receipt of required Suffolk County Department of Health permit(s),
- including the Vendors Temporary Food Service Permit(s);

- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;
- Receipt of copies of valid certification cards for all TIPS certified waitstaff;

and be it further

RESOLVED, that all of the above are to be received **no later than August 1, 2016**; and be it further

RESOLVED, should it be determined that this approval is subject to a license agreement for purposes of the utilization of police personnel and patrol vehicles, said license agreement, together with the requisite license fee as stated in said license agreement, shall be received **no later than August 1, 2016**; and be it further

RESOLVED, that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event at location(s) delineated on the associated site plan, provided further that service be by licensed alcohol service providers/TIPS-certified (Training for Intervention Procedures) waitstaff and properly identified individuals will be given a wristband for identification purposes; and be it further

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

RESOLVED, that the necessary tent permits must be obtained and any tent installations and all electric shall comply with the applicable provisions of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Rugged Races LLC, 45 Bromfield Street, 8th Floor, Boston, MA 02108 and Dean Del Prete, 149 Edwards Avenue, Calverton, New York 11933; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 329

APPROVES THE CHAPTER 90 APPLICATION OF THE SURVIVAL RACE, LLC
(5K Adventure Run – Saturday – May 7, 2016)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, on March 17, 2016, Dean Del Prete, on behalf of Survival Race, LLC, submitted a Chapter 90 Application for the purpose of conducting a family focused 5K Run, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Saturday, May 7, 2016, between the hours of 8:00 a.m. and 5:00 p.m.;

WHEREAS, Survival Race 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, the applicant has paid the applicable Chapter 90 Fee; 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 Board hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of Dean Del Prete of Survival Race, LLC for the purpose of conducting a family focused 5K Run, obstacle course and mud run, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Saturday, May 7, 2016, between the hours of 8:00 a.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to:

- Receipt of required Suffolk County Department of Health permit(s),
- including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of a Certificate of Insurance to include general liability and liquor

liability having acceptable limits naming the Town of Riverhead as an additional insured;

- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;
- Receipt of copies of valid certification cards for all TIPS certified waitstaff;

and be it further

RESOLVED, that all of the above are to be received **no later than May 5, 2016**; and be it further

RESOLVED, that Chapter 46 entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event at location(s) delineated on the associated site plan, provided further that service be by licensed alcohol service providers/TIPS-certified (Training for Intervention Procedures) waitstaff and properly identified individuals will be given a wristband for identification purposes; and be it further

RESOLVED, should it be determined that this approval is subject to a license agreement for purposes of the utilization of police personnel and patrol vehicles, said license agreement, together with the requisite license fee as stated in said license agreement, shall be received **no later than May 5, 2016**; and be it further

RESOLVED, that any necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dean Del Prete, 149 Edwards Avenue, Calverton, New York, 11933; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 330

APPROVES THE CHAPTER 90 APPLICATION OF THE SURVIVAL RACE, LLC
(Zombie Adventure Run & Festival– Saturday – May 21, 2016)

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, on March 30, 2016, Dean Del Prete, on behalf of Survival Race, LLC, submitted a Chapter 90 Application for the purpose of conducting a family focused 5K run and festival entitled “Zombie Adventure Run”, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Saturday, May 21, 2016, between the hours of 4:00 p.m. and 12:00 midnight;

WHEREAS, Survival Race 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, the applicant has paid the applicable Chapter 90 Fee; 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 Board hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of Dean Del Prete of Survival Race, LLC for the purpose of conducting a family focused 5K Run and festival entitled “Zombie Adventure Run”, to include a food concession, craft sales, music and the sale and service of alcoholic beverages, to be held at Calverton Links, 149 Edwards Avenue, Calverton, New York, on Saturday, May 21, 2016, between the hours of 4:00 p.m. and 12:00 midnight, is hereby approved; and be it further

RESOLVED, that approval for this event shall be subject to:

- Receipt of required Suffolk County Department of Health permit(s),
- including the Vendors Temporary Food Service Permit(s);
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);

- Receipt of any permits as may be required by the New York State Department of Labor;
- Receipt of a Certificate of Insurance to include general liability and liquor liability having acceptable limits naming the Town of Riverhead as an additional insured;
- Receipt of an Outdoor Public Safety Plan to be submitted to the Fire Marshal's Office;
- Receipt of copies of valid certification cards for all TIPS certified waitstaff;

and be it further

RESOLVED, that all of the above are to be received **no later than May 6, 2016**; and be it further

RESOLVED, that Chapter 46 of the Riverhead Town Code entitled "Alcoholic Beverages" is deemed to be waived for the service of alcoholic beer during the event provided further that service be by licensed alcohol service providers/TIPS-certified (Training for Intervention Procedures) waitstaff and properly identified individuals will be given a wristband for identification purposes; and be it further

RESOLVED, that this approval is subject to a fully executed license agreement, together with the requisite license fee as stated in said license agreement, for purposes of the utilization of police personnel and patrol vehicles to assist with vehicular and pedestrian traffic, **no later than May 6, 2016**; and be it further

RESOLVED, that any necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dean Del Prete, 149 Edwards Avenue, Calverton, New York, 11933; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 331

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE LEASE
TERMINATION AGREEMENT AND GENERAL RELEASE BETWEEN RIVERHEAD
WATER DISTRICT AND NEXTEL OF NEW YORK, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by letter dated November 9, 2015 Nextel of New York, Inc. notified the Riverhead Water District that the cellular lease for facilities located at 53 Old Country Road would be terminated as permitted by the lease, and

WHEREAS, Nextel has completed the decommissioning of the site as required, and

WHEREAS, there is present at the site a shelter, with electric service, suitable for District purposes at an agreed savings and value of \$6,000.00, to be deducted from the security deposit to be returned by the District to Nextel as set forth in the attached Lease Termination Agreement and General Release.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached Lease Termination Agreement and General Release, and

BE IT FURTHER RESOLVED, that the Town Clerk is authorized to provide a copy of this resolution to Water District Superintendent Mark Conklin and Frank Isler, Esq., and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

LEASE TERMINATION AGREEMENT
AND
GENERAL RELEASE

This LEASE TERMINATION AGREEMENT AND GENERAL RELEASE (the “Agreement”) is made as of March 31, 2016, by and between Nextel of New York, Inc., a Delaware corporation (“Nextel”) and The Riverhead Water District (“Owner”) with reference to the following facts, understandings and intentions:

RECITALS

A. Owner owns certain property located at 53 Old Country Road, Riverhead, New York (“Owner’s Property”). Nextel, as lessee or tenant (or successor in interest to the lessee or tenant), and Owner, as lessor or landlord (or successor in interest to the lessor or landlord), are parties to that Lease Agreement dated as of November 12, 1996 (the “Lease”) whereby Owner leases to Nextel a portion of Owner’s Property, as further described in the Lease (the “Site”).

B. Nextel uses the Site for a communications facility that, pursuant to the Lease, may include among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the “Communications Facility”).

C. By letter dated November 9, 2015, as permitted by the terms of the Lease, Nextel notified Owner of Nextel’s election to terminate the Lease, effective as of the Termination Date (as defined below) (“Notice”). Owner acknowledges that Nextel’s written Notice was properly given and effective.

D. Nextel and Owner are willing to so terminate the Lease, pursuant to the provisions of this Agreement.

AGREEMENT

NOW, THEREFORE, in consideration of the mutual covenants contained herein and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, the parties agree as follows:

1. Date of Termination; Final Payment.

a. The Lease is hereby canceled and terminated effective at 11:59 p.m. on December 31, 2015 (“Termination Date”). From and after the Termination Date, neither Owner

nor Nextel will have any further rights or obligations under the Lease, and Nextel will have no further right or interest with respect to the Site.

In full and final payment of any and all sums due or owing by Nextel to Owner under the Lease or otherwise in connection with Owner's Property or the Site, Nextel will pay Owner a one-time payment of Six Thousand Dollars (\$6,000) (the "Final Payment") which will be offset by Owner's return of the security deposit of Twelve Thousand Dollars (\$12,000), per Section 6 of the Lease, leaving a balance of Six Thousand Dollars (\$6,000) to be paid by Owner within 30 days of execution of Agreement to the following address:

Sprint National Site Development – IDEN
KSOPHT0101-Z2120
6391 Sprint Parkway
Overland Park, KS 66251-2120

2. Vacation and Surrender of the Site; Site Acceptance.

a. Owner and Nextel have expressly agreed that, on or before the Termination Date, Nextel will vacate and surrender the Site to Owner in its current "AS-IS" condition, except that Nextel will leave at the Site the following (the "Abandoned Property"):

Nextel's Shelter

Nextel will have no further obligation (notwithstanding anything to the contrary contained in the Lease or otherwise) to remove the Communications Facility (all of which will be deemed abandoned by Nextel and accepted by Owner) or otherwise repair or restore the Site or any other portion of Owner's Property.

b. Upon Nextel's vacation of the Site, Owner and Nextel will each execute duplicate originals of the "Site Acceptance and Release" in the form attached hereto as Exhibit A ("Site Acceptance"). Owner's execution of the Site Acceptance will constitute conclusive evidence and proof that Nextel has vacated and surrendered the Site to Owner in the condition required by the Lease and this Agreement, and that any portion of the Communications Facility (and any other equipment or property) remaining on Owner's Property will be deemed abandoned by Nextel and accepted by Owner, on the terms set forth therein.

3. Release of Obligations. Except for Owner's and Nextel's respective rights to enforce the provisions of this Agreement and the Site Acceptance, effective as of the Termination Date, Owner and Nextel, for themselves and their respective parent, subsidiary and related corporations, partners, affiliates, heirs, successors and assigns, do each hereby release and forever discharge each other and their present and former directors, officers, shareholders, managers, agents, trustees, beneficiaries, attorneys and employees (the "Released Parties") from all obligations, damages, losses, costs, expenses and liabilities whether known or unknown, contingent or direct, liquidated or unliquidated, and from any claims, demands, judgments, actions or suits of any kind (collectively, "Claims") which they may have against one another arising out of or relating to the Lease, and the use and occupancy of Site, the Communications

Facility and/or Owner's Property, including without limitation, any attorneys' fees incurred in connection therewith. Each party acknowledges the possibility that the other party may have unknown Claims against the other arising out of or related to the Lease, and the use and occupancy of Site, the Communications Facility and/or Owner's Property, and that by signing this Agreement, each party expressly waives such Claims. The parties further acknowledge that the consideration for this mutual release takes into account the possibility of such further Claims.

4. Voluntary Agreement. The parties have read this Agreement and the releases contained herein and, on advice of counsel, have freely and voluntarily entered into this Agreement with full understanding of its terms.

5. Recitals. The above recitals are an integral and substantive part of this Agreement and are incorporated herein.

6. Attorneys' Fees. If either party commences an action against the other party arising out of or in connection with this Agreement, the prevailing party will be entitled to recover attorneys' fees and expenses from the other.

7. Successors. This Agreement will be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

8. Counterparts. This Agreement may be executed in any number of duplicate originals or counterparts, each of which will be deemed to be an original, and all of which taken together will constitute one and the same agreement. The parties agree that their signatures may be delivered by fax or email.

9. Governing Law. The validity, interpretation, construction and performance of this Agreement will be controlled by and construed under the laws of the state in which the Site is located.

IN WITNESS WHEREOF, the parties have executed this Lease Termination Agreement and General Release as of the date and year first above written.

"OWNER"

"NEXTEL"

The Riverhead Water District

Nextel of New York, Inc.,
a Delaware corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

Exhibit A

SITE ACCEPTANCE and RELEASE

This SITE ACCEPTANCE and RELEASE is made as of December 31, 2015 (“Effective Date”), by and between Nextel of New York, Inc., a Delaware corporation (“Nextel”) and The Riverhead Water District (“Owner”) with reference to the following facts, understandings and intentions:

A. Owner and Nextel are parties to that LEASE TERMINATION AGREEMENT and GENERAL RELEASE dated November 9, 2015 (the “Agreement”), that terminated a Lease for a Site on Owner’s Property located at 53 Old Country Road, Riverhead, New York (Nextel Site #1170-A), all terms of which are incorporated herein. Capitalized terms used but not defined herein have the meanings set forth in the Agreement.

B. Nextel used the Site for a communications facility that may have included, among other things, an antenna tower or pole and foundation, utility lines, transmission lines, an air conditioned equipment room or shelter and pad, cable wiring, conduit runs, radios and other electronic equipment, transmitting and receiving antennas and microwave dishes, batteries and other power sources (possibly including a generator and pad), related fixtures and supporting equipment, and structures therefor (collectively, the “Communications Facility”).

C. Nextel removed some or all of the Communications Facility and restored the Site and Owner’s Property to the condition required by the Lease and the Agreement, and Nextel vacated and surrendered the Site to Owner as of the Effective Date. The parties now desire to execute this Site Acceptance and Release, pursuant to the Agreement.

NOW, THEREFORE, in consideration of the foregoing, the provisions set forth below, and other good and valuable consideration, the receipt and adequacy of which are hereby acknowledged, Owner hereby acknowledges that, as of the Effective Date, Nextel has vacated, surrendered and restored the Site and Owner’s Property to the condition required by the Lease and the Agreement and that any portion of the Communications Facility (and any other equipment or property) remaining on Owner’s Property shall be deemed abandoned by Nextel (collectively, the “Abandoned Property”); Owner accepts any such Abandoned Property in its present condition “AS-IS”, “WHERE-IS” and “WITH ALL FAULTS”, and without any representations, warranties, promises, covenants or guaranties whatsoever, express, implied, oral, written, statutory or otherwise (including, without limitation, no warranties of merchantability, marketability, profitability, fitness for a particular purpose or conformity to models or materials); and Owner fully and forever releases Nextel and the Released Parties from all Claims and any and all liability whatsoever in connection with the foregoing and the Lease, and agrees to indemnify, defend and hold Nextel and the Released Parties harmless from and against all Claims and any and all losses, costs, liabilities, damages, claims, actions and causes of action (including attorneys’ fees and court costs) arising out of or relating in any way to any such Abandoned Property (including without limitation any Claims that permits or local zoning or other regulations require telecommunications equipment to be removed).

Executed on March 31, 2016.

“OWNER”

“NEXTEL”

The Riverhead Water District

Nextel of New York, Inc.,
a Delaware corporation

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

TOWN OF RIVERHEAD

Resolution # 332

**APPOINTS MEMBER TO THE
ZONING BOARD OF APPEALS OF THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, an unexpired term exists on the Zoning Board of Appeals, and

WHEREAS, retired Zoning Board member Frederick J. McLaughlin has expressed an interest in filling this vacancy.

RESOLVED, effective May 3, 2016, Frederick J. McLaughlin is hereby appointed as a member of the Town of Riverhead Zoning Board of Appeals to complete the remainder of the five (5) year term through December 31, 2020, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Frederick J. McLaughlin, the Zoning Board of Appeals, the Planning Department and the Office of Accounting.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 333

PAYS BILLS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

ABSTRACT #16-09 April 27, 2016 (TBM 05/03/16)			
			Grand
Fund Name	Fund #	Ckrun	Totals
GENERAL FUND	1	1,617,589.75	1,617,589.75
POLICE ATHLETIC LEAGUE	4	5,685.39	5,685.39
RECREATION PROGRAM FUND	6	7,027.71	7,027.71
HIGHWAY FUND	111	145,585.37	145,585.37
WATER DISTRICT	112	87,669.24	87,669.24
RIVERHEAD SEWER DISTRICT	114	140,117.84	140,117.84
REFUSE & GARBAGE COLLECTION DI	115	2,222.12	2,222.12
STREET LIGHTING DISTRICT	116	9,963.21	9,963.21
AMBULANCE DISTRICT	120	479,406.19	479,406.19
EAST CREEK DOCKING FACILITY FU	122	17,405.53	17,405.53
CALVERTON SEWER DISTRICT	124	6,678.64	6,678.64
RIVERHEAD SCAVENGER WASTE DIST	128	60,134.74	60,134.74
WORKERS' COMPENSATION FUND	173	18,682.30	18,682.30
WATER DISTRICT CAPITAL PROJECT	412	38,369.25	38,369.25
RIVERHEAD SEWER CAPITAL PROJEC	414	219,317.77	219,317.77
CALVERTON SEWER CAPITAL PROJEC	424	1,000.00	1,000.00
TRUST & AGENCY	735	1,348,399.09	1,348,399.09
CALVERTON PARK - C.D.A.	914	245.11	245.11
TOTAL ALL FUNDS		4,205,499.25	4,205,499.25

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 334

RATIFIES REQUEST FOR A LEAVE OF ABSENCE

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, Arthur Fogal, a Heavy Equipment Operator in the Highway Department, has requested a one (1) month non-paid leave of absence.

NOW, THEREFORE, BE IT RESOLVED, that Mr. Fogal's request for an unpaid leave of absence has been ratified and approved for a one (1) month period beginning on May 2, 2016 and continuing through June 2, 2016.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Mr. Fogal, the Highway Department, and the Office of Accounting.

On a motion by Councilman Dunleavy, seconded by Councilman Wooten, resolution # 334 was TAKEN OFF THE FLOOR, motion carried by unanimous vote. Immediately thereafter there was a motion to put to vote.

THE VOTE

Hubbard Yes No
Wooten Yes No

Giglio Yes No
Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted