

## CDA Resolution List:

- Res. #17 AUTHORIZES HDR TO CONTINUE PLANNING FOR THE RAIL ACCESS REHABILITATION PROJECT AT THE ENTERPRISE PARK AT CALVERTON
- Res. #18 CDA ECONOMIC RECOVERY PROJECT FOR CALVERTON RAIL SPUR
- Res. #19 CDA RESOLUTION AMENDING CDA RESOLUTIONS #9, # 17, AND # 27 OF 2008
- Res. #20 CDA AUTHORIZES ACCEPTANCE OF EMPIRE STATE DEVELOPMENT DOWNSTATE REGIONAL BLUEPRINT GRANT FOR CALVERTON RAIL ACCESS

## Resolution List:

- Res. #1079 EXTENDS BID CONTRACT FOR CORROSION CONTROL CHEMICAL FOR THE TOWN OF RIVERHEAD
- Res. #1080 AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING" (§108-56. Signs. E. (7)(c) Temporary special event signs.)
- Res. #1081 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 52 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "BUILDING CONSTRUCTION"(Section 52-6 "Application for building permit")
- Res. #1082 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 98 ENTITLED "LITTERING" OF THE RIVERHEAD TOWN CODE (§98-10 Penalties for offenses)
- Res. #1083 AUTHORIZES THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COUNTY OF SUFFOLK FOR PILOT PROJECT DATA SHARING OF 2006 BUILDING OUTLINE GIS DATA
- Res. #1084 ADOPTS A LOCAL LAW AMENDING CHAPTER 58 ENTITLED, "DOGS" OF THE RIVERHEAD TOWN CODE
- Res. #1085 ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-10. – Parking prohibited.)
- Res. #1086 APPOINTS A CALL-IN RECREATION AIDE- VOLLEYBALL OFFICIAL TO THE RECREATION DEPARTMENT (Daniel Dunn)
- Res. #1087 CEDAR COVE SUBDIVISION BUDGET ADJUSTMENT
- Res. #1088 AUTHORIZATION TO DISCARD FIXED ASSETS
- Res. #1089 AWARDS BID FOR HEATING FUEL
- Res. #1090 CALVERTON PARK RECREATIONAL TRAILS BUDGET ADOPTION \$100,000
- Res. #1091 CALVERTON PARK RECREATIONAL TRAILS BUDGET ADOPTION \$200,000
- Res. #1092 ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (ARTICLE XXVI Site Plan Review)

- Res. #1093 AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH KENNETH DEMCHAK TO SATISFY AN OUTSTANDING PAYMENT REGARDING A PARKING LOT LEASE AGREEMENT
- Res. #1094 AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH COUNTY OF SUFFOLK OFFICE FOR THE AGING (AAA TRANSPORTATION PROGRAM)
- Res. #1095 ECONOMIC RECOVERY PROJECT FOR CALVERTON RAIL SPUR
- Res. #1096 TRANSFERS A MAINTENANCE MECHANIC II FROM THE BUILDING AND GROUNDS DIVISION OF THE ENGINEERING DEPARTMENT TO THE POSITION OF AUTO MECHANIC II IN THE MUNICIPAL GARAGE (Thomas Vance)
- Res. #1097 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (ARTICLE XXXIV – Multifamily Residential Professional Office Zone)
- Res. #1098 AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE (ARTICLE XLVI – Destination Retail Center (DRC) Zoning Use District)
- Res. #1099 APPOINTS TEMPORARY CLERKS TO THE TAX RECEIVER'S OFFICE (Erica Haas, Juliet Blass)
- Res. #1100 AUTHORIZES SUPERVISOR TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS ON BEHALF OF THE TOWN OF RIVERHEAD FOR PARTICIPATION IN THE SUFFOLK COUNTY DOWNTOWN REVITALIZATION ROUND 9 PROGRAM
- Res. #1101 GENERAL FUND POLICE BUDGET ADJUSTMENT
- Res. #1102 GENERAL FUND SANITATION DEPARTMENT BUDGET ADJUSTMENT
- Res. #1103 2007 GENERAL FUND BUDGET MODIFICATION
- Res. #1104 JUSTICE COURT PETTY CASH
- Res. #1105 USDA GRANT BUDGET ADJUSTMENT
- Res. #1106 AUTHORIZES EXECUTION AND SUBMISSION OF GRANT APPLICATION TO SUFFOLK COUNTY FOR FISCAL YEAR 2010 COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS
- Res. #1107 AUTHORIZES ACCEPTANCE OF EMPIRE STATE DEVELOPMENT DOWNSTATE REGIONAL BLUEPRINT GRANT FOR CALVERTON RAIL ACCESS
- Res. #1108 AUTHORIZES PROFESSIONAL SERVICES AGREEMENT FOR FINAL AUDIT OF CALVERTON RECREATIONAL FACILITIES
- Res. #1109 PAYS BILLS

12/01/09

Adopted

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**RESOLUTION #17**

**AUTHORIZES HDR TO CONTINUE PLANNING FOR THE RAIL ACCESS REHABILITATION  
PROJECT AT THE ENTERPRISE PARK AT CALVERTON**

Councilwoman Blass offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead has adopted a Comprehensive Plan for the Town and a Comprehensive Reuse Plan for the Calverton Enterprise Park, property now known as "EPCAL", providing the basis for the rezoning of the former Grumman property; and

**WHEREAS**, the Town Board acting in its capacity as the Community Development Agency (CDA) desires to foster the continued development of infrastructure at the EPCAL site to encourage continued economic development at the site consistent with the comprehensive plans; and

**WHEREAS**, in furtherance of development of infrastructure at EPCAL, the CDA Board authorized a solicitation of proposals for the EPCAL Rail Access Rehabilitation Project; and

**WHEREAS**, the CDA Board selected HDR, Inc., an employee-owned architectural, engineering and consulting firm with rail development expertise, as consultant to assist the CDA to rehabilitate the rail spur to EPCAL subject to the Town of Riverhead and/or the CDA securing the necessary outside funds for the project; further subject to negotiation of the terms of a professional service agreement with the office of the Town Attorney;

**WHEREAS**, HDR, Inc. is aware that the Town of Riverhead and the CDA is in the process of applying for federal and state funding to move the project forward; and

**WHEREAS**, with the assistance of HDR, the Town has been able to secure grants from New York State Empire Development for the project and it was

recently announced that Governor Patterson has certified the Town's application to have reactivation project funded through ARRA; and

**WHEREAS**, HDR has completed additional work necessary as shown in the attached outline which was not contemplated in the original professional services to move the ARRA funding forward in an expedited fashion including attendance at public hearings and additional design work totaling \$16,749.00, and

**WHEREAS**, the CDA Board also wishes to retain the services of HDR to continue to assisting the CDA Board in expediting the planned railroad rehabilitation program to completion.

**NOW, THEREFORE, BE IT RESOLVED**, that CDA Board authorizes HDR, Inc. to proceed with the design of warning devices at River Road and the development of third party agreements with the Long Island Railroad and New York and Atlantic Railway as set forth in the attached outline, the cost of which shall not exceed \$127,549.00, and

**BE IT FURTHER RESOLVED**, that the CDA Board hereby authorizes the additional work already completed but not contemplated in the original professional services agreement which was needed to expedite the CDA's ARRA application, and

**BE IT FURTHER RESOLVED**, that CDA Board authorizes the Accounting Department to increase the prior budget in the amount of \$16,749.00 to cover work already completed and set a budget in the amount of \$127,549.00 for this new phase of the project and payment to HDR; and

**BE IT FURTHER RESOLVED**, that the CDA Board hereby authorizes the CDA to secure a Town of Riverhead Purchase Order in the amount listed above; and

**BE IT FURTHER RESOLVED**, that the Town Board does hereby authorize the Town Supervisor to enter into and execute an amended Consultant/Professional Services Agreement with HDR subject to negotiation of the terms a professional service agreements addressing the work outlined herein with the office of the Town Attorney but not to exceed \$144,298.00; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification of this resolution to the HDR, Inc., Attn: Brian Dolan, 500 7th Avenue, New York, NY 10018-4502, and

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

**THE VOTE**

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

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**SUMMARY OF REQUIRED ADDITIONAL SERVICES FOR  
LOGISTICS/FEASIBILITY AND CONCEPT DESIGN  
IN ADDITION TO THE INITIAL BUDGET OF \$95,000**

Objective:

To prepare additional information for the Town of Riverhead in order to expedite the planned railroad rehabilitation program to completion.

HDR Activities:

**TASK A: Concept Design for Warning Devices at River Road (Passive Devices)**

Scope:

Develop necessary plans and contract specifications so that passive warning devices can be installed on River Road. Some of the elements to be developed for this task are as follows:

- Perform site visit to River Road with HDR Engineering personnel
- Develop specific site plan for River Road for inclusion into contract bid package for approved passive devices
- Develop specifications for inclusion into contract bid package for approved passive devices
- Make necessary alterations to the bid sheets in the contract package to reflect approved passive devices
- Make necessary alterations to the ENGINEER'S ESTIMATE to reflect approved passive devices
- Prepare a 60% and 90% submittal for these approved passive devices and send to the Town of Riverhead and NYSDOT for their comment, review and approval

Deliverables:

- 60% and 90% contract packages for review by the Town of Riverhead and NYSDOT
- Inclusion of 100% design package into contract documents for the Town of Riverhead

**TASK B: Develop LIRR Third Party Agreement**

Scope:

Assist the Town of Riverhead to develop a third party force account agreement for the installation of the turnout to the Calverton Industrial Park Rail Spur. Some of the elements to be developed for this task are as follows:

- Meet with LIRR and determine agreement requirements
- Develop specification for survey on LIRR property
- Develop plan and profile of LIRR turnout
- Support Town of Riverhead in development of third party agreement with LIRR for turnout installation
- Prepare a 60% and 90% submittal for the installation of turnout on LIRR property and send to the Town of Riverhead, LIRR and NYSDOT for their comment, review and approval
- Review proposed LIRR force account agreement with the Town of Riverhead and NYSDOT and provide comments to the LIRR

**SUMMARY OF REQUIRED ADDITIONAL SERVICES FOR  
LOGISTICS/FEASIBILITY AND CONCEPT DESIGN  
IN ADDITION TO THE INITIAL BUDGET OF \$95,000**

- Incorporate plans developed into Riverhead contract package as required

Deliverables:

- 60% and 90% contract packages for review by the Town of Riverhead, LIRR and NYSDOT
- Inclusion of 100% design package into contract documents for the Town of Riverhead and NYSDOT as required

**TASK C: Develop NY&A Third Party Agreement**

Scope:

Assist the Town of Riverhead to develop a third party agreement for the restoration of freight service to the Calverton Industrial Park Rail Spur. Some of the elements to be developed for this task are as follows:

- Meet with NY&A and determine agreement requirements
- Support Town of Riverhead in development of third party agreement with NY&A

Deliverables:

- Provide draft agreement for the Town of Riverhead to finalize and execute with the NY&A

**ECONOMIC RECOVERY PROJECTS  
MUNICIPAL/SPONSOR RESOLUTION**  
RESOLUTION NUMBER: 18

WHEREAS, The NYS DOT Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (Pin #093561) Economic Recovery Project(s) (hereinafter the "the Projects") in the Town of Riverhead, in Suffolk County, (hereinafter "the Municipality/Sponsor") is (are) eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

NOW, THEREFORE, the Municipal/Sponsor Board duly convened does hereby:

RESOLVE, that the Municipal/Sponsor Board hereby approves the above Projects; and it is hereby further

RESOLVED, that the Municipality/Sponsor agrees to advance the Projects through: (Check only one of the following boxes):

1) The Municipality/Sponsor's resources and agrees that the Municipal/Sponsor Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full federal and non-federal costs of any and all phase(s) or portions thereof and it is further hereby appropriates from capital fund [or pursuant to N/A] the funds necessary to complete the Project(s) including all phase(s) or portions thereof

-OR-

2) NYSDOT resources and agrees that the Municipal/Sponsor Board hereby authorizes the Municipality/Sponsor to pay in the first instance the full non-federal costs of any and all phase(s) or portions thereof and hereby appropriates from \_\_\_\_\_ [or pursuant to \_\_\_\_\_] the funds necessary to complete the Project(s) including all phase(s) or portions thereof; and it is further

RESOLVED, that the Municipal/Sponsor Board makes a 100% commitment of the federal and non-federal share (if any) of the costs of Construction/Construction Inspection phase(s) of work for the Project(s) or portions thereof, with the federal share of such costs to be applied by the New York State Department of Transportation (hereinafter "NYSDOT") pursuant to the State/Local Agreement and it is hereby further

RESOLVED, that the sum of \$4,800,731 is hereby appropriated from the capital fund and make available to cover the cost of participation in the above phases(s) of the Project(s); and hereby appropriates from this capital fund [or pursuant to \_\_\_\_\_] the funds necessary to complete the Project(s) including all phase(s) or portions thereof it is further

RESOLVED, that upon completion of construction of the Projects, or a fully usable portion thereof, the Municipality/Sponsor agrees to maintain the Project(s), or fully usable portion thereof, at their sole cost and expense; and it is hereby further

RESOLVED, that in the event the full federal and non-federal share of the Projects exceeds the amount appropriated above, the Municipal/Sponsor Board shall convene as soon as possible to appropriate said excess amount immediately; and it is hereby further

RESOLVED, that the Chairman of the Town of Riverhead Community Development Agency is hereby authorized to execute all necessary Agreements or certifications on behalf of the Municipality/Sponsor, (subject to the Municipal/Sponsor Attorney's approval as to form and content), with NYSDOT in connection with the advancement or approval of the Projects identified in the State/Local Agreement; and providing for the administration of the Projects and the municipality/sponsor's first instance funding of the federal and non-federal share of project costs and permanent funding of the local share of federal-aid and state-aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible, and it is further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s); and it is further

RESOLVED, that this Resolution shall take effect immediately.

(Name & Title Phil Cardinale, Chairman) moved the adoption of the resolution. Seconded by (Name & Title \_\_\_\_\_). Upon roll call, adopted.

Clerk of the Town of Riverhead, Diane Wilhelm, County of Suffolk

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Municipality/Sponsor at a session held on the 1<sup>st</sup> day of December 2009 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said \_\_\_\_\_, this \_\_\_\_\_ day of (Choose One), (Choose One).

\_\_\_\_\_ Clerk

*Gabrielson* ✓ THE VOTE  
~~Buckley~~ ✓ yes \_\_\_ no Wooten ✓ yes \_\_\_ no  
Dunleavy ✓ yes \_\_\_ no Blass ✓ yes \_\_\_ no  
Cardinale ✓ yes \_\_\_ no  
THE RESOLUTION ✓ WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

December 1, 2009

ADOPTED

TOWN OF RIVERHEAD

CDA RESOLUTION # 19

A RESOLUTION AMENDING CDA RESOLUTIONS #9, # 17, AND # 27 OF 2008  
AND CDA RESOLUTION #13 OF 2009.

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS the Community Development Agency (the "Agency") adopted Resolution #9 of 2008 determining Vintage Square Properties, L.L.C. to be a Qualified and Eligible Sponsor, which resolution was to expire and be of no force and effect unless an Agreement of Sale was fully executed by June 15, 2008; and

WHEREAS the Agency adopted Resolutions # 17 and # 27 of 2008 and # 13 of 2009 granting Vintage Square Properties, L.L.C.'s requests further extensions of time for an Agreement of Sale to be fully executed, with the last extension scheduled to end on December 15, 2009; and

WHEREAS, Vintage Square Properties, L.L.C. has requested an additional extension of the deadline of the time for an Agreement of Sale to be fully executed.

NOW, THEREFORE BE IT RESOLVED, by the Members of the Agency, as follows:

1. Paragraph 3 of CDA Resolution #9 of 2008 is hereby amended to provide that the designation of Vintage Square Properties, L.L.C. as a Qualified and Eligible Sponsor will expire and be of no force and effect unless an Agreement of Sale is fully executed on or before June 15, 2010.

2. In the event substantive changes are made to the draft Agreement of Sale on file with the Town Clerk, a new hearing to determine whether Vintage Square Properties, L.L.C. is a Qualified and Eligible Sponsor the project, as amended, will be required.

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

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL COUNSEL.

**THE VOTE**

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

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY  
Resolution # 20

AUTHORIZES ACCEPTANCE OF EMPIRE STATE DEVELOPMENT DOWNSTATE  
REGIONAL BLUEPRINT GRANT FOR CALVERTON RAIL ACCESS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Blass

**WHEREAS**, the Empire State Development Corporation (ESD) announced the availability of \$35 million through the Downstate Regional Blueprint Fund to support projects that help attract businesses, improve commerce and revitalize local economies; and

**WHEREAS**, the Town of Riverhead Community Development Agency (CDA) Board desires to foster the continued development of infrastructure at the Calverton Enterprise Park site to encourage continued economic development at the site consistent with the comprehensive plans; and

**WHEREAS**, in furtherance of development of infrastructure at the Calverton Enterprise Park, the CDA Board seeks to solicit funds to support the Town of Riverhead Calverton Rail Access Rehabilitation Project to and from the Calverton Enterprise Park; and

**WHEREAS**, the Town of Riverhead CDA submitted an application for funding to ESD for the Town of Riverhead Calverton Rail Access Rehabilitation Project for consideration; and

**WHEREAS**, the funding associated with the Downstate Regional Blueprint Fund is limited to 20% of project cost and is through a reimbursement program, not a grant program, thus the Town of Riverhead CDA will pay project costs first then request reimbursement of eligible costs from ESD; and

**THEREFORE, BE IT RESOLVED**, the CDA Board authorizes the acceptance of a Downstate Regional Blueprint Fund Project Award from ESD in the amount of \$650,000 towards the Calverton Rail Access Rehabilitation Project; and

**BE IT FURTHER RESOLVED**, that the CDA Board Authorizes the Chairman to execute the required agreements and documents subject to review and approval by the Town Attorney between ESD and the Town of Riverhead CDA to undertake the program as approved; and

**BE IT FURTHER RESOLVED**, that the Riverhead CDA Board authorizes and instructs the Accounting Department to set up a budget and issue purchase orders for the above mentioned grant; and

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

THE VOTE

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

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted