

PUBLIC COMMENT ON ANY CDA RESOLUTION (S) LISTED BELOW:

- CDA #6 Community Development Agency Riverhead Resorts Capital Project Budget Adoption
- CDA #7 Authorizes Chairman of CDA to Execute Contract with NYS Department of Economic Development for the 2007-2008 Empire Zone Administrative Grant
- CDA #8 Authorizes the Town of Riverhead Community Development Agency to Execute an Agreement to Coordinate Employment and Training Services and Economic Development Services Through the Suffolk County One-Stop Employment Center

PUBLIC COMMENT ON ANY REGULAR TOWN BOARD RESOLUTION(S) LISTED BELOW:

- Res. #82 2008 Reeves Beach Capital Improvement Project Budget Adoption
- Res. #83 Landfill Capping Project Budget Adoption
- Res. #84 2008 Wading River Beach Capital Improvement Project Budget Adoption
- Res. #85 East Creek Capital Improvement Project Budget Adoption
- Res. #86 Bond Resolution Supplementing the Bond Resolutions Dated September 7, 2005 and April 18, 2006, Respectively, to Authorize, Subject to Permissive Referendum, the Issuance of an Additional \$2,000,000 Bonds of the Town of Riverhead, Suffolk County, New York, to Pay a Portion of the Cost of the Establishment of a New Park and Recreation Facility at EPCAL, in and for Said Town
- Res. #87 Amendatory Bond Resolution-Amending the Refunding Bond Resolution Dated December 5, 2006

- Res. #88 Approves Fee Schedule of the Raynor Group, P.E. & L.S. PLLC
- Res. #89 Approves Fee Schedule of Dvirka and Bartillucci Consulting Engineers
- Res. #90 Accepts Resignation of a Highway Maintenance Crew Leader (George Woodson)
- Res. #91 Accepts Resignation of a Highway Maintenance Crew Leader (Mark Gajowski)
- Res. #92 Accepts Resignation of a Public Safety Dispatcher (Anthony Agate)
- Res. #93 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Pump Out Boat Personnel
- Res. #94 Amends 2008 Salary Resolution (Trina Miles)
- Res. #95 Appoints a Call-In Registered Nurse to the Riverhead Recreation Department (Christine Spero)
- Res. #96 Sets Salaries of Various Recreation Employees for the Year 2008
- Res. #97 Sets Salaries for 2008 Part-Time Recreation Positions and Summer Personnel Salaries for the Recreation Department
- Res. #98 Authorizes Sewer District Employee to Attend Course
- Res. #99 Authorizes the Supervisor to Execute an Agreement to Obtain Medical Arbitration Services from Rehabilitation Medicine Associates
- Res. #100 Authorizes Registration Fee Schedule for Police Athletic League (P.A.L.) Programs for the Year 2008

- Res. #101 Authorizes Umpire/Referee Fee Schedule for Police Athletic League (P.A.L.) Programs for the Year 2008
- Res. #102 Appoints Member to the Anti Litter Advisory Committee (George Bartunek)
- Res. #103 Authorizes the Town Engineer to Participate in Online Professional Development Course
- Res. #104 Accepts Action Program of Town Anti-Litter Advisory Committee
- Res. #105 Authorizes Daniel P. McCormick to Act as Special Prosecutor for Violations of the Code of the Town of Riverhead
- Res. #106 Re-Appoints Members to Suffolk County/Town of Riverhead Empire Zone Administrative Board
- Res. #107 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 6302 North Country Road, Riverhead, New York
- Res. #108 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 331 Maple Avenue, Riverhead, New York
- Res. #109 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 64 Entitled, "Fire Prevention" of the Riverhead Town Code (§64-9. Fire-Prevention Permit Fees)
- Res. #110 Adopts a Local Law Amending Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Outdoor Lighting)
- Res. #111 Approves Chapter 90 Application of Cooley's Anemia Foundation, Inc.
- Res. #112 Reduces Performance Bond of NF Golf Resorts (Riverhead Reeves Associates, LLC)

- Res. #113 Approves Extension and Reduces Performance Bond of Aquebogue Golf Resorts (Riverhead Sound, LLC)
- Res. #114 Authorizes the Release of Letter of Credit for Riverwalk RHC,LLC
- Res. #115 Authorizes the Release of Security for Keyspan Electric Services (Jamesport Substation)
- Res. #116 Accepts Offer of Sale of a Parcel of Land Located in the Town of Riverhead Known as the Weeping Willow Motel (Purported Owner: James R. Woodhull)
- Res. #117 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Section 108-3 Entitled “Definitions; Word Usage”)
- Res. #118 Authorizes the Supervisor to Adopt an Adopt-a-Road Program Regarding Litter Abatement and Authorize the Riverhead Town Highway Department to Enter a Litter Abatement Agreement with Volunteer Program Participants
- Res. #119 Ratifies the Supervisor’s Execution of a Lease Agreement for the Armory Drill Hall
- Res. #120 Adopts a Local Law Amending Chapter 44 Entitled, “Agricultural Lands Preservation” of the Riverhead Town Code (Section 44-6 Entitled “Administration by Farmland Preservation Committee”)
- Res. #121 Authorizes the Release of Security for Windcrest Properties LLC (F/K/A Mid Road Properties LLC)
- Res. #122 Authorization to Publish Advertisement for Disposal of Demolition & Construction Debris (D&C) 2008
- Res. #123 Authorization to Publish Advertisement for Removal of Hazardous Household Products (S.T.O.P. Program)

- Res. #124 Authorization to Publish Advertisement for Disposal of Municipal Solid Waste (MSW)
- Res. #125 Resolution of Support and Concurrence with the Suffolk County/Town of Riverhead Empire Zone (Formerly Economic Development Zone) Regionally Significant Project Application
- Res. #126 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 92 Entitled, “Streets and Sidewalks” of the Riverhead Town Code
- Res. #127 Adopts Local Law#_____2008 Setting Service Connection Fees Riverhead Water District
- Res. #128 Approves Plan of Jack Van de Wetering Agricultural Worker Housing Permit to be Issued Pursuant to Section 108-64.4 of the Riverhead Zoning Ordinance (SCTM #0600-039.00-01-031.02)
- Res. #129 Approves Plan of Jack Van de Wetering Agricultural Worker Housing Permit to be Issued Pursuant to Section 108-64.4 of the Riverhead Zoning Ordinance (SCTM #0600-039.000-01-026.01)
- Res. #130 Adopts a Local Law to Amend Chapter 101 Entitled, “Vehicles and Traffic” of the Riverhead Town Code (Article III, Traffic Regulations)
- Res. #131 Authorization to Discard Fixed Assets
- Res. #132 Extends Bid Contract for Diesel Fuel
- Res. #133 Scheduling a Public Hearing to Determine Whether the Proposed Renovation and Construction at the Indian Island Golf Course, Located on Riverside Drive, Riverhead, New York, Must Comply With the Town Code of the Town of Riverhead

Res. #134 Bond Resolution Authorizing the Acquisition of a Parcel of Land, or Rights or Interests in Such Land, for Active and Passive Park Purposes and the Preservation of Open Space in and for the Town of Riverhead, Suffolk County, New York, at a Maximum Estimated Cost of \$140,000, and Authorizing the Issuance of \$140,000 Bonds of Said Town to Pay the Cost Thereof

Res. #135 Pays Bills

TOWN OF RIVERHEAD

Adopted

COMMUNITY DEVELOPMENT AGENCY
RIVERHEAD RESORTS CAPITAL PROJECT
BUDGET ADOPTION

RESOLUTION # 6

Community Development Agency Budget Adoption

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

BE IT RESOLVED, that the Supervisor is authorized to establish the following budget adoption for the purpose of deposit of developer fees paid by Riverhead Resorts, LLC, and payment of consulting and legal fees for professional services authorized by CDA Resolution #1 dated January 2, 2008.

	<u>FROM</u>	<u>TO</u>
405.064500.421050.90096 Developer Fees	150,000	
405.064500.543300.90096 Legal fees, Planning Consultants		150,000

THE VOTE

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

THE RESOLUTION ~~X~~ WAS ___ WAS NOT THEREFORE DULY ADOPTED

2/6/08

Adopted

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

RESOLUTION # 8

AUTHORIZES THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY TO EXECUTE AN AGREEMENT TO COORDINATE EMPLOYMENT AND TRAINING SERVICES AND ECONOMIC DEVELOPMENT SERVICES THROUGH THE SUFFOLK COUNTY ONE-STOP EMPLOYMENT CENTER

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

WHEREAS, the Town of Riverhead Community Development Agency wishes to ensure the continuation of appropriate referrals of public assistance applicants and recipients residing in the Empire Zone of Suffolk County/Town of Riverhead to comprehensive employment and training services in order to reduce or eliminate their dependency on public assistance; and

WHEREAS, the County of Suffolk has the resources to aid the Town of Riverhead Community Development Agency in this endeavor regarding support services; and

WHEREAS, the County of Suffolk and the Town of Riverhead Community Development Agency agree to work cooperatively in the planning, development, and implementation of support services;

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Community Development Agency is hereby authorized to execute the attached agreement with the County of Suffolk regarding coordination of employment and training services and economic development services through the Suffolk County One-Stop Employment Center.

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to: Suffolk County Department of Labor, Bldg #17, North County Complex, 725 Veterans Memorial Highway, Hauppauge, New York 11788; the Office of the Supervisor; Town of Riverhead Community Development Agency; Tracy Stark-Empire Zone and the Office of the Town Attorney.

THE VOTE

Wooten Yes No Buckley Yes No
Dunleavy Yes No Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

a. Copyrights

If the work of the Contractor under this Agreement should result in the production of original books, manuals, films or other materials for which a copyright may be granted, the Contractor may secure copyright protection. However, the County reserves, and the Contractor hereby gives to the County, and to any other municipality or government agency or body designated by the County, a royalty-free, nonexclusive license to produce, reproduce, publish, translate or otherwise use any such materials.

b. Patents

If the Contractor under this Agreement makes any discovery or invention in the course of or as a result of work performed under this Agreement, the Contractor may apply for and secure for itself patent protection. However, the County reserves, and the Contractor hereby gives to the County, and to any other municipality or government agency or body designated by the County, a royalty-free, nonexclusive license to produce or otherwise use any item so discovered or patented.

End of Text for Exhibit A

Exhibit B
Suffolk County Legislative Requirements

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

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

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

2. Living Wage Law

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

The Contractor represents and warrants that it has read and shall comply with the requirements of Suffolk County Code Chapter 347, Suffolk County Local Law No. 12-2001, the Living Wage Law.

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

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

3. Lawful Hiring of Employees Law

This Agreement is subject to the Lawful Hiring of Employees Law of the County of Suffolk (Local Law 52-2006). It provides that all covered employers, (as defined), and the owners thereof, as the case may be, that are recipients of compensation from the County through any grant, loan, subsidy, funding, appropriation, payment, tax incentive, contract, subcontract, license agreement, lease or other financial compensation agreement issued by the County or an awarding agency, where such compensation is one hundred percent (100%) funded by the County, shall submit a completed sworn affidavit (under penalty of perjury), the form of which is attached, certifying that they have complied, in good faith, with the requirements of Title 8 of the United States Code Section 1324a with respect to the hiring of covered employees (as defined) and with respect to the alien and nationality status of the owners thereof. The affidavit shall be executed by an authorized representative of the covered employer or

owner, as the case may be; shall be part of any executed contract, subcontract, license agreement, lease or other financial compensation agreement with the County; and shall be made available to the public upon request.

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

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

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

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

The Contractor represents and warrants that it has read, is in compliance with, and shall comply with the requirements of Suffolk County Code Chapter 234, Suffolk County Local Law No. 52-2006, the Lawful Hiring of Employees Law.

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

"Affidavit Of Compliance With The Requirements Of 8 U.S.C. Section 1324a With Respect To Lawful Hiring Of Employees" Form LHE-2.

4. **Gratuities**

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

5. Child Sexual Abuse Reporting Policy

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

6. Suffolk County Local Laws

Suffolk County Local Laws, Rules and Regulations can be found on the Suffolk County web site at [www.co.suffolk](http://www.co.suffolk.ny.us)<<http://www.co.suffolk.ny.us>>. Click on "Laws of Suffolk County" under "Suffolk County Links."

End of Text for Exhibit B

Exhibit C
Notices and Contact Persons

1. Operational Notices

Any communication, notice, claim for payment, reports, insurance, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For the Department:
**By First Class Mail or Certified Mail in Postpaid Envelope or by
Courier Service or by Fax or by Email**

Suffolk County Department of Labor
Bldg. 17
North County Complex
725 Veterans Memorial Highway
Hauppauge, New York 11788
Att. Raymond O'Rourke

For the Contractor:
**By Regular or Certified Mail in Postpaid Envelope or by
Courier Service or by Fax or by Email**

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

2. Notices Relating to Termination and/or Litigation

In the event the Contractor receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the Contractor shall immediately deliver to the County Attorney, at the address set forth below, copies of all papers filed by or against the Contractor.

Any communication or notice regarding termination shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For the County:
**By Regular and Certified Mail in Postpaid Envelope or by
Nationally Recognized Courier Service or Personally and by First Class Mail**

Suffolk County Department of Labor
Bldg. No. 17
North County Complex
725 Veterans Memorial Highway
Hauppauge, New York 11788
Att. Raymond O'Rourke

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
Hauppauge, New York 11788

For Contractor:

**By Regular and Certified Mail in Postpaid Envelope or by
Nationally Recognized Courier Service or Personally and by First Class Mail**

At the address set forth on page one of this Agreement, attention to the person who executed this Agreement or such other designee as the parties may agree in writing.

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

End of Text for Exhibit C

Exhibit D
Description of Services

1. Reports/Progress Meetings

The Contractor will be responsible for issuing timely reports in oral presentations and in writing on the status of pending and proposed activities, as may reasonably be requested by the Department. Depending upon the nature of the services provided under this Agreement, the parties may meet from time to time; the meeting time, place and attendees shall be as mutually agreed upon by the parties. All written reports will also be made available to the County in electronic format.

End of Text for Exhibit D

**NONFINANCIAL COOPERATIVE AGREEMENT
FOR COORDINATION OF SERVICES
FOR THE SUFFOLK ONE-STOP EMPLOYMENT CENTER**

This Agreement ("Agreement") is between the **County of Suffolk ("County")**, a municipal corporation of the State of New York, acting through its duly constituted **Department of Labor (the "Department")**, located at Building 17, North County Complex, 725 Veterans Memorial Highway, Hauppauge, New York 11788; and its **Department of Social Services ("DSS")**, having its principal offices at 3085 Veterans Memorial Highway, Ronkonkoma, New York 11779; and the **Town of Riverhead Community Development Agency ("CDA\Contractor")**, with its principal offices located at 210 Howell Avenue, Riverhead, New York 11901.

The parties hereto desire to provide an efficient system of coordinated employment and training services and economic development services through the **Suffolk One-Stop Employment Center (the "Center")** operated by the Department, to eligible job seekers and businesses in Suffolk County. No funding is required in the Suffolk County Operating Budget.

Term of Agreement: October 1, 2007 through September 30, 2011.
Total Cost of Agreement: None.
Terms and Conditions: Shall be as set forth in Exhibits A through D; attached hereto and made a part hereof.

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

Suffolk County Department of Social Services

By: _____
Janet DeMarzo
Commissioner
Date: _____

Recommended:

By: _____
Date: _____

**Town of Riverhead
Community Development Agency**

By: _____
Date: _____

**Approved as to Legality:
Christine Malafi, County Attorney**

By: _____
Jacqueline Caputi
Assistant County Attorney
Date: _____

County of Suffolk

By: _____
Jeff Szabo
Deputy County Executive
Date: _____

Approved: Department of Labor

By: _____
Robert W. Dow, Jr.
Commissioner
Date: _____

Recommended:

By: _____
Name
Title
Date: _____

List of Exhibits

Exhibit A

General Terms and Conditions

1. Goals and Responsibilities
2. Term and Termination
3. Indemnification
4. Insurance
5. Independent Contractor
6. Severability
7. Merger; No Oral Changes
8. Set-Off Rights
9. Non-discrimination in Services
10. Governing Law
11. No Implied Waiver
12. Conflicts of Interest
13. Cooperation on Claims
14. Confidentiality
15. Assignment and Subcontracting
16. No Intended Third Party Beneficiaries
17. Certification as to Relationships
18. Publications and Publicity
19. Copyrights and Patents

Exhibit B

Suffolk County Legislative Requirements

1. Contractor's/Vendor's Public Disclosure Statement
2. Living Wage Law
3. Use of County Resources to Interfere with Collective Bargaining Activities
Local Law No. 26-2003
4. Lawful Hiring of Employees Law
5. Gratuities
6. Prohibition Against Contracting with Corporations that Reincorporate Overseas
7. Child Sexual Abuse Reporting Policy
8. Non Responsible Bidder
9. Use of Funds in Prosecution of Civil Actions Prohibited
10. Suffolk County Local Laws Website Address

Exhibit C

Notices and Contact Persons

Exhibit D

Description of Services

Exhibit A
General Terms and Conditions

1. Goals and Responsibilities

The **Department**, through the Suffolk County Workforce Development System and the **Center**, will provide the citizens of Suffolk County with a comprehensive range of services and information to maximize opportunities for employment and strengthen the local economy. **DSS**, an interagency partner of the **Department** will join with the **Department** and the **CDA** to ensure the continuation of appropriate referrals of public assistance applicants and recipients residing in the Suffolk County Empire Zone to comprehensive employment and training services in order to reduce or eliminate their dependency on public assistance. The **Department**, **DSS**, and the **CDA** agree to work cooperatively in the planning, development, implementation and provision of services and information for the **Center**.

A. The responsibilities under this Agreement are as follows:

- 1) The **Department**, the **DSS**, and the **CDA** agree to a mutual exchange of information subject to the terms of paragraph 14 herein.
- 2) The **Department**, the **DSS**, and the **CDA** shall work cooperatively to increase the awareness of local business and industry of the employment, training, and supportive services that are available.
- 3) The **Department**, the **DSS**, and the **CDA** agree to meet as needed to discuss such issues that may arise concerning the planning, development, implementation, and provision of services and information to interested parties.
- 4) Nothing in this Agreement shall mandate the provision of **Center** or **CDA** services to, or any other service or action on behalf of, referred individuals or businesses.

B. The **Department** (acting on behalf of the **Department** and the **DSS**) will coordinate with the **CDA** on the following:

- 1) Designating a contact person to act as a central point of communication between the **Department** and the **CDA** representative.
- 2) Providing employment and training services to individuals eligible for funded programs at the **Department's** discretion and as resources permit.
- 3) Providing information regarding job training opportunities within the Suffolk County Empire Zone area.
- 4) Identifying the needs of job seekers within the geographic area.
- 5) Providing a general inventory of appropriate resources for supportive or other services for job seekers.
- 6) Maintaining a Suffolk Workforce Development web page for access by job seekers and business.
- 7) Developing a plan to collect, use, and share customer satisfaction information to improve outcomes.
- 8) Working with the **CDA** to inform businesses, trade organizations, and other pertinent economic development entities about the services available to them.
- 9) Working on other issues or projects of mutual benefit.

C. The **CDA** will coordinate with the **Department** on the following:

- 1) Designating a contact person to be a central point of communication between the **Department** and the **CDA**.
- 2) Informing the **Department** of any education and training programs within the Suffolk County Empire Zone area for purposes of referral by **Department** staff.
- 3) Providing access to **CDA** programs and services for eligible individuals at the **CDA's** discretion and as resources permit.
- 4) Providing the **Department** with timely written notices regarding job openings brought into the Suffolk County Empire Zone area.
- 5) Coordinating efforts to develop and promote maximum opportunities for the employment and training needs of the residents within the Suffolk County Empire Zone area.
- 6) Establishing resources at the **Center**, such as creating and maintaining display or print materials describing various services for job seekers and businesses.

D. As resources permit and at its sole discretion, the **Department**, acting through the **Center**, will offer the following services or access for eligible individuals and companies:

- WIA and its successor programs
- Welfare-to-Work Programs
- Apprenticeship Program information
- Job Corps Programs
- Department of Employment Services Division of the New York State Department of Labor Programs
- Title V Older American Programs
- Suffolk County Community College information and access
- Economic Development Zone information
- Self-Employment programs
- Vocational Educational Services for Individuals with Disabilities (VESID)
- Migrant and Seasonal Farmworker information
- Assistance with Unemployment Insurance claim filing and benefit information
- Job placement
- Job listings
- Civil Service listings
- Veterans Counseling and Placement Services
- Vocational Counseling
- Labor Market Information
- Any other new program added that could be appropriate for **Center** customers.

2. Term and Termination

a. Term

This Agreement shall cover the period set forth on page one of this Agreement, unless sooner terminated as provided below. Upon receipt of a Termination Notice, as that term is defined below, pursuant to the following paragraphs, the Contractor shall promptly discontinue all Services affected, unless otherwise directed by the Termination Notice.

b. Termination for Cause

This Agreement may be terminated in whole or in part in writing by the County in the event of failure by Contractor to fulfill any of the terms and conditions under this Agreement; provided that no such termination shall be effective unless Contractor is given five (5) calendar days' written notice of intent to terminate ("Notice of Intent to Terminate"), delivered in accordance with the Exhibit in this Agreement entitled "Notices and Contact Persons." During such five (5) day period, the Contractor will be given an opportunity for consultation with the County and an opportunity to cure all failures of its obligations prior to termination. Prior to issuance of a written termination notice ("Termination Notice") by the County, the Contractor shall be given an additional five (5) days to cure all failures to fulfill its obligations under this Agreement. In the event that the Contractor has not cured all its failures to fulfill its obligations to the satisfaction of the County by the end of the combined ten (10) day period, the County may issue a Termination Notice, effective immediately.

c. Termination for Convenience

- i. The County shall have the right to terminate this Agreement at any time and for any reason deemed to be in its best interest, provided that no such termination shall be effective unless the Contractor is given thirty (30) calendar days' written notice of termination.
- ii. Upon giving of a notice pursuant to the foregoing sub-paragraph, the Contractor shall promptly discontinue all services affected unless otherwise directed by the notice of termination.
- iii. In such event of termination, the County shall pay the Contractor for the services rendered through the date of termination.

3. Indemnification

a. General

The Contractor agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the acts or omissions or the negligence of the Contractor in connection with the services described or referred to in this Agreement. The Contractor shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Contractor, its officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement.

b.

The County agrees that it shall protect, indemnify and hold harmless the CDA/Contractor and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of the acts or omissions

or the negligence of the County, in connection with the services described or referred to in this Agreement. The County shall defend the CDA/Contractor and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the CDA/Contractor's option, pay reasonable attorneys' fees for defense of any such suit arising out of the acts or omissions or negligence of the County, its officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement.

c.

Each party agrees that it shall give the other party prompt written notice of any claim threatened or made, or suit instituted against it which could result in a claim for indemnification as above.

d. **Federal Copyright Act**

The Contractor hereby represents and warrants the Contractor, will not infringe upon any copyrighted work or material in accordance with the Federal Copyright Act during the performance of this Contract. Furthermore, the Contractor agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees, arising out of the acts or omissions or the negligence of the Contractor in connection with the services described or referred to in this Agreement. The Contractor shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or, at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Contractor, its officers, officials, employees, subcontractors, lessees, licensees, invitees or agents, if any, in connection with the services described or referred to in this Agreement.

4. Insurance

- a. The Contractor agrees to procure, pay the entire premium for and maintain throughout the term of this Agreement, insurance in amounts and types specified by the County and as may be mandated and increased from time to time. The Contractor agrees to require that all of its subcontractors, in connection with work performed for the Contractor related to this Agreement, procure, pay the entire premium for and maintain throughout the term of this Agreement insurance in amounts and types equal to that specified by the County for the Contractor. Unless otherwise specified by the County and agreed to by the Contractor, in writing, such insurance shall be as follows:
- i. **Commercial General Liability** insurance, including contractual liability coverage, in an amount not less than Two Million Dollars (\$2,000,000.00) per occurrence for bodily injury and Two Million Dollars (\$2,000,000.00) per occurrence for property damage.
 - ii. **Automobile Liability** insurance (if any vehicles are used by the Contractor in the performance of this Agreement) in an amount not less than Five Hundred Thousand Dollars (\$500,000.00) per person, per accident, for bodily injury and not less than One Hundred Thousand Dollars (\$100,000.00) for property damage per occurrence.
 - iii. **Workers' Compensation and Employer's Liability** insurance in compliance with all applicable New York State laws and regulations and **Disability Benefits** insurance, if required by law. Contractor shall furnish to the County, prior to its execution of this

Agreement, the documentation required by the State of New York Workers' Compensation Board of coverage or exemption from coverage pursuant to §§57 and 220 of the Workers' Compensation Law. In accordance with General Municipal Law §108, this Agreement shall be void and of no effect unless the Contractor shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

iv. **Professional Liability** insurance in an amount not less than Two Million Dollars (\$2,000,000.00) on either a per occurrence or claims made coverage basis.
(Delete this clause if not applicable)

- b. All policies providing such coverage shall be issued by insurance companies with an A.M. Best rating of A- or better.
- c. The Contractor shall furnish to the County Declaration Pages for each such policy of insurance and upon request, a true and certified original copy of each such policy, evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance, the County of Suffolk shall be named as an additional insured and the Contractor shall furnish a Declaration Page and endorsement page evidencing the County's status as an additional insured on said policy.
- d. All such Declaration Pages, certificates and other evidence of insurance shall provide for the County of Suffolk to be notified in writing thirty (30) days prior to any cancellation, nonrenewal or material change in said policies. Such Declaration Pages, certificates, policies and other evidence of insurance and notices shall be mailed to the Department at its address as set forth in this Agreement in the paragraph entitled "Notices and Contact Persons" or at such other address of which the County shall have given the Contractor notice in writing.
- e. In the event Contractor shall fail to provide the Declaration Pages or certificates of insurance or to maintain any insurance required by this Agreement, the County may, but shall not be required to, obtain such policies and deduct the cost thereof from payments due Contractor under this Agreement or any other agreement between the County and Contractor.
- f. If the Contractor is a town or other municipal corporation and has a self-insurance program under which it acts as a self-insurer for any of such required coverage, it may provide self-funded coverage and certificates or other evidence of such self-insurance in lieu of insurance issued by insurance companies. **(Delete this clause if not applicable)**

5. Independent Contractor

It is expressly agreed that the Contractor status hereunder is that of an independent contractor. Neither the Contractor, nor any person hired by the Contractor shall be considered employees of the County for any purpose.

6. Severability

It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those

as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

7. Merger; No Oral Changes

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

8. Set-Off Rights

The County shall have all of its common law, equitable, and statutory rights of set-off. These rights shall include, but not be limited to, the County's option to withhold, for the purposes of set-off, any moneys due to the Contractor under this contract up to any amounts due and owing to the County with regard to this contract and/or any other contract with any County department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the County for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The County shall exercise its set-off rights in accordance with normal County practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the County agency, its representatives, or the County Comptroller, and only after legal consultation with the County Attorney.

9. Non-discrimination in Services

During the performance of this Agreement:

- a. The Contractor shall not, on the grounds of race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status:
 - i. deny any individual any services or other benefits provided pursuant to this Agreement; or
 - ii. provide any services or other benefits to an individual that are different, or are provided in a different manner, from those provided to others pursuant to this Agreement; or
 - iii. subject an individual to segregation or separate treatment in any matter related to the individual's receipt of any service(s) or other benefits provided pursuant to this Agreement; or
 - iv. restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any services or other benefits provided pursuant to this Agreement; or
 - v. treat an individual differently from others in determining whether or not the individual satisfies any eligibility or other requirements or condition which individuals must meet in order to receive any aid, care, service(s) or other benefits provided pursuant to this Agreement.
- b. The Contractor shall not utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, or have the effect of defeating or substantially impairing accomplishment of the objectives of this Agreement in respect to individuals of a particular race, creed, color, national origin, sex, age, disability, sexual orientation, military status or marital status, in determining:

- i. the types of service(s) or other benefits to be provided, or
 - ii. the class of individuals to whom, or the situations in which, such service(s) or other benefits will be provided; or
 - iii. the class of individuals to be afforded an opportunity to receive services.
- c. In addition, the parties to this Agreement shall not discriminate against any individual who is a participant in a program or activity that receives funds under Title I of the Workforce Investment Act, TANF, or other programs operated by the **Department** solely because of the status of the individual as a participant. Participation in programs or activities receiving funds under Title I of the Workforce Investment Act, TANF, New York Works, Welfare-to-Work, and other programs operated by the **Department** shall be available to citizens and nationals of the United States, lawfully admitted permanent resident aliens, refugees, asylees and parolees, and other immigrants authorized by the Attorney General to work in the United States.

10. Governing Law

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

11. No Implied Waiver

No waiver shall be inferred from any failure or forbearance of the County to enforce any provision of this Agreement in any particular instance or instances, but the same shall otherwise remain in full force and effect notwithstanding any such failure or forbearance.

12. Conflicts of Interest

- a. The Contractor agrees that it will not during the term of this Agreement engage in any activity that is contrary to and/or in conflict with the goals and purposes of the County.
- b. The Contractor is charged with the duty to disclose to the County the existence of any such adverse interests, whether existing or potential. This duty shall continue so long as the Contractor is retained on behalf of the County. The determination as to whether or when a conflict exists or may potentially exist shall ultimately be made by the County Attorney after full disclosure is obtained.

13. Cooperation on Claims

Each of the parties hereto agrees to render diligently to the other party, without additional compensation, any and all cooperation, that may be required to defend the other party, its employees and designated representatives against any claim, demand or action that may be brought against the other party, its employees or designated representatives in connection with this Agreement.

14. Confidentiality

Any records, reports or other documents of the County or any of its agencies used by Contractor pursuant to this Agreement or any documents created as a part of this Agreement shall remain the

property of the County and shall be kept confidential in accordance with applicable laws, rules and regulations.

15. Assignment and Subcontracting

- a. The Contractor shall not assign, transfer, convey, sublet, or otherwise dispose of this Agreement, or any of its right, title or interest therein, or its power to execute the Agreement, or assign all or any portion of the monies that may be due or become due hereunder, to any other person or corporation, without the prior consent in writing of the County, and any attempt to do any of the foregoing without such consent shall be of no effect.
- b. The Contractor shall not enter into subcontracts for any of the work contemplated under this Agreement without obtaining prior written approval of the County. Such subcontracts shall be subject to all of the provisions of this Agreement and to such other conditions and provisions as the County may deem necessary, provided, however, that notwithstanding the foregoing, unless otherwise provided in this Agreement, such prior written approval shall not be required for the purchase of articles, supplies, equipment and services which are incidental to, but necessary for, the performance of the work required under this Agreement. No approval by the County of any subcontract shall provide for the incurrence of any obligation by the County in addition to the total agreed upon price. The Contractor shall be responsible for the performance of any subcontractor for the delivery of service.

16. No Intended Third Party Beneficiaries

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

17. Certification as to Relationships

The parties to this Agreement hereby certify that, other than the funds provided in this Agreement and other valid Agreements with the County, there is no known relationship within the third degree of consanguinity, life partner, or business, commercial, economic, or financial relationship between the parties, the signatories to this Agreement, and any partners, members, directors, or shareholders of five percent (5%) (or more) of any party to this Agreement.

18. Publications and Publicity

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

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

- b. The Department shall have the right of prior approval of press releases and any other information provided to the media, in any form, concerning the Services provided pursuant to this Agreement.

19. Copyrights and Patents

February 6, 2008

Adopted

TOWN OF RIVERHEAD

CDA RESOLUTION # 9

A RESOLUTION DESIGNATING VINTAGE SQUARE PROPERTIES, L.L.C. AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE PURCHASE AND DEVELOPMENT OF THE PARKING LOT OWNED BY THE TOWN OF RIVERHEAD LOCATED ON COURT STREET TOGETHER WITH THE ACQUISITION AND DEVELOPMENT OF SOME OR ALL OF THE PROPERTIES LOCATED ON THE ADJACENT BLOCK BORDERED BY RAILROAD STREET, GRIFFING AVENUE, COURT STREET AND CEDAR AVENUE, FOR REDEVELOPMENT CONSISTENT WITH THE TOWN OF RIVERHEAD URBAN RENEWAL PLAN/RAILROAD STREET CORRIDOR ADOPTED APRIL 4, 1997

COUNCILMAN BUCKLEY

_____ offered the following

resolution, which was seconded by _____

COUNCILMAN WOOTEN

WHEREAS the Town of Riverhead owns the parking lot parcel bordered by Osborn Avenue on the west, by Railroad Street on the north, by Cedar Avenue on the east, and by Court Street on the south (the "parking lot parcel"); and

WHEREAS Vintage Square Properties, L.L.C. has submitted to the Community Development Agency (the "Agency") a proposal for the construction of a project on the properties bordered on the west by Osborne Avenue, on the north by Railroad Street, on the east by Griffing Avenue, and on the south by Court Street that will include the expansion of the existing public parking, the creation of additional retail opportunities as well as providing additional parking spaces to accommodate the court facility expansion project (hereinafter "the Redevelopment Project"); and

WHEREAS, the Agency believes the Redevelopment Project is consistent with the goals and objectives of the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997; and

WHEREAS, Section 507(2)(d) of the General Municipal Law requires that a person, firm or corporation which proposes to develop municipally owned property within an Urban Renewal Area be designated as a Qualified and Eligible Sponsor pursuant to the rules and procedures

of the Agency prior to the transfer of property to said person, firm or corporation pursuant to Section 507(2)(d) of the General Municipal Law; and

WHEREAS, after due public notice, the Agency conducted a hearings pursuant to Section 507(2)(d) of the General Municipal Law on July 17, 2007, October 2, 2007, and February 6, 2008 to hear testimony and review documents and related submittals on the question of designating VINTAGE SQUARE PROPERTIES, L.L.C. as a Qualified and Eligible Sponsor for the Redevelopment Project; and

WHEREAS, said hearing having been duly closed; and

WHEREAS, the sale of the Property and the designation of VINTAGE SQUARE PROPERTIES, L.L.C. as a Qualified and Eligible Sponsor for this redevelopment project is in conformance with the Town of Riverhead Urban Renewal Plan/Railroad Street Corridor adopted April 4, 1997.

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

1. Based upon the public hearings on July 17, 2007, October 2, 2007, and February 6, 2008, held by the Agency at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, and upon all the documentation and information received by the Agency, the Town Board, as the governing body of the Agency, hereby designates VINTAGE SQUARE PROPERTIES, L.L.C. as a Qualified and Eligible Sponsor pursuant to the rules and procedures of the Agency and Section 507(2)(d) of the General Municipal Law for the redevelopment of the Property.
2. That the Supervisor is hereby authorized to negotiate and present to the Board for its approval a final Agreement of Sale consistent with Resolution # 686 adopted July 6, 2005 and the draft Agreement of Sale on file with the Town Clerk.
3. This Resolution determining Vintage Square Properties, L.L.C. to be a Qualified and Eligible Sponsor shall expire and shall be of no force and effect unless an Agreement of Sale is fully executed by June 15, 2008.
4. All prior resolutions related to this Urban Renewal Project that referred to the applicant as any entity other than Vintage Square Properties, L.L.C. shall be deemed amended nunc pro tunc to refer to "Vintage Square Properties, L.L.C."

5. The Supervisor is authorized to order appraisals of the Parking Lot parcel and Cedar Avenue between Court Street and Railroad Street which appraisals shall be paid for by Vintage Square Properties, L.L.C.

6. That the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, John M. Sullivan, Esq., Burke & Sullivan, 41 Meeting House Lane, Southampton, New York 11968; Chris Kempner, Director of the Community Development Agency; Richard Hanley, Director of Planning; and Dawn C. Thomas, Esq., Town Attorney.

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

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

February 6, 2008

Adopted

TOWN OF RIVERHEAD

2008 REEVES BEACH
CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 82

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

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.70801	Special Trust Transfers	90,000	
406.071800.523015.70801	Beach Improvements and Construction		90,000

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

February 6, 2008

Adopted

TOWN OF RIVERHEAD

LANDFILL CAPPING PROJECT

BUDGET ADOPTION

RESOLUTION # 83

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

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

		<u>FROM</u>	<u>TO</u>
406.095710.494200.80003	Serial Bond Proceeds	8,000,000	
406.081600.523044.80003	Landfill Capping		7,400,000
406.081600.543500.80003	Professional Services- Engineering		600,000

THE VOTE

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

February 6, 2008

Adopted

TOWN OF RIVERHEAD

2008 WADING RIVER BEACH
CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 84

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

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.70802	Special Trust Transfers	190,000	
406.071100.523029.70802	Construction		190,000

THE VOTE

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

February 6, 2008

Adopted

TOWN OF RIVERHEAD

EAST CREEK CAPITAL IMPROVEMENT PROJECT

BUDGET ADOPTION

RESOLUTION # 85

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

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

	<u>FROM</u>	<u>TO</u>
406.095710.494200.40161 Serial Bond Proceeds	1,500,000	
406.072300.523018.40161 East Creek Construction & Maint		1,500,000

THE VOTE

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

Adopted

43219-2-4

BOND RESOLUTION – ADDITIONAL MONEY

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on February 6, 2008, at 2:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, the following were present:

PRESENT: Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilman John Dunleavy
Councilman Timothy Wooten
Councilman Tim Buckley

ALSO PRESENT: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

~~ABSENT:~~

The following resolution was offered by COUNCILMAN WOOTEN, who moved its adoption, seconded by COUNCILWOMAN BLASS, to-wit:

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

BOND RESOLUTION DATED February 6, 2008.

A RESOLUTION SUPPLEMENTING THE BOND RESOLUTIONS DATED SEPTEMBER 7, 2005 AND APRIL 18, 2006, RESPECTIVELY, TO AUTHORIZE, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF AN ADDITIONAL \$2,000,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE ESTABLISHMENT OF A NEW PARK AND RECREATIONAL FACILITY AT EPCAL, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, by bond resolutions dated September 7, 2005 and April 18, 2006, respectively, the Town Board of the Town of Riverhead, Suffolk County, New York, authorized the issuance of \$4,395,000 bonds and \$1,100,000 additional bonds of said Town to pay the cost of the establishment of a new park and recreational facility in excess of fifty acres at EPCAL, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for said Town; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$7,495,000, constituting an increase of \$2,000,000 over that previously authorized; and

WHEREAS, it is now desired to authorize, **SUBJECT TO PERMISSIVE REFERENDUM**, the issuance of an additional \$2,000,000 bonds of said Town for such specific object or purpose; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying an additional \$2,000,0000 cost of the establishment of a new park and recreational facility in excess of fifty acres at EPCAL, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued, **SUBJECT TO PERMISSIVE REFERENDUM**, an additional \$2,000,0000 bonds of said Town, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now \$7,495,000, and that the plan for the financing thereof is as follows:

- a) By the issuance of the \$5,495,000 bonds of said Town authorized to be issued pursuant to the aforesaid bond resolutions dated and duly adopted on September 7, 2005 and April 18, 2006, respectively;
- b) By the issuance of the additional \$2,000,0000 bonds of said Town herein authorized to be issued pursuant to this bond resolution, **SUBJECT TO PERMISSIVE REFERENDUM**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 19(a) of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first bond anticipation note therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. It is hereby determined that it is the intention of this Town Board that debt service on obligations issued pursuant to this bond resolution shall be paid from park and recreation fees collected at the park specified in Section 1 hereof; but to the extent that such park and recreation fees are not sufficient for such purposes, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable. The faith and credit of the Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and

shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. **THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.**

* * * * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

NOTICE OF ADOPTION OF RESOLUTION

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at a meeting held on the 6th day of February, 2008, duly adopted the resolution published herewith **subject to a permissive referendum**.

Dated: Riverhead, New York,
February 6, 2006.

Barbara Grattan
Town Clerk

Resolution # 86

BOND RESOLUTION DATED February 6, 2008.

A RESOLUTION SUPPLEMENTING THE BOND RESOLUTIONS DATED SEPTEMBER 7, 2005 AND APRIL 18, 2006, RESPECTIVELY, TO AUTHORIZE, **SUBJECT TO PERMISSIVE REFERENDUM**, THE ISSUANCE OF AN ADDITIONAL \$2,000,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY A PORTION OF THE COST OF THE ESTABLISHMENT OF A NEW PARK AND RECREATIONAL FACILITY AT EPCAL, IN AND FOR SAID TOWN.

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act, have been performed; and

WHEREAS, by bond resolutions dated September 7, 2005 and April 18, 2006, respectively, the Town Board of the Town of Riverhead, Suffolk County, New York, authorized the issuance of \$4,395,000 bonds and \$1,100,000 additional bonds of said Town to pay the cost of the establishment of a new park and recreational facility in excess of fifty acres at EPCAL, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for said Town; and

WHEREAS, it has now been determined that the maximum estimated cost of such specific object or purpose is \$7,495,000, constituting an increase of \$2,000,000 over that previously authorized; and

WHEREAS, it is now desired to authorize, **SUBJECT TO PERMISSIVE REFERENDUM**, the issuance of an additional \$2,000,000 bonds of said Town for such specific object or purpose; NOW, THEREFORE,

BE IT RESOLVED, by the affirmative vote of not less than two-thirds of the total voting strength of the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. For the specific object or purpose of paying an additional \$2,000,000 cost of the establishment of a new park and recreational facility in excess of fifty acres at EPCAL, including original furnishings, equipment, apparatus, appurtenances, and incidental improvements and expenses in connection therewith, in and for the Town of Riverhead, Suffolk County, New York, there are hereby authorized to be issued, **SUBJECT TO PERMISSIVE REFERENDUM**, an additional \$2,000,000 bonds of said Town, pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of such specific object or purpose is now \$7,495,000, and that the plan for the financing thereof is as follows:

- a) By the issuance of the \$5,495,000 bonds of said Town authorized to be issued pursuant to the aforesaid bond resolutions dated and duly adopted on September 7, 2005 and April 18, 2006, respectively;
- b) By the issuance of the additional \$2,000,000 bonds of said Town herein authorized to be issued pursuant to this bond resolution, **SUBJECT TO PERMISSIVE REFERENDUM**

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is twenty years, pursuant to subdivision 19(a) of paragraph a of Section 11.00 of the Local Finance Law, calculated from the date of issuance of the first bond anticipation note therefor. It is hereby further determined that the maximum maturity of the serial bonds herein authorized **will exceed five years.**

Section 4. It is hereby determined that it is the intention of this Town Board that debt service on obligations issued pursuant to this bond resolution shall be paid from park and recreation fees collected at the park specified in Section I hereof; but to the extent that such park and recreation fees are not sufficient for such purposes, there shall annually be levied on all the taxable real property of said Town a tax sufficient to pay the principal of and interest on such obligations as the same become due and payable. The faith and credit of the Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year.

Section 5. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such

recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 6. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 9. Upon this resolution taking effect, the same shall be published in full or summary form in the *News Review*, which is hereby designated as the official newspaper of said

Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

Section 10. THIS RESOLUTION IS ADOPTED SUBJECT TO PERMISSIVE REFERENDUM.

AMENDATORY BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 6th day of February, 2008, at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Cardinale, and upon roll being called, the following were present:

PRESENT: Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilman John Dunleavy
Councilman James Wooten
Councilman Timothy Buckley

ALSO PRESENT: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

~~ABSENT:~~

The following resolution was offered by COUNCILWOMAN BLASS, who moved its adoption, seconded by COUNCILMAN DUNLEAVY, to-wit:

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

BOND RESOLUTION DATED FEBRUARY 6, 2008.

A RESOLUTION AMENDING THE REFUNDING BOND RESOLUTION
DATED DECEMBER 5, 2006.

WHEREAS, by a Refunding Bond Resolution dated December 5, 2006, the Town Board of the Town of Riverhead, Suffolk County, New York, authorized the issuance of not to exceed \$6,000,000 serial bonds of said Town to pay the cost of the refunding of certain outstanding serial bonds of the Town to achieve present value savings for the Town; and

WHEREAS, it has now been determined that it is in the financial interest of said Town to allow flexibility in the determination of the underwriter of said refunding bonds to be issued in accordance with the applicable provisions of the Local Finance Law; and

WHEREAS, it is now desired to amend such refunding bond resolution dated December 5, 2006 accordingly; NOW, THEREFORE,

BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Section 10 of bond resolution dated December 5, 2006, more fully described in the preambles hereof, is hereby amended to read as follows:

"Section 10. The Refunding Bonds shall be sold at private sale to an underwriter to be determined by the Supervisor (the "Underwriter") for purchase prices to be determined by the Supervisor, plus accrued interest from the date or dates of the Refunding Bonds to the date or dates of the delivery of and payment for the Refunding Bonds. Subject to the approval of the terms and conditions of such private sale by the State Comptroller as required by subdivision 2 of paragraph f of Section 90.10 of the Local Finance Law, the Supervisor, is hereby authorized to execute and deliver a purchase contract for the Refunding Bonds in the name and on behalf of the Town providing the terms and conditions for the sale and delivery of the Refunding Bonds to the Underwriter. After the Refunding Bonds have been duly executed, they shall be delivered by the Supervisor to the Underwriter in

accordance with said purchase contract upon the receipt by the Town of said purchase price, including accrued interest."

Section 2. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 3. This resolution shall take effect immediately.

* * * * *

The question of the adoption of the foregoing resolution was duly put to a vote on roll call,
which resulted as follows:

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the 6th day of February, 2008.
- 2) That such meeting was a regular meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer
this _____ day of February, 2008.

Town Clerk

(CORPORATE SEAL)

February 6, 2008

TOWN OF RIVERHEAD

Resolution # 88

Adopted

APPROVES FEE SCHEDULE OF
THE RAYNOR GROUP, P.E. & L.S. PLLC

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

WHEREAS, the Raynor Group, P.E. & L.S. PLLC has submitted a fee schedule for consulting to the Riverhead Town Board and the Riverhead Planning Board for the year 2008, and

WHEREAS, such fee schedule is determined to be acceptable, now

THEREFORE BE IT

RESOLVED, that the attached fee schedule of the Raynor Group, P.E. & L.S. PLLC is hereby approved for the year 2008, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Planning Department, Accounting Department and the Raynor Group P.E. & L.S. PLLC.

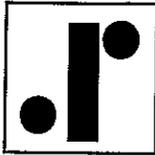
THE VOTE

DUNLEAVY YES ___ NO BUCKLEY YES ___ NO

BLASS YES ___ NO WOOTEN YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION **WAS** ___ **WAS NOT**
THEREFORE DULY ADOPTED



The Raynor Group, P.E. & L.S. PLLC

Civil Engineers and Land Surveyors

Deerfield Green
860 Montauk Highway

P.O. Box 720
Water Mill, New York 11976
Phone: (631) 726-7600
Fax: (631) 726-4378

Reports
Design
Environmental Planning

Michael J. Raynor, L.S.
Vincent A. Gaudiello, P.E.

John J. Raynor, P.E., L.S.
Senior Consultant

Richard J. Van de Kieft
Associate

January 9, 2008

Town of Board
Town of Riverhead
200 Howell Avenue
Riverhead, NY 11901-2596

Attn. Phil Cardinale, Supervisor

Re: The Raynor Group
2008 Fee Schedule

Dear Board Members,

As a follow up to my discussion with the Supervisor on January 8, 2008, concerning the referenced matter, attached herewith for your consideration is a copy of The Raynor Group's proposed 2008 Fee Schedule.

Should you have any questions concerning this matter feel free to contact me.

Very truly yours,

Vincent A. Gaudiello, P.E.

VAG

Enc.

copy: Richard O'Dea, Planning Board Chairman
Richard Hanley, Planning Director
William J. Rothaar, Financial Administrator

TOWN OF RIVERHEAD

2008 FEE SCHEDULE

Engineering and Surveying fees will be charged in accordance with the following fee schedule:

For the services of Principals:	\$175/hour
For the services of Professional Engineers:	\$175/hour
For the services of Professional Land Surveyors:	\$155/hour
For the services of Sr. Technicians:	\$130/hour
For the services of Technicians:	\$105/hour
For the services of Draftsmen:	\$95/hour
For the services of Field Crew Chiefs:	\$105/hour
For the services of Field Technicians:	\$95/hour
For use of Global Positioning System (GPS):	\$40/hour
For Computer Time:	\$16/hour
For Computer Plotting Time:	\$4/minute

Travel time to and from our office during the normal working day and travel time in excess of one hour beyond the normal working day will be charged in accordance with the foregoing rates.

All subcontractors (test pit excavations, test wells, materials analysts, biologists, etc.) engaged by us on behalf and as approved by the Town will be billed at cost, plus ten percent (10%).

All other out-of-pocket expenses incurred in connection with our services will be billed at cost (with the exception of subcontractors, as noted above). These expenses may include travel & subsistence (when applicable), telephone charges, reproductions, shipping charges, rental equipment (including repair), etc.

This fee schedule is valid for the current calendar year. Fees will be charged in accordance with the fee schedule in effect at the time the service is rendered.

Adopted

APPROVES FEE SCHEDULE OF
DVIRKA AND BARTILUCCI CONSULTING ENGINEERS

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

WHEREAS, the Dvirka and Bartilucci, Consulting Engineers has submitted a fee schedule for consulting to the Riverhead Town Board and the Riverhead Planning Board for the period of July 7, 2007 through June 30, 2008, and

WHEREAS, such fee schedule is determined to be acceptable, now

THEREFORE BE IT

RESOLVED, that the attached fee schedule of the Dvirka and Bartilucci, Consulting Engineers is hereby approved for the period of July 7, 2007 through June 30, 2008, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Planning Department, Accounting Department and Dvirka and Bartilucci, Consulting Engineers.

THE VOTE

DUNLEAVY ✓ YES ___ NO BUCKLEY ✓ YES ___ NO

BLASS ✓ YES ___ NO WOOTEN ✓ YES ___ NO

CARDINALE ✓ YES ___ NO

**THIS RESOLUTION ~~X~~ WAS ___ WAS NOT
THEREFORE DULY ADOPTED**

2/08-04



**Dvirka
and
Bartilucci**
CONSULTING ENGINEERS

330 Crossways Park Drive, Woodbury, New York 11797-2015
516-364-9880 • 718-460-3634 • Fax: 516-364-8045
e-mail: findingsolutions@db-eng.com

September 17, 2007

Principals

Nicholas J. Bartilucci, P.E.
President

Henry J. Chlupaa, P.E.
Executive Vice President

Eliaven A. Fangmann, P.E.
Senior Vice President

Richard M. Walka
Senior Vice President

John A. Miranda, P.E.
Vice President

Gerrard M. Byrnes, P.E.
Vice President

Anthony G. Conetta, P.E.
Vice President

Donnie P. Koehler, P.E.
Vice President

Joseph H. Manuraho
Vice President

William D. Markin, P.E.
Vice President

Kenneth J. Pilchard, P.E.
Vice President

Theodore S. Pytler, Jr.
Vice President

Brian M. Veith, P.E.
Vice President

Senior Associates

Christopher M. Clement

Thomas P. Fox, P.G.

Robert L. Haynie, P.E.

Michael Neuberger, P.E.

Associates

Joseph F. Bessler

Eliaven M. Cabrera

Rudolph F. Cannavele

Ellen R. DeOreay

Stefania J. Eepen, R.A.

Richard C. Faminella

Joseph A. Fiorillo, P.E.

Christopher W. Francis

Michael R. Hofgren

Edward J. Rolly

Daniel Shaber, P.E.

Charles J. Wachsmuth, P.E.

Richard W. Hanley, Planning Director
Town of Riverhead Planning Department
200 Howell Avenue
Riverhead, NY 11901

Re: Proposal for Assistance Related
Storm Water Permit Compliance

Dear Mr. Hanley:

As requested, we are pleased to provide you with this proposal for services associated with preparing the Town's 2006-2007 Storm Water Management Plan Annual Report (SWMPAR) and Municipal Compliance Certification (MCC) as requested by NYSDEC, as well as preparing the two draft storm water ordinances also required by the State under the Phase II program. To assist the Town in this effort, D&B will:

- Review relevant NYSDEC correspondence and conduct a status review of the Town's Phase II program and measurable goals for the period March 2006 to March 2007, as identified in the Town's March 2003 Notice of Intent, initial Phase II Storm Water Management Program, and the most recent annual report. To help minimize cost and meet the NYSDEC deadline for submittal, we suggest this review be undertaken via teleconference with appropriate Town staff;
- Prepare a Draft 2006-2007 SWMPAR and MCC for Town review and comment. The draft SWMPAR and MCC will be prepared based on the forms developed by NYSDEC;
- Based on Town comments on the Draft SWMPAR and MCC, prepare a Final 2005-2006 SWMPAR and MCC for submittal by the Town to NYSDEC; and

Richard W. Hanley, Panning Director
Town of Riverhead Planning Department
September 17, 2007

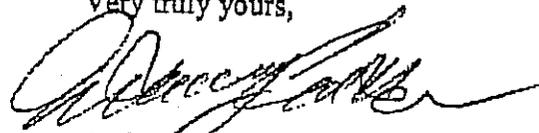
- Prepare two draft storm water ordinances (in electronic form for finalization by the Town) required by the Town's Phase II storm water permit. The first deals with illicit discharges and the second with sediment control. These ordinances are to be adopted by January 2008.

Our estimated cost for completing the above tasks is \$4,500. To formally authorize us to proceed, please sign this letter below and fax it back to us as soon as possible (516-364-9045). Please also send the signed original via regular mail.

Please note also that if the Town desires D&B assistance or participation in meetings involving the annual public meeting, and/or finalizing and adopting the two ordinances, we will bill the work as an extra using the firm's current billing rate schedule is attached and which will also be used for the four work items identified above.

If you have any questions, please don't hesitate to call Mr. Steven Cabrera or me at (516) 364-9890.

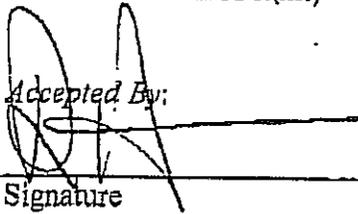
Very truly yours,



Anthony O. Conetta, P.E.
Vice President

AOC/jmy,kap
Attachment(s)
•PC4648AOC07LTR.DOC-01(R01)

Accepted By:



Signature

17 SEPTEMBER 2007

Date

Richard W. Hanley

Name

Dvirka and Bartilucci Consulting Engineers

Hourly Billing Schedule Effective 07/01/07 through 06/30/08

JOB CLASSIFICATION	Hourly Bill Rate (a)	
	Min.	Max.
Technical Principal		
V.P. Project Manager	150.80	175.00
Senior Associate	130.50	162.40
Associate	95.70	171.10
Director of Municipal Engineering	147.90	156.60
Director of Special Projects	130.50	175.00
Assistant Director of Special Projects	145.00	150.80
Principal Engineer	159.50	175.00
Senior Scientist	130.50	159.50
Senior Engineer	98.60	185.60
Structural Engineer	107.30	150.80
Electrical Engineer	107.30	118.90
Engineer III	89.90	118.90
Engineer II	84.10	113.10
Engineer I	58.00	101.50
Director, Construction Management	162.40	171.10
Chief Inspector	92.80	104.40
Construction Inspector	52.20	139.20
Geologist III	68.60	130.60
Geologist II	87.00	104.40
Geologist I	52.20	92.60
Scientist II	87.00	107.30
Scientist I	52.20	72.50
Engineering Technician II/Inspector	95.70	104.40
Engineering Technician I	40.60	63.80
Architect	81.20	130.50
Sr. CADD Manager	113.10	133.40
CADD Manager	81.20	89.90
Drafter II	104.40	110.20
Drafter I	58.00	78.30
Engineering Aide II	87.00	98.60
Engineering Aide I	58.00	66.70
Senior Word Processor	75.40	81.20
Word Processor II	66.70	69.60
Word Processor I	46.40	60.90
Intern	29.00	43.50

Prepared by:
 Human Resource Manager
 September 17, 2007

(a) = Rates shown above include multiplier

* = Position not currently filled

February 6, 2008

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A HIGHWAY MAINTENANCE CREW LEADER

RESOLUTION # 90

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

WHEREAS, the Town has received a letter from George Woodson, a Highway Maintenance Crew Leader in the Riverhead Town Highway Department, indicating his intent to resign effective close of business December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of George Woodson.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a copy of this Resolution to George Woodson, the Highway Department, the Accounting Office, and the Personnel Officer.

The Vote

Wooten ~~Yes~~ No Buckley ~~Yes~~ No
Dunleavy ~~Yes~~ No Blass ~~Yes~~ No
Cardinale ~~Yes~~ No

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A HIGHWAY MAINTENANCE CREW LEADER

RESOLUTION # 91

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

WHEREAS, the Town has received a letter from Mark Gajowski, a Highway Maintenance Crew Leader in the Riverhead Town Highway Department, indicating his intent to resign from his position as Highway Maintenance Crew Leader effective close of business December 31, 2007.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Mark Gajowski.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a copy of this Resolution to Mark Gajowski, the Highway Department, the Accounting Office, and the Personnel Officer.

The Vote

Wooten ~~Yes~~ No

Buckley ~~Yes~~ No

Dunleavy ~~Yes~~ No

Blass ~~Yes~~ No

Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS WAS NOT

THEREFORE DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A PUBLIC SAFETY DISPATCHER

RESOLUTION # 92

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

WHEREAS, the Town has received a letter from Anthony Agate, a Public Safety Dispatcher in the Riverhead Town Police Department, indicating his intent to resign effective January 25, 2008.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Anthony Agate.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a copy of this Resolution to Anthony Agate, the Police Department, the Accounting Office, and the Personnel Officer.

The Vote

Wooten ~~Yes~~ No Buckley ~~Yes~~ No
Dunleavy ~~Yes~~ No Blass ~~Yes~~ No
Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS WAS NOT

THEREFORE DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 93

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST
A HELP WANTED AD FOR PUMP OUT BOAT PERSONNEL**

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

BE IT RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the February 14, 2008 issue of The News Review.

The Vote

Wooten ~~Yes~~ No Buckley ~~Yes~~ No

Dunleavy ~~Yes~~ No Blass ~~Yes~~ No

Cardinale ~~Yes~~ No

THE RESOLUTION ~~X~~ WAS ___ WAS NOT

THEREFORE DULY ADOPTED

HELP WANTED

PLEASE TAKE NOTICE that the Town of Riverhead is seeking qualified individuals to serve in the position of Pump Out Boat Personnel from May – September, 2008. Must possess a valid boating safety certificate and have one year in experience operating an outboard motorboat. Applications are to be submitted to the Personnel Department, 200 Howell Avenue, Riverhead, NY. No applications will be accepted after 4:00pm on February 29, 2007. EOE.

BY ORDER OF:
THE RIVERHEAD TOWN BOARD
BARBARA GRATTAN, TOWN CLERK

02/06/2008

Adopted

TOWN OF RIVERHEAD

Resolution # 95

APPOINTS A CALL-IN REGISTERED NURSE
TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Christine Spero is hereby appointed to serve as a call-in P/T Registered Nurse effective February 7th 2008 to serve as needed on an at-will basis and to be paid at the rate of \$20.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Christine Spero and the Office of Accounting.

1

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

¹ Recreation

SETS SALARIES OF VARIOUS RECREATION EMPLOYEES FOR THE YEAR 2008

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by **COUNCILMAN BUCKLEY**

RESOLVED, that the salaries of the following board members of various board of the Town of Riverhead for the year 2008 be and are hereby set as follows:

GUARDS			
Name	Title	08 Level	2008 Rate
Kenneth Drumm	Call-In Guard	3	\$ 12.00
John Nowack	Call-In Guard	1	\$ 10.60
Frank Villanell	Call-In Guard	2	\$ 11.65
Park Attendants			
Helga Guthy	P/T Gate Attendant	4	\$ 11.40
Kenneth Drumm	Call-In Park Attendant II	6	\$ 12.10
Robert A. Fox	Call-In Park Attendant II	3	\$ 11.10
Meyer Segal	Call-In Park Attendant II	2	\$ 10.75
John Nowack	Call-In Park Attendant II	3	\$ 11.10
Carol Janecek	Call-In Park Attendant II	2	\$ 10.75
Christopher Butts	Call-In Park Attendant II	2	\$ 10.75
Justin Blass	Call-In Park Attendant II	3	\$ 11.10
Christopher Barker	Call-In Park Attendant II	2	\$ 10.75
Kyle Stephenson	Call-In Park Attendant II	6	\$ 12.10
Dillon Kix	Call-in Park Attendant II	3	\$ 11.10
League Attendants			
Kenneth Drumm	Call-In League Attendant II	5	\$ 11.75
Robert A. Fox	Call-In League Attendant II	3	\$ 11.10
Skatepark/Youth Sports			
Doreen Jackson	P/T Rec Leader (Youth Sports)	3	\$ 13.60
Meyer Segal	Call-in Rec Aid (Skatepark)	1	\$ 7.50
George Prete	Call-in Rec Aid (Youth Sports)	1	\$ 7.50
Dan Nolan	Call-in Rec Aid (Youth Sports)	1	\$ 7.50
Kyle Stephenson	Call-in Rec Aid (Youth Sports)	4	\$ 8.75
Eileen Belfield	Call-in Rec Aid (Youth Sports)	3	\$ 8.50
Carol Janecek	Call-in Rec Aid (Youth Sports)	3	\$ 8.50

Kiera Lehmann	Call-in Rec Aid (Youth Sports)	2	\$ 8.25
Kaitlin Klein	Call-in Rec Aid (Youth Sports)	2	\$ 8.25
Diane Hartill	Call-in Rec Aid (Youth Sports)	1	\$ 7.50
Jonathan LaGue	Call-in Rec Aid (Youth Sports)	2	\$ 8.25
Emily Cummings	Call-in Rec Aid (Youth Sports)	2	\$ 8.25
Amanda Makson	Call-in Rec Aid (Youth Sports)	1	\$ 7.50
Jaclyn Zilnicki	Call-in Rec Aid (Youth Sports)	2	\$ 8.25
Chris Barker	P/T Asst Rec Leader (Skatepark)	4	\$ 11.10
Kenneth Drumm	P/T Asst Rec Leader (Skatepark)	4	\$ 11.10
Justin Grohoski	P/T Asst Rec Leader (Skatepark)	3	\$ 10.75
Mike Mastromonico	P/T Asst Rec Leader (Skatepark)	3	\$ 10.75
David Guity	P/T Rec-Aid (Skatepark)	2	\$ 8.25
Jay Mildner	P/T Rec-Aid (Skatepark)	2	\$ 8.25
Adult Sports/Recreation Specialists			
Douglas Dewling	Call-In Bus Driver	2	\$ 12.60
Rosemary Martilotta	Call-In Rec Specialist (Yoga Instructor)	27	\$ 46.35
Jeanette Friscia	Call-In Rec Specialist (Dog Obedience)	22	\$ 40.17
Melvin Eckstein	Call-In Rec Specialist (Dance Instructor)	19	\$ 36.05
Laura Carlisle	Call-In Rec Specialist (Exercise Instructor)	18	\$ 35.00
Gail Benevente	Call-In Rec Specialist (Dance Instructor)	13	\$ 30.00
Kim Ragone	Call-In Rec Specialist (Fitness Instructor)	14	\$ 30.90
Robert A. Fox	Call-In Rec Bus Driver	7	\$ 14.60
John Letson	Call-In Rec Specialist (Karate Instructor)	14	\$ 30.90
Elizabeth Vaiana-Cavanaugh	Call-In Rec Specialist (Art Instructor)	7	\$ 25.00
Karen Fellows	Call-In Rec Specialist (Arts and Crafts)	2	\$ 22.00
Debra Hennenlotter	Call-In Rec Specialist (Lifeguard Training)	4	\$ 23.00
John Nicolellis	Call-In Rec Specialist (Canoe/Kayak)	1	\$ 20.00
Dennis Doherty	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Jennifer Triandifillis	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Richard Triandifillis	Call-In Rec Specialist (Youth Sports)	2	\$ 22.00
Jeffery Doroski	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Cheryl Walsh Edwards	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Scott Hackel	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
David Spinella	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Mathew Sanders	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Gregory Sanders	Call-In Rec Specialist (Youth Sports)	3	\$ 22.66
Peter Huszagh	Call-In Rec Specialist (Youth Sports)	1	\$ 20.00
Brittany Cheek	Call-In Rec Specialist (Special Needs)	1	\$ 20.00
Tony Lawrence	Call-In Rec Specialist (Youth Sports)	2	\$ 22.00
John Hardy	Call-In Rec Specialist (Hockey)	1	\$ 20.00
Chaperones			
Cynthia Hynds	Call-in Chaperone	1	\$ 8.50
Carol Janecek	Call-in Chaperone	1	\$ 8.50
Frank Villanell	Call-in Chaperone	1	\$ 8.50
Corrine Segal	Call-in Chaperone	4	\$ 9.95
Teen Center			

Corrine Segal	Call-in Recreation Aid (Teen Center)	1	9.0834
Ethel Stokley	Assistant Recreation Leader (Youth Bureau)	3	\$ 11.90
Kenneth Drumm	P/T Rec Aid (Teen Center)	3	\$ 10.30
Mary Fioto	P/T Rec Aid (Teen Center)	2	\$ 10.00
Jasmin Aceituno	P/T Rec Aid (Teen Center)	2	\$ 10.00
Kelly Miloski	P/T Rec Aid (Teen Center)	2	\$ 10.00
Brett Chizever	Call-in Rec Aid (Teen Center)	2	\$ 10.00

THE VOTE

Dunleavy Yes No

Blass Yes No

abstain

Buckley Yes No

Wooten Yes No

Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

Resolution # 97

SETS SALARIES FOR 2008 PARTIME RECREATION POSITIONS
AND SUMMER PERSONNEL SALARIES FOR THE
RECREATION DEPARTMENT

COUNCILMAN BUCKLEY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

RESOLVED, that the Town Board sets salaries for part-time and summer personnel 2008 for the Recreation Department.

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.

1

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

¹ Recreation.Ray Part Time Salaries



Recreation Department
200 Howell Avenue
Riverhead, NY 11901
(631) 727-5744

2008 Salaries

Part-Time Recreation Positions

	Assistant Rec Leader Youth Bureau	PT Rec Aid Teen center	PT Rec Aid Skatepark	PT Asst. Rec leader Skatepark	PT Rec Aid Youth sports	PT Rec leader Youth sports	PT Security Guard	PT Rec Leader Special Needs
Level 1	\$10.50	\$9.0834	\$7.50	\$9.50	\$7.50	\$12.00	\$10.60	\$10.50
Level 2	\$11.55	\$10.00	\$8.25	\$10.45	\$8.25	\$13.20	\$11.65	\$11.55
Level 3	\$11.90	\$10.30	\$8.50	\$10.75	\$8.50	\$13.60	\$12.00	\$11.90
Level 4	\$12.25	\$10.60	\$8.75	\$11.10	\$8.75	\$14.00	\$12.35	\$12.25
Level 5	\$12.65	\$10.95	\$9.00	\$11.45	\$9.00	\$14.45	\$12.75	\$12.65
Level 6	\$13.00	\$11.25	\$9.30	\$11.75	\$9.30	\$14.85	\$13.10	\$13.00
Level 7	\$13.40	\$11.60	\$9.55	\$12.10	\$9.55	\$15.30	\$13.50	\$13.40

	PT Gate Attendant	Park/League Attendant I	Park/League Attendant II	Park Attendant III	PT Guard	Chaperone	PT Bus Driver
Level 1	\$9.75	\$7.50	\$9.75	\$10.25	\$10.60	\$8.50	\$11.45
Level 2	\$10.75	\$8.25	\$10.75	\$11.30	\$11.65	\$9.35	\$12.60
Level 3	\$11.10	\$8.50	\$11.10	\$11.60	\$12.00	\$9.65	\$13.00
Level 4	\$11.40	\$8.75	\$11.50	\$12.00	\$12.35	\$9.95	\$13.40
Level 5	\$11.75	\$9.00	\$11.75	\$12.30	\$12.75	\$10.25	\$13.75
Level 6	\$12.10	\$9.30	\$12.10	\$12.70	\$13.10	\$10.55	\$14.15
Level 7	\$12.45	\$9.55	\$12.45	\$13.10	\$13.50	\$10.85	\$14.60

Recreation Specialist: Starting Salary \$20.00 with a 10% Raise after Level One and a 3% Raise thereafter. **

NOTE:

The above salaries are listed on a per hour basis. New Hires can begin at a maximum level 3 (based on experience)

**Salary increase will be determined by reaching a minimum level of hours worked (by category) combined with a positive evaluation. Can jump (2) levels (maximum) with an outstanding evaluation.

2/6/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 99

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT TO OBTAIN MEDICAL ARBITRATION SERVICES FROM REHABILITATION MEDICINE ASSOCIATES

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

WHEREAS, the Town of Riverhead is desirous of utilizing professional medical services for the purpose of evaluating illnesses or injuries relating to or affecting an employee's job duties; and

WHEREAS, Rehabilitation Medicine Associates' employees, agents and/or subcontractors possess the required education, knowledge, and experience to perform professional medical evaluation;

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreement with Rehabilitation Medicine Associates.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Dr. Craig H. Rosenberg, Rehabilitation Medicine Associates, PO Box 230, Islip, New York 11751; Office of the Supervisor; Chief David J. Hegermiller, Town of Riverhead Police Department; Margaret Ferris, Town of Riverhead Personnel Office and the Office of the Town Attorney.

THE VOTE

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

The Resolution Was Was Not
Thereupon Duly Declared Adopted

MEDICAL ARBITRATION SERVICES AGREEMENT

THIS AGREEMENT (Agreement) is between the Town of Riverhead (hereinafter "Town"), a municipal corporation of the State of New York, having its principal office at 200 Howell Avenue, Riverhead, 11901.

REHABILITATION MEDICINE ASSOCIATES (RMA), a corporation organized under the laws of the State of New York, having its principal place of business at 301 East Main Street, Bay Shore, New York 11706.

The parties hereto desire to make available to Town the services of RMA to provide medical arbitration services for individuals referred by Town as described in Exhibits A thru C.

TERM OF AGREEMENT: Shall be January 1, 2008 through December 31, 2008.

TERMS AND CONDITIONS: Shall be as set forth in Exhibits A through C attached.

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

REHABILITATION MEDICINE
ASSOCIATES

TOWN OF RIVERHEAD

By: _____

Craig H. Rosenberg, M.D.
President & Medical Director

By: _____

Phil Cardinale
Riverhead Town Supervisor

Date: _____

1/18/2008

Date: _____

TABLE of CONTENTS

Exhibit A	General Terms and Conditions
Exhibit B	Description of Responsibilities
Exhibit C	Incorporated by reference:

EXHIBIT A

General Terms and Conditions

1. PROVIDER RESPONSIBILITIES

(a) The duties of RMA shall be to provide medical arbitration services for individuals referred by Town as more particularly described in this Exhibit A and Exhibits B through C attached to and made part of this Agreement.

(b) RMA shall perform such professional services as may be necessary to accomplish the work required to be performed under and in accordance with this Agreement. RMA specifically represents and warrants that it has and shall possess, and that its employees, agents and subcontractors have and shall possess, the required education, knowledge, experience and character necessary to qualify them individually for the particular duties they perform.

2. INCONSISTENT PROVISIONS:

The provisions of this Exhibit A shall prevail over inconsistent provisions of any other Exhibit and over any other document not specifically referred to in this Agreement or made part thereof by this Agreement or by subsequent amendment in writing and signed by both parties except to the extent that such provisions of this Exhibit A are specifically referred to and amended or superseded by such Exhibitor Amendments.

3. REPORTS:

RMA shall be responsible for issuing timely reports, both orally and in writing, to Town on the status pending and proposed activities. Such reports shall include those described in the Proposal and as the Town may reasonably require.

4. TERM AND TERMINATION:

(a) Term: This Agreement shall cover the period provided on the first page thereof, unless sooner terminated as provided below.

(b) Termination for Cause: This Agreement may be terminated in whole or in part in writing by either party in the event of failure by the other party to fulfill its obligations under this Agreement; provided that no such termination shall be effective unless RMA is given five (5) calendar days written notice of intent to terminate, delivered personally or by certified mail, return receipt requested, and an opportunity for consultation with the other party prior to termination. Prior to issuance of a written termination notice ("Termination Notice") by the Town, RMA shall be given an additional five (5) days to cure any material failure to fulfill its obligations under this Agreement. In the event that Contractor has not cured any material failure to the satisfaction of the Town by the end of the combined ten (10) day period, the Town may issue a Termination Notice.

(c) Upon receipt of a termination notice pursuant to the foregoing paragraph, the parties shall promptly discontinue all services affected unless otherwise directed by the notice of termination.

(d) Termination for Convenience:

(i) Town shall have the right to postpone, delay, suspend or terminate the services for which RMA is herein engaged at any time and for any reason deemed to be in Town's interest, provided that no such termination shall be effective unless RMA is given sixty (60) calendar days' written notice of Town's intent to terminate and furthermore Town issues a Termination Notice. In such event of termination, for Town's convenience, Town shall pay RMA for the services rendered through the date when notice of termination was received by RMA with an equitable adjustment of the fee, which shall include a reasonable profit for services or other work performed. In the event of delay, postponement or suspension, RMA agrees that it shall only be entitled to a reasonable extension of time to complete the project and not to monetary compensation.

(ii) RMA shall have the right to postpone, delay, suspend or terminate the services for which RMA is herein engaged at any time and for any reason deemed to be in RMA's interest, provided that no such termination shall be effective unless Town is given sixty (60) days' written notice of RMA's intent to terminate and furthermore, RMA issues a Termination Notice. In such event of termination, for RMA's convenience, Town shall pay RMA for the services rendered through date when notice of termination was received by Town with an equitable adjustment of the fee, which shall include a reasonable profit for services or other work performed. In the event of delay, postponement or suspension, RMA agrees that it shall only be entitled to a reasonable extension of time to complete the project and not to monetary compensation.

5. PAYMENT AND COMPENSATION:

(a) RMA shall prepare and present a claim form provided by the Town and approved for payment by the Town for services rendered by RMA. Payment of the claim shall be made within thirty (30) days unless said claim is rejected in writing. If the Town disputes the claim, the Town shall have ten (10) business days to reject said claim. If no such written rejection of the claim form is issued by the Town within ten (10) business days of receipt of the claim form, said claim form shall be deemed approved.

(b) RMA agrees that it shall be entitled to no more than the total cost of the Agreement as set forth on page one of this Agreement and as set forth in any amendments to this Agreement, for the completion of work, labor and services contemplated in this Agreement and amendments, and in full re-imbursement of all travel and other expenses of every nature and kind whatsoever. RMA shall be entitled to additional compensation for other services provided the parties have amended this Agreement as regards the scope of such services and the cost of such services.

(c) Charges payable to RMA under this Agreement are exclusive of federal, state and local taxes. Town shall be exempt from payment of such taxes as a municipality.

RATE SHEET

Medical Examination (Initial & Follow-Up):	\$550.00 Per Hour
Functional Capacity Exams:	
Screening	\$275.00
Two Hour Assessment	\$375.00
Four Hour Assessment	\$675.00
Related Diagnostics Services:	
Prevailing Hospital Charge or such other rates as may be negotiated, with the exception of the following tests, which shall be paid at the following rates:	
Radiographic Myelogram (Including Radiologists Interpretation):	
Cervical	\$345.00
Lumbar	\$460.00
Complete	\$650.00
Electromyogram and Nerve Conduction Studies (All inclusive comprehensive service):	\$525.00/Extremity
Stress Testing (Including Cardiologist's Interpretation):	\$285.00
Electrocardiogram (Including Cardiologist's Interpretation):	\$195.00
CT Scan	\$485.00
Discogram	TBD
MRI	\$825.00
Laboratory Cardiac Profile Testing:	\$85.00
Laboratory Liver Function Testing:	\$135.00
Electroencephalogram:	\$175.00
Echocardiogram (Including Cardiologist's Interpretation):	\$265.00
Other Specialist Examinations:	\$300.00/Per Hour

6. (a) Medical Examinations will be charges and paid at the full rate if cancelled less than 2 business days prior to scheduled examination, excluding weekends and holidays, unless the cancellation is related to a medical issue concerning the examinee subject to documentation, in which case there will be no charge for the cancellation. If "block" Medical Examination periods are scheduled and not cancelled within 6 business days prior to the scheduled examinations date, they will be charges and paid at the full rate.

(b) The charges payable to RMA under this Agreement are exclusive of federal, state and local taxes.

(c) The acceptance by RMA of full payment of all billings made on the invoice shall operate as and shall be a release to Town from all claims and liability to RMA, its successors, legal representatives and assigns, for anything done or furnished under and by the provisions of this Agreement.

7. RATES FOR ADDITIONAL SERVICES

(a) Rates for additional services not set forth herein will be negotiated with the Town.

(b) Town shall provide time and fee estimates for any optional service requested by the Town before commencing any activity. The parties will agree in writing as to such fees.

8. CONTACT PERSONS:

(a) Any communication, notice, claim for payment, report or other submissions necessary or required to be made by the parties regarding this Agreement shall be deemed to have been duly made upon receipt by Town or RMA or their designated representative of the following address or at such other address that may be specified in writing by the parties:

For Town of Riverhead:

Phil Cardinale
Riverhead Town Supervisor
200 Howell Avenue
Riverhead, New York 11901

For RMA:

Craig H. Rosenberg, M.D.
President & Medical Director
PO Box 230
Islip, NY 11751

(b) Termination/Litigation

For the Town:

Daniel P. McCormick, Deputy Town Attorney
Riverhead Town Attorney's Office
200 Howell Avenue
Riverhead, New York 11901
631-727-3200 x 605

For the Contractor:

Rehabilitation Medicine Associates

P.O. Box 230
Islip, New York 11751
631-968-3100

(c) Each party shall give prompt written notice to the other party of the appointment of successor (s) to the designated contact person (s) or his or her designated successors.

(d) Any communication or notice regarding litigation shall be deemed to have been duly made upon receipt at the addresses specified above or at such other addresses that may be specified in writing by either party.

9. INDEMNIFICATION FOR PERSONAL INJURY, TANGIBLE PROPERTY DAMAGE OR WRONGFUL DEATH:

(a) RMA shall indemnify and hold Town harmless from and against all claims, costs, judgments, liens, encumbrances and expenses, including reasonable attorneys' fees, for personal injury, tangible property damage or wrongful death arising out of the negligence or intentionally wrongful acts or omissions of RMA, its agents, employees or subcontractors in connection with the services described or referred to in this Agreement and applicable Amendments.

(b) Town shall indemnify and hold harmless RMA, from and against all claims, cost, judgments, liens, encumbrances and expenses, including reasonable attorneys' fees, for personal injury, tangible property damage or wrongful death arising out of the acts or omissions or negligence of Town, its officers, agents or employees in connection with the services described or referred to in this Agreement and applicable Amendments.

10. INSURANCE:

(a) RMA agrees to procure and pay the entire premium for and maintain throughout the term of this Agreement, and applicable Amendments, insurance in the amounts and types specified by the Town. Unless otherwise specified by the Town and agreed to by RMA, in writing, such insurance will be as follows:

- (i) Commercial General Liability Insurance. RMA shall maintain a primary General Liability policy naming Town as an additional insured, having minimum limits of \$2,000,000.00 (Two Million) combined single limit for bodily injury and property damage per occurrence and aggregate.
- (ii) Professional Liability Insurance. In addition, RMA must maintain Professional Liability in an amount equal to \$1,300,000.00 (One Million Three Hundred Thousand) per each occurrence and \$3,000,000.00 (Three Million) in the aggregate.
- (iii) Automobile Liability Insurance. (if any vehicles are used in the performance of this Agreement) in an amount of \$300,000.00 combined single limit for bodily injury and property damage per occurrence.
- (iv) Workmen's Compensation and Employer's Liability Insurance. Shall comply with all applicable New York State laws and regulations and Disability Benefits Insurance if required by law and shall have furnished to the Town prior to its execution of this Agreement the documentation required by the State of New York Workers Compensation Board of coverage or exemption from coverage pursuant to Section 57 and 220 of the Workers Compensation Law. In accordance with General Municipal Law Section 108, this Agreement shall be void and of no effect unless RMA shall provide and maintain coverage during the term of this Agreement for the benefit of such employees as are required to be covered by the provisions of the Workers Compensation Law.

(b) All said policies shall be for periods of not less than one year and shall contain a provision whereby the same cannot be canceled unless Town is given at least thirty (30) days prior written notice of such cancellation. RMA shall procure such insurance and pay for renewals of the same, as required. Insurance as specified herein must be maintained at all times during the life of this Agreement. Prior to the commencement of this Agreement, a Certificate of Insurance, acceptable to Town evidencing such coverages shall be furnished to Town.

(c) Insurance coverage shall be provided by an Insurance Company licensed as an "admitted Carrier" by the New York State Insurance Department and rated by "bests" at "A-" or better, or as otherwise deemed acceptable to Town.

(d) RMA shall furnish to the Town certificates of insurance evidencing compliance with the aforesaid insurance requirements. In the case of commercial general liability insurance and automobile liability insurance, said certificates shall name the Town of Riverhead as an additional insured. All such certificates or other evidence of insurance shall provide for the Town of Riverhead to be a certificate holder. RMA shall notify Town in writing thirty (30) days prior to any written notice of cancellation, non-renewal or material change (with the exception of professional liability insurance that is non-cancelable). Such certificates, policies, and notices shall be mailed to the Town at the address set forth in paragraph 8, entitled "Contact Persons", subparagraph b.

Subcontractors shall adhere to the above.

11. GRATUITIES:

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

12. INDEPENDENT CONTRACTOR:

It is expressly agreed that RMA's status hereunder is that of an independent contractor. Neither RMA nor any person hired by RMA shall be considered employees of the Town for any purpose.

13. CONFLICT OF INTEREST

Neither RMA nor its employees may simultaneously represent other private clients in actions or proceedings against the Town, its agencies or Town employees in their official capacity, without the prior approval of the Town. The representation of any individual in a dispute concerning the legal relationship between the individual and the Town or its agencies would also create a conflict that may require disqualification. RMA is charged with the duty to disclose to the Town the existence of any material adverse interests. The duty shall continue so long as RMA is retained on behalf of the Town or its employees. The determination as to when a conflict exists shall ultimately be made by the Riverhead Town Attorney's Office after full disclosure is obtained.

14. NO DEFAULT

To the best of its knowledge, RMA warrants that it is not in arrears to the Town upon debt or contract and is not in default as surety, contractor or otherwise on any obligation to the Town.

15. NO ASSIGNMENT:

RMA shall not assign, transfer, convey, sublet or otherwise dispose of this Agreement or any of its right, title or interest therein, or its power to execute this Agreement, or assign all or any portion of the monies that may be due or become due to RMA under the terms of this Agreement, to any other person or corporation, without the prior consent of the Town.

16. SEVERABILITY:

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

17. ENTIRE AGREEMENT:

It is expressly agreed that this instrument represents the entire Agreement of the parties and that all previous understandings are merged in this Agreement.

18. NO ORAL CHANGES:

No modification of this Agreement shall be valid unless written in the form of an Addendum or Amendment signed by both parties.

End of Text for Exhibit A.

EXHIBIT B

Description of Responsibilities

1. RESPONSIBILITIES OF RMA:

- (a) Independent medical examinations conducted by RMA will be used to help Town and the Union resolve disputed cases of illnesses or injuries relating to or affecting an employee's job duties. It will be RMA's responsibility to:
 - (b) Determine whether a physical illness or injury suffered by the employee was incurred in the performance of his/her duties.
 - (c) Determine whether a current illness or injury is a recurrence or aggravation of prior injury, which occurred in the performance of the employee's duties.
 - (d) Determine whether an employee who incurred a totally disabling illness or injury as a result of the performance of the employee's duties has sufficiently recovered and is able to perform either temporary limited duty assignments or full duty.
 - (e) Upon determination that the employee is able to return to work, a facsimile of the physical condition and restrictions report will be sent to Town and Union.
 - (f) In a prompt and timely fashion submit documentation to Town and Union, suitable in format for use in the medical arbitration process.
 - (g) Make appointment times available for medical examinations, which will satisfy Town's and/or employee's needs under the medical arbitration process.
 - (h) Identify to Town and Union a single individual within RMA who will be authorized and responsible to communicate patient specific, therefore confidential, information.
 - (i) Deny any requests for information from unauthorized individuals and communicate only with the designated individuals.
 - (j) Assist Town and Union by providing any and all reasonable services related to the provision of medical arbitration services.

2. RESPONSIBILITIES OF TOWN:

- (a) Convey information to employees referred to RMA for medical examination, which will facilitate the appointment scheduling process.
- (b) Communicate with RMA about each employee being referred to RMA for medical examination services, prior to initial patient contact.
- (c) Provide RMA with all required clinical and related documentation for each referred patient, prior to the medical examination.
- (d) Provide RMA with a copy of a signed patient consent for release of medical information, subject to applicable laws regarding confidentiality of patient information, prior to the medical examination.
- (e) Designate an individual who will be Town's contact person and sole communicant regarding all referred cases.
- (f) Provide clear guidelines at all times regarding the desired format for documentation to be provided to Town.
- (g) Supply any special forms required for completion as a part of the medical examination and billing process.

End of Text for Exhibit B.

Exhibit C

Incorporated by reference:

Agreements between Town of Riverhead and Police
Benevolent Association and Superior Officer's
Association.

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 100

AUTHORIZES REGISTRATION FEE SCHEDULE FOR POLICE ATHLETIC LEAGUE (P.A.L.) PROGRAMS FOR THE YEAR 2008

COUNCILMAN DUNLEAVY

_____ offered the following resolution

which was seconded by COUNCILMAN BUCKLEY _____

WHEREAS, the Town of Riverhead is responsible for setting a fee schedule for PAL Programs; and

WHEREAS, those fees are established below for the Year 2008:

Boys 13-15 year old Baseball	\$65.00 (resident)	\$75.00 (non-resident)
Boys 16-17 year old Baseball	\$50.00 (resident)	\$60.00 (non-resident)
Spring Lacrosse Program	\$75.00 (resident)	\$85.00 (non-resident)
Summer Lacrosse Program	\$35.00 (resident)	\$45.00 (non-resident)
Winter Lacrosse Clinic	\$25.00 (resident)	\$35.00 (non-resident)
Town - Soccer Program	\$30.00 (resident)	\$40.00 (non-resident)
Football Program 7 – 8 year old	\$75.00 (resident)	\$85.00 (non-resident)
Football Program 9 – 12 year old	\$125.00 (resident)	\$135.00 (non-resident)
Cheerleading Program	\$60.00 (resident)	\$70.00 (non-resident)

NOW, THEREFORE BE IT RESOLVED, that the above P.A.L. registration fee schedule is established for the year 2008.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the JAB/PAL Office and the Office of Accounting.

BLASS YES ___ NO

BUCKLEY YES ___ NO

DUNLEAVY YES ___ NO

WOOTEN YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT DECLARED DULY ADOPTED

February 6, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 101

AUTHORIZES UMPIRE/REFEREE FEE SCHEDULE FOR POLICE ATHLETIC LEAGUE (P.A.L.) PROGRAMS FOR THE YEAR 2008

COUNCILMAN BUCKLEY

offered the following resolution which was

seconded by COUNCILMAN WOOTEN

WHEREAS, the Town of Riverhead is responsible for setting a fee schedule for umpires and referees participating in the Riverhead Police Athletic League; and

WHEREAS, those fees are established below for the Year 2008:

Baseball/Softball umpires	Two umpires per game	\$70.00/each umpire, each game
	One umpire per game	\$105.00/umpire
Football referees	Two referees per game	\$60.00/each referee, each game
	One referee per game	\$95.00/referee
Lacrosse referees (1 ST - 2 ND grade)	Two referees per game	\$25.00/each referee per game
	One referee per game	\$40.00/referee per game
(3 rd - 4 th grade)	Two referees per game	\$25.00/each referee per game
	One referee per game	\$40.00/referee
(5 th - 8 th grade)	Two referees per game	\$50.00/each referee per game
	One referee per game	\$70.00/referee per game
Town Soccer referees	One referee per game	\$30.00 for one referee per game

NOW, THEREFORE BE IT RESOLVED, that the above P.A.L. Umpire/Referee fee schedule is established for the year 2008.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the JAB/PAL Office and the Office of Accounting.

BLASS YES NO BUCKLEY YES NO
DUNLEAVY YES NO WOOTEN YES NO
CARDINALE YES NO

THIS RESOLUTION IS IS NOT DECLARED DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution No. 102

APPOINTS MEMBER TO THE ANTI LITTER ADVISORY COMMITTEE

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

WHEREAS, Resolution #763 of August 2, 2005 adopted guidelines for Town Board Advisory Committees; and

WHEREAS, guideline #1 states that each committee will consist of no less than seven and no more than nine members, and

WHEREAS, a vacancy presently exists on the Anti Litter Advisory Committee.

NOW THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby appoints George Bartunek to serve on the Anti Litter Advisory Committee.

BE IT FURTHER RESOLVED, that the Town Clerk shall hereby forward a copy of this resolution to George Bartunek, 21 Silver Beech Lane, Calverton NY 11933, and members of the Anti Litter Advisory Committee.

THE VOTE

Buckley YES NO Wooten YES NO

Dunleavy YES NO Blass YES NO

CARDINALE YES NO

THIS RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 103

AUTHORIZES THE TOWN ENGINEER TO PARTICIPATE IN ONLINE PROFESSIONAL DEVELOPMENT COURSE

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

WHEREAS, Kenneth Testa, P.E., Town Engineer, has made a request to participate in an online Professional Development course offered by Kansas State University; and

WHEREAS, this course will satisfy the Professional Development requirement for the maintenance of his Professional Engineering License; and

WHEREAS, this training will be of use to the Town by providing the Town Engineer training in the design of building heating, ventilating and air conditioning systems which will reduce the Towns expenditures on consultants to prepare these designs.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board authorizes reimbursement to the Town Engineer in the amount of One Thousand Seven Hundred Fifty Eight (\$1,758.00) the cost of the course; and

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

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

02/06/08

Adopted

TOWN OF RIVERHEAD

ACCEPTS ACTION PROGRAM OF TOWN ANTI-LITTER ADVISORY COMMITTEE

RESOLUTION# 104

COUNCILMAN DUNLEAVY

_____ offered the following resolution

COUNCILMAN BUCKLEY

resolution, which was seconded by _____.

WHEREAS, the Riverhead Town Anti-Litter Advisory Committee has developed a seven point action plan for implementation in 2008, and

WHEREAS, the plan encompasses the following points:

1. Contact of potential road adoption participants by letter
2. Design of a new Adopt-A Road sign
3. Design of a store participation poster or decal
4. Development of an Adopt-A Road contract
5. Design of an educational presentation for program participants
6. Initiation of a Town sponsored ad campaign for the program
7. Support for the Town's efforts to increase Highway Department staffing,

NOW, THEREFORE, BE IT RESOLVED, that the action plan of the Riverhead Town Anti-Litter Advisory Committee is adopted and the members congratulated on their efforts to control the litter problems of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Highway Superintendent, the Sanitation Superintendent, the Office of Accounting, Ms. Bernadette Ann Voras, 10 Overlook Street, Riverhead, N. Y. 11901 and Mr. James Meinecke, 2677 Roanoke Ave, Riverhead, N. Y. 11901.

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

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 105

AUTHORIZES DANIEL P. McCORMICK TO ACT AS SPECIAL PROSECUTOR FOR VIOLATIONS OF THE CODE OF THE TOWN OF RIVERHEAD

COUNCILMAN BUCKLEY offered the following resolution, was seconded by

COUNCILMAN WOOTEN:

NOW THEREFORE BE IT RESOLVED, that Daniel P. McCormick be and hereby is designated by the Town Board of the Town of Riverhead as Special Assistant District Attorney for the Town of Riverhead; and be it further

RESOLVED, that the purpose of said designation is solely for the prosecution of the Codes and Ordinances of the Town of Riverhead where criminal sanction may be imposed. Compensation for services rendered shall not be a County charge; and be it further

RESOLVED, that said designation shall take effect upon approval of the Suffolk County District Attorney and shall expire on December 31, 2009 or upon the earlier revocation of the District Attorney of Suffolk County or upon the termination of employment with the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Office of the Suffolk County District Attorney, 200 Center Drive, Riverhead, New York, 11901, Attn: Elaine Reffelt and the Town Attorney's Office.

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 106

**RE-APPOINTS MEMBERS TO SUFFOLK COUNTY/TOWN OF RIVERHEAD
EMPIRE ZONE ADMINISTRATIVE BOARD**

COUNCILMAN WOOTEN Offered the following

Resolution, which was seconded by **COUNCILWOMAN BLASS**

WHEREAS, the Town of Riverhead, by Resolution Number 805-1997, authorized submission of an application to the State of New York Empire State Development Corporation for designation of the Calverton Enterprise Park as an Economic Development Zone, now known as Development Zone; and

WHEREAS, on June 3, 1998, Governor George Pataki did announce the designation of new zones to include the Calverton Enterprise Park in the Town of Riverhead, Suffolk County; and

WHEREAS, the implementation of the Empire Zone requires certain actions by the municipality including the establishment of a Zone Administrative Board to be responsible for the operation of the zone and its programs; and

WHEREAS, the Zone Administrative Board must include a representative of a local business, organized labor, community group organization, financial institution, education institution, local utility provider and zone area residents, as well as the Town Supervisor, Community Development Agency Director, the Suffolk County Executive; and

WHEREAS, members of the Zone Administrative Board must be appointed as their terms expire or to fill a vacancy, and as of January 2008 the terms representing a local business, organized labor, and community group organization did expire; and

WHEREAS, it is the desire of the Town Board of the Town of Riverhead to re-appoint George Nunnaro representing a local business, Bruce Tria representing a community group organization, and James Rogers who was recently appointed to fulfill the vacancy of the organized labor position.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby re-appoints George Nunnaro, Bruce Tria, and James Rogers as members of the Suffolk County/Town of Riverhead Empire Zone Administrative Board for a term of three years until January 2011 or until reappointment or replaced by the Riverhead Town Board; and

Z: Tracy Stark

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
	Cardinale	<input checked="" type="checkbox"/> yes		<input type="checkbox"/> no	

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

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Nick Anastasi at the Office of Suffolk County Executive Steve Levy, George Nunnaro, care of Prest-O-Peconic, Bruce Tria, care of Business Improvement District; James Roger, care of International Union of Painters and Allied Trades; the Town of Riverhead Attorney's Office; Randy Coburn, care of Empire State Development, and Tracy Stark, the Empire Zone Coordinator.

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

Z: Tracy Stark

2/6/08

RESOLUTION# 108

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 331 MAPLE AVENUE, RIVERHEAD, NEW YORK

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

WHEREAS, the Town Board has determined that the property situated at 331 Maple Avenue, Riverhead, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE, BE IT RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the structures situated at 331 Maple Avenue, Riverhead, New York in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property and the structures situated upon such; and be it further

RESOLVED, that it is left to the discretion of Dawn C. Thomas, Town Attorney for the Town of Riverhead as whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property.

WOOTEN YES ___ NO BUCKLEY YES ___ NO
DUNLEAVY YES ___ NO BLASS YES ___ NO
CARDINALE ___ YES ___ NO

THIS RESOLUTION IS ___ IS NOT DECLARED DULY ADOPTED

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 109

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 64 ENTITLED, "FIRE
PREVENTION" OF THE RIVERHEAD TOWN CODE
(§64-9. Fire-prevention permit fees.)**

COUNCILMAN BUCKLEY

_____ offered the following resolution, 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 64 entitled, "Fire Prevention" of the Riverhead Town Code once in the February 14, 2008 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Fire Marshal; the Building Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 20th day of February, 2008 at 7:10 o'clock p.m. to consider a local law to amend Chapter 64 entitled, "Fire Prevention" of the Riverhead Town Code as follows:

Chapter 64
Fire Prevention
Article III
Administration

§ 64-9. Fire-prevention permit fees.

C. Installation and operational fire-prevention permit fees. The Town Board has determined fire prevention fees shall be as follows:

- (1) Installation permit fees.
 - (a) Installation of fire detection/alarm systems and water-based fire protection systems: \$250 for the first 25 devices and \$4 per device in excess thereof. A device shall include, but not be limited to, a heat detector, a smoke detector, a pull station, a bell or other sounding device, a speaker, a fire alarm control panel, a remote annunciator, a floor command station, an alarm and check valve, a deluge valve, an exhaustor, an accelerator, a retard chamber or a Fire Department connection.
 - (b) Installation of automatic fixed pipe extinguishing systems: \$250.
 - (c) Installation of exhaust systems for the removal of smoke- and/or grease-laden or other vapors: \$200.
 - (d) Installation permits required by Article XX, Liquefied Petroleum Gases: \$75 for the first 10,000 gallons and \$0.005 per gallon in excess thereof.
 - (e) Installation permit required by § 64-9A(1) for review of new building construction plans or existing building alteration plans: \$100.
 - (f) Modification of any existing fire detection/alarm system: \$100 for the first 5 devices. Any modification in excess of 5 devices shall be treated as an "installation" in accordance with the requirements of subsection (a). A device shall include, but not be limited to, a heat detector, a smoke detector, a pull station, a bell or other sounding device, a speaker, a fire alarm control panel, a remote annunciator, a floor command station.
 - (g) Modification of any existing water based fire protection system: \$100 for the first 5 devices. Any modification in excess of 5 devices shall be treated as an "installation" in accordance with the requirements of subsection (a). A device shall include, but not be limited to, an alarm and check valve, an exhaustor, an accelerator, a retard chamber, a fire

- department connection and sprinkler heads
- (h) Modification of an existing automatic fixed pipe extinguishing system:
\$100.
 - (i) Modification of existing exhaust systems for the removal of smoke- and/or
grease-laden or other vapors: \$100.

- Underline represents addition(s)

Dated: Riverhead, New York
February 6, 2008

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

BARBARA GRATTAN, Town Clerk

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 110

ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (Outdoor Lighting)

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

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

WHEREAS, a public hearing was held on the 15th day of January, 2008 at 7:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Zoning Board of Appeals; the Riverhead Building Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on February 6, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108
ZONING
ARTICLE XLV
Exterior Outdoor Lighting

§ 108-246. Purpose.

The general purpose of this article is to protect and promote the public health, safety and welfare of the residents of Riverhead, as well as preserve the quality of life, retain the rural character of Riverhead and afford the public the ability to view the night sky, by establishing regulations and a process for review of exterior lighting. This article establishes standards for exterior lighting in order to accomplish the following:

- I. To promote the conservation of energy for exterior lighting;
- J. To reduce the impact of artificial lighting on human health, flora, fauna, and the environment.

§ 108-247. General provisions.

B. Conflict with other laws.

In a case where this chapter is found to be in conflict with a provision of a zoning, fire, safety, health, water supply, subdivision, or sewage disposal law or ordinance, or regulation adopted pursuant thereto or other law, ordinance, code or regulation, the provision or requirement which is the more restrictive or which establishes the higher standard shall prevail.

§ 108-248. Applicability.

A. New lighting. All exterior lighting installed after the effective date of this article shall conform to the standards established by this article except exterior lighting required to protect and promote public health and safety.

(1) Upon adoption of this article as established by its effective date, all subsequent installation, replacement, alteration, change, repair, or relocation of any nonconforming luminaire, shall conform with the provisions of this article.

(2) All exterior lighting installed shall comply with Chapter 108-250; and Chapter 108-252 (D) of this Article regarding Glare, Light Pollution, Light Trespass, and Skyglow as defined in this article.

(3) The following exterior lighting, existing or installed prior to the effective date of the adoption herein, which does not conform with the provisions of the article, shall be exempt provided the following requirements are met:

(a) Pre-existing residential floodlight luminaires are exempt provided: the total light output for the fixture does not exceed 1800 lumens (equivalent to 100 watts incandescent) regardless of the number of lamps; and angled downward or shielded so as not to cause glare or light trespass or beam spread beyond the intended target or across property lines. This exemption expires no later than December 31, 2010 at which time full conformance is required.

(b) Pre-existing unshielded residential fixtures mounted on the primary structure are exempt provided the light output, regardless of the number of lamps, is no greater than 900 lumens (60 watts incandescent). This exemption expires no later than December 31, 2010 at which time full conformance is required.

(c) Pre-existing non-conforming non-residential luminaires rated over 1800 lumens (100 watts incandescent), regardless of the number of lamps, shall be altered to the greatest extent possible to prevent visible glare across property lines by re-aiming, shielding, adding louvers, re-lamping, or other means, to meet the definition of fully or partially shielded. This exemption expires no later than December 31, 2010 at which time full conformance is required.

(d) Pre-existing non-conforming automated teller machine (ATM) lighting; fuel filling and gas service station canopy lighting and Long Island Power Authority (LIPA) lighting shall be in full compliance with the provisions of this article no later than December 31, 2010.

(e) Pre-existing non-conforming commercial and industrial parking lot lighting illuminating less than twenty (20) parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2012.

(f) Pre-existing non-conforming commercial and industrial parking lot lighting illuminating twenty (20) or more parking spaces shall be in full conformance with the provisions of this article no later than December 31, 2017, and may be achieved by partial areas of complete renovations regarding lighting levels, pole heights and lamp types in increments of 10% of the parking lot area per year.

§ 108-249. Definitions.

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

AVERAGE HORIZONTAL FOOTCANDLE — The average level of illuminance for a given situation ~~(with snow cover if that is to be expected in the given situation)~~ measured at ground level with the light meter placed parallel to the ground.

~~**EIGHTY-FIVE DEGREE CUT-OFF TYPE LUMINAIRES** — Luminaires that do not allow light to escape above an eighty-five degree angle measured from a vertical line from the center of the lamp extended to the ground (see Figure 2). Editor's Note: Figure 2 is included at the end of this chapter.~~

CORRELATED COLOR TEMPERATURE (CCT)—A measurement on the Kelvin (K) scale that indicates the warmth or coolness of a lamp's color appearance. The higher the color temperature, the cooler the color appearance. Typically, a CCT rating below 3,200 K is considered warm, while a rating above 4,000 K is considered cool.

~~**FLOODLIGHT** — A lamp that produces up to 1,800 lumens and is designed to flood a well-defined area with light. (See Table 1 for light output of various lamps. Editor's Note: Table 1 is included at the end of this chapter.) A luminaire rated to produce 1,800 lumens (100 watts incandescent) or more, regardless of the number of lamps, and is which is designed to flood an area with light.~~

FOOTCANDLE (FC) — The American unit used to measure the total amount of light cast on a surface (illuminance). One footcandle is equivalent to the illuminance produced by a source of one candle at a distance of one foot. For example, the full moon produces .01 fc as measured with a light meter. One footcandle is approximately equal to 10 lux, the British unit used to measure illuminance.

FULL CUT-OFF LUMINAIRES — A luminaire designed and installed where no light is emitted at or above a horizontal plane running through the lowest point on the luminaire. ~~(See Figure 1) (See Figure 1). Editor's Note: Figure 1 is included at the end of this chapter.)~~ Further, no more than 10% of the lumen output should be provided at angles between 90 degrees and 80 degrees below the lowest light-emitting part of the luminaire laminate.

FULLY SHIELDED — ~~The luminaire incorporates a solid barrier (the shield), which permits no light to escape through the barrier. (See Figure 4. Editor's Note: Figure 4 is included at the end of this chapter.)~~ A luminaire constructed and installed in such a manner that all light emitted by it, either directly from the lamp or a diffusing element, or indirectly by reflection or refraction from any part of the luminaire, is projected below a horizontal plane through the luminaire's lowest light emitting part, as designed and installed. (See Figure 1).

GLARE — Stray, unshielded light striking the eye that may result in:

~~D: Reduction of visual performance. Distracting glare, such as light which diverts the eye from a visual task.~~

HOLIDAY LIGHTING — ~~Strings of individual lamps, where the lamps are at least three inches apart and the output per lamp is not greater than 5 lumens. Temporary lighting used to celebrate holidays. Holiday lighting includes, but is not limited to, strings of small individual lights, illuminated menorahs, illuminated nativity scenes, illuminated candles, and various yard decorations seasonal in nature.~~

LAMP — The generic term for an artificial light source, to be distinguished from the whole assembly (see "luminaire"); commonly referred to as "bulb." Or light bulb.

LANDSCAPING LIGHTING – Non essential low lumen output fixtures (maximum of 500 lumens or 40 watts incandescent) used to illuminate residential walkways and foliage.

~~**MAINTAINED ILLUMINANCE** — The condition that occurs after 200 hours of lamp use prior to a point where luminaire cleaning is necessary. Measurements are taken at ground level with sensor parallel to the ground for horizontal illuminance and measured at five feet above ground with sensor perpendicular to the ground for vertical illuminance.~~

MUNICIPAL RECREATIONAL FIELDS – includes tennis, basketball and handball courts; football, baseball, softball and soccer fields; hockey, skating and skateboarding rinks constructed by or at the behest of the Town of Riverhead.

PARTIALLY SHIELDED — ~~The luminaire incorporates a translucent barrier, the "partial shield" around the lamp that allows some light to pass through the barrier while concealing the lamp from the viewer. (See Figure 3. Editor's Note: Figure 3 is included at the end of this chapter.)~~ A light fixture which incorporates an opaque barrier, shield, louvers, or other means, so that the light source is not visible across property lines or into roadways.

PLANNING AND ZONING ADMINISTRATOR — The Town of Riverhead Planning Director.

REPAIR OF A LUMINAIRE OR SIGN – Any service normally provided by a licensed

electrician upon a luminaire or sign. Repair shall be considered to include replacement or modification of any of the following: poles, mounting arms, housings, hardware, wiring, ballasts, lenses, reflectors, diffusers, baffles, shields, sensors, switches, relays, power supplies, and lamp replacement modules which contain any of the items listed above. Replacement of a user-serviceable lamp will not by itself be considered a repair.

§ 108-250. Outdoor Exterior lighting standards.

A. General standards.

- (3) Canopy lights, such as service station lighting shall be fully recessed and or full cutoff luminaires fully-shielded so as to ensure that no light source is visible from or causes glare on public rights-of-way or adjacent properties.
- (4) Area lights. All area lights ~~shall be~~ are encouraged to be eighty-five-degree full-cut-off-type luminaires.
- (5) The Long Island Power Authority shall not install any luminaires after the effective date of this article that light the public right-of-way, ~~without first receiving approval for any such application by the Riverhead Town Board.~~

B. Type of luminaires. All exterior lighting shall use full cut-off luminaires with the light source downcast and fully shielded, with the following exceptions:

- (1) ~~Luminaires that have a maximum output of 400 lumens per fixture, regardless of number of lamps (equal to one forty-watt incandescent light), may be left unshielded, provided the luminaire has an opaque top or is under an opaque structure (see Figure 5). Editor's Note: Figure 5 is included at the end of this chapter.~~ All exterior lighting, with an exemption granted to municipal recreational fields, rated to be lamped at 1800 lumens (100 watts incandescent) and greater shall use full cutoff luminaires as determined by photometry test or certified by the manufacturer and installed as designed with the light source directed downward. Municipal recreational fields, at a minimum, shall utilize partially shielded fixtures to direct light to the field of play, and to minimize up-glow and light trespass.
- (2) ~~Luminaires that have a maximum output of 1,000 lumens per fixture, regardless of the number of lamps (equal to one sixty-watt incandescent light), may be partially shielded provided the lamp is not visible and the luminaire has an opaque top or is under an opaque structure (see Figure 3). Editor's Note: Figure 3 is included at the end of this chapter.~~ All exterior light fixtures rated to emit 1800 lumens (100 watts incandescent) and less, regardless of the number of lamps shall use fully shielded fixtures (See Figure 1) and shall be installed as designed. (See Figure 1).

- (3) ~~Floodlights with external shielding shall be angled, provided that no light is directed above a twenty-five-degree angle measured from the vertical line from the center of the light extended to the ground, and only if the luminaire does not cause glare or light to shine on adjacent property or public rights-of-way and does not emit light above the horizontal plane (see Figure 6). Editor's Note: Figure 6 is included at the end of this chapter. Photocells with timers that allow a floodlight to go on at dusk and off by 11:00 p.m. are encouraged. Privately owned or leased light fixtures located on public utility poles or located in the public right-of-way are prohibited.~~

C.

- (4) ~~Commercial holiday lighting lit between November 15 and January 15 of the following year.~~

Lighting: Exempt Exterior Lighting.

The following types of exterior lighting are exempt from the provisions of this section.

- (1) Holiday lighting lit between November 15 and January 15 of the following year.

(2)(5)

Motion Sensor-activated luminaires, provided:

- (a) They are fully shielded and located in such a manner as to prevent glare and lighting onto properties of others or into a public right-of-way; and
- (b) The luminaire is set to only go on when activated and to go off within five minutes after activation has ceased; and
- (c) The luminaire shall not be triggered by activity off the property; and
- (d) The luminaire, regardless of the number of lamps, does not exceed 1800 lumens and not rated to exceed 100 watts.

- (3)(6) Vehicular lights and all temporary emergency lighting needed by the Fire and Police Departments, or other emergency services.

- (4)(7) Uplighting of flags for flag; provided the flag is not used for advertising of a governmental installation and the total maximum lumen output is 1,300 lumens. ~~Flags are encouraged to be taken down at sunset to avoid the need for lighting.~~

- (5)(8) Lighting of radio, communication and navigation towers; provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with Article XLV, and that the provisions of Article XLV are otherwise met.

~~(6)(9)~~ Runway lighting. Lighting on any landing strip or runway, provided the owner or occupant demonstrates that the Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this article.

~~(7)(10)~~ Neon lights. Neon lights as permitted pursuant to the Town of Riverhead Sign Ordinance.

D.

~~(11)~~ Luminaires used for playing fields and outdoor recreational uses shall be exempt from the height restriction, provided all other provisions of this article are met and the light is used only while the field is in use.

~~(8)~~ Residential landscape lighting as defined herein provided the lamp or lamps are not visible across property lines and, in addition are not triggered by a dusk-to-dawn timer.

Prohibited Exterior Lighting:

The following types of lighting are prohibited:

~~(1)~~ Searchlights, except those used for governmental, emergency and law enforcement purposes.

~~(2)~~ Strobe lights, laser lights, or revolving lighting.

~~(3)~~ Neon lights, except as legally permitted.

~~(4)~~ Blinking, pulsating, tracing, or flashing lights unless temporarily triggered by a security system.

~~(5)~~ Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.

~~(6)~~ Lighting that is determined by municipal law enforcement personnel to contribute to disabling or distracting glare into a public roadway.

~~(7)~~ Any light fixture located within a designated Nature Preserve, easement, or waterway.

~~(8)~~ Illuminated signs without a municipal permit.

~~(9)~~ Non-municipal recreational field lighting, including but not limited to tennis, basketball and handball courts, and sports fields, including but not limited to baseball, soccer, and football without site plan approval and a building permit.

§ 108-251. Placement and height of luminaires.

A. Parking area luminaires Luminaires, exclusive of municipal streetlighting, and municipal recreational fields, shall be mounted no higher no taller than 17 sixteen (16) feet from the level ground to the lowest light emitting part of the fixture, their

tallest point. Parking area lights are encouraged to be greater in number, lower in height and lower in light level, as opposed to fewer in number, higher in height and higher in light level.

- B. ~~Freestanding luminaires on commercially used properties shall be mounted at a height equal to or less than the sum of $H=(D/3)+3$, where D is the distance in feet to the nearest property boundary, but shall not be higher than 15 feet from ground level to the top of the luminaires, and not exceeding the height of the building, whichever is less. Example:~~

Pole Height Distance to Property Line

(feet)	(feet)
15	36 ($36/3 = 12+3=15$)
12	27 ($27/3 = 9+3=12$)
9	18 ($18/3 = 6+3=9$)

- B. Luminaires on commercially used properties shall be located and shielded in a manner to prevent light projection beyond the property line. (See Figure 3)
- ~~C. Streetlights used on arterial roads may exceed 20 feet in height, with the recommendation by the Riverhead Town Board, and only with a finding that exceeding 20 feet is necessary to protect the safety of the residents of the Town of Riverhead.~~
- ~~C.D. Luminaires used for municipal recreational playing fields and municipal outdoor recreational uses shall be exempt from the height restriction, and illuminance levels, provided all other provisions of this article are met and the light is used only while the field is in use.~~
- D. Sign lighting. Lighting shall be mounted on the top of the sign directed downward and positioned and shielded so that the light source is located. No individual lamp shall exceed 1000 lumens. Mounting height of lights shall not exceed sixteen (16) feet.
- E. Mounting height of residential luminaries may not exceed 14 (fourteen) feet.

§ 108-252. Illuminance and type of lamp.

- A. Illuminance levels for parking lots, sidewalks, and other walkways affected by side-mounted building lights, and freestanding sidewalk lights (not streetlights) shall not exceed illuminance levels listed in the most current IESNA Recommended Practices, either PR33 or RP20, depending on the application. See Tables 1, 2 and 3). The Town of Riverhead recognizes that not every such area will require lighting.
- B. Parking lot lighting shall not exceed an overall average illumination of 1.5 footcandles as listed on Table 1.
- C. ~~Streetlights shall be full cut high-pressure sodium, low-pressure sodium, unless~~

~~otherwise determined that another type is more efficient. Streetlights along residential streets shall be limited to a seventy-watt high-pressure sodium (hps) light with a lumen output of 6,400. Street lights along nonresidential streets or at intersections shall be limited to 100-watts hps, with a lumen output of 9,500, except that lights at major intersections on state highways shall be limited to 250-watts hps. If a light type other than high-pressure sodium is permitted, then the equivalent output shall be the limit for the other light type (see Table 1). Editor's Note: Table 1 is included at the end of this chapter.~~ Streetlight luminaires shall be Full Cutoff Luminaires and be lamped with high pressure sodium or compact fluorescent light source. The Engineering Division shall make a determination for the Type of light distribution, the height, and lumen value of the light source for each location, based on the manufacturer's supplied photometric information, in order to meet the Streetlighting Warrants. The criteria for evaluating the warrant of streetlights shall be non-conformance to the American Association of State Highway Transportation Officials (AASHTO) standards and or a safety hazard as determined by the Town Engineer. The Town Engineer shall reserve the option to alter the type of light, light intensity of public roads and public facilities in areas where public safety is an issue. Streetlight luminaries shall be brought into compliance with this section no later than December 31, 2017.

- D. All existing and/or new exterior lighting shall not cause light trespass and shall protect adjacent properties from glare and excessive lighting.
- E. Gas Station Under canopy fixtures shall be lamped so as not to exceed light level measurements as recommended in RP33, Table 2.
- F. All ATM and bank lighting shall conform to the provisions of the New York State ATM Safety Act as contained in the New York State Banking Law section 75-a, et seq., and the provisions of this article.
- G. All Long Island Power Authority leased pre-existing non-conforming unshielded floodlight fixtures, including GE Powerflood, Mercury Vapor fixtures, and all 1000 watt fixtures shall not be re-lamped, repaired or replaced.
- H. The following types of lamps shall not be permitted:
 - 1. Mercury Vapor
 - 2. Unshielded LED lamps, except as exempt for Holiday Lighting.
 - 3. Metal Halide except as approved by the Town Engineer and only when the correlated color temperature (CCT) is less than 3200 K and when the arc tube of the lamp is enclosed with a protective acrylic or tempered glass shroud.
- I. All LIPA Long Island Power Authority (LIPA) leased pre-existing non-conforming fixtures shall be replaced on or before December 31, 2010 with full cutoff fixtures and must meet the Light Solutions "Installation & Criteria" as adopted by LIPA, on March 24, 2006.:
 - a. Light levels shall not exceed recommendations (Table 1);

§ 108-253. ~~Tables and information sheets.~~ Editor's Note: The tables and information sheets are included at the end of this chapter. Figures and Tables.

The attached figures and ~~tables information sheets~~ shall be incorporated into Article XLV as guidelines for the public and the Town of Riverhead for use in enforcing this article. The Town does not endorse or discriminate against any manufacturer or company that may be shown, portrayed or mentioned by the examples. Additional information is provided at the Town of Riverhead Planning Department.

(A) Figure 1: Illustrations of Full Cutoff and Full Shielded fixtures.

(B) Figure 2: Diagrams of generally acceptable and generally unacceptable light fixtures.

(C) Figure 3: Diagrams of recommended fixture placement in relation to the property line to control light trespass.

(D) Table 1: Limits of Illumination target areas for parking lots

(E) Table 2: Limits of Illumination for targets areas for Car Dealerships, Sidewalks, Walkways, and Gas Stations.

(F) Table 3: Limits of Illumination for Roadways.

§ 108-254. Procedure.

- A. All applications for site plan review, use permits, planned unit developments, subdivision approvals, applicable sign permits, or building permits shall include lighting plans showing location of each existing and proposed outdoor light fixture, and luminaire distribution, type, lamp source type, wattage, mounting height, hours of operation, lumen output, and illuminance levels in ten foot grids in order to verify that lighting conforms to the provisions of this article. The Planning Director may waive the requirement for illuminance level information only, if the ~~Lighting Administrator~~ Town Engineer finds that the illuminance levels conform to this article. For all other exterior lights which must conform to the requirements of this Article XLV, an application shall be made to the ~~Planning Board Town Board~~, showing location, luminaire and bulb type, height, hours of operation lumen output and illuminance levels. Applications for subdivision approval regarding lighting plans must be submitted to both the Planning Department and Engineering Department.

- B. ~~The Town Board or~~ Planning Board shall review any new exterior lighting or any existing exterior lighting on subject property that is part of an application for design review, conditional use permit, planned unit development, subdivision approval, applicable sign permits or building permit, to determine whether the exterior lighting complies with the standards of this Article XLV.
- C. For all other exterior lighting which must conform to the requirements of Article XLV, ~~the Town Board or~~ Planning Board shall issue a decision whether the exterior lighting complies with the standards of this Article XLV. All such decisions may be appealed to the Town of Riverhead Zoning Board of Appeals within 30 days of the decision.

§ 108-255. Violations and legal actions.

If the ~~Zoning Officer~~ Code Enforcement Division finds that any provision of this article is being violated, the ~~Zoning Officer~~ Code Enforcement Division shall give notice by hand delivery or by certified mail, return receipt requested of such violation to the owner and/or the occupant of such premises, demanding that the violation be abated within 30 days of the date of hand delivery or of the date of mailing of the notice. The Planning Department Staff shall be available to assist in working with the violator to correct said violation. If the violation is not abated within the thirty-day period, the ~~Zoning Officer~~ Town Attorney may institute actions and proceedings, either legal or equitable, to enjoin, restrain or abate any violations of this article.

§ 108-255.1 Severability.

If any clause, sentence, paragraph or section of this article shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not impair or invalidate the remainder hereof, but such adjudication shall be confined in its operation to the clause, sentence, paragraph or section directly involved in the controversy in which judgment shall have been rendered.

Dated: Riverhead, New York
February 6, 2008

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

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

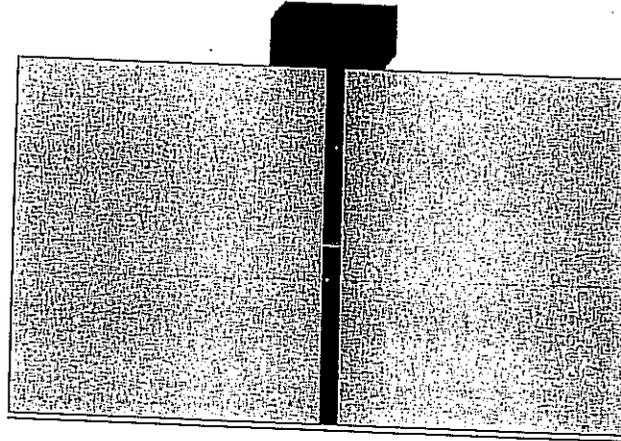
BARBARA GRATTAN, Town Clerk

Town of Riverhead, New York

Guidelines for Exterior Lighting

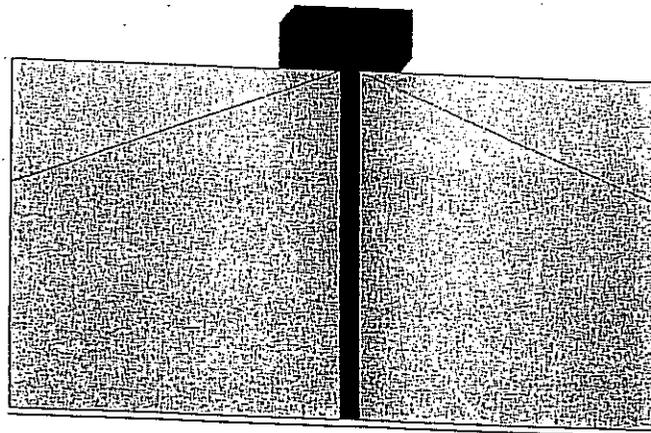
Figure 1 Fully Shielded Fixture:

no light emitted above the lowest light emitting part of the fixture
and no restriction as to amount at various angles below the horizontal.



Full Cutoff Fixture:

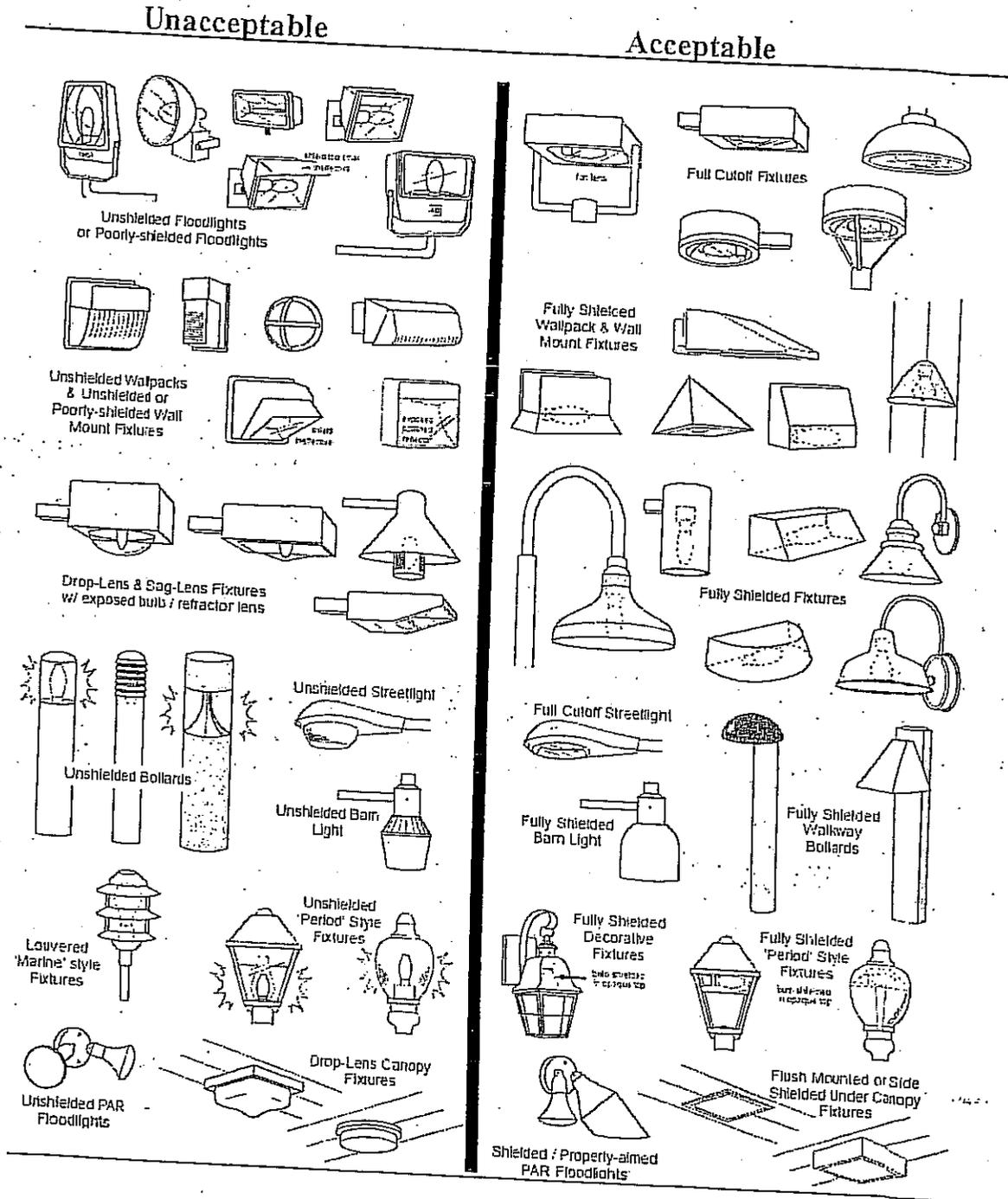
additionally restricts the amount of light emitted in the "glare zone"
(90-80 degrees below horizontal) to 10% of the total light output.



Town of Riverhead, New York

Guidelines for Exterior Lighting

Figure 2



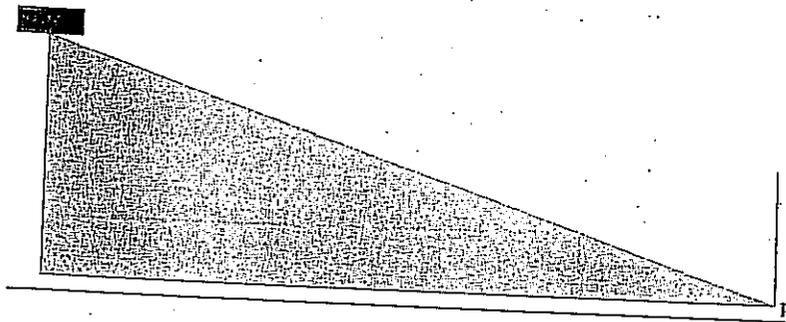
Town of Riverhead, New York

Figure 3

Calculating Fixture Height in relation to distance to property line.

Without available photometric data to execute a lighting plan, Fixture Placement set-backs can help to reduce incidence of light trespass and glare across property lines.

Luminaire*



Mounting height = 1/3 distance to property line plus three feet

A fully shielded or FCO fixture will generally contain light to a site to reduce light trespass if this formula is followed: Divide the distance (D) to the property line by three and add three feet to equal the maximum Mounting Height (MH). Formula: MH no greater than 1/3 Distance to Property line plus 3 feet (The Kennebunkport Formula)

*Assumes common FCO luminaire. Asymmetrical "sharp cutoff" FCO luminaires that have steeper cutoff angles or shielding at the "house side" may be placed closer to property boundaries provided their cutoff angles do not result in light trespass and footcandle measurements can be provided on a lighting plan.

Town of Riverhead
Guidelines for Exterior Lighting

Table 1:
Limits of Illumination target areas for Parking Lots

IESNA Document	Illuminance Levels						Uniformity		
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
<u>Lighting for Parking Facilities RP-20-98</u>									
<i>Medium</i>	0.6		2.4				20:1	4:1	
<i>Low</i>	0.2		0.8				20:1	4:1	
<i>High</i>	0.9		3.6				20:1	4:1	

Light levels indicated are for active use of the facility during open business hours:

High: Large shopping Centers over 300,000 square feet of retail space.

Medium: Community shopping centers between 5,000 and 299,000 square feet retail space

Low: Neighborhood shopping retail of less than 5,000 square feet.

After hours, light levels may be cut by 50% or more.

Table 2. Limits of Illumination for target areas:
Car Dealerships, Sidewalks, Walkways, and Gas stations.

IESNA Document	Illuminance Levels					Uniformity			
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
Lighting for Exterior Environments RP-33-99									
Sidewalks (Roadside) and Type A Bikeways	Commercial Areas		1		2		10:1		
	Intermediate Areas		0.5		1		10:1		
	Residential Areas		0.2		0.5		10:1		
Walkways Distant from Roadways and Type B Bikeways	Commercial Areas		0.5		0.5		10:1		
	Intermediate Areas		0.5		1		10:1		
	Residential Areas		2		0.5		10:1		
Car Dealerships									
<i>Secondary Business Districts</i>									
	Adjacent to roadway	5 - 10					5:1		
	Other rows	2.5 - 5					10:1		
	Entrances	2.5 - 5					5:1		
	Driveways	1 - 2					10:1		
Service Stations or Gas Pump Area									
	Approach		1.5 - 2						
	Driveways		1.5 - 2						
	Pump Island		5						
	Service Areas		2 - 3						

Town of Riverhead

Guidelines for Exterior Lighting

Table 3
Limits of Illumination for Roadways

IESNA Document	Illuminance Levels						Uniformity		
	EMIN	EMAX	EAVE	EV-MIN	EV-AVE	ESC-MIN	MAX/MIN	AVE/MIN	MAX/AVE
Roadway Lighting ANSI-RP-8-00									
	Walkways/ Bikeways Mixed use	High Pedestrian Conflict			2	1.0			4.0
	Walkways/ Bikeways Pedestrian use only	High Pedestrian Conflict			1	0.5			4.0
	Walkways/ Bikeways Pedestrian use only	Medium Pedestrian Conflict			0.5	0.2			4.0
	Collector (R2&R3)	High-Medium- Low Pedestrian Conflict			1.2 - 0.9 - 0.6				4.0
	Local	High-Medium- Low Pedestrian Conflict			0.9 - 0.7 - 0.4				6.0

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 111

APPROVES CHAPTER 90 APPLICATION OF COOLEY'S ANEMIA FOUNDATION, INC.

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

WHEREAS, on January 22, 2008, the Cooley's Anemia Foundation Inc. had submitted a Chapter 90 Application for the purpose of setting up a staging area to be held at the Town of Riverhead Municipal parking lot, (behind the East End Arts Council and adjacent to the Peconic riverfront) Riverhead, New York, for a Bike-A-Thon/4 Mile Walk event to be held on Saturday, September 27, 2008 between the hours of 7:00 a.m. and 5:00 p.m.; and

WHEREAS, the Cooley's Anemia Foundation Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

WHEREAS, the Town Attorney 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 Cooley's Anemia Foundation, Inc. for the purpose of setting up a staging area to be held at the Town of Riverhead Municipal parking lot, (behind the East End Arts Council and adjacent to the Peconic riverfront) Riverhead, New York, for a Bike-A-Thon/4 Mile Walk event to be held on Saturday, September 27, 2008, between the hours of 7:00 a.m. and 5:00 p.m., is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; 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 further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted no later than *September 12, 2008* at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the applicant shall be required to provide a 10 yard dumpster prior to the commencement of the event, shall be responsible for the removal of all trash and rubbish and shall have same removed at the conclusion of the event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Cooley's Anemia Foundation, Inc., Attn: Anthony C. Laurino, 740 Smithtown Bypass, Suite 201, Smithtown, New York, 11787; Scott Davonski, Riverhead Fire Marshal; Kenneth Testa, P.E.; Chief Hegermiller; Riverhead Police Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD

Adopted

Resolution # 112

REDUCES PERFORMANCE BOND OF NF GOLF RESORTS
(Riverhead Reeves Associates, LLC)

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN BUCKLEY :

WHEREAS, pursuant to Resolution #37 dated January 6, 2004, the Riverhead Town Board accepted a performance bond from NF Golf Resorts in the amount of \$2,530,000.00 (International Fidelity Insurance Co. #0371110) representing road and drainage improvements in the subdivision entitled, "NF Golf Resorts"; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #21 dated March 4, 2005, John J. Raynor, P.E., Town Engineer has determined that a substantial portion of the road and drainage improvements have been completed and has further recommended that the performance bond be reduced to the amount of \$2,033,000.00; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #66 dated July 10, 2006, John J. Raynor, P.E., Town Engineer has determined that a substantial portion of the road and drainage improvements have been completed and has further recommended that the performance bond be reduced to the amount of \$1,400,000.00; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #98 dated December 7, 2007, John J. Raynor, P.E., Town Engineer has determined that a substantial portion of the road and drainage improvements have been completed and has further recommended that the performance bond be reduced for a final time to the amount of \$843,333.33.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the reduction of the performance bond of NF Golf Resorts to the amount of \$843,333.33; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Riverhead Sound Associates, LLC, 18 Columbia Turnpike, Florham Park, New Jersey, 07932; and copies to John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD

Resolution # 113

**APPROVES EXTENSION AND REDUCES PERFORMANCE BOND OF
AQUEBOGUE GOLF RESORTS (Riverhead Sound, LLC)**

COUNCILMAN BUCKLEY _____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN _____ :

WHEREAS, pursuant to Resolution #30 dated January 6, 2004, the Riverhead Town Board accepted a performance bond from Riverhead Sound LLC in the amount of \$1,910,000.00 (International Fidelity Insurance Co. #0371109) representing road and drainage improvements in the subdivision entitled, "Aquebogue Golf Resorts"; and

WHEREAS, by letter from Sam M. Gershwin, President of Riverhead Sound, LLC, dated December 6, 2007, it has been requested that an additional extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #97 dated December 7, 2007, John J. Raynor, P.E., Town Engineer has determined that a substantial portion of the road and drainage improvements have been completed and has further recommended that the performance bond be reduced for a final time to the amount of \$636,666.67; and

WHEREAS, Water Key Money in the amount of \$135,000.00, Park and Recreation Fees in the amount of \$243,000.00 and Engineer Fees in the amount of \$82,600.00 have been paid.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

RESOLVED, that this extension shall extend the performance bond representing the road and drainage improvements to be completed within the subdivision to June 4, 2009; and be it further

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the reduction of the performance bond of Aquebogue Golf Resorts to the amount of \$636,666.67; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Riverhead Sound Associates, LLC, 18 Columbia Turnpike, Florham Park, New Jersey, 07932; and copies to John Raynor, P.E., L.S., P.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					

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

Adopted

TOWN OF RIVERHEAD

Resolution # 114

AUTHORIZES THE RELEASE OF LETTER OF CREDIT FOR RIVERWALK RHC, LLC

COUNCILMAN WOOTEN

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

WHEREAS, Riverwalk LLC posted an Irrevocable Letter of Credit (Bridgehampton National Bank #170000369 Dated April 25, 2006) in the sum of Eighty One Thousand Four Hundred Sixty-Six Dollars (\$81,466) for construction at Harrison Avenue, Riverhead, New York Suffolk County Tax Max Number 0600/ 108.-4-4 pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction and the satisfaction of the Planning Department as per the approved site plan and a Certificate of Occupancy has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the letter of credit (#170000369) in the sum of Eighty One Thousand Four Hundred Sixty Six Dollars (\$81,466); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Riverwalk RHD LLC, PO Box 576, Laurel, New York, 11948; the Building Department; the Planning Department and the Town Attorney's Office.

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

2/6/08

TOWN OF RIVERHEAD

Adopted

Resolution # 115

AUTHORIZES THE RELEASE OF SECURITY FOR KEYSpan ELECTRIC SERVICES (Jamesport Substation)

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

WHEREAS, Keyspan has posted a Nova Casualty and Surety Company of America Bond #103768890 in the sum of Five Hundred Thousand Dollars (\$500,000.00) representing the 100% site plan security in connection with Riverhead Town Board Resolution #1169, dated November 6, 2002, for the construction of a public utility electric transmission substation at Sound Avenue, Jamesport, New York, further described as Suffolk County Tax Map #0600-3-1-2.3, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release the aforementioned security in the sum of \$500,000.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Keyspan Real Estate Department, 175 Old Country Road, Hicksville, New York, 11801, Attn: Helen Duffy and copies to the Building Department; the Planning Department and the Town Attorney's Office.

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

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 116

**ACCEPTS OFFER OF SALE OF A PARCEL OF LAND LOCATED IN THE
TOWN OF RIVERHEAD KNOWN AS THE WEEPING WILLOW MOTEL
(Purported Owner: James R. Woodhull)**

COUNCILMAN DUNLEAVY offered the following resolution, which was seconded

by **COUNCILMAN BUCKLEY** :

WHEREAS, the Town of Riverhead has received an offer for the sale of real property from James R. Woodhull of approximately 0.454 acres of lands known and designated as Weeping Willow Motel, located 961 West Main Street, Riverhead, New York, for a purchase price of \$1,250,000.00, further described as Suffolk County Tax Map #0600-124.00-04.00-005.000, to the Town of Riverhead; and

WHEREAS, the Town of Riverhead commissioned an appraisal of the value of the subject real property; and

WHEREAS, the Town of Riverhead has applied for and received an award of \$500,000.00 from the New York State Office of Parks, Recreation & Historic Preservation for acquisition of the subject real property for preservation purposes; and

WHEREAS, the Town Board has carefully considered the merits of the offer, the appraisal by Frederick Wood Associates and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town; and

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of the subject real property of James R. Woodhull, pursuant to Chapter 14 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to purchase the subject property in an amount not to exceed one million two hundred fifty thousand dollars (\$1,250,000.00) and authorizes the Office of the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to to James R. Woodhull, Post Office Box 677, Riverhead, New York 11901; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Town Board; Community Development Department; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

WOOTEN YES ___ NO BUCKLEY ___ YES NO

DUNLEAVY YES ___ NO BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

TOWN OF RIVERHEAD

Resolution # 117

**ADOPTS A LOCAL LAW AMENDING
CHAPTER 108 ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE
(Section 108-3 entitled "Definitions; word usage.")**

COUNCILMAN BUCKLEY offered the following resolution, was seconded by

COUNCILMAN WOOTEN :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 108 entitled "Zoning" §108-3 entitled "Definitions; word usage" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the on the 15th day of January, 2008 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all person wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 108 "Zoning", Section 108-3 entitled "Definitions; word usage" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the members of the Riverhead Town Board, Planning Department, Building Department; Office of the Town Attorney and the Town Clerk.

WOOTEN YES NO BUCKLEY YES NO
DUNLEAVY YES NO BLASS YES NO
CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 "Zoning", §108-3 entitled "Definitions; word usage" of the Riverhead Town Code at its regular meeting held on February 6, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

§ 108-3. Definitions; word usage.

B. For the purpose of this chapter, certain terms and words are herewith defined as follows:

EXECUTIVE GOLF COURSE – Executive golf courses have a total par ranging from 55 to 68 and an average of 3,000 to 4,500 yards.

PAR 3 GOLF COURSE – Par 3 golf courses have a par on each hole of 3 and an average of 2,000 to 2,500 yards.

STANDARD GOLF COURSE – Standard golf courses have a minimum par of 70 and a minimum of 6,000 yards as measured from the middle tees, and are no less than 125 acres.

- Underline represents addition(s)

Dated: Riverhead, New York
February 6, 2008

BY ORDER OF THE TOWN BOARD
OF THE TONW OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

2/6/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 118

AUTHORIZES THE SUPERVISOR TO ADOPT AN ADOPT-A-ROAD PROGRAM REGARDING LITTER ABATEMENT AND AUTHORIZE THE RIVERHEAD TOWN HIGHWAY DEPARTMENT TO ENTER A LITTER ABATEMENT AGREEMENT WITH VOLUNTEER PROGRAM PARTICIPANTS

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

WHEREAS, the Town of Riverhead is desirous of maintaining a clean and beautiful roadway system; and

WHEREAS, the Town of Riverhead wishes to supplement the efforts of the Riverhead Town Highway Department's litter abatement program; and

WHEREAS, Riverhead Town residents and business owners are interested in volunteering their time to aid the Town of Riverhead Highway Department's litter abatement program.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to adopt an Adopt-A-Road program and authorize the Riverhead Town Highway Department to enter a litter abatement agreement with volunteer program participants.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to: Office of the Supervisor; Town of Riverhead Police Department; Town of Riverhead Highway Department and the Office of the Town Attorney.

THE VOTE

Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Buckley	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Cardinale Yes No

The Resolution Was Was Not Thereupon Duly Declared Adopted



ADOPT-A-ROAD CONTRACT

2008

Riverhead Town Highway Department
200 Howell Avenue
Riverhead, New York 11901

Purpose

The Riverhead Town Highway Department Adopt-A-Road Program exists to support the Department's litter abatement efforts.

Definitions

Adoption	An agreement by an individual or group to pick up litter and trash from a specified section of road right-of-way.
Adopt-A-Road Program	A public participation program of the Department designed to assist in the control and reduction of litter on Town maintained rights-of-way.
Adopted Section	The portion (generally length) of Town maintained road rights-of-way approved for adoption by an individual or group.
Authorized Representative	In the case of an adoption by a group, the group member acting on behalf of the group for the purpose of adopting a section of the road.
Department	The Riverhead Town Highway Department.
Program	The Adopt-A-Road Program
Program Director	Superintendent of Highways



Program Participants

Individuals and/or groups that have adopted sections of roads. Civic and non-profit organizations, and commercial and private enterprises may be selected as groups for the purpose of adopting a section of road. This term also refers to each individual person comprising the group that adopts a section of road.

Town

The Town of Riverhead.



PARTICIPATION IN ADOPT-A-ROAD PROGRAM

The adoption of a section of road is a privilege in consideration for public service that may be granted by the Department to individuals and/or groups who would assist the Adopt-A-Road Program in achieving its purpose.

Only individuals and/or groups determined by the Department to be responsible and to exhibit in good faith the willingness and the capacity to perform the responsibilities of the Program will be allowed to adopt a road. The Department may refuse to grant a request to adopt a section of road if, in its opinion, granting the request would jeopardize the Program, be counter-productive to its purpose or create a hazard to the safety of the public. Highway safety is a principal concern in all decisions related to the Program.

Program participants must assume responsibility for their own safety. They are not afforded insurance coverage under any of the Town's insurance policies. They are not entitled to worker's compensation coverage. Program participants must acknowledge by signature that they are aware of the potentially hazardous nature of the work, and they agree to hold the Town, the Department and Town employees harmless for any injuries that they may cause or suffer, or damages that they may cause or suffer as a result of participation in the Program.

Initial Agreements of Adoption will be for a period of one year regarding a length of roadway to be determined by the Department.

Program participants are encouraged to recycle materials collected from the Adopted Section when it is feasible to do so.

RESPONSIBILITIES OF PROGRAM PARTICIPANTS AND DEPARTMENT

Individuals and groups participating in the Adopt-A-Road Program will be subject to each of the following requirements and responsibilities:

1. Appointing or selecting an Authorized Representative to act on behalf of the group.
2. Ensuring that individual Program participants sign the Agreement acknowledging that they have attended a safety meeting before participating in the clean up of the Adopted Section.
3. Obeying and abiding by the Department's guidelines, safety suggestions and requirements, and other terms and conditions set forth in the Agreement.
4. Picking up litter a minimum of once a month, between April and November, and as often as necessary to maintain a clean right-of-way.



5. Ensuring that each individual Program participant of the group wears a Department approved safety vest or shirt during the pick-up.
6. Ensuring that each individual Program participant of the group wears clothing or apparatus that will not impair vision, hearing or movement during the pickup-up.
7. Ensuring that attire that might divert the attention of motorists is not worn by Program participants during pick-up activities.
8. Furnishing adequate supervision by one or more adults 21 years of age or older for groups which have Program participants 12-18 years of age.
9. Ensuring that no one under the age of 12 is allowed to participate in the pick-up activities.
10. Prohibiting Program participants from either possessing or consuming alcoholic beverages or other drugs before engaging in or during pick-up activities.
11. Ensuring that no signs, posters or other display material that might distract motorists are brought to the Adopted Section by group members during or between pick-ups.
12. Filing after pick-up reports as prescribed by the Department.
13. Ensuring that all provisions of the Agreement are fully performed.

The Department's participation in the Adopt-A-Road Program will include the following:

1. Working with the individuals and/or group to determine that specific section of Town road rights-of-way to be adopted.
2. Providing safety vests, trash bags and safety information.
3. Erecting two signs, one at each end of the Adopted Section, with the group's name or acronym displayed, unless, in the opinion of the Department, erecting the signs would jeopardize the Program, be counter-productive to its purpose, or create a hazard to the safety of the public.
4. Removing filled trash bags.
5. Removing litter from the Adopted Section under unusual circumstances; i.e., removal of large, heavy or hazardous items.



6. Monitoring to ensure the objectives of litter abatement are being met.
7. Monitoring to evaluate the overall operation of the Program and to gauge its effectiveness.

GENERAL LIMITING CONDITIONS

Administrative, legislative and financial constraints subject the Adopt-A-Road Program to certain limitations.

The Program may, at any time and for any reason, be modified in scope or altered in any other manner at the discretion of the Department.

The Department may consider any factors it deems appropriate in determining what roads will be and will not be eligible for adoption.

Name, titles or words placed on Adopt-A-Road signs must be approved by the Department.



MODIFICATION/RENEWAL/TERMINATION OF THE AGREEMENT

The Adopt-A-Road Agreement may be modified in scope or altered in any other manner and at any time at the discretion of the Department.

Program participants will have the option of renewing the Agreement, subject to the approval of the Department and the continuation by the Department of the Program. Information concerning Program participants is to be updated at the time of renewal.

The Department may terminate the Agreement and/or remove the Adopt-A-Road signs bearing the Program participant's name or acronym if it finds and determines that the Program participant is not meeting the terms and conditions of the Agreement, that one or more members of a participating group is/are not responsible, that the Program participant is acting contrary to the guidelines of the Program, that the Adoption is proving to be counter-productive to the Program's purpose, that thefts are resulting from the Adoption, or that Program participants have engaged in irresponsible and/or unsafe conduct at the Adopted Section or anywhere else.

The Adopt-A-Road Program may at any time and for any reason be terminated by the Department.



ADOPT-A-ROAD PROGRAM AGREEMENT
The Riverhead Town Highway Department ("Department") and

(Business/organization/person)
recognize(s) the need and the desirability of litter free and visually improved roads in the Town of Riverhead ("Town").

The Adopt-A-Road Program ("Program") has been established for community and civic organizations as well as private businesses and industry to contribute toward the effort of maintaining cleaner and more beautiful roads.

As indicated by their signatures at the end of this Agreement, the Program participants of the named entity are aware of the potentially hazardous nature of the work which is to be performed and have agreed to follow the Department's Adopt-A-Road Regulations and safety suggestions, which are attached hereto and incorporated herein as Exhibit A. The Program participants acknowledge and agree that they are not afforded insurance coverage under any of the Town's insurance policies. Program participants are not Town employees entitled to worker's compensation coverage. Program participants act at their own risk, and they have agreed to hold the Town, the Department, and Town employees harmless for any injuries they may suffer or damages they may cause or suffer as a result of participation in the Program. Moreover, the named entity agrees to these terms.

Program participants have agreed that signs bearing the entity's name shall be installed solely at the discretion of the Department.

The Department recognizes the above named entity as the adopting organization for

(road)

(from what point to what point)

The above named entity agrees to pick up litter at least once a month (or more, if necessary) along its section of roadway from April to November to promote a better environment in the community. This Agreement shall commence on _____ and terminate on _____.

Authorized Representative

(Entity)

Town of Riverhead Highway
Department

By:

Title: _____

Street Address: _____

Phone: _____ (W)
_____ (H)



EXHIBIT A

Safety Policies And Regulations

1. **ALWAYS WEAR FURNISHED ORANGE SAFETY VEST.** This vest is to provide motorists with the ability to see the workers and is necessary for the worker's safety.
2. **STAY OFF THE TRAVELED WAY WHEREVER POSSIBLE.** The workers should be off the traffic lane and shoulder area for maximum safety when working. Divide into two groups to patrol both sides of the road at one time and minimize crossing the roadway.
3. **LEAVE CHILDREN AND PETS AT HOME AND KEEP FELLOW VOLUNTEERS UNDER SUPERVISION AT ALL TIMES.** Children and pets are not allowed on litter pickups due to safety reasons. All volunteers, especially minors between the ages of twelve and eighteen, must be supervised by a responsible adult in order to avoid dangerous situations.
4. **PARK VEHICLES AWAY FROM AREA TO BE CLEARED.** Vehicles parked along the roadside in the cleanup area cause workers to walk in the roadway, creating a dangerous situation. Carpooling is an effective way to reduce the number of vehicles at the site and also conserve energy and minimize pollution.
5. **OBSERVE ALL PEDESTRIAN LAWS AND SAFETY PRACTICES.** This includes, but is not limited to, facing traffic when walking along shoulders, looking both directions before crossing, crossing at corners when possible, etc. Remember, this is for your protection.
6. **KEEP FILLED LITTER BAGS OFF OF ROADWAY IN SHOULDER AREA.** This keeps the traveled way clear for motorists and safer for pedestrians.
7. **DRESS APPROPRIATELY FOR THE WEATHER AND TAKE NECESSARY PRECAUTIONS.** Clothing, liquids, and protection from the elements are all vital for a safe and healthy day.

Safety Tips & Criteria

- DON'T pick up litter on the roadway surface at any time.
- DON'T play around or do anything that will distract passing drivers or other volunteers.
- DON'T work during peak travel times when traffic is heavy. Never schedule pickups during evening hours.
- DON'T participate in litter pickups while under the influence of alcohol, drugs or prescription medications.
- DON'T overexert yourself. Take breaks.
- DON'T leave children or pets locked in the car at work locations.
- DON'T pick up materials which you suspect might be hazardous. Call 911 immediately.
- DO car pool to pickup sites to keep the number of vehicles on the roadside at a minimum. Park in areas off the road and as far away from the pavement edge as possible. Use parking lots and wide spots whenever possible.
- DO wear light or bright-colored protective clothing, hard soled shoes and sturdy work gloves.
- DO use sun block and wear a hat.
- DO work only in daylight and in fair weather.
- DO make sure that all volunteers are familiar with these safety precautions.

**RATIFIES THE SUPERVISOR'S EXECUTION OF A LEASE
AGREEMENT FOR THE ARMORY DRILL HALL**

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

WHEREAS, the Division of Military and Naval Affairs is charged with the responsibility for the care and maintenance of the armories throughout the State, and

WHEREAS, the Town of Riverhead Recreation Department wishes to utilize space for various programs at the Armory Drill Hall located on Route 58, Town of Riverhead, and

WHEREAS, the Town received a proposed Agreement from the Division of Military and Naval Affairs for the purpose of utilizing space for various programs at the Armory Drill Hall located on Route 58, Town of Riverhead,

NOW, THEREFORE, BE IT RESOLVED that the Supervisor's execution of the attached Agreement with the Division of Military and Naval Affairs is hereby ratified, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Armory Drill Hall, the Recreation Department, the Office of the Town Attorney and the Office of Accounting.

WOOTEN YES NO BUCKLEY YES NO
DUNLEAVY YES NO BLASS YES NO
CARDINALE YES NO
THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

THIS LEASE AGREEMENT, made this 14 day of January, 2008 between the People of the State of New York acting by and through the Division of Military and Naval Affairs (hereinafter referred to as "Lessor" or DMNA) and Town of Riverhead recreation Department, 200 Howell Av, Riverhead, NY, 11901, 11-6001935 (631) 727-5744 EX-26

NAME ADDRESS FED ID TELEPHONE (hereinafter referred to as "Lessee").

WHEREAS, DMNA is charged with the responsibility for the care and maintenance of the armories throughout the state, many of which facilities have drill halls, meeting rooms and areas adjacent thereto which are capable of use for purposes of public assembly; and

WHEREAS, the Lessee desires to use one of these facilities, specifically Teen Activity Programs supervised for the purpose of by Town Employees.

NOW, THEREFORE, in consideration of the covenants herein contained, the parties agrees as follows:

- 1. This lease agreement is subject to all terms and conditions contained in Section 183 of the Military Law of the State of New York and DMNA Regulation 210-1, as amended.
2. DMNA agrees to the use by the Lessee of the facility named above with respect to a particular area of that facility for a specific date and time. This specific area, date and time are set forth in sub-paragraphs a. and b. below:
a. Area of Facility To Be Used: Armory Drill Hall And First Floor Bathroom
b. Date(s)/Time(s) of Use: From the 28 day of, January, 08, at 1730 o'clock .m. To the 22 day of, December, 08, at 2100 .m.
3. Lessee further agrees to be liable for any and all additional charges arising out of this lease including, but not limited to, longer use of the armory than specified in paragraph 2 and/or additional personal or non-personal services supplied by Lessor.
4. As of the date of execution of this agreement, Lessee agrees to pay DMNA as rental charges hereunder the sum of Seven Thousand three hundred sixty one dollars and twenty cents (\$ 7361.20) dollars as reflected on the Form 99 (Work Sheet for Computation of Rental Charges) attached hereto and made a part of this agreement. Lessee agrees to pay these rental charges to the "New York State Division of Military and Naval Affairs" by certified check or from some other source of guaranteed funds. No cash payments are authorized and payment in full will be received by DMNA no later than the starting date under this agreement or it shall be cancelled.
5. Lessee further agrees that, if proof of insurance and full payment of the rental charges set forth in paragraph 3 above are not provided at lease 31 days prior to the starting date under this agreement, all deposits made by Lessee under this agreement will be forfeited, and Lessee shall also lose the right to conduct the event.
6. Appendix A (Standard Clauses for all New York State Contracts) is attached hereto and made a part of this agreement.
7. Appendix B (Standard Clauses for all DMNA Armory Leases) is attached hereto and made a part of this agreement.
8. Entire Lease: This lease form, the Form 99, Appendix A and Appendix B constitute the entire agreement between the parties thereto and no statement, promise, condition, understanding, inducement, oral or written, expressed or implied, which is not contained herein, shall be binding or valid and this agreement shall not be changed, modified, or altered in any manner except by instrument in writing executed by both parties.

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

LESSEE FACILITY MANAGER

BY: (NAME & TITLE TYPED OR PRINTED) OFFICER IN CHARGE & CONTROL/ ASS'T OFFICER IN CHARGE & CONTROL

FOR USE IF LESSEE SIGNS AS AN INDIVIDUAL: STATE OF NEW YORK) COUNTY OF) SS. HQ APPROVAL IF REQUIRED [] On the day of before me personally came

to me known to be the individual described in and who executed the foregoing instrument, and acknowledged that he executed the same.

FOR USE IF LESSEE DOES NOT SIGN AS AN INDIVIDUAL: STATE OF NEW YORK) COUNTY OF Suffolk) SS. On the 22nd day of January, 2008 before me personally came

Philip J. Cardinale to me known who, being by me duly sworn, did depose and say that he resides at No. 200 Howell Ave, Riverhead, NY

that he is the Supervisor of Town of Riverhead the corporation described in and which executed the foregoing instrument, that he knows the seal of said corporation; that the seal affixed to said instrument is such corporate seal; that it was affixed by order of the board of directors of said corporation, and that he signed his name thereto by like order.

Notary Public, State of New York My Commission expires Joanne Fagan Notary Public, Suffolk County, NY #01FA4991777

Adopted

TOWN OF RIVERHEAD

Resolution # 120

ADOPTS A LOCAL LAW AMENDING CHAPTER 44 ENTITLED "AGRICULTURAL LANDS PRESERVATION" OF THE RIVERHEAD TOWN CODE (Section 44-6 entitled "Administration by Farmland Preservation Committee")

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by

COUNCILMAN BUCKLEY :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 44 entitled "Agricultural Lands Preservation" §44-6 entitled "Administration by Farmland Preservation Committee" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the on the 2nd day of October, 2007 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter "44" entitled "Agricultural Land Preservation", Section 44-6 entitled "Administration by Farmland Preservation Committee" of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Riverhead Town Clerk, the Planning Department, the Farmland Select Committee and the Office of the Town Attorney.

WOOTEN YES ___ NO BUCKLEY YES ___ NO
DUNLEAVY YES ___ NO BLASS YES ___ NO
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead adopted a local law amending Chapter 44 entitled "Agricultural Land Preservation", §44-6 entitled "Administration by Farmland Preservation Committee" of the Riverhead Town Code at its regular meeting held on February 6, 2008.

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

Chapter 44
Agricultural Lands Preservation
Section 44-6
Administration by Farmland Preservation Committee

44-6. Administration by Farmland Select Committee.

- A. The Farmland Preservation Committee shall be composed of seven members appointed by the Town Board for staggered two-year terms as follows:
- 1) Four residents of the town who are actively engaged in the ownership and operation of a farm located on the agricultural land within the Town of Riverhead, as appointed by the Town Board.
 - 2) A member of the Riverhead Planning Board.
 - ~~3) The Planning Director of the Town of Riverhead.~~
 - 3) One Two at-large members as appointed by the Town Board.

- Underline represents addition(s)
- ~~Strikethrough indicates deletions~~

Dated: Riverhead, New York
February 6, 2008

BY ORDER OF THE TOWN BOARD
OF THE TONW OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 121

AUTHORIZES THE RELEASE OF SECURITY FOR WINDCREST PROPERTIES LLC (F/K/A MID ROAD PROPERTIES LLC)

COUNCILMAN BUCKLEY offered the following resolution,

which was seconded by **COUNCILMAN WOOTEN**

WHEREAS, Windcrest Riverhead LLC had posted security (Check #1078 dated November 18, 2002) in the amount of Forty Two Thousand Seven Hundred Ten Dollars (\$42,710) representing the 5% bond as per approved site plan Resolution #1256 dated December 18, 2001, for the construction of condominiums at Middle Road, Riverhead, New York, further described as Suffolk County Tax Map Number 0600-81-1-1.1, pursuant to Section 108-133(I) of the Riverhead Town Code; and

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

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of security in the sum of Forty Two Thousand Seven Hundred Ten Dollars (\$42,710); and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Windcrest Riverhead, LLC, P.O. Box 5750, Bay Shore, New York 11706; the Building Department; the Accounting Department and the Town Attorney's Office.

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Therefore Duly Adopted

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 122

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DISPOSAL OF
DEMOLITION & CONSTRUCTION DEBRIS (D & C)
2008

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the FEBRUARY 7, 2008 issue of the News Review and;

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

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the **DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on FEBRUARY 20, 2008**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR DISPOSAL OF DEMOLITION & CONSTRUCTION DEBRIS.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

FEBRUARY 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 123

AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR REMOVAL OF HAZARDOUS HOUSEHOLD PRODUCTS (S.T.O.P. PROGRAM)

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for HAZARDOUS HOUSEHOLD PRODUCTS and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the FEBRUARY 7, 2008 issue of the News Review and;

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

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the **REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT)** the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:10 a.m. on FEBRUARY 20, 2008.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR REMOVAL OF HOUSEHOLD HAZARDOUS WASTE (HAZMAT).**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

February 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 124

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR DISPOSAL OF
MUNICIPAL SOLID WASTE (MSW)
2008**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN BUCKLEY

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for DISPOSAL OF MUNICIPAL SOLID WASTE and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the FEBRUARY 7, 2008 issue of the News Review and;

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

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed bids for the **DISPOSAL OF MUNICIPAL SOLID WASTE** for the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 a.m. on February 20, 2008.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR DISPOSAL OF MUNICIPAL SOLID WASTE.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

Town of Riverhead

Resolution # 125

RESOLUTION OF SUPPORT AND CONCURRENCE
WITH THE SUFFOLK COUNTY/TOWN OF RIVERHEAD EMPIRE ZONE
(FORMERLY ECONOMIC DEVELOPMENT ZONE)
REGIONALLY SIGNIFICANT PROJECT APPLICATION

COUNCILMAN BUCKLEY

offered the following resolution, which was

seconded by COUNCILMAN WOOTEN.

WHEREAS, New York State created the Economic Development Zone Program, now known as the Empire Zone Program, to encourage industrial and commercial development in select municipalities across the State; and

WHEREAS, the Town of Riverhead, as an eligible municipality in conjunction with the County of Suffolk, received designation of an Economic Development Zone; and

WHEREAS, said zone currently is comprised of subzones including portions of the Town of Southampton, the Town of Babylon, and the Town of Riverhead; and

WHEREAS, New York State has amended the Zones program to increase benefits and allow additional areas to be deemed as Regionally Significant Projects; and

WHEREAS, the County of Suffolk and the Town of Riverhead intend to augment the Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional sub-zone area in the Town of Smithtown (approximately 10.8 acres) for a *Regionally Significant Project*; and

WHEREAS, Bactolac Pharmaceutical, Inc located at 7 Oser Avenue, and its adjacent properties at Old Willets Path and 35 Engineers Road, Hauppauge, New York; meets the criteria of 957 (d) of the general municipal law as regionally significant project by creating 50 new manufacturing jobs for inclusion within the Suffolk County/Town of Riverhead Empire Zone in areas outside the separate and distinct contiguous areas which will not effect the current 1280 acres within the zone; and

WHEREAS, the Town of Riverhead wishes to support and concur with the Empire Zone Board of Directors' designation of SCTM parcels 0800-185.00-01.00-050.003, 0800-185.00-01.00-032.000, and 0800-185.00-01.00-029.000 as *Regionally Significant Projects*; and

NOW, THEREFORE, be it resolved that the Town Board, in its capacity as governing body of the Town of Riverhead, does hereby support and concur with the Suffolk County/Town of

Riverhead Empire Zone Board to include the properties referred to as SCTM# 0800-185.00-01.00-050.003, 0800-185.00-01.00-032.000, and 0800-185.00-01.00-029.000;

The Vote

Member Blass ✓
Member Buckley ✓
Supervisor Cardinale

Member Wooten ✓
Member Dunleavy ✓
X

Z: TRACEY STARK

2/6/08

TOWN OF RIVERHEAD

Adopted

Resolution # 126

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 92 ENTITLED, "STREETS AND SIDEWALKS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN WOOTEN offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the February 14, 2008 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 92 entitled, "Streets and Sidewalks" to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to George Woodson, Highway Superintendent; Police Chief Hegermiller, Riverhead Police Department; the Planning Department, Building Department, Code Enforcement and the Office of the Town Attorney.

WOOTEN YES NO BUCKLEY YES NO
DUNLEAVY YES NO BLASS YES NO
CARDINALE YES NO

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 20th day of February, 2008 at 7:05 o'clock p.m. to consider a local law amending Chapter 92 entitled, "Streets and Sidewalks" of the Riverhead Town Code as follows:

Chapter 92
HIGHWAYS, STREETS AND SIDEWALKS

~~§ 92-1. Written consent required.~~

~~No person, firm or corporation shall change or alter the grade of any public highway or any sidewalk, or disturb, break, mar, injure, remove or deface or cause to be disturbed, broken, marred, injured, removed or defaced the surface of any part of any public highway, street, road, sidewalk, sidepath, passway or easement or any other public way of the Town of Riverhead or maintained by it, in any manner whatsoever, without having first obtained the written consent of the Town Board. The Town Board shall refer all applications to the Superintendent of Highways, the Superintendent of the Sewer District and the Superintendent of the Water District, and if the proposed alteration is in a sewer and/or water district, the written consent of the Superintendent of said Sewer and/or Water District shall be obtained by the Town Board before granting approval.~~

§92-1. Title.

This chapter shall be known as the "Town of Riverhead Highways, Streets and Sidewalks" local law.

~~§ 92-2. Sufficient indemnity required.~~

~~The Town Board shall not give written consent that any act or acts be performed as set forth in § 92-1 unless there shall have been furnished by the applicant a sufficient liability insurance policy as determined by the Town Board; and said liability insurance policy shall be for a reasonable amount and may cover one (1) or more of the acts specified in § 92-1 of this Article and personal injury and/or wrongful death to any person resulting directly or indirectly from the acts set forth in § 92-1. Said liability insurance policy may cover any period of time necessary to include the accomplishment of one (1) or more of the aforesaid acts, as shall be determined by the Town Board. The approval of the Town Board as to amount, form, manner of execution and sufficiency of said liability insurance policy shall be endorsed on said liability insurance policy before it shall be filed in the Town Clerk's office, and said liability insurance policy shall be filed before said consent shall be effective.~~

§92-2. Purpose.

The purpose of this chapter is to regulate the excavation of highways, streets and sidewalks within the Town of Riverhead, damage to roadway surfaces; deposit or encumbrance of roadways and sidewalks; and regulation and removal of snow and ice so as to minimize disruption of traffic flow and, in general, to promote the health, safety and welfare of the public.

~~§ 92-3. Separate offenses.~~

~~Each period of twenty four (24) hours, that is, each calendar day, during which or any part of which any violation of this Article continues, shall constitute a separate violation hereof.~~

ARTICLE I
Alterations and Excavations

§92.3. Definitions.

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

EXCAVATION – Any trench, hole, pit, side hill cut, stripping or other alteration of the highway, street or sidewalk for the purpose of installing public or private water, sewer and other utility lines underground and for the erection of poles.

HIGHWAY – All roads and highways owned by the Town of Riverhead.

PERMITTEE – Any person that has been granted a permit under this chapter.

PERSON – Any individual, firm, partnership, trust, corporation, company, association or organization.

SLEEVES – An opening under the road of approximately two inches in diameter and two feet in depth to allow the installation of the line across the highway.

SUPERINTENDENT OF HIGHWAYS – The duly elected Superintendent of Highways of the Town of Riverhead.

~~§ 92-4. Definitions.~~

~~As used in this Article, the following terms shall have the meanings indicated:~~

~~PERSON – Includes any individual, firm, partnership or corporation.~~

§92-4. Permit procedures.

A. No person may excavate or alter the highways, streets, or sidewalks in the Town of Riverhead without obtaining a permit from the Superintendent of Highways.

B. Applications.

(1) Applications for permits may be obtained from the Office of the Superintendent of Highways and shall specify the following information:

(a) The name and address of the applicant.

(b) The location of the proposed project.

(c) A suitable map and plan showing the project site, including roadway, curb, shoulder, sidewalk, property line and the distances to the nearest cross streets and proposed work to be performed at the project site.

(2) A fee of \$200.00 must accompany the application road opening permit. If the applicant requires an extension of time to complete the proposed work and restore the project site, the applicant must file an application for an extension of time to complete work authorized under the original permit together with a fee of \$50.00.

(3) The fees for a permit and a fee for a permit seeking an extension of time to complete work authorized in the original permit as set forth above may be reviewed and revised at any time by the Town Board.

C. Acceptance of the permit shall constitute an agreement that the permit holder will hold the Town of Riverhead and its authorized representatives harmless for any injury, damage or any other liability arising as a result of the granting of this permit.

D. A permit granted under this chapter shall not be assigned or transferred without the written consent of the Superintendent of Highways.

E. The permittee shall give the Superintendent of Highways one week's notice prior to the commencement of the work, which shall begin within 60 days of the issuance of the permit and be completed as expeditiously thereafter as possible but in no event shall exceed six months from the start date.

F. A certified check or performance bond in the minimum amount of \$250.00 shall be tendered as security when the application for the permit is submitted to insure the completion of the work in accordance with the provisions of this chapter and within a reasonable period of time. The Superintendent of Highways shall determine the amount of the performance bond based upon the scope of the proposed work at the project site. The permittee shall guarantee workmanship, materials and maintenance of the restoration work for a period of one year from the date of the return of the security.

G. A certificate of insurance for liability limits of not less than \$100,000 combined single limit or \$250,000/\$500,000 bodily injury and \$1,000,000 property damage, including coverage for explosion, underground and collapse, shall accompany the application for a permit.

~~§ 92-5. Action for damages.~~

~~The enactment hereof or any prosecution hereunder shall not be deemed to prevent or prohibit an action for the collection of damages or penalties by or on behalf of the Town of Riverhead, the Superintendent of Highways and/or the Superintendent of Sewer Districts and/or Water Districts.~~

§92.5. Rules and regulations.

A. It shall be the responsibility of the permittee to contact LIPA, Cablevision and the like to provide mark-outs for display at and around the project site.

B. It shall be the permittee's sole responsibility to appropriately safeguard the site at all times to protect the public.

C. Sleeves shall be driven under the highway for all highway crossings unless written permission to cross in an alternate fashion is given by the Superintendent of Highways.

D. Pavement openings may be permitted at the option of the Superintendent of Highways upon a written request.

E. Trenches shall be a minimum of six inches in width and shall be sufficiently tamped to the existing roadbed with a minimum of two inches of asphaltic concrete.

F. Fill shall be tamped to the roadbed as replaced and the roadbed shall be restored to its original condition.

G. The Superintendent of Highways may revoke or suspend a permit where he finds that the work is not being performed in accordance with the provision of the application of this chapter.

H. In the event of an emergency condition arising as a result of work performed under a permit, the Highway Department shall make any necessary repairs to the site at the expense of the permittee.

I.

~~§ 92-6. Penalties for offenses.~~

~~A violation of the foregoing shall be an offense punishable by a fine not exceeding five hundred dollars (\$500.) or by imprisonment not exceeding thirty (30) days, or by both such fine and imprisonment.~~

§92-6. Nontransferability of permit.

A. No permit issued hereunder shall be transferred to another person or entity.

ARTICLE II Damage to Surfaces

§92-7. Depositing dirt or damage to surface.

Whoever shall enter upon a public road or highway in the Town of Riverhead with any implement or machine for the purpose of using said road or highway as an area upon which to reverse the direction of operation of such implement or machine and thereby cause damage to the surface of such road or highway or deposit dirt (other than that carried by a tire or wheel of said implement or machine) in sufficient quantity as to create a danger to the public shall be guilty of a misdemeanor.

~~§-92-8.~~ **§92-8. Penalties for offenses.**

A violation of this Article shall be punishable by a fine not to exceed two hundred fifty dollars (\$250.).

ARTICLE III Obstructions

§92-9. Certain deposits, obstructions and encumbrances prohibited.

The deposit of dirt, filth, waste, rubbish and merchandise displayed for sale in any street, highway, sidewalk or public place, or the encumbering thereof by an encroachment of buildings, structures, excavation or otherwise, is hereby prohibited.

§ 92-10. Snow and ice removal; general maintenance.

Each owner or occupant of any house or other building, and any owner or person entitled to possession of any vacant lot, and any person having charge of any church or any public building in the town shall, during the winter season or during the time snow shall continue on the ground, keep the sidewalk in front of the lot or house free from obstruction by snow or ice and icy conditions, and shall at all times keep the sidewalk in good and safe repair and maintain it in a clean condition, free from filth, dirt, weeds or other obstructions or encumbrances.

§ 92-11. Obstructing sidewalks prohibited; exception.

No person who is the owner, occupant or lessee of any premises abutting on any street, road, highway or parkway in the unincorporated area of the town shall place, keep, permit or suffer to be placed or kept on any sidewalk in front of, adjoining or adjacent to his premises any goods, wares, merchandise, boxes, barrels, display signs or material things of any kind or description, nor shall he in any manner obstruct any sidewalk nor in any manner obstruct or interfere with the use of any sidewalk; but nothing contained in this section shall prevent persons from placing goods, wares, merchandise or household furniture on a sidewalk temporarily while loading or unloading it if it is done without unnecessary delay and if such goods, wares or merchandise are not allowed or permitted to remain on the sidewalk for a longer period than one

(1) hour.

~~§ 92-12. Penalties for offenses.~~

~~Each violation of this Article shall be punishable by a fine of not more than two hundred fifty dollars (\$250.).~~

§92-13. Penalties for offenses.

A violation of this local law is hereby declared to be a violation, and any person violating the same may, upon conviction, is punished by a fine of not less than \$200 or greater than \$500.

§ 92-14. Severability.

If any section, subsection, sentence, clause, phrase or portion of this local law is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this local law.

§92-15. Effective date.

This Chapter shall take effect after the filing with the Secretary of State.

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

Dated: Riverhead, New York
February 6, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

2/6/08

TOWN OF RIVERHEAD

Resolution # 127

ADOPTS A LOCAL LAW AMENDING CHAPTER 105 ENTITLED "WATER" OF THE RIVERHEAD TOWN CODE

~~COUNCILWOMAN BLASS~~ _____ offered the following resolution, was seconded by

~~COUNCILMAN DUNLEAVY~~ _____:

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 105 entitled, "Water" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 15th day of January, 2006 at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 105 entitled, "Water" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department; the Building Department; the Water District and the Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 105 entitled, "Water" of the Riverhead Town Code at its regular meeting held on February 6, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 105
WATER**

§ 105-2. Metering of permanent water service.

- A. Permanent water service shall be regulated by meter only.
- B. Each service connection to the water mains of the district shall have installed thereon a meter to measure the consumption of water. No person other than a district employee shall be permitted to break any seal or connecting device on any meter or remove any meter. The intentional breaking of or tampering with any water district seal by unauthorized persons is prohibited and shall be punishable as set forth in § 105-33. Any meter may be removed by district employees for testing or repair. Meter repairs shall be made at the expense of the property owner.
- C. No service shall be activated until the owner of the property to be served has paid in full the fee required as set forth in Table No. 11 as set forth below:

(See Table No. 11 annexed hereto)

§ 105-2.2. Costs for mains and laterals.

- C. No petition for the construction of lateral water mains shall be granted after the effective date of this amendment unless the petitioner has paid a fee in the total amount of ~~\$2,500~~ as required by Section 105-2C for each of the dwelling units proposed to be constructed at the premises to be served by such lateral. The petitioner may post an irrevocable letter of credit with the town. Such fee must be paid within two years or upon application for a certificate of occupancy, whichever occurs first.

TABLE NO. 11

**RIVERHEAD WATER DISTRICT
EVALUATION OF KEY MONEY FEES
PROPOSED DEVELOPMENT CATEGORIES FOR KEY MONEY ASSESSMENTS**

PROPERTY LANDUSE/DEVELOPMENT CATEGORY	TO BE ASSESSED KEY MONEY FEE	ASSESSMENT METHOD
A. Outside of District Boundaries		
1. Single Lot - Residential Existing or Proposed	Yes	\$7,120/unit
2. All Residential Developments	Yes	\$7,120/unit
3. All Commerical and Retail	Yes	\$10.70/gallon water use est. ⁽¹⁾
B. Inside District Boundaries		
1. Existing Single Lot Residential (private well to public water)	No	---
2. Existing Vacant Single Lot Residential	No	---
3. Vacant to Minor Subdivision - Residential	No	---
4. Vacant to Major Subdivision Residential	Yes	\$6,052/unit
5. Vacant to Commercial	Yes	\$9.10/gallon water use est. ⁽¹⁾
6. Existing Commerical - Change In Use (no change in water service size)	No	---
7. Existing Commerical - Change In Use (requiring change in water service size)	Yes	\$9.10/gallon water use est. minus credit for existing water use ⁽¹⁾

NOTES:

⁽¹⁾ - Water Use estimate to be based on SCDHS standards for on-site septic system design plus an irrigation factor based on square footage of landscaping times a 1" per week irrigation rate as per Cornell Cooperative Extension recommendations.

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

Dated: Riverhead, New York
February 6, 2008

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

BARBARA GRATTAN, Town Clerk

021-6/08

TOWN OF RIVERHEAD

Adopted

Resolution 128

**APPROVES PLAN OF JACK VAN DE WETERING
AGRICULTURAL WORKER HOUSING PERMIT TO BE ISSUED PURSUANT TO SECTION 108-64.4 OF THE RIVERHEAD ZONING ORDINANCE**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by **COUNCILMAN BUCKLEY**

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of the property owned by Jack Van de Wetering to allow the Riverhead Building Department to issue building permit to allow the designation of one (1) Agricultural Worker Housing unit pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code, such real property located at 2004 Sound Avenue, Riverhead, New York, Suffolk County Tax Map Number 0600 / 039.00-01-031.02; and

WHEREAS, the Riverhead Planning Department and Riverhead Building Department have reviewed the survey and plan and have determined that the location of the proposed structures conform to the criteria enumerated in the Town Code; and

WHEREAS, the Riverhead Planning Department has reviewed the survey plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impact to either the natural or social environment and a Draft Impact Statement need not be prepared.

NOW THEREFORE BE IT RESOLVED, that in the matter of the survey plan petition of Jack Van de Wetering, that the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines that action not to have significant adverse impacts upon either the natural or social environment and that the Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED, that the Town of Riverhead does hereby approved the survey and Agricultural Worker Housing plan of Jack Van de Wetering pursuant to Article XIII Section 108-64.4 of the Riverhead Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby authorized to forward a certified copy of this resolution to Kurt Van de Wetering, 1675 Edwards Avenue, Baiting Hollow, New York 11933, the Riverhead Planning Department, the Building Department; Assessor's Office and the Town Attorney's Office.

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	Cardinale	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution was was not
Declared Duly Adopted

02/06/08

TOWN OF RIVERHEAD

Adopted

Resolution 129

APPROVES PLAN OF JACK VAN DE WETERING
AGRICULTURAL WORKER HOUSING PERMIT TO BE ISSUED PURSUANT TO SECTION 108-64.4 OF THE RIVERHEAD ZONING ORDINANCE

COUNCILMAN BUCKLEY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

WHEREAS, the Riverhead Planning Department is in receipt of a survey and plan of the property owned by Jack Van de Wetering to allow the Riverhead Building Department to issue building permits to allow the construction of one (1) Agricultural Worker Housing unit pursuant to Article XIII Section 108-64.4 of the Riverhead Town Code, such real property located at 1974 Sound Avenue, Baiting Hollow, New York 11933, Suffolk County Tax Map Number 0600 /039.000-01-026.01; and

WHEREAS, the Riverhead Planning Department and Riverhead Building Department have reviewed the survey and plan and have determined that the location of the proposed structures conform to the criteria enumerated in the Town Code; and

WHEREAS, the Riverhead Planning Department has reviewed the survey plan application and recommended to the Town Board that the petition be considered an Unlisted Action without significant adverse impact to either the natural or social environment and a Draft Impact Statement need not be prepared.

NOW THEREFORE BE IT RESOLVED, that in the matter of the survey plan petition of Jack Van de Wetering, that the Riverhead Town Board hereby declares itself to be the Lead Agency pursuant to 6NYCRR Part 617 and further determines that action not to have significant adverse impacts upon either the natural or social environment and that the Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER RESOLVED, that the Town of Riverhead does hereby approved the survey and Agricultural Worker Housing plan of Jack Van de Wetering pursuant to Article XIII Section 108-64.4 of the Riverhead Zoning Ordinance.

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby authorized to forward a certified copy of this resolution to Kurt Van de Wetering, 1675 Edwards Avenue, Baiting Hollow, New York 11933, the Riverhead Planning Department, the Building Department; Assessor's Office and the Town Attorney's Office.

THE VOTE

Buckley Yes No

Wooten Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

The Resolution was was not
Declared Duly Adopted

2/6/08

Adopted

TOWN OF RIVERHEAD

Resolution # 130

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED, "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE (Article III, Traffic Regulations)

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 101 entitled, "Vehicles and Traffic" (Article III, Traffic Regulations) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 15th day of January, 2008 at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 101 entitled, "Vehicles and Traffic" (Article III, Traffic Regulations) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 101 entitled, "Vehicles and Traffic" at its regular meeting held on February 6, 2008.

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

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations

§ 101-3. Stop and yield intersections; railroad crossings; parking fields.

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

Intersection	Stop Sign on	Entrance From
Horton Avenue	Middle Road	East and west
<u>Horton Avenue</u>	<u>Horton Avenue Cul-De-Sac (North of Middle Road)</u>	<u>East</u>
Osborn Avenue	Middle Road	East and west

B. Yield intersections. The following intersections are designated as yield intersections, and yield signs shall be erected at entrances to such intersections as follows:

Intersection	Yield Sign on	Entrance From
<u>Middle Road roundabout</u>	<u>Horton Avenue</u>	<u>South</u>
<u>Middle Road roundabout</u>	<u>Middle Road</u>	<u>East and west</u>
<u>Middle Road roundabout</u>	<u>Osborn Avenue</u>	<u>North and south</u>

§ 101-4. One-way streets.

The streets or portions thereof listed below are hereby designated as one-way streets, and traffic shall travel on such only in the direction indicated:

Street	Direction	Limits
<u>Horton Avenue</u>	<u>South</u>	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Middle Road roundabout</u>	<u>East</u>	<u>Entering the Middle Road roundabout in an easterly direction, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Middle Road roundabout</u>	<u>West</u>	<u>Entering the Middle Road roundabout in a westerly direction, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Osborn Avenue</u>	<u>North</u>	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>
<u>Osborn Avenue</u>	<u>South</u>	<u>Entering the Middle Road roundabout, traffic shall travel in a unidirectional, counterclockwise direction.</u>

§ 101-5. Speed limits.

The following speed limits in the designated areas are hereby defined:

Speed (mph)	Location
<u>15</u>	<u>On Horton Avenue, in southbound direction, 300 feet north of the Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.</u>
<u>15</u>	<u>On Middle Road, in eastbound direction, 300 feet west of the Middle Road roundabout – 15 mph speed limit sign.</u>
<u>15</u>	<u>On Middle Road, in westbound direction, 300 feet east of the Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.</u>

- 15 On Osborn Avenue, in northbound direction, 300 feet south of Middle Road roundabout – roundabout warning sign and 15 mph speed limit sign.
- 30 On Osborn Avenue, in northbound direction, existing intersection – 30 mph curve warning sign.
- 40 On Osborn Avenue, in northbound direction, 200 feet north of the Middle Road roundabout – 40 mph speed limit sign.
- 15 On Osborn Avenue, in southbound direction, 300 feet north of the Middle Road roundabout – 15 mph speed limit sign.
- 30 On Osborn Avenue, in southbound direction, 500 feet north of the Middle Road roundabout – roundabout warning sign and 30 mph speed limit sign.
- 40 On Osborn Avenue, in southbound direction, 100 feet south of the Middle Road roundabout – 40 mph speed limit sign.

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

Dated: Riverhead, New York
February 6, 2008

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

BARBARA GRATTAN, Town Clerk

February 6, 2008

Adopted

TOWN OF RIVERHEAD

AUTHORIZATION TO DISCARD FIXED ASSETS

RESOLUTION # 131

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

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

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

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

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

<u>Department</u>	<u>Tag #</u>	<u>Description</u>
Assessors	22289	Small Desk
Council	5509	Fabric Chair
Planning	4902	Table
Council	5508	Fabric Chair
Police	23691	Calculator
Police	20746	Typewriter
Assessors	22289	Black desk
Accounting	22039	Tan Chair
Police	26426	Defib
Tax Receiver	1517	Chair
Town Clerk	5502	Typing Desk
Town Clerk	26571	Bookcase
Town Clerk	26572	Bookcase
Town Clerk	43	Metal Bookcase
Town Clerk	44	Metal Bookcase
Town Clerk	1040	Wooden Desk
Accounting	20616	Calculator
Municipal Garage	22245	Fax Machine
Information Tech	20864	Dot Matrix Printer
Information Tech	22553	CPU
Information Tech	23684	Monitor
Information Tech	25377	KB
Information Tech	24969	Mouse
Information Tech	24734	KB

Information Tech	23681	CPU
Information Tech	25908	Mouse
Information Tech	27444	Monitor
Information Tech	23035	Dot Matrix Printer
Information Tech	26162	KB
Accounting	10996	Table
BID	23159	Fax Machine

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

FEBRUARY 6, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 132

EXTENDS BID CONTRACT FOR DIESEL FUEL

COUNCILMAN DUNLEAVY offered the following resolution,

COUNCILMAN BUCKLEY which was seconded by

WHEREAS, the Purchasing Department has requested the contract with QUOGUE SINCLAIR , be extended until FEBRUARY 6, 2009 and;

WHEREAS, this will be the first extension;

WHEREAS, the above name vendor has agreed to extend the contract until February 6, 2009 for .18+ over the Northville Tank reseller price , which is the same as 2007 pricing and;

WHEREAS, the Town Board has reviewed said request.

NOW THEREFORE BE IT

RESOLVED, that the contract for DIESEL FUEL be and hereby is, extended until February 6, 2009;

RESOLVED, the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Quogue Sinclair Fuel and the Purchasing Department.

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION ~~WAS~~ WAS NOT THEREFORE DULY ADOPTED

Z: Maryann Tague/Purchasing Agent



TOWN OF RIVERHEAD
 200 Howell Avenue
 Riverhead, New York 11901

PURCHASING DEPARTMENT
 Phone (631) 722-4444, Ext. 271
 Fax (631) 722-8761
 EMAIL: taque@riverheadli.com

Facsimile Transmittal

To: Dan Finer	From: Purchasing
Company: Quogue Sinclair	Re: Bid Extension
Fax: 728-1233	Pages: 2 including cover
Date: January 22, 2008	Time: 8:31 AM

● Comments: Please review the extension as soon as possible. If you agree to extend the bid, and the Town Board approves same, please fax the signed form back to us immediately. If you have any questions, please call MaryAnn at 722-4444, ext. 271.

Thank you.



200 Howell Ave.
Riverhead, NY 11901
(631) 727-3200
Email: darrow@riverheadli.com

Lisa Darrow
Ext. 391

Bid Extension Notice

To: Quogue Sinclair
From: Purchasing Department
Date: 1/22/08
Subject: Extension of bid prices for Diesel Fuel for year 2008.

This letter is to inform you that our current contract for the Riverhead STOP Program is about to expire.

The Town of Riverhead would like to extend this contract for a period of one year until January of 2009.

If this extension meets with your approval, please complete the bottom portion of this letter and return it to us immediately.

[Signature]
Authorized Signature

DANIEL FINER - General Manager
Print Name

QUOGUE SINCLAIR FUEL INC.
Company Name

1-22-08
Date

February 6, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 133

SCHEDULING A PUBLIC HEARING TO DETERMINE WHETHER THE PROPOSED RENOVATION AND CONSTRUCTION AT THE INDIAN ISLAND GOLF COURSE, LOCATED ON RIVERSIDE DRIVE, RIVERHEAD, NEW YORK, MUST COMPLY WITH THE TOWN CODE OF THE TOWN OF RIVERHEAD.

COUNCILMAN BUCKLEY

_____ offered the following resolution, was seconded

by _____ **COUNCILMAN WOOTEN:**

BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby determines to hold a public hearing on March 4, 2008 at 2:05 o'clock in the afternoon of that day to hear all interested persons with regard to whether the proposed renovation, construction, and/or siting of the driving range, gold professional shop, miniature golf course, and golf cart barn at the Indian Island Golf Course, located on Riverside Drive, Riverhead, New York must comply with the Town Code of the Town of Riverhead.

RESOLVED, that the Town Clerk is hereby directed to publish the attached notice of public hearing as follows:

a. in the *News Review*, the official newspaper of the Town of Riverhead on Thursday, February 14, 2008; and

b. by mailing a copy of the notice, by certified mail, return receipt requested, to Jack McGown, P.O. Box 1087, Westhampton Beach, NY, 11978 by February 15, 2008; and

c. by mailing a copy of the notice, by certified mail, return receipt requested, to the Suffolk County Attorney, with offices at 100 Veterans Memorial Highway, Hauppauge, New York, 11788 by February 15, 2008; and

d. by mailing a copy of the notice, by certified mail, return receipt requested, to Assistant Suffolk County Attorney, John R. Petrowski, at 100 Veterans Memorial Highway, Hauppauge, New York, 11788 by February 15, 2008; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and the attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., P.O. Box 389, 456 Griffing Avenue, Riverhead, New York, 11901; and the Town Attorney.

This resolution was prepared by Phil Siegel, of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, special counsel to the Town Board of the Town of Riverhead.

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

PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held before the Town Board of the Town of Riverhead on March 4, 2008, at 2:05 o'clock in the afternoon of that day at Town Hall, 200 Howell Street, Riverhead, New York, to hear all interested persons with regard to whether the proposed renovation, construction, and/or siting of the driving range, golf professional shop, miniature golf course, and golf cart barn at the Indian Island Golf Course, located on Riverside Drive, Riverhead, New York, must comply with the Town Code of the Town of Riverhead.

Dated: Riverhead, New York
February 14, 2008

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD
BARBARA GRATTAN, TOWN CLERK

134

Adopted

43219-2-28

RESOLUTION NO. 134

160128709.01

**BOND RESOLUTION
(EFFECTIVE IMMEDIATELY)**

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, on the 6th day of February, 2008, at 2:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Supervisor Philip Cardinale, and upon roll being called, the following were:

PRESENT: Supervisor Philip Cardinale
Councilwoman Barbara Blass
Councilman John Dunleavy
Councilman James Wooten
Councilman Timothy Buckley

ALSO PRESENT: Town Clerk, Barbara Grattan
Town Attorney, Dawn Thomas

ABSENT:

The following resolution was offered by COUNCILWOMAN BLASS, who moved its adoption, seconded by COUNCILMAN DUNLEAVY, to-wit:

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

BOND RESOLUTION DATED FEBRUARY 6, 2008.

A RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND, OR RIGHTS OR INTERESTS IN SUCH LAND, FOR ACTIVE AND PASSIVE PARK PURPOSES AND THE PRESERVATION OF OPEN SPACE IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$140,000, AND AUTHORIZING THE ISSUANCE OF \$140,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

WHEREAS, continuing development within the Town of Riverhead, Suffolk County, New York (the "Town") has demonstrated a compelling need to continue to acquire, preserve, protect and maintain active and passive park land and existing open space to enhance the general quality of life and the environment of the Town, and thereby benefit the residents and taxpayers of the Town; and

WHEREAS, General Municipal Law Section 247 recognizes the value of open space areas and the need to preserve such land in such state and, specifically empowers municipalities with the authority to acquire real property or interests therein to preserve land as open space; and

WHEREAS, if existing open space areas are to be preserved, protected and maintained, the Town must develop the additional capacity to purchase land, easements or other real property interests quickly and efficiently as the need arises and opportunities are identified; and

WHEREAS, this Town Board recognizes the value of active and passive park land and open spaces and wishes to provide for the acquisition of real property and interests in real property therefor, and hereby finds and determines it to be in the public interest and a proper public purpose of the Town to do so in accordance with the provisions of Section 247 of the General Municipal Law; and

WHEREAS, it is now desired to provide for the financing of the acquisition of such real property and interests therein for said purpose;

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. The acquisition of a parcel of land, or rights or interests in such land located on the easternly side of Peconic Avenue and the southerly side of Main Street, for active and passive park purposes and the preservation of open space, in and for the Town of Riverhead, Suffolk County, New York, to implement the State authorized programs and policies provided in Section 247 of the General Municipal Law, including incidental expenses in connection therewith, is hereby authorized at a maximum estimated cost of \$140,000.

Section 2. The plan for the financing of such maximum estimated cost is by the issuance of \$140,000 serial bonds of said Town, hereby authorized to be issued therefor pursuant to the provisions of the Local Finance Law. It is hereby determined that the adoption of this bond resolution is not intended to constitute an "Action" within the meaning of the New York State Environmental Quality Review Act, and that site-specific compliance with the New York State Environmental Quality Review Act will be made prior to the acquisition of the parcel of land or rights or interests in same; that the intent of this resolution is, in part, to authorize the issuance of serial bonds and bond anticipation notes of the Town to permit the funding of preliminary expenses, including, but not limited to, the costs of environmental impact investigations and determinations with respect to the acquisition; that such acquisition for which the obligations are herein authorized shall be authorized by one or more resolution or resolutions to be adopted by the Town Board in the future only after all questions of compliance with the New York State Environmental Quality Review Act have been resolved and after compliance

with the public hearing process required by Section 247 of the General Municipal Law; that any serial bonds or bond anticipation notes authorized by this bond resolution, except for obligations to be issued for preliminary expenses, including, but not limited to, the costs of environmental impact investigations and determinations, shall only be issued after compliance with the requirements of Section 247 of the General Municipal Law and after the adoption of a resolution or resolutions authorizing the acquisition of such parcel of land or rights or interests in same; and that the Town Board does hereby determine and declare that the adoption of this bond resolution shall not constrain the dynamics and freedom of said Town Board in its decision making process with respect to any determinations to be made by the Town Board under Section 247 of the General Municipal Law or the New York State Environmental Quality Review Act in connection with such acquisition and that the Town Board fully recognizes that, except to pay preliminary costs, including the cost of environmental impact investigations and determinations, it may very well develop that no serial bonds or bond anticipation notes will be issued pursuant to this bond resolution if all questions with respect to environmental impact cannot be satisfactorily resolved, in which event said Town Board shall, without prejudice, feel free to rescind and repeal all or a portion of this bond resolution to the extent permitted and in the manner provided by law.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is thirty years, pursuant to subdivision 32 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the bonds herein authorized will not exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be

made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from other sources, there shall annually be levied on all the taxable real property in said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor of said Town, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. All other matters except as provided herein relating to the bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 7. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or

- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 8. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the class of objects or purposes described herein.

Section 9. This resolution, which takes effect immediately, shall be published in summary form in the *News Review*, which is hereby designated the official newspaper of said Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

_____	VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

CERTIFICATION FORM

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

I, the undersigned Clerk of the Town of Riverhead, in the County of Suffolk, New York (the "Issuer"), DO HEREBY CERTIFY:

- 1) That a meeting of the Issuer was duly called, held and conducted on the _____ day of February, 2008.
- 2) That such meeting was a **special** **regular** (circle one) meeting.
- 3) That attached hereto is a proceeding of the Issuer which was duly adopted at such meeting by the Board of the Issuer.
- 4) That such attachment constitutes a true and correct copy of the entirety of such proceeding as so adopted by said Board.
- 5) That all members of the Board of the Issuer had due notice of said meeting.
- 6) That said meeting was open to the general public in accordance with Section 103 of the Public Officers Law, commonly referred to as the "Open Meetings Law".
- 7) That notice of said meeting (the meeting at which the proceeding was adopted) was given PRIOR THERETO in the following manner:

PUBLICATION (here insert newspaper(s) and date(s) of publication)

POSTING (here insert place(s) and date(s) of posting)

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Issuer this _____ day of February, 2008.

Town Clerk

(CORPORATE SEAL)

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on February 6, 2008, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,

February 6, 2008.

Barbara Grattan

Town Clerk

Resolution # _____

BOND RESOLUTION DATED FEBRUARY 6, 2008.

A RESOLUTION AUTHORIZING THE ACQUISITION OF A PARCEL OF LAND, OR RIGHTS OR INTERESTS IN SUCH LAND, FOR ACTIVE AND PASSIVE PARK PURPOSES AND THE PRESERVATION OF OPEN SPACE IN AND FOR THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, AT A MAXIMUM ESTIMATED COST OF \$140,000, AND AUTHORIZING THE ISSUANCE OF \$140,000 BONDS OF SAID TOWN TO PAY THE COST THEREOF.

Specific object or purpose:	Acquisition of land for active and passive park purposes
Period of probable usefulness:	30 years, limited to 5 years
Maximum estimated cost:	\$140,000
Amount of obligations to be issued:	\$140,000 bonds.

RESOLUTION # <u>135</u>		ABSTRACT #08-03 January 17, 2008 (TBM 2/06/08)		
Councilman <u>Dunleavy</u> offered the following Resolution which was seconded by Councilwoman <u>DeLuss</u>				
FUND NAME		CD-1/15/08	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	8,950,000.00	1,109,046.72	10,059,046.72
POLICE ATHLETIC LEAGUE	4		990.00	990.00
TEEN CENTER	5	5,000.00		5,000.00
RECREATION PROGRAM FUND	6	180,000.00	531.86	180,531.86
SITE COUNCIL	7	4,500.00		4,500.00
CHILD CARE CENTER BUILDING FUN	9	140,000.00	48.86	140,048.86
TOWN BOARD SPECIAL PROGRAM FUN	24	115,000.00	80.01	115,080.01
SRS DAYCARE	27	40,000.00		40,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	41,000.00	3,274.77	44,274.77
HIGHWAY FUND	111	2,860,000.00	120,529.79	2,980,529.79
WATER DISTRICT	112	1,025,000.00	94,923.56	1,119,923.56
R & M	113	85,000.00		85,000.00
RIVERHEAD SEWER DISTRICT	114	2,360,000.00	82,928.31	2,442,928.31
REFUSE & GARBAGE COLLECTION DI	115	1,300,000.00	345,120.81	1,645,120.81
STREET LIGHTING DISTRICT	116	595,000.00	7,928.62	602,928.62
PUB PARKING	117	120,000.00		120,000.00
BUSINESS IMPROVEMENT DISTRICT	118	50,000.00	119.17	50,119.17
AMBULANCE DISTRICT	120	375,000.00	6,224.42	381,224.42
EAST CREEK DOCKING FACILITY FU	122		314.10	314.10
CALVERTON SEWER DISTRICT	124	400,000.00	6,416.22	406,416.22
RIVERHEAD SCAVANGER WASTE DIST	128	1,575,000.00	32,487.71	1,607,487.71
SEWER DISTRICT FUND	130	400,000.00		400,000.00
WORKERS' COMPENSATION FUND	173	2,150,000.00	125,132.55	2,275,132.55
RISK RETENTION FUND	175	115,000.00	552,803.33	667,803.33
UNEMPLOYMENT INSURANCE RESERVE	176		3,539.97	3,539.97
CDBG CONSORTIUM ACOUNT	181	100,000.00	68.15	100,068.15
PUB PARKING DEBT	381	50,000.00		50,000.00
SEWER DEBT	382	575,000.00		575,000.00
WATER DEBT	383	575,000.00		575,000.00
GENERAL FUND DEBT	384	9,025,000.00		9,025,000.00
SCAV DEBT	385	7,500.00		7,500.00
SUFFOLK THEATRE	386	550,000.00		550,000.00
TOWN HALL CAPITAL PROJECTS	406		381,214.99	381,214.99
YOUTH SERVICES CAP PROJECT	452		5,531.36	5,531.36
SENIORS HELP SENIORS CAP PROJE	453		134.56	134.56
MUNICIPAL GARAGE FUND	626		9,284.01	9,284.01
TRUST & AGENCY	735		18,444,058.75	18,444,058.75
SPECIAL TRUST	736	45,000.00	13,000.00	58,000.00
COMMUNITY PRESERVATION FUND	737	2,375,000.00	1,553.83	2,376,553.83
CALVERTON PARK - C.D.A.	914		92,024.55	92,024.55
TOTAL ALL FUNDS		36,188,000.00	21,439,310.98	57,627,310.98

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

RESOLUTION # <u>135</u> ABSTRACT #08-04 January 24, 2008 (TBM 2/06/08)				
_____ offered the following Resolution which was seconded by _____				
FUND NAME		CD-1-18-08	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	3,500,000.00	1,270,466.28	4,770,466.28
POLICE ATHLETIC LEAGUE	4		422.25	422.25
NUTRITION SITE COUNCIL FUND	7		2,567.00	2,567.00
ECONOMIC DEVELOPMENT ZONE FUND	30		446.58	446.58
HIGHWAY FUND	111	845,000.00	59,875.34	904,875.34
WATER DISTRICT	112	225,000.00	20,621.62	245,621.62
RIVERHEAD SEWER DISTRICT	114	345,000.00	10,315.69	355,315.69
REFUSE & GARBAGE COLLECTION DI	115	720,000.00	5,017.40	725,017.40
STREET LIGHTING DISTRICT	116	100,000.00	2,044.67	102,044.67
PUBLIC PARKING DISTRICT	117	20,000.00	589.52	20,589.52
BID	118	20,000.00		20,000.00
AMBULANCE DISTRICT	120	135,000.00	16,940.00	151,940.00
EAST CREEK DOCKING FACILITY FU	122		67.11	67.11
CALVERTON SEWER	124	35,000.00		35,000.00
RIVERHEAD SCAVANGER WASTE DIST	128	25,000.00	7,359.94	32,359.94
WORKERS' COMPENSATION FUND	173		1,261.07	1,261.07
CDBG CONSORTIUM ACOUNT	181		2,000.00	2,000.00
COMMUNITY DEVELOPMENT AGENCY C	405		6,987.50	6,987.50
TOWN HALL CAPITAL PROJECTS	406		87,614.72	87,614.72
YOUTH SERVICES CAP PROJECT	452		1,261.07	1,261.07
MUNICIPAL FUEL FUND	625		13,273.50	13,273.50
MUNICIPAL GARAGE FUND	626		6,049.26	6,049.26
TRUST & AGENCY	735		8,891,013.26	8,891,013.26
SPECIAL TRUST	736	2,000,000.00		2,000,000.00
TOTAL ALL FUNDS		7,970,000.00	10,406,193.78	18,376,193.78

RESOLUTION # <u>135</u> ABSTRACT #08-05 January 31, 2008 (TBM 2/06/08)				
offered the following Resolution which was seconded by				
FUND NAME		CD-1-30-08	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	\$ 7,500,000.00	\$ 756,624.91	\$ 8,256,624.91
PAL	4	\$ 30,000.00	\$ -	\$ 30,000.00
TEEN CENTER	5	\$ 10,000.00	\$ -	\$ 10,000.00
RECREATION PROGRAM FUND	6	\$ -	\$ 2,567.81	\$ 2,567.81
CHILD CARE	9	\$ 25,000.00	\$ -	\$ 25,000.00
TB SPEC PROGRAM	24	\$ 8,000.00	\$ -	\$ 8,000.00
YOUTH COURT SCHOLAR	25	\$ 1,500.00	\$ -	\$ 1,500.00
SRS DAYCARE	27	\$ 4,500.00	\$ -	\$ 4,500.00
ANIMAL SPAY/NEUT	29	\$ 1,000.00	\$ -	\$ 1,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	\$ -	\$ 8,425.19	\$ 8,425.19
HIGHWAY FUND	111	\$ 1,100,000.00	\$ 484,714.08	\$ 1,584,714.08
WATER DISTRICT	112	\$ 250,000.00	\$ 148,524.06	\$ 398,524.06
REPAIR & MAINT	113	\$ 325,000.00	\$ -	\$ 325,000.00
RIVERHEAD SEWER DISTRICT	114	\$ 2,500,000.00	\$ 89,178.59	\$ 2,589,178.59
REFUSE & GARBAGE COLLECTION DI	115	\$ 750,000.00	\$ 61,407.67	\$ 811,407.67
STREET LIGHTING DISTRICT	116	\$ 220,000.00	\$ 50,903.94	\$ 270,903.94
PUBLIC PARKING DISTRICT	117	\$ 125,000.00	\$ 3,900.00	\$ 128,900.00
BUSINESS IMPROVEMENT DISTRICT	118	\$ 100,000.00	\$ 7,710.00	\$ 107,710.00
AMBULANCE DISTRICT	120	\$ -	\$ 223,861.70	\$ 223,861.70
CALVERTON SEWER DISTRICT	124	\$ 150,000.00	\$ 1,319.41	\$ 151,319.41
RIVERHEAD SCAVANGER WASTE DIST	128	\$ 30,000.00	\$ 10,387.34	\$ 40,387.34
SEWER DISTRICT FUND	130	\$ 240,000.00	\$ -	\$ 240,000.00
WORKERS' COMPENSATION FUND	173	\$ 1,500,000.00	\$ 29,654.85	\$ 1,529,654.85
RISK RETENTION	175	\$ 350,000.00	\$ -	\$ 350,000.00
UNEMPLOYMENT	176	\$ 45,000.00	\$ -	\$ 45,000.00
REVOLVING LOAN PROGRAM	178	\$ 20,000.00	\$ -	\$ 20,000.00
RESIDENTIAL REHAB	179	\$ 18,000.00	\$ -	\$ 18,000.00
CDBG CONSORTIUM ACOUNT	181	\$ 170,000.00	\$ 547.01	\$ 170,547.01
UDC WORKING	182	\$ 5,000.00	\$ -	\$ 5,000.00
RESTORE	184	\$ 10,000.00	\$ -	\$ 10,000.00
PUBLIC PARKING DEBT	381	\$ 15,000.00	\$ -	\$ 15,000.00
SEWER DISTRICTS DEBT SERVICE	382	\$ 65,000.00	\$ 238,373.69	\$ 303,373.69
WATER DEBT	383	\$ 470,000.00	\$ -	\$ 470,000.00
GENERAL FUND DEBT SERVICE	384	\$ 8,000,000.00	\$ 266,847.77	\$ 8,266,847.77
SCAVANGER WASTE DISTRICT DEBT	385	\$ 150,000.00	\$ 604.10	\$ 150,604.10
SUFFOLK THEATRE	386	\$ 60,000.00	\$ -	\$ 60,000.00
COMMUNITY DEVELOPMENT AGENCY C	405	\$ -	\$ 35,524.10	\$ 35,524.10
TOWN HALL CAPITAL PROJECTS	406	\$ -	\$ 44,434.84	\$ 44,434.84
800 SERIES	408	\$ 20,000.00	\$ -	\$ 20,000.00
TWO BEARS	440	\$ 38,000.00	\$ -	\$ 38,000.00
YOUTH SERVICES CAP PROJECT	452	\$ -	\$ 10,501.54	\$ 10,501.54
SENIORS HELP SENIORS CAP PROJE	453	\$ 35,000.00	\$ 2,622.08	\$ 37,622.08
EISEP	454	\$ 145,000.00	\$ -	\$ 145,000.00
MUNICIPAL FUEL FUND	625	\$ -	\$ 15,419.29	\$ 15,419.29
MUNICIPAL GARAGE FUND	626	\$ -	\$ 16,648.48	\$ 16,648.48
TRUST & AGENCY	735	\$ -	\$ 1,421,869.60	\$ 1,421,869.60
SPECIAL TRUST	736	\$ 3,025,000.00	\$ -	\$ 3,025,000.00
COMMUNITY PRESERVATION FUND	737	\$ 5,750,000.00	\$ 6,600.00	\$ 5,756,600.00
CDA CALVERTON	914	\$ 200,000.00	\$ -	\$ 200,000.00
TOTAL ALL FUNDS		\$ 33,461,000.00	\$ 3,939,172.05	\$ 37,400,172.05