

**PUBLIC COMMENT ON ANY CDA RESOLUTION LISTED
BELOW:**

CDA

- Res. #31 Authorizes Execution of Agreement with the Suffolk County Department of Economic Development for Administration of the Empire Zone Program
- Res. #32 Authorizes the Supervisor to Execute a Bargain and Sale Deed Between the Community Development Agency and M-GBC, LLC (EPCAL Property Known as (SCTM #0600-135-1-7.74)

**PUBLIC COMMENT ON ANY REGULAR TOWN BOARD
RESOLUTION LISTED BELOW:**

- Res. #1105 General Fund Budget Adjustment
- Res. #1106 Recreation Program Budget Adjustment
- Res. #1107 General Fund Budget Adjustment
- Res. #1108 Appoints Member to the Board of Ethics
- Res. #1109 Appoints a Representative from the Riverhead Fire Department to the Transition Team Created to Ensure the Orderly, Economic and Timely Transfer of Dispatch Services from the Town of Riverhead to the County of Suffolk
- Res. #1110 Amends Resolution #202 Establishing Terms & Conditions of Employment – Christine Hubbs
- Res. #1111 Amends Resolution #1102 Establishing Terms & Conditions of Town Personnel Officer – Margaret Ferris
- Res. #1112 Ratifies and Approves Stipulation of Agreement (PBA)
- Res. #1113 Ratifies and Approves Stipulation of Agreement (SOA)
- Res. #1114 Reappoints Student Intern to the Accounting Department (William Torre)

- Res. #1115 Authorizes Legal Action Against Cablevision
- Res. #1116 Authorizes the Supervisor to Execute an Application for Grant Funds from FM Global
- Res. #1117 Authorizes the Supervisor to Execute a Bargain and Sale Deed Between the Community Development Agency and M-GBC, LLC (EPCAL Property Known as (SCTM #0600-135-1-7.74) – WITHDRAWN SEE CDA#32
- Res. #1118 Authorizes the Supervisor to Execute a Memorandum of Understanding with County of Suffolk for Data Sharing Of 2006 Building Outline GIS Data
- Res. #1119 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (B-80)
- Res. #1120 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (RA-80)
- Res. #1121 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (APZ)
- Res. #1122 Authorized Service Agreement RE: Calverton Sewer District
- Res. #1123 Authorizes the Release of Security for River Pharmacy LLC (Walgreen’s a/k/a Wading River Green, LLC)
- Res. #1124 Authorizes Town Clerk to Publish & Post Notice to Bidders for Water Service Materials
- Res. #1125 Authorizes Town Clerk to Advertise for Bids Construction of Plant No. 15 Contract WM – Water Main Installation Contract F – Fence Installation
- Res. #1126 Approves the Application for Fireworks Permit of Riverhead Business Improvement District (December 31, 2008)
- Res. #1127 Awards Bid for Electric Motor Emergency Repair/Replacement Riverhead Water District

- Res. #1128 Adopts a Local Law to Amend Chapter 101 Entitled, “Vehicles and Traffic” of the Riverhead Town Code (§101-9. Installation and Maintenance)
- Res. #1129 Adopts a Local Law Amending Chapter 109 Entitled “Storm Sewers”, Section 109-16 of the Riverhead Town Code
- Res. #1130 Adopts a Local Law Amending Chapter 110 Entitled “Stormwater Management and Erosion and Sediment Control” Section 110-2 of the Riverhead Town Code
- Res. #1131 Adopts a Local Law Amending Chapter 110 Entitled “Stormwater Management and Erosion and Sediment Control” Section 110-11 of the Riverhead Town Code
- Res. #1132 Adopts a Local Law Amending Chapter 110 Entitled “Stormwater Management and Erosion and Sediment Control” Section 110-12 of the Riverhead Town Code
- Res. #1133 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” Section 108-129 of the Riverhead Town Code
- Res. #1134 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” Section 108-95 of the Riverhead Town Code
- Res. #1135 Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Repeal and Replace Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Planned Recreational Park (PRP) District)
- Res. #1136 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 entitled, “Zoning” of the Riverhead Town Code (§108-175, and §108-179. – Pine Barrens Overlay District)
- Res. #1137 Authorizes Town Clerk to Post and Publish Public Notice for Public Hearing to Consider a Local Law Which Would Adopt a Map Designating Non-Disturbance Areas Pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the Former Naval Weapons Industrial Reserve Plant (NWIRP) now Known as Enterprise Park at Calverton (EPCAL)
- Res. #1138 Pays Bills

Adopted

12/16/08

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Resolution # 31

**AUTHORIZES EXECUTION OF AGREEMENT WITH THE
SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT
FOR ADMINISTRATION OF THE EMPIRE ZONE PROGRAM**

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

WHEREAS, the Town of Riverhead and the County of Suffolk have entered into an agreement for the purpose of providing financial support to assist the Town of Riverhead in administration of the Empire Zone; and

WHEREAS, implementation of the Empire Zone program requires certain actions by the applicant municipalities including minimum provision of matching funds for the appropriated state funds; and

WHEREAS, the term of the agreement was from October 2, 2000 through December 31, 2007; and

WHEREAS, the parties desire to extend the prior agreement for the fiscal year 2008;

THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to execute the attached agreement through December 31, 2008 with the County of Suffolk for funds in the amount of \$29,000.00 for 2008; and

THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Chris Kempner, CDA Director, the Office of Accounting, Dawn Thomas, Town Attorney and Tracy Stark, EZ Coordinator.

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

EIGHTH AMENDMENT OF AGREEMENT

This is the Eighth Amendment of an Agreement, last dated October 2, 2000, (Agreement) between the County of Suffolk (County), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted Department of Economic Development and Workforce Housing (Department) located at H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099, and Town of Riverhead Community Development Agency (Contractor), an agency of a municipal corporation of the State of New York, having its principal place of business at 200 Howell Avenue, Riverhead, New York, 11901.

The parties hereto desire to modify the Agreement by extending the term of Agreement to December 31, 2008, increasing the Total Cost of Agreement to provide funding for the period January 1, 2008 through December 31, 2008 (2008 Budget Period) and amending other provisions to comply with current County standards.

Term of Agreement: Shall be October 2, 2000 through December 31, 2008.

Total Cost of Agreement: Shall not exceed \$237,000.00 (of which \$29,000.00 is for the 2008 Budget Period]

Terms and Conditions: Shall be as set forth in Exhibit A-8 and other exhibits collectively referred to as "Suffolk County Legislative Requirements Exhibit for Contracts" attached hereto and made part hereof.

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

**Town of Riverhead
Community Development Agency**

By: _____
Phil Cardinale
Chairman

Fed. Taxpayer ID #: _____

Date: _____

Approved as to Legality:

**Christine Malafi
Suffolk County Attorney**

By: _____
Jacqueline Caputi
Assistant County Attorney
Date: _____

County of Suffolk

By: _____
Deputy County Executive

Date: _____

**Approved:
Department of Economic Development &
Workforce Housing**

By: _____
Lisa Broughton
Bio/High Tech Development Specialist

Date: _____

Exhibit A-7

Whereas, the County and Contractor have entered into an Agreement (Law No.04-ED-002) last dated October 2, 2000, for a term from October 2, 2000 through July 31, 2004 for the purpose of providing financial support to assist the Calverton Enterprise Park Economic Development Zone Administrative Board; and

Whereas, the County and Contractor have entered into a First Amendment of Agreement (Law No. 04-ED-002A) increasing the Total Cost of the Agreement by an additional \$ \$23,000; and

Whereas, the County and Contractor have entered into a Second Amendment of Agreement (Law No. 04-ED-002B) increasing the Total Cost of the Agreement by an additional \$23,000; and

Whereas, the County and Contractor have entered into a Third Amendment of Agreement (Law No. 04-ED-002C) increasing the Total Cost of Agreement by \$23,000, adding the Suffolk County Legislative Requirements for Contracts and amending other provisions as necessary; and

Whereas, the County and Contractor have entered into a Fourth Amendment of Agreement (Law No. 04-ED-002D) increasing the Total Cost of Agreement by \$29,000.00, adding the Suffolk County Legislative Requirements for Contracts and amending other provisions as necessary; and

Whereas, the County and Contractor have entered into a Fifth Amendment of Agreement (Law No. 04-ED-002E) increasing the Total Cost of Agreement by \$29,000.00, adding the Suffolk County Legislative Requirements for Contracts and amending other provisions as necessary; and

Whereas, the County and Contractor have entered into a Sixth Amendment of Agreement (Law No. 04-ED-002F) increasing the Total Cost of Agreement by \$29,000.00, adding the Suffolk County Legislative Requirements for Contracts and amending other provisions as necessary; and

Whereas, the parties have entered into a Seventh Amendment of Agreement (Law No. 04-ED-002G) increasing the Total Cost of Agreement by \$29,000.00 and amending other provisions as necessary; and

Whereas, the parties desire to modify the Agreement to extend the term to December 31, 2008 and to increase the total cost of Agreement by \$29,000.00 for the period January 1, 2007 through December 31, 2008 and to amend other provisions as necessary.

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

1. Total Cost of Agreement:

The Total Cost of Agreement of \$237,000.00 is comprised as follows:

- a. \$23,000.00 for October 2, 2000 through December 31, 2000.
- b. \$23,000.00 for January 1, 2001 through December 31, 2001.
- c. \$23,000.00 for January 1, 2002 through December 31, 2002.
- d. \$23,000.00 for January 1, 2003 through December 31, 2003.
- e. \$29,000.00 for January 1, 2004 through December 31, 2004.

- f. \$29,000.00 for January 1, 2005 through December 31, 2005.
- g. \$29,000.00 for January 1, 2006 through December 31, 2006.
- h. \$29,000.00 for January 1, 2007 through December 31, 2007.
- i. \$29,000.00 for January 1, 2008 through December 31, 2008.

2. Funding For Year 2008:

Contractor agrees that the funding for year 2008 is subject to the amount of funds appropriated and any subsequent modifications thereof by the Suffolk County Legislature, and no liability shall be incurred by the County under this Agreement for the 2008 Budget Period beyond the amount of funds appropriated by the Legislature for that period and for the program covered by this Agreement.

3. Payments Contingent upon State Funding

Payments under this Agreement are subject to and contingent upon continued funding by the State of New York. If, for any reason, the amount of such funding to the County is reduced or not made available to the County, this Agreement may be terminated in whole or in part, or the amount payable to the Contractor may be reduced, at the discretion of the Department; provided that any such termination or reduction shall not apply to allowable costs incurred by the Contractor prior to such termination or reduction to the extent that such funding is available to the Department for payment of such costs; and provided, further, that the Department shall give the Contractor not less than 30 days' prior written notice of such termination or reduction of funding.

The Contractor shall comply with the following amended provision:

4. Paragraph 7 in the Sixth Amendment of Agreement entitled, Notices and Contact Persons is deleted in its entirety and replaced with the following:

Notices and Contact Persons

1. Notices Relating to Payments, Reports, Insurance, or Other Submissions

Any communication, notice, claim for payment, report, 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 and Certified Mail, Return Receipt Requested in Postpaid Envelope

or by Courier Service or by Fax or by Email

Department of Economic Development & Workforce Housing
Att: Commissioner
100 Veterans Memorial Highway 2nd Floor
Hauppauge, NY 11788

**For the Contractor:
By First Class and Certified Mail, Return Receipt Requested 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 First Class and Certified Mail, Return Receipt Requested in Postpaid
Envelope
or by Nationally Recognized Courier Service or Personally and by First Class
Mail**

Department of Economic Development & Workforce Housing
Att: Commissioner
100 Veterans Memorial Highway 2nd Floor
Hauppauge, NY 11788

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 First Class 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, 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).
5. **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 he has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).
6. **Full Force and Effect:**
Except as herein amended, all other representations, terms and conditions of said Agreement, including any and all amendments or budget modifications executed prior to the date hereof, are hereby ratified and confirmed to be in full force and effect.

END OF EXHIBIT A-8

12/16/08

COMMUNITY DEVELOPMENT AGENCY

TOWN OF RIVERHEAD

Resolution # 32

Adopted

AUTHORIZES THE SUPERVISOR TO EXECUTE A BARGAIN AND SALE DEED BETWEEN THE COMMUNITY DEVELOPMENT AGENCY AND M-GBC LLC

(EPCAL PROPERTY KNOWN AS SCTM #0600-135-1-7.74)

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded

by

COUNCILMAN BUCKLEY

WHEREAS, pursuant to an agreement of sale dated June of 1999, the Town of Riverhead Community Development Agency (CDA) agreed to sale to Calverton Camelot, LLC, a parcel of property a 1.431 acre portion of which is now known as 0600-135-1-7.74, and

WHEREAS, sale of this parcel was conditioned upon the Town CDA receiving title to same from the United States of America, and

WHEREAS, the Town CDA did receive title to said parcel, and

WHEREAS, the subdivision/lot line adjustment of said parcel has been approved by the Town of Riverhead Planning Board and the Suffolk County Department of Health Services (December 5, 2008),

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized execute a Bargain and Sale Deed and all necessary documentation for purposes transferring the referenced parcel of property and for the recording of a deed between the Community Development Agency and M-GBC LLC for said parcel of real property further described as Suffolk County Tax Map #0600-135-1-7.74; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Berkman, Henoch, Peterson & Peddy, P.C., 100 Garden City Plaza, 3rd Floor, Garden City, New York, 11530, the Community Development Agency

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

December 16, 2008

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1105

COUNCILMAN DUNLEAVY

offered the following resolution,

COUNCILMAN BUCKLEY

which was seconded by _____.

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

		<u>FROM</u>	<u>TO</u>
001.082115.491210.	South Jamesport Beach Piping Plover Grant	15,000	
001.035100.524000	Beach Dependent Species Management		15,000

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



December 16, 2008

TOWN OF RIVERHEAD

RECREATION PROGRAM

BUDGET ADJUSTMENT

RESOLUTION # 1106

Adopted.

COUNCILMAN BUCKLEY

_____ offered the following resolution,

which was seconded by _____ COUNCILMAN WOOTEN _____.

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

			<u>FROM</u>	<u>TO</u>
006	00000	499999	FUND BALANCE	16,777
006	76230	515662	VOLLEYBALL LEAGUE PERSONAL	4,000
006	73100	543405	TRAVEL EXPENSE	3,300
006	76260	518700	NON-LEAGUE SPORTS INSTRUCTO	3,000
006	71800	542200	FOOD SUPPLIES	2,300
006	76210	545651	BUS TRIPS ADULT RENTALS	1,500
006	76204	543900	MISCELLANEOUS CONSULTANTS	383
006	76202	518763	PHYSICAL FITNESS INSTRUCTOR	784
006	76205	511500	PERSONNEL SERVICES NON-UNIF	350
006	76250	515667	SOFTBALL LEAGUE SCOREKEEPER	600
006	76203	549001	ADMINISTRATIVE FEE OF GENE	500
006	76240	542300	SUPPLIES - FIELD SUPPLIES	500
006	76240	549001	ADMINISTRATIVE FEE OF GENE	500
006	76250	542300	SUPPLIES - FIELD SUPPLIES	500
006	76260	549001	ADMINISTRATIVE FEE OF GENE	500
006	76240	524000	EQUIPMENT	475
006	76205	542104	SUPPLIES/MISC SUPPLIES	400
006	76203	518700	ARTS & CRAFTS INSTRUCTORS	126
006	76201	549001	ADMINISTRATIVE FEE OF GENE	200
006	76204	549001	ADMINISTRATIVE FEE OF GENE	200
006	76204	542000	SUPPLIES	45
006	70200	511500	PERSONAL SERVICES	120
006	76210	518600	CHAPERONES FOR BUS TRIPS	125
006	76230	542000	VOLLEYBALL LEAGUE SUPPLIES	280
006	76200	544300	PUBLIC REL-PLAQUES,AWARDS,T	320
006	76201	518700	DANCE INSTRUCTORS	405
006	70200	512500	PERSONAL SERVICES	550
006	71800	518607	SEASONAL EMPLOYEE ATTENDANT	1,000
006	76204	518700	PROGRAMS INSTRUCTORS	1,200
006	90300	582500	NON UNIFORM FICA	11,550
006	73100	518600	SEASONAL EMPLOY RECREATIONA	21,300

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

December 16, 2008

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1107

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 adjustment:

		<u>FROM</u>	<u>TO</u>
001.090300.582100	Social Security	4900	
001.036200.523000	Improvements other than Buildings		4,900

THE VOTE

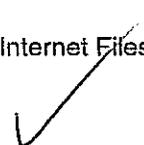
Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No



December 16, 2008

Adopted

TOWN OF RIVERHEAD

Resolution No. 1108

APPOINTS MEMBER TO THE BOARD OF ETHICS

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

WHEREAS, on November 16, 2004, the Town Board adopted a revised Ethics Code;
and

WHEREAS, the revised Code of Ethics creates a five member Ethics Board with no
more than two members from the same political party; and

WHEREAS, there currently exists one vacant position on the Board of Ethics; and

WHEREAS, the Town Board has received and reviewed resumes from interested
individuals.

NOW THEREFORE BE IT RESOLVED, the Town Board hereby appoints Audrey
Zaweski to fill the vacant position on the Town of Riverhead Board of Ethics for a 2 year term.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy
of this resolution to Audrey Zaweski and the members of the Ethics Board, the Office of the
Town Attorney, the Office of the Supervisor, and the Office of Accounting.

THE VOTE

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

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

Adopted

12/16/08

Town of Riverhead

Resolution# 1109

APPOINTS A REPRESENTATIVE FROM THE RIVERHEAD FIRE DEPARTMENT TO THE TRANSITION TEAM CREATED TO ENSURE THE ORDERLY, ECONOMIC AND TIMELY TRANSFER OF DISPATCH SERVICES FROM THE TOWN OF RIVERHEAD TO THE COUNTY OF SUFFOLK

COUNCILMAN DUNLEAVY

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

WHEREAS, by Resolution # 1036, adopted on November 20, 2008, the Town Board of the Town of Riverhead determined that the Town shall transfer dispatch functions for police, fire, rescue, and emergency services to the County of Suffolk on June 30, 2009; and

WHEREAS, the Town Board of the Town of Riverhead authorized the creation of a transition team and appointed Councilman Timothy Buckley; Lt. Dave Lessard; Keith Lewin, President of the Riverhead Ambulance Corp.; Victor J. Prusinowski, Representative of the CSEA Suffolk Local 852 Unit 8758 and, Margaret Ferris, Personnel Director for the Town of Riverhead to the transition team; and

WHEREAS, the Town Board of the Town of Riverhead authorized the creation of a transition team to ensure the orderly, economic and timely transfer of dispatch services from the Town of Riverhead to the County of Suffolk; and

WHEREAS, the Town Board identified issues related to the transfer of function for the transition team to concentrate its efforts, including coordination of efforts with County Communications Department and such other departments and agencies within the County to swiftly provide and install upgraded computer equipment and technologies in the Town of Riverhead Police Department; integration of the Town's CAD system with the Suffolk County Police Department CAD system such that the level of technology and records retention is maintained by the Town of Riverhead; installation of upgraded computer equipment and technologies required by the Town of Riverhead Ambulance Corp. to integrate its system with County of Suffolk Fire,

Town Board Shares/reso/transition team, William Kelly

Rescue & Emergency Services, but, not including authority to negotiate terms and conditions of employment for the dispatchers, the CSEA or the Town; and

WHEREAS, it has been requested that a representative of the Riverhead Fire Department join the transition team; and

WHEREAS, William Kelly, chairman of the Board of Fire Commissioners, has volunteered his services to the transition team.

NOW THEREFORE BE IT RESOLVED, that William Kelly shall assist in the efforts of the transition team as set forth in Resolution # 1036 adopted on November 20, 2008; and

BE IT FURTHER RESOLVED, that the Town Clerk is directed to provide a copy of this resolution to the Suffolk County Police Commissioner Richard Dormer, 30 Yaphank Avenue, Yaphank, New York 11980; Commissioner Joseph Williams, Department of Fire, Rescue & Emergency Services, P.O. Box 127, Yaphank, NY 11980; Captain Myles P. Quinn, Emergency Services Dispatcher III and Department Liaison for Suffolk County Combined Radio Committee, 30 Yaphank Avenue, Yaphank, New York 11980; Richard Zuckerman, Esq., P.O. Box 9034, Melville, NY 11747; Alan Schneider, Personnel Director, Suffolk county Civil Service, Bldg. 158 North County Complex, P.O. Box 6100, Hauppauge, NY 11788; Town of Riverhead Chief of Police David Hegermiller; Lt. Dave Lessard; Keith Lewin, President of the Ambulance Corp., P.O. Box 924, Riverhead, NY 11901; Mathew Hattoroff, President of CSEA Suffolk Local 852 Unit 8758; Victor J. Prusinowski; William Kelly, 24 East Second Street, Riverhead, New York 11901; Town Board of the Town of Riverhead; Office of the Town Attorney; Personnel Department; and Accounting Department.

THE VOTE

Dunleavy Yes No Blass Yes No

Buckley Yes No Wooten Yes No

Cardinale Yes No

THIS RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

December 16, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 1110

**AMENDS RESOLUTION #202 ESTABLISHING TERMS & CONDITIONS OF
EMPLOYMENT – CHRISTINE HUBBS**

COUNCILMAN BUCKLEY

_____ offered the following

resolution, which was seconded by _____ COUNCILMAN WOOTEN

RESOLVED, that effective January 1, 2009 Article VIII of Resolution #202 setting the terms and conditions of employment for Christine Hubbs be amended to include the following language:

1. The Town shall pay, on Hubbs' behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program, which shall be equal to the January 1, 1991 NYS Empire Core Plan Plus Medical and Psychiatric Enhancements. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for Hubbs if she retires from the Town and the Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for her family.

In the event that Hubbs' employment with the Town should terminate, she shall have the option, at her own expense, to participate in the Town Health Insurance Program in accordance with the rules of NYS Civil Service.

2. The Town shall pay, on Hubbs' behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on Hubbs' behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. Hubbs, at her option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650 if Hubbs changes from family to no coverage; \$900 if Hubbs changes from family to individual coverage; \$750 if Hubbs changes from individual to no coverage. Also, at her option, Hubbs may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$230 if Hubbs changes from family to no coverage; \$150 if Hubbs changes from family to individual coverage; \$80 if Hubbs changes from individual to no coverage. Also, at her option, Hubbs may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. Hubbs must sign an application form each year and said application shall include an acknowledgment that she is covered under another plan.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Christine Hubbs, the Town Attorney, 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

December 16, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 1111

AMENDS RESOLUTION #1102 OF 2006 ESTABLISHING TERMS & CONDITIONS OF TOWN PERSONNEL OFFICER – MARGARET FERRIS

COUNCILMAN WOOTEN

offered the following

resolution, which was seconded by COUNCILWOMAN BLASS

RESOLVED, that effective January 1, 2009 Article VI of Resolution #1102 of 2006 setting the terms and conditions of employment for Margaret Ferris be amended to include the following language:

1. The Town shall pay, on Ferris' behalf, one hundred (100%) percent of the cost of either the individual or family coverage for hospitalization under the Town Health Insurance Program, which shall be equal to the January 1, 1991 NYS Empire Core Plan Plus Medical and Psychiatric Enhancements. These plans shall also provide that the Town pays for one hundred (100%) percent coverage for Ferris if she retires from the Town and the Town shall also pay to the extent of fifty (50%) percent coverage on the premiums for her family.

In the event that Ferris' employment with the Town should terminate, she shall have the option, at her own expense, to participate in the Town Health Insurance Program in accordance with the rules of NYS Civil Service.

2. The Town shall pay, on Ferris' behalf, one hundred (100%) percent of the cost of either the individual or family plan for dental coverage under the Riverhead Town Dental Plan.

3. The Town shall pay, on Ferris' behalf, one hundred (100%) percent of the cost of either the individual or family plan for optical coverage under the Riverhead Town Optical Plan.

4. The Town will insure Ferris' life in accordance with the maximum death benefit provided by the Employees Retirement System for Tier IV members.

5. The Town will offer Ferris a Universal Life Insurance policy, a disability insurance policy or participation in the New York State Retirement Systems deferred compensation program. Ferris may, at her option, choose the life insurance, the disability insurance or the deferred compensation program or any combination thereof. The cost of these policies to the Town for 2008 was \$4,516.45. Any additional cost may be supplemented by Ferris via a payroll deduction. The cost will be adjusted yearly based on the Consumer Price Index for New York and Northeastern New Jersey area for all Urban Consumers as produced by the U.S. Department of Labor, Bureau of Labor Statistics. The Base Year to be used will be 1989.

6. Ferris, at her option, may elect not to accept the Town's hospitalization coverage for a period of not less than one calendar year and receive the following payment during the first full pay period of each year the election is made: \$1,650 if Ferris changes from family to no coverage; \$900 if Ferris changes from family to individual coverage; \$750 if Ferris changes from individual to no coverage. Also, at her option, Ferris may elect not to accept the dental coverage for a period of not less than one calendar year and receive the following payment during the first

full pay period of each year the election is made: \$230 if Ferris changes from family to no coverage; \$150 if Ferris changes from family to individual coverage; \$80 if Ferris changes from individual to no coverage. Also, at her option, Ferris may elect not to accept the optical coverage for a period of not less than one calendar year and receive a payment of twenty five dollars (\$25.00) during the first full pay period of each year the election is made. Ferris must sign an application form each year and said application shall include an acknowledgment that she is covered under another plan.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Margaret Ferris, the Town Attorney, and the Accounting 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

December 16, 2008

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1112

RATIFIES AND APPROVES STIPULATION OF AGREEMENT

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

RESOLVED, that the Town Board hereby ratifies and approves the provisions of the stipulation of agreement by and between the Riverhead Police Benevolent Association, Inc. and the Town of Riverhead for the contract years 2008-2011, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to PBA President Dixon Palmer, Lamb & Barnosky, LLP, the Personnel Officer, and the Office of Accounting.

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

December 16, 2008

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1113

RATIFIES AND APPROVES STIPULATION OF AGREEMENT

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

RESOLVED, that the Town Board hereby ratifies and approves the provisions of the stipulation of agreement by and between the Riverhead Town Superior Officers Association, Inc. and the Town of Riverhead for the contract years 2008-2011, and

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to SOA President Richard Boden, Lamb & Barnosky, LLP, the Personnel Officer, and the Office of Accounting.

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

December 16, 2008

Adopted

TOWN OF RIVERHEAD

Resolution # 1114

REAPPOINTS STUDENT INTERN TO THE ACCOUNTING DEPARTMENT

COUNCILMAN BUCKLEY offered the following

resolution, which was seconded by COUNCILMAN WOOTEN

WHEREAS, the need for a Student Intern exists in the Accounting Department, and

WHEREAS, the recommendation of the Financial Administrator and the Personnel Officer has been received.

NOW, THEREFORE, BE IT RESOLVED, that effective December 22, 2008 through January 23, 2009 William Torre is hereby reappointed to the position of Student Intern II at the hourly rate of \$10.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to William Torre, the Accounting Department, 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

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1115

AUTHORIZES LEGAL ACTION AGAINST CABLEVISION

COUNCILMAN WOOTEN

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS

WHEREAS, the Riverhead Town Board executed a cable franchise agreement with Cablevision in 2003 for a ten year term; and

WHEREAS, Cablevision and the Riverhead Town Board agreed that Cablevision would designate at least one government/education access channel on its cable system in the Riverhead cablecast area and a separate public access channel on its cable system in the Riverhead cablecast area; and

WHEREAS, on or about September 15, 2008, Cablevision unilaterally removed the government/education access channel and public access channel on its cable system in the Riverhead cablecast area from an analog format to a digital format thereby forcing analog television cablecast subscribers to pay an additional access fee to view government/education and public access channels without the knowledge, permission or consent of the Riverhead Town Board; and

WHEREAS, Cablevision provided insufficient notice it intended to charge additional access fees to view the government/education access channel and public access channel in the Riverhead cablecast area; and

WHEREAS, unfettered access to government/education channels and public channels is of vital concern to the public interest; and

WHEREAS, Cablevision's unilateral action to remove the government/education access channel and public access channel is a violation of federal law and the franchise agreement.

NOW, THEREFORE

BE IT HEREBY 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 Cablevision in the legal forum deemed appropriate to enjoin the removal of the government/education access channel and public access channel from an analog format to a digital format; and be it further

RESOLVED, that Dawn C. Thomas, as Town Attorney for the Town of Riverhead is hereby authorized to prosecute this matter to the fullest extent of the law.

THE VOTE

Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Buckley	<input 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
Thereupon Duly Declared Adopted

December 16, 2008

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1116

AUTHORIZES THE SUPERVISOR TO EXECUTE AN APPLICATION FOR GRANT FUNDS FROM FM GLOBAL

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

WHEREAS, FM Global, a provider of comprehensive property insurance, offers grant funding for fire prevention purposes; and

WHEREAS, the Town of Riverhead, through its Fire Marshal's Office, is eligible to receive \$866.85 to fund three digital cameras to be utilized by staff to document fire code violations; and

NOW, THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute a grant application in the amount of \$866.85 from FM Global.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a notification of this resolution to the Supervisor's Office and Accounting Department.

THE VOTE

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

THE RESOLUTION 1 WAS WAS NOT THEREFORE DULY ADOPTED.

WITHDRAWN

12/16/08

COMMUNITY DEVELOPMENT AGENCY

TOWN OF RIVERHEAD

Resolution # 1117

AUTHORIZES THE SUPERVISOR TO EXECUTE A BARGAIN AND SALE DEED BETWEEN THE COMMUNITY DEVELOPMENT AGENCY AND M-GBC LLC

(EPCAL PROPERTY KNOWN AS SCTM #0600-135-1-7.74)

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded

by

COUNCILMAN BUCKLEY

_____:

WHEREAS, pursuant to an agreement of sale dated June of 1999, the Town of Riverhead Community Development Agency (CDA) agreed to sale to Calverton Camelot, LLC, a parcel of property a 1.431 acre portion of which is now known as 0600-135-1-7.74, and

WHEREAS, sale of this parcel was conditioned upon the Town CDA receiving title to same from the United States of America, and

WHEREAS, the Town CDA did receive title to said parcel, and

WHEREAS, the subdivision/lot line adjustment of said parcel has been approved by the Town of Riverhead Planning Board and the Suffolk County Department of Health Services (December 5, 2008),

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized execute a Bargain and Sale Deed and all necessary documentation for purposes transferring the referenced parcel of property and for the recording of a deed between the Community Development Agency and M-GBC LLC for said parcel of real property further described as Suffolk County Tax Map #0600-135-1-7.74; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Berkman, Henoch, Peterson & Peddy, P.C., 100 Garden City Plaza, 3rd Floor, Garden City, New York, 11530, the Community Development Agency

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

12/16/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1118

AUTHORIZES THE SUPERVISOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH COUNTY OF SUFFOLK FOR DATA SHARING OF 2006 BUILDING OUTLINE GIS DATA

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

WHEREAS, at significant expense, the County of Suffolk has developed a geographic database file consisting of building-outlines in Suffolk County; and

WHEREAS, the Town of Riverhead desires to use the geographic database file in its geographic information system ("GIS") to locate existing building structures for various spatial and economic analysis; and

WHEREAS, the County of Suffolk desires to share its geographic database file consisting of building-outlines in Suffolk County, specifically in the Town of Riverhead, at no cost to the Town.

NOW THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached Memorandum of Understanding with the County of Suffolk; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Jim Daly, Suffolk County GIS Coordinator, North County Complex, Building No. 50, Veterans Memorial Highway, Hauppauge, New York 11788; the Office of the Supervisor; Robert Hubbs, Town of Riverhead GIS Department 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

**Memorandum of Understanding (“MOU”)
for
Data Sharing of 2006 Building Outline GIS Data**

This Memorandum of Understanding (“MOU”) is made by and between the County of Suffolk (“County”), a municipal corporation of the State of New York, acting through its duly constituted **Department of Information Technology (“Department”),** located at North County Complex, Building 50, Veterans Memorial Highway, Hauppauge, New York 11788; and the

Town of Riverhead, (“Town”), a municipal corporation of the State of New York, located at

Whereas, at significant expense, the County has developed a geographic database file consisting of building outlines in Suffolk County; and

Whereas, the Town desires to use the geographic database file in its geographic information system (“GIS”) to locate existing building structures for various spatial and economic analysis; and

Whereas, the County desires to cooperate with the Town;

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

1. Data Sharing and Data Distribution

The County will provide to the Town the following data (“Data”) in an ESRI digital shape file on a compact disc (CD):

- a. A polygon feature class (the building outlines).
- b. A nineteen digit tax parcel identification number attribute.
- c. An Object ID attribute.
- d. An “X” coordinate attribute.
- e. A “Y” coordinate attribute

2. The County grants to the Town a non-exclusive license to use the Data in its GIS to locate existing building structures for various spatial and economic analyses performed internally by the Town for Town use only. The Town may not redistribute the Data to the public. The Town may update or revise the Data to include improvements to the Data, such as the addition of addresses, zoning codes, historic information, permit numbers, etc. (collectively, the “Improved Data”) for various spatial and economic analyses performed internally by the Town for Town use only.

3. The Town shall make available to the County such Improved Data at least twice each calendar year during the term of this MOU, at no cost to the County. The Improved Data shall be provided to the County during the months of June and December of each calendar year.

4. The Town shall not redistribute the Improved Data for purposes beyond the scope of this MOU. The Town shall advise the Suffolk County Department of Information Technology’s GIS Division as to any inquiries to the Town for copies of the Data or Improved Data. Should the Town and the County agree that the Improved Data be licensed to the public for a fee, the

amount of the fee and the allocation of such fee to the County and the Town shall be mutually agreed to by the Town and the County. The Town shall immediately notify the County of any revenue the Town receives as a direct result of the use of the Improved Data.

5. Severability

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

6. Merger; No Oral Changes

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

7. Section Titles

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

8. Governing Law

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

9. Term of MOU

The term of this MOU shall commence on January 1, 2009 and shall continue through December 31, 2018. This MOU may be terminated at the option of the Town or the County at any time. This MOU may also be extended by mutual consent of the Town and the County, by amendment to this MOU

10. Notices and Contact Persons

- a. Any communication, notice, claim for payment, report, or other submission necessary or required to be made by the parties regarding this MOU shall be in writing and shall be given to the County or the Town 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 County:
**By Regular or Certified Mail in Postpaid Envelope or by
Courier Service or by Fax or by Email**

Suffolk County Department of Information Technology
725 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

Att. James Daly, GIS Coordinator

For the Town:
**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.

- b. Any communication or notice regarding litigation shall be in writing and shall be given to the County or the Town 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 Information Technology
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788
Att. Commissioner

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788

For the Town:

**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 of the person who executed this Agreement or such other designee as the parties may agree in writing.

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

- c. Notices shall be deemed to have been duly delivered (i) if by regular and/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.
- d. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

11 No Intended Third Party Beneficiaries

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

12. Limitation of Liability

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

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

13. Entire Agreement

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

Signatures are set forth on page 5 of this MOU.

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

Town

By: _____
Name:
Title:

Date: _____

Approved as to Legality:
Christine Malafi,
Suffolk County Attorney

By: _____
Cynthia Kay Parry
Assistant County Attorney

Date: _____

County of Suffolk

By: _____
Name:
Title: Deputy County Executive

Date: _____

Approved: Department of
Information Technology

By: _____
Gary Quinn, Commissioner

Date: _____

Recommended:

By: _____
Jim Daly
GIS Coordinator

Date: _____

**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 6th day of January, 2009 at 2:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning
ARTICLE V
Residence B-80 Zoning Use District**

§ 108-19.1. Cluster development and additional subdivision requirements.

- A. Purpose and intent. It is the purpose of this article to require cluster development pursuant to §278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils, scenic vistas, and significant natural features.
- B. In order to accomplish the clustering of residential lots within the RB-80 Zoning Use District, an applicant for subdivision shall provide a standard yield plan and a cluster plan, which succeeds in preserving agricultural land for agricultural use to the greatest extent practicable. In its review of a cluster subdivision plan, the Planning Board shall consider the following:
- (1) The location and extent of prime agricultural soils;
 - (2) The location of wooded areas;
 - (3) The location and extent of natural features;
 - (4) The general topography and the location and extent of sloped areas;
 - (5) The spatial relationship of the property to continuous or neighboring preserved agricultural land;
 - (6) The general stormwater tributary area and the extent and direction of overland drainage.
- C. ~~Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots and the recording of agricultural easements, except that the Planning Board may~~

~~approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.~~

Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots or preservation of 70% of land as open space, recording of agricultural or open space easements which restrict division of said lot(s), coverage and such other items as the Planning Board deems appropriate to preserve the agriculture and scenic vistas created by the farm lot or open space area.

- D. ~~In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.~~

The Planning board may approve a cluster subdivision with a reduced percentage of preserved prime agricultural soils or open space based upon unique characteristics of land such that public utilities, streets, arrangement of lots or existence of natural features require development with less than 70% preservation of prime agriculture soils or open space. In the event that the planning board approves a cluster subdivision that preserves less than 70% of prime agricultural soils or open space, the Planning Board must set forth all considerations, practical difficulties, and or reasons supporting a decision to approve the cluster plat within the resolution approving the preliminary plat. In no event may the Planning Board approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open spaces area.

§ 108.19.2 Guidelines

~~The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the RB-80 Zoning Use District.~~

The Planning Board shall apply the following guidelines in addition to subdivision regulations (Article XX) and cluster development (Article XIX) for all cluster subdivisions:

- A. ~~The cluster subdivision plat must located and arrange the residential lots so as to protect, to the maximum extent practicable, that portion of the tract preserved for agricultural use or open space.~~

The cluster subdivision plat shall be designated so as to situate the agricultural lots or open space along an existing highway or roadway or adjacent to existing agricultural lots or preserved land or such other location such that maximum

preservation of agricultural and scenic vistas are achieved.

- B. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- C. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- D. ~~The agricultural lots of a cluster subdivision must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all storm water runoff.~~

The agricultural lot shall be laid out as to provide for one building area and said building area shall be counted towards yield. The Planning Board shall describe the square footage of the building area, and the Planning Board may, in its discretion, require that the building area be plotted on the subdivision map. The Planning Board shall require covenants and restrictions to enforce dimensional requirements, lot coverage, impervious surface limits, retention or plan for all stormwater runoff for both the residential and agricultural component of the subject property as set forth in the Town Code, and such other items the Planning Board deems appropriate to conform with the intent of the cluster regulations, including but not limited to, location and limitation of parking, outdoor storage, clearing limits, and means of ingress and egress. The Planning Board shall require covenants and restrictions to be filed affecting the aforesaid prior to issuance of final plat approval.

- E. ~~The cluster subdivision tract must demonstrate the ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.~~

The agricultural lot must be laid out so as to provide a minimum lot size of 10 acres. An agricultural lot with a lot size greater than 20 acres shall only be divided if required to ensure appropriate arrangement of lots, streets and public utilities or preserve or highlight existence of natural features. An agricultural lot shall prohibit erection, construction, placement of any structures, permanent or temporary, without prior approval of the Planning Board.

- F. The Planning Board shall not cluster lots in order to create golf courses,

playgrounds, tennis courts, swimming pools or any other amenity as required open space. The sole purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features and open space to the greatest extent practicable.

* Underline represents addition(s)

*Strikethrough represents deletion(s)

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1120

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

COUNCILWOMAN BLASS offered the following resolution, was seconded
by

COUNCILMAN DUNLEAVY :

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning", Section 108-20.6 entitled "Cluster development and additional subdivision requirements", of the Riverhead Town Code once in the December 24, 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 be and is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; the Riverhead Building Department 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 6th day of January, 2009 at 2:15 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning
ARTICLE VA
Residence A-80 (RA-80) Zoning Use District**

§ 108-20.6. Cluster development and additional subdivision requirements.

- A. Purpose and intent. It is the purpose of this article to require cluster development pursuant to §278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils, scenic vistas, and significant natural features.
- B. In order to accomplish the clustering of residential lots within the RA-80 Zoning Use District, an applicant for subdivision shall provide a standard yield plan and a cluster plan, which succeeds in preserving agricultural land for agricultural use to the greatest extent practicable. In its review of a cluster subdivision plan, the Planning Board shall consider the following:
- (1) The location and extent of prime agricultural soils;
 - (2) The location of wooded areas;
 - (3) The existence and extent of natural features;
 - (4) The general topography and the location and extent of sloped areas;
 - (5) The spatial relationship of the property to continuous or neighboring preserved agricultural land;
 - (6) The general stormwater tributary area and the extent and direction of overland drainage.
- C. ~~Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots and the recording of agricultural easements, except that the Planning Board may~~

~~approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.~~

Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots or preservation of 70% of land as open space, recording of agricultural or open space easements which restrict division of said lot(s), coverage and such other items as the Planning Board deems appropriate to preserve the agriculture and scenic vistas created by the farm lot or open space area.

- D. ~~In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.~~

The Planning board may approve a cluster subdivision with a reduced percentage of preserved prime agricultural soils or open space based upon unique characteristics of land such that public utilities, streets, arrangement of lots or existence of natural features require development with less than 70% preservation of prime agriculture soils or open space. In the event that the Planning Board approves a cluster subdivision that preserves less than 70% of prime agricultural soils or open space, the Planning Board must set forth all considerations, practical difficulties, and or reasons supporting a decision to approve the cluster plat within the resolution approving the preliminary plat. In no event may the Planning Board approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open spaces area.

§ 108-20.7 Guidelines

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the RA-80 Zoning Use District:

- A. ~~In order to better preserve agricultural vista, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25.~~

The cluster subdivision plat shall be designated so to situate the agricultural lots or open space along an existing highway or roadway or adjacent to existing agricultural lots or preserved land or such other location such that maximum preservation of agricultural and scenic vistas are achieved.

- B. ~~Within the RA-80 Zoning Use District, no more than 53% of wooded areas existing upon a tract shall be cleared.~~

The agricultural lot shall be laid out as to provide for one building area and said building area shall be counted towards yield. The Planning Board shall describe the square footage of the building area, and the Planning Board may, in its discretion, require that the building area be plotted on the subdivision map. The Planning Board shall require covenants and restrictions to enforce dimensional requirements, lot coverage, impervious surface limits, retention or plan for all stormwater runoff for both the residential and agricultural component of the subject property as set forth in the Town Code, and such other items the Planning Board deems appropriate to conform with the intent of the cluster regulations, including but not limited to, location and limitation of parking, outdoor storage, clearing limits, and means of ingress and egress. The Planning Board shall require covenants and restrictions to be filed affecting the aforesaid prior to issuance of final plat approval.

- C. ~~The agricultural lots of a cluster subdivision plat must be laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all stormwater runoff.~~

The agricultural lot must be laid out so as to provide a minimum lot size of 10 acres. An agricultural lot with a lot size greater than 20 acres shall only be divided if required to ensure appropriate arrangement of lots, streets and public utilities or preserve or highlight existence of natural features. An agricultural lot shall prohibit erection, construction, placement of any structures, permanent or temporary, without prior approval of the Planning Board.

- D. Within the RA-80 Zoning Use District, no more than 53% of wooded areas existing upon a tract shall be cleared.
- E. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The sole purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features and open space to the greatest extent practicable.

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

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

12/16/08

TOWN OF RIVERHEAD

Adopted

Resolution # 1121

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

COUNCILMAN DUNLEAVY offered the following resolution, was seconded
by

COUNCILMAN BUCKLEY :

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning", Section 108-26 entitled "Cluster development and additional subdivision requirements", of the Riverhead Town Code once in the December 24, 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 be and is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; the Riverhead Building Department 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 6th day of January, 2009 at 2:20 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**Chapter 108
Zoning
ARTICLE VI
Agriculture Protection Zoning Use District (APZ)**

§ 108-26. Cluster development and additional subdivision requirements.

A. Purpose and intent. It is the purpose of this article to require cluster development pursuant to §278 of the Town Law in order to allow for maximum flexibility in achieving a compatible arrangement of agricultural and residential land uses and to protect prime agricultural soils and scenic vistas without impeding agricultural land use on a portion of a property or on adjacent or nearby properties.

B. In order to accomplish the clustering of residential lots within the APZ, an applicant for subdivision shall provide a standard yield plan and a cluster plan, which succeeds in preserving agricultural land for agricultural use to the greatest extend practicable. In its review of a cluster subdivision plan, the Planning Board shall consider the following:

- (1) The location and extent of prime agricultural soils;
- (2) The location of wooded areas;
- (3) The location and extent of natural features;
- (4) The general topography and the location and extent of sloped areas;
- (5) The spatial relationship of the property to continuous or neighboring preserved agricultural land;
- (6) The general stormwater tributary area and the extent and direction of overland drainage.

C. ~~Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots~~

~~and the recording of agricultural easements, except that the Planning Board may approve a cluster subdivision with a lower percentage of preserved prime agricultural soils in order to ensure appropriate arrangement of lots, streets, and public facilities.~~

Cluster development in this article shall require that a minimum of 70% of Class I or Class II prime agricultural soils are preserved through the creation of farm lots or preservation of 70% of land as open space, recording of agricultural or open space easements which restrict division of said lot(s), coverage and such other items as the Planning Board deems appropriate to preserve the agriculture and scenic vistas created by the farm lot or open space area.

- D. ~~In the event that the Planning Board approves a cluster plat that preserves less than 70% of the prime agricultural soils, the reasons supporting such decision shall be set forth within the resolution approving the preliminary plat. The Planning Board shall not approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open space areas.~~

The Planning board may approve a cluster subdivision with a reduced percentage of preserved prime agricultural soils or open space based upon unique characteristics of land such that public utilities, streets, arrangement of lots or existence of natural features require development with less than 70% preservation of prime agriculture soils or open space. In the event that the Planning Board approves a cluster subdivision that preserves less than 70% of prime agricultural soils or open space, the Planning Board must set forth all considerations, practical difficulties, and or reasons supporting a decision to approve the cluster plat within the resolution approving the preliminary plat. In no event may the Planning Board approve a cluster subdivision plat with less than 50% of the area of the tract being preserved as prime soils or open spaces area.

§ 108-26.1 Guidelines

The following guidelines are to be applied in addition to subdivision regulations (Article XX) and cluster development (Article XIX) and shall apply to all cluster subdivisions within the APZ:

- A. ~~In order to better preserve agricultural vistas, the cluster subdivision plat shall be designed so as to situate agricultural lots along Sound Avenue or NYS Route 25~~

The cluster subdivision plat shall be designated so to situate the agricultural lots or open space along Sound Avenue or NYS Route 25 or adjacent to existing agricultural lots or preserved land or such other location such that maximum preservation of agricultural and scenic vistas are achieved.

- B. The cluster subdivision plat must locate and arrange the residential lots so as to protect the maximum extent practicable, that portion of the tract preserved for agricultural use.
- C. The cluster subdivision plat must depict an arrangement of residential lots so as to reduce, to the maximum extent practicable, any nuisance or conflict between residential and agricultural uses, both within the tract and in relation to adjoining and nearby tracts and to demonstrate compatibility of the cluster plat with existing residential development and agricultural land uses.
- D. The residential portion of the cluster subdivision plat must be so laid out, and protected during construction, as to remain as harmonious to the greatest extent practicable with the natural environment minimizing the clearing of treed areas, the grading of earth, removal of soils, and precluding the disturbance of surface waters and wetlands and other similar disturbances of the natural environment pursuant to Chapter 107 of the Riverhead Town Code.
- E. ~~The agricultural lots of a cluster subdivision plat must be so laid out as to provide for a minimum lot size of 10 acres, a minimum building area of one acre, contiguity with existing agricultural tracts, bounding of prime agricultural soils and retention of all stormwater runoff.~~

The agricultural lot shall be laid out as to provide for one building area and said building area shall be counted towards yield. The Planning Board shall describe the square footage of the building area, and the Planning Board may, in its discretion, require that the building area be plotted on the subdivision map. The Planning Board shall require covenants and restrictions to enforce dimensional requirements, lot coverage, impervious surface limits, retention or plan for all stormwater runoff for both the residential and agricultural component of the subject property as set forth in the Town Code, and such other items the Planning Board deems appropriate to conform with the intent of the cluster regulations, including but not limited to, location and limitation of parking, outdoor storage, clearing limits, and means of ingress and egress. The Planning Board shall require covenants and restrictions to be filed affecting the aforesaid prior to issuance of final plat approval.

- F. ~~The cluster subdivision tract must demonstrate ways in which scenic vistas are being considered or enhanced and shall depict a lot arrangement which has considered the visual impact of residential development upon such vistas.~~

The agricultural lot must be laid out so as to provide a minimum lot size of 10 acres. An agricultural lot with a lot size greater than 20 acres shall only be divided if required to ensure appropriate arrangement of lots, streets and public utilities or preserve or highlight existence of natural features. An agricultural lot shall prohibit erection, construction, placement of any structures, permanent or temporary, without prior approval of the Planning Board.

G. The Planning Board shall not cluster lots in order to create golf courses, playgrounds, tennis courts, swimming pools or any other amenity as required open space. The sole purpose of the cluster plan is to preserve agricultural land for agricultural use and other natural features and open space to the greatest extent practicable.

* Underline represents addition(s)

*Strikethrough represents deletion(s)

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

12/16/08

Adopted

**TOWN OF RIVERHEAD
CALVERTON SEWER DISTRICT**

Resolution # 1122

AUTHORIZED SERVICE AGREEMENT RE: CALVERTON SEWER DISTRICT

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

WHEREAS, currently Water & Sewage Treatment Enterprises, Inc. is under contract with the Calverton Sewer District to provide for the daily operation, maintenance and necessary testing to meet permit and treatment requirements; and

WHEREAS, the Adopted 2009 Budget of the Calverton Sewer District provides for the continued services of the contractor; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached one year service agreement between the Calverton Sewer District and Water & Sewage Treatment Enterprises, Inc.; and

BE IT FURTHER RESOLVED, that the Town Clerk forward certified copies of this resolution to the Accounting Department, H2M Group, Frank Isler, Esq. and W.A.S.T.E. Inc.

THE VOTE

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

DEC-08-2008 10:32 From:SEWER DISTRICT 631 369 3091

To:631 696 8141

P.1/1

NOV 21 08 08:09 W.A.S.T.E. INC.

NOV-13-2008 15:47 From:SEWER DISTRICT

631 369 3091

To:631 696 8141

P.2/10

SERVICE AGREEMENT

This **AGREEMENT** made and dated this 8 day of December, 2008 between W.A.S.T.E. Inc. ("Contractor") and Calverton Sewer District ("Owner").

SCOPE OF WORK

The work which Contractor is obligated to perform under this Agreement (the "Work") at the property known as Calverton Sewer District (the "Property") is set forth below and in Appendix A, the "Statement of Work" which is incorporated into this Agreement by this reference.

Operation and monitoring of the existing wastewater treatment plant, per proposal dated 11/24/08 annexed hereto. Daily inspections by a licensed operator and monthly/quarterly laboratory testing as per New York State and Suffolk County permit monitoring requirements. Contractor will be responsible for general preventative maintenance and all minor repairs under \$200.00. Contractor will notify Owner of any repairs required to the following:

- Communitor and associated systems
- 3 inflow pumps and associated systems
- 2 aeration turbine blowers and associated systems
- 2 clarifiers, drivers and associated systems

Representative(s) shall be for: the Owner: Michael Reichel
the Contractor:

TERM

The term of this Agreement shall commence on January 1, 2009, and shall expire at midnight on December 31, 2009, unless extended or sooner terminated in the manner prescribed in this Agreement.

COMPENSATION

For the performance of the Work, Owner shall pay Contractor the sum \$ 3990⁰⁰ monthly plus lab fees as follows: ~~monthly \$~~ quarterly \$ fee will be adjusted if SPIDES permit is modified. 830⁰⁰ billed monthly

Payment(s) are subject to additions and deductions in accordance with this Agreement. Contractor shall be paid only after all services have been completed, inspected and accepted by Owner, within thirty (30) days of receipt by Owner of invoice.

SECTION HEADINGS

The section headings contained in the Agreement are provided for convenience only and do not affect the interpretation of this Agreement or the rights and obligations of the parties.

ENTIRE AGREEMENT

This Agreement, as well as any and all exhibits and/or attachments specified herein contains all the agreements, forms, understandings and terms and conditions made between the parties, and may not be modified orally or in any manner other than by agreement in writing signed by both parties. It is also understood and agreed that in the event of any and all conflicts between the terms of this Agreement and the terms of any other documents referencing and/or concerning the Work and/or this Agreement, the terms of this Agreement prevail and final interpretation is at the sole discretion of the Owner.

IN WITNESS WHEREOF, the parties hereto, by their representatives having the ability to legally bind Contractor and Owner, have executed this Agreement as of the day and year first written above.

Date

11/17/08

By:

Richard L. Crescenzo

Richard L. Crescenzo, President

Calverton Sewer District

Date

By:

Philip J. Cardinale
Philip J. Cardinale, Supervisor



**Operating
Services**

December 2, 2008

Water and Wastewater Systems
Operation and Maintenance

Michael Reichel
Riverhead Sewer District
200 Howell Avenue
Riverhead, NY 11901

Municipal and Industrial

Re: Calverton Sewer District
O&M Proposal

Water Reading and Billing

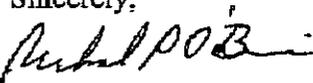
Dear Mr. Reichel,

Thank you for your consideration in requesting a proposal from Severn Trent Services, Inc. for the O&M of the Calverton Sewer District. Unfortunately, due to the time limit we are unable to generate a proposal for you at this time. We look forward to providing proposals for this and/or other similar projects in the future.

Design/Build/Operate (DBO) Contracts

If you have any questions or comments, please contact me at (631) 907-8903.

Utility Management and Administration

Sincerely,

Michael P. O'Brien
Area Manager
Severn Trent Services, Inc.

Special Purpose Taxing Districts



Severn Trent Services • 100 Morris Avenue • Glen Cove, NY 11542 • Tel 516 674 6032
Fax 516 674 0151 • www.severntrentservices.com

TOWN OF RIVERHEAD

Adopted

Resolution # 1123

AUTHORIZES THE RELEASE OF SECURITY FOR RIVER PHARMACY LLC
(Walgreen's a/k/a Wading River Green, LLC)

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

WHEREAS, River Pharmacy LLC has posted three (3) Money Market Passbooks totaling the sum of Four Hundred Twenty Thousand Dollars (\$420,000.00) as follows:

- Bank of Smithtown Elite Money Market Account #0015015126 - \$225,400.00
- Bank of Smithtown Elite Money Market Account #0015015100 - \$127,600.00
- Bank of Smithtown Elite Money Market Account #0015015118 - \$67,000.00; and

WHEREAS, the aforesaid accounts represents the 100% site plan security in connection with Riverhead Planning Board Resolution #28, dated April 5, 2007 for the construction and improvements to be completed at Wading River Manor Road, Wading River, New York, further described as Suffolk County Tax Map #0600-73-1-1.13, 0600-73-1-1.14 and 0600-73-1-1.21, 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 \$420,000.00; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to John M. Wagner, Esq., of the Law Firm of Certilman Balin, 1393 Veterans Memorial Highway, Suite 301S, Hauppauge, New York, 11788; Bank of Smithtown, Attn: Mae Russo, Manager, 548 Route 111, Hauppauge, New York, 11787, 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

December 16, 2008

Adopted

TOWN OF RIVERHEAD

AUTHORIZES TOWN CLERK TO PUBLISH & POST
NOTICE TO BIDDERS FOR WATER SERVICE MATERIALS

RESOLUTION # 1124

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

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the
attached Notice to Bidders for Water Service Materials in the December 24, 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 WAS WAS NOT
THEREFORE DULY ADOPTED.**

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **WATER SERVICE MATERIALS** 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 **11:15 a.m. on January 8, 2009.**

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

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

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

All bids are to be submitted in a sealed envelope bearing the designation **BIDS FOR WATER SERVICE MATERIALS – BID #09-36-RWD.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

Adopted

12/16/08

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
CONSTRUCTION OF PLANT NO. 15
CONTRACT WM – WATER MAIN INSTALLATION
CONTRACT F – FENCE INSTALLATION**

Adopted _____
Resolution # 1125

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

WHEREAS, plans and specifications have been prepared by H2M, consulting engineers to the Riverhead Water District, regarding construction of Plant No. 15 including Contract WM for water main installation and Contract F for fence installation.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the December 24, 2008, edition of The News Review, with regard to receiving bids for construction of Plant No. 15, Contract WM – water main installation and Contract F – fence installation, and be it further

RESOLVED, that the Town Clerk shall publicly open and read aloud the submitted bids on the date as advertised in the Notice to Bidders, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Gary Pendzick, Dennis Kelleher of H2M, and Frank Isler, Esq.

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD WATER DISTRICT

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

H2M
NOTICE TO BIDDERS

The Town Board of Riverhead will receive bids for the "*CONSTRUCTION OF PLANT No. 15*" for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until 11:00 A.M., on January 8, 2009, at which time and place all bids will be publicly opened and read aloud for:

***PROJECT NO.: RDWD 06-05,
CONSTRUCTION OF PLANT No. 15
CONTRACT WM – WATER MAIN INSTALLATION
CONTRACT F – FENCE INSTALLATION***

Plans and specifications may be examined and obtained on or after January 6, 2008 at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. weekdays, except holidays or by visiting the Town of Riverhead website: www.riverheadli.com and click on "Bid Requests".

Each proposal must be accompanied by a bid bond in the amount of five percent (5%) of the total bid, or a certified check made payable to the TOWN OF RIVERHEAD as assurance that the bid is made in good faith.

The right is reserved to reject any or all bids, to waive any informalities, and to accept the lowest responsible bid.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD
SUFFOLK COUNTY, NEW YORK

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER DISTRICT

DIANE WILHELM, TOWN CLERK

DATED: DECEMBER 24, 2008

12/16/08

TOWN OF RIVERHEAD

Adopted

Resolution # 1126

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT
(December 31, 2008)**

COUNCILMAN BUCKLEY

_____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN

:

WHEREAS, on November 25, 2008, the Riverhead Business Improvement District had submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held at Grangebél Park, Riverhead, on Wednesday, December 31, 2008 at approximately 9:00 p.m.; and

WHEREAS, the Town Attorney is in receipt of a certificate of insurance from the fireworks company (Pyro Engineering Inc. d/b/a Bay Fireworks) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to its form; and

WHEREAS, the Riverhead Business Improvement District has requested the Fireworks Permit Application fee for this event be waived.

NOW THEREFORE BE IT RESOLVED, that the Fireworks Permit Application of the Riverhead Business Improvement District, for the purpose of conducting a fireworks display to be held at Grangebél Park, Riverhead, on Wednesday, December 31, 2008 at approximately 9:00 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department whom must be at the site prior to commencement of fireworks display.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Grangebél Park no later than 2:00 p.m. on the day of the event.
- Fireworks technician must have photo identification and present same to Fire Marshal upon request.
- The show shall be limited to firework shell sizes indicated on the approved application.

Z:\Laura Calamita\Fireworksapps\BIDfireworks.res.doc

THE VOTE

Buckley	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Wooten	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Dunleavy	<input 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

- Fire Marshal to be present 60 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Fireworks Permit Application fee for this event; and be it further

RESOLVED, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Fire Marshal Office are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Riverhead Business Improvement District, P.O. Box 913, Riverhead, New York, 11901, Pyro Engineering Inc., 400 Broadhollow Road, Farmingdale, New York, 11735, the Riverhead Fire Department; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

December 16, 2008

Adopted

TOWN OF RIVERHEAD

**AWARDS BID FOR ELECTRIC MOTOR EMERGENCY
REPAIR/REPLACEMENT – RIVERHEAD WATER DISTRICT**

RESOLUTION # 1127

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

WHEREAS, the Town Clerk was authorized to publish and post a notice to bidders for electric motor emergency repair/replacement; and

WHEREAS, bids were received, opened and read aloud on the 28th day of October, 2008, at 11:00 a.m. at Town Hall, 200 Howell Avenue, Riverhead, New York 11901, the date, time and place given in the notice to bidders.

NOW, THEREFORE, BE IT

RESOLVED, that the bid for electric motor emergency repair/replacement be and is hereby awarded D & D Electric Motors and Compressors in the amount of \$97,564.00; and be it further

RESOLVE, that the Town Board hereby authorizes the Town Clerk to return any and all bid bonds, if said bid bonds have been received in connection with the above; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to D & D Electric Motors and Compressors, 127 E Hoffman Avenue, Lindenhurst, New York, 11757.

THE VOTE

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

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED.



Office of The Town Clerk
Barbara Grattan, Town Clerk

Registrar of Vital Statistics

Records Management Officer

Marriage Officer

TO: Supervisor Cardinale, Councilpersons Blass, Dunleavy, Buckley, Wooten,
Maryann Tague, Gary Pendzick

FROM: Juliann O'Neill, Deputy Town Clerk

DATE: October 29, 2008

RE: Bid Report for Electric Motor Emergency Repair/Replacement

One bid was received and opened on October 28, 2008 at 11:00am:

D&D Electric Motors and Compressors
127 E Hoffman Avenue
Lindenhurst, NY 11757
(631)991-3001

Items 1-6
\$97,564.00

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1128

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-9. Installation and maintenance.)

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 101 entitled, "Vehicles and Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:05 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 101 entitled, "Vehicles and Traffic" 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 newspaper and to post same on the signboard at Town Hall; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Kenneth Testa, P.E., Town Engineer, the Highway Department, the Police 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 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 101 entitled, " Vehicles and Traffic" of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**ARTICLE IV
Traffic Control Signals**

§101-9. Installation and maintenance.

Pursuant to authority granted by §1660 of the Vehicle and Traffic Law, traffic control signals shall be installed, maintained and operated at the following intersections and other locations:

Intersections

Hubbard Avenue (in front of the Riverhead Fire House)
Hulse Landing Road (in front of Wading River Fire House)
Mill Road and Glenwood Mobile Park
Mill Road and Home Depot
Middle Road and Foxwood Mobile Home Park
Middle Road and Ostrander Avenue
Middle Road and Roanoke Avenue
Northville Turnpike and Doctors Path
Osborn Avenue and Court Street
Pulaski Street and North Griffing Path Avenue
Pulaski Street and Raynor Avenue
Pulaski Street and Roanoke Avenue
Roanoke Avenue and Riverhead Fire House
Roanoke Avenue and Peconic Bay Medical Center (pedestrian crossing)
Roanoke Avenue and Railroad Avenue
Route 58 and Commerce Drive
Route 58 and County Seat Plaza
Route 58 and Doctors Path
Route 58 and Harrison Avenue
Route 58 and Riverhead Center (Home Depot)
Route 58 and K-Mart
Route 58 and Kroemer Avenue
Route 58 and Northville Turnpike
Route 58 and Osborn Avenue
Route 58 and Ostrander Avenue
Route 58 and Riverhead Plaza

Route 58 and Tanger Mall Drive
Route 58 and Target
Route 105 and Riverside Drive
Second Street and Roanoke Avenue
Sound Avenue and Edwards Avenue
Sound Avenue and Roanoke Avenue
Wading River Manor Road (school crossing)

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1129

ADOPTS A LOCAL LAW AMENDING CHAPTER 109 ENTITLED "STORM SEWERS", SECTION 109-16 OF THE RIVERHEAD TOWN CODE

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 109 entitled "Storm Sewers" §109-16 entitled "Enforcement; penalties for offenses" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:35 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 109 entitled "Storm Sewers" §109-16 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 authorized to forward a copy of this resolution to the Planning Department; Building Department, Engineering Department and 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 109 entitled "Storm Sewers" §109-16 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

CHAPTER 109
STORM SEWERS
ARTICLE I
Illicit Discharges and Connections

109-16. Enforcement; penalties for offenses.

- B. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this article shall be guilty of a violation punishable by a fine not exceeding \$1,000 or imprisonment for a period not to exceed two months, or both for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of five years, punishable by a fine not less than \$1,000 nor more than \$2,500 or imprisonment for a period not to exceed two months, or both; and upon conviction for a third or subsequent offense, all of which were committed within a period of five years, punishable by a fine not less than \$2,500 nor more than \$5,000 or imprisonment for a period not to exceed two months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this article shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation. To the extent that section 268 of the New York State Town Law limits the fine schedule for a violation of any local law, ordinance or regulation to a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both, section 268 of the New York State Town Law is superceded, nunc pro tunc, for the protection and enhancement of the Town's physical and visual environment and for the protection, order, conduct, safety, health and well-being of persons or property therein,

pursuant to the Town's powers under section 10, subdivision 1(ii)a(3)(11) and (12) of the Municipal Home Rule as well as Article 9, section 2(b)(3) and Article 9, section 3(c)(10) of the New York State Constitution.

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/16/08

TOWN OF RIVERHEAD

Adopted

Resolution # 1130

ADOPTS A LOCAL LAW AMENDING CHAPTER 110 ENTITLED "STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL", SECTION 110-2 OF THE RIVERHEAD TOWN CODE

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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-2 entitled "Definitions" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:20 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 persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law amending Chapter 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-2 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 authorized to forward a copy of this resolution to the Planning Department; Building Department, Engineering Department and 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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-2 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 110
Stormwater Management and
Erosion and Sediment Control**

§110-2. Definitions.

The terms used in this chapter or in documents prepared or reviewed under this chapter shall have the meaning as set forth in this section.

Agricultural Activity - the activity of an active farm including grazing and watering livestock, the raising, shearing, feeding and management of animals, irrigating crops, harvesting crops, using land for growing agricultural products including but not limited to fruits, vegetables, eggs, dairy products, meat and meat products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

Stormwater Management Officer (SMO) - the Town Engineer of the Town of Riverhead (or the person serving in the capacity of the Town Engineer) or designee or his/her authorized deputies, agents or representatives, including employees of other Town Departments as appropriate. The SMO is designated by the Town to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1131

**ADOPTS A LOCAL LAW AMENDING CHAPTER 110 ENTITLED
"STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL",
SECTION 110-11 OF THE RIVERHEAD TOWN CODE**

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 110 entitled "Stormwater Management and Erosion and Sediment Control " §110-11 entitled "Enforcement; penalties for offenses" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:25 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 a local law amending Chapter 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-11 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 authorized to forward a copy of this resolution to the Planning Department; Building Department, Engineering Department and 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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-11 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 110
Stormwater Management and
Erosion and Sediment Control**

§110-11. Enforcement; penalties for offenses.

D. Penalties

In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than one thousand dollars nor more than two thousand five hundred dollars (\$2,500) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than two thousand five hundred dollars nor more than five thousand dollars (\$5,000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each day's continued violation shall constitute a separate additional violation. To the extent that section 268 of the New York State Town Law limits the fine schedule for a violation of any local law, ordinance or regulation to a fine not exceeding three hundred fifty dollars or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars or imprisonment for a period not to exceed six months, or both; and, upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars or imprisonment for a period not to exceed six months, or both, section 268 of the New York State Town Law is superceded, nunc pro tunc, for the protection and enhancement of the Town's physical and visual environment and for the

protection, order, conduct, safety, health and well-being of persons or property therein, pursuant to the Town's powers under section 10, subdivision 1(ii)a(3)(11) and (12) of the Municipal Home Rule as well as Article 9, section 2(b)(3) and Article 9, section 3(c)(10) of the New York State Constitution.

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/16/08

Tabled

TOWN OF RIVERHEAD

Resolution # 1132

**ADOPTS A LOCAL LAW AMENDING CHAPTER 110 ENTITLED
"STORMWATER MANAGEMENT AND EROSION AND SEDIMENT CONTROL",
SECTION 110-12 OF THE RIVERHEAD TOWN CODE**

COUNCILMAN WOOTEN

_____ 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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-12 entitled "Fees for services" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:30 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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-12 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 authorized to forward a copy of this resolution to the Planning Department; Building Department, Engineering Department, Office of the Town Attorney and Accounting Department.

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 110 entitled "Stormwater Management and Erosion and Sediment Control" §110-12 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 110
Stormwater Management and
Erosion and Sediment Control**

§110-12. Fees for services.

The Town may require any person undertaking land development or redevelopment activities regulated by this chapter to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Town or performed by a third party at the direction of the Town.

The following fees shall be required in connection with the submission of a stormwater pollution prevention plan (SWPPP):

- A. Review Fees Deposit.
1. SWPPP for final subdivision approval: \$200.00 basic fee; plus \$100.00 per acre or part thereof;
 2. SWPPP for site plan approval: \$200.00 basic fee; plus \$100.00 per acre or part thereof;
 3. SWPPP for final subdivision as built: \$200.00 basic fee; plus \$100.00 per acre or part thereof;
 4. SWPPP for site plan as built: \$200.00 basic fee; plus \$100.00 per acre or part thereof;
- B. Inspection Fees Deposit. SWPPP subdivision and site plan inspection fees to be paid upon approval of final subdivision or site plan shall be 2% of the total estimated cost of all improvements, including all temporary and permanent stormwater erosion control measures. The total estimated cost of all improvements, including all temporary and permanent stormwater erosion control measures shall be determined by Riverhead Town personnel or Town consultants.

C. Escrow Accounts.

1. An escrow account entitled "Engineering Department: Stormwater Pollution Prevention Plan Review and Inspection" shall be established within the Department of Finance regarding the applications addressed in subsection 110-12 (A) and (B) above. The applicant(s) shall fund said escrow account.
2. Withdrawals from said escrow account may be made from time to time to reimburse the Town for the cost of its Town personnel including but not limited to legal consultation, review and consideration, and/or consultant's professional review and inspection services actually incurred at prevailing rates of pay for such Town personnel or consultant's services. Whenever the balance in such escrow account is reduced to ¼ of its initial amount, the Town shall so notify the applicant; thereafter, the applicant shall deposit additional funds into such account so as to restore its balance to ½ of the initial deposit. If such account is not replenished for such additional deposit, the reviewing and/or inspecting party may suspend the review of the application or inspection of the construction until such time that the above-stated conditions are met.
3. After all pertinent review and inspection fees with respect to the particular application for which the account was established have been paid, the Town shall refund to the applicant the balance of any funds then remaining on deposit in the escrow account without interest as established by this section.

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/16/08

TOWN OF RIVERHEAD

Adopted

Resolution # 1133

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED "ZONING",
SECTION 108-129 OF THE RIVERHEAD TOWN CODE**

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 108 entitled "Zoning" §108-129 entitled "Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 2nd day of December, 2008 at 2:15 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 108 entitled "Zoning" §108-129 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 authorized to forward a copy of this resolution to the Planning Department; Building Department, Engineering Department and 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 108 entitled "Zoning" §108-129 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 108
Zoning
Article XXVI
Site Plan Review**

§108-129. Review authorized; approval required; penalties; issuance of permits and certificates of occupancy; expiration.

- C. Stormwater Pollution Prevention Plan. A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 110 of the Riverhead Town Code shall be required for site plan approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110 of the code. The approved site plan shall be consistent with the provisions of the code. Land Development/Redevelopment Activity, as the term is defined in Riverhead Town Code section 110-2, is expressly prohibited absent submission of a Stormwater Pollution Prevention Plan and approval by the Town of Riverhead's Stormwater Management Officer.
- ~~G.~~ D. Permits. No building permit or land clearing permit as required by Chapter 52, Building Construction, required for any such activity, including, without limitation, grading, clearing, cutting and filling, excavating or tree removal associated therewith, or the erection, construction, alteration, demolition or moving of any structure, shall be issued until the required site plan approval shall have been granted, and the approved site plan thereafter shall have been signed by a majority of the Planning Board.
- ~~D.~~ E. Certificates of occupancy. No certificate of occupancy shall be issued until all requirements and conditions of the site plan approval have been implemented and an as-built survey, including without limitation the location of all buildings, structures, curb cuts, and other required improvements (e.g., berms, buffer areas), has been submitted to the Planning Director or his duly authorized representative. Any significant change to the approved site plan or elevations that affects the physical character of the building(s) and/or the site, in the absence of an approved amended site plan reflecting said changes, shall cause the certificate of occupancy to be withheld until such change is approved by the Planning Board. The Planning Director shall determine the significance of any such change.
- ~~E.~~ F. Expiration. Site plan approval shall remain in effect for 36 months. In the event that the applicant has not obtained a valid building permit within said thirty-six-month period,

the Board approving the site plan may grant one twelve-month extension of site plan approval, upon the request of the applicant made at least 30 days prior to the

expiration of the original thirty-six-month period. This section shall also apply to site plans which have been approved but which have not obtained a building permit prior to the date of adoption of this section.

F. G. Penalties for violation of approved site plan. [Added 2-4-2003 by L.L. No. 1-2003]

- (1) It shall be unlawful for any person, firm or corporation to construct, alter, repair, move, remove, demolish, equip, use, occupy or maintain any real property, building or structure or portion thereof in violation of the approved site plan.
- (2) For any and every violation of the approved site plan, the owner or general agent of a building or premises where such violation has been committed or shall exist, and the lessee or tenant of an entire building or entire premises where such violation of approved site plan has been committed or shall exist, and any builder, architect, tenant, contractor, subcontractor, construction superintendent or their agents or any other person taking part or assisting in any such violation of an approved site plan, shall, upon conviction thereof, be liable to a fine or penalty not exceeding \$1,000 for each and every violation. Each day that such violation continues shall constitute a separate and distinct violation of the approved site plan.

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

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

**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" §108-95 of the Riverhead Town Code at its regular meeting held on December 16, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 108
Zoning
Article XX
Subdivision Regulations**

§108-95. General provisions.

D. Stormwater pollution prevention plan.

(1) A Stormwater Pollution Prevention Plan (SWPPP) consistent with the requirements of Chapter 110 of the Riverhead Town Code shall be required for Preliminary Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110, section 6 of this code. The approved Preliminary Subdivision Plat shall be consistent with the provisions of this code. Land Development/Redevelopment Activity, as the term is defined in Riverhead Town Code section 110-2, is expressly prohibited absent submission of a Stormwater Pollution Prevention Plan and approval by the Town of Riverhead's Stormwater Management Officer.

(2) A Stormwater Pollution Prevention Plan consistent with the requirement of the code and with the terms of preliminary plan approval shall be required for Final Subdivision Plat approval. The SWPPP shall meet the performance and design criteria and standards in Chapter 110, section 6 of the code. The approved Final Subdivision Plat shall be consistent with the provision of the code. Land Development/Redevelopment Activity, as the term is defined in Riverhead Town Code section 110-2, is expressly prohibited absent submission of a Stormwater Pollution Prevention Plan and approval by the Town of Riverhead's Stormwater Management Officer.

- Underline represents addition(s)

Dated: Riverhead, New York
December 16, 2008

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1135

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO REPEAL AND REPLACE CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (Planned Recreational Park (PRP) District)

COUNCILMAN WOOTEN

_____ offered the following resolution, was seconded

by **COUNCILWOMAN BLASS** :

RESOLVED, the Town Clerk is hereby authorized to publish and post the attached public notice to consider a local law to repeal and replace Chapter 108 entitled, "Zoning" of the Riverhead Town Code (Planned Recreational Park (PRP) District) once in the December 24th, 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 Planning Department; the Riverhead Planning Board; the Riverhead 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
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 21st day of January, 2009 at 7:15 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

EXISTING SECTIONS 108-235 THROUGH 108-245 TO BE REPEALED AND REPLACED AS FOLLOWS:

§ 108-235 Purpose.

A portion of the former Naval Weapons Industrial Reserve Plant at Calverton, located in west central Riverhead, comprised primarily of runways, open land and naturally vegetated areas is zoned Planned Recreational Park District. It is intended that the land comprising this zoning use district, is to be transformed into a major regional family-oriented recreational amusement park and sports venue, drawing upon the leisure and tourism market of the east end of Long Island. The purposes of such a designation are to attract private investment, increase the Town's tax base, create jobs and enhance the quality of life in the community and region. The district has good local and regional access and provides an opportunity to develop a comprehensive, attractive and uncongested environment. The district allows for the creation of a number of distinct regional, publicly accessible, destination, leisure and recreational complexes, through interrelated and mutually supporting facilities and drawing upon separate and distinct regional markets. The flexible regulatory framework provided for in the PRP District allows for innovation and maximum flexibility both in the use and design of these facilities in a single location. It also allows for a variety of activities to take place simultaneously, without generating multiple or separate vehicular trips, which together with encouragement of access through regional public transportation networks and a pedestrian and bicycle orientation reduces vehicular trips and energy requirements. A single set of development and design requirements is imposed for the district as a whole

(a) In addition to the standards and regulations required for site plan approval pursuant to Article XXVI, Site Plan Review, of the Town Code, the following shall be required to be submitted for final approval: a detailed design vocabulary for all subsequent development within the PRP District, including exterior building materials and glass; plant material and landscaping palette; architectural guidelines for style, size and height of buildings; conservation and resource management measures; a sign/graphics plan for all signs, advertising, brochures and business forms. All subsequent developers within the PRP District shall adhere to the approved design vocabulary.

§ 108-236

A. Permitted uses:

Outdoor or indoor concert, live performance or entertainment facilities, stadiums and arenas including:

Theaters for live performances

Indoor or outdoor performance and concert facilities

Movie theaters, not including drive-in theaters

Theme parks

Waterslides, swimming pools and wave pools

Discotheques and nightclubs

Lodging Facilities, including:

Cabins and cottages, for transient lodging, (time shares and fractional ownership)

Bed-and-breakfasts and Country inns,

Hotels

Hotel Conference Centers

Recreational vehicle parks

Campgrounds

Sporting uses and sports facilities, including:

Sports arenas, or indoor or outdoor courts or playing fields, or facilities for boxing, basketball, baseball, cycling, football, hockey, ice skating, skiing, soccer, tennis, bowling, archery, horseback riding or other sports

Stadiums

Race tracks for horses, automobiles or motorcycles

Boat or canoe rental facilities and fishing piers

Hiking, nature trails, and bridle paths

Canoeing and kayaking

Fishing

Community or public park Golf Uses, including:

Pitch-and-putt or miniature golf courses

Public or private golf driving ranges, practice facilities or

Public or private 18-hole golf courses including executive, regulation or par 3

Golf Course resort

Sports instructional academies, schools, camps or facilities, including:

Aviation clubs or schools

Martial arts schools or facilities

Equestrian arenas, schools or facilities or riding academies and riding stables

Scuba and skindiving facilities and instruction

golf instruction schools

Dance studios

Exposition and Exhibition Facilities, including:

Animal exhibits

Botanical gardens and arboreta

Cable car operators

Museums and art galleries

Planetarium

Scenic railroads]

Sports museums or halls of fame

Rodeos

Zoological gardens, but not aquariums

Farmers markets, arts and crafts markets, carnival or festival markets

Auction houses

Health Spas and health related facilities, including:

Health clubs and gymnasiums

Health spas

Wellness Center

B. Accessory uses.

As defined in section 108-3 herein including, but not limited to:

Incidental, ancillary and subordinate retail facilities, incidental, ancillary and subordinate restaurant, cafeteria , catering facilities, eating or drinking establishments ,

Automatic Teller Machines

Bus or transit stops or stations

First aid stations and other emergency services

Infrastructural facilities such as repair and maintenance or power generating facilities

Off-street parking and loading facilities

Parks, open space and picnic areas

Security and management facilities

Conference facilities, meeting rooms and ballrooms

C. General lot, yard and height requirements for the PRP District.

- a) Maximum floor area ratio: 0.20 in total for all buildings within the PRP District
- b) Maximum vegetation clearing: as set forth in Article XXXV of the Town Code of the Town of Riverhead entitled "Pine Barrens Overlay District"

(i) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.

(c) Maximum impervious surface coverage: 50%.

(d) Maximum height:

i) two stories for bed-and-breakfasts and country inns;

ii) six stories or 75 feet whichever is greater for exposition and exhibition facilities, water parks, theme park buildings, hotels, timeshares and fractional ownership,

iii) 120 feet for all other structures, including theme rides, outdoor stadiums, indoor sports arenas, provided that a set back of at least three feet for every one foot in vertical height above 40 feet is provided from the perimeter boundary of the District.

iv) Forty feet for all other uses.

(e) Minimum tract size for golf courses: 140 acres and 300 acres for golf course resorts.

§ 108-236 General Development standards for PRP District.

A. Building and site design and layout. The location and layout of buildings, structures, parking areas, open spaces and other built elements shall be designed so as to provide an aesthetically vibrant, attractive and recreationally oriented environment. An emphasis on creative and innovative designs, colors, textures, materials, building shapes, massing and arrangements is encouraged. A focus on a particular design theme or overall organizing architectural concept is encouraged. While uniformity and bland design are specifically discouraged, measures to ensure harmony and continuity in architectural and landscape design between uses is emphasized. In addition, a great diversity in uses is encouraged in order to provide as wide an array of attractions and facilities as possible. Flexibility in location, size and type of buildings and structures has been provided with the specific purposes of encouraging creativity and the accomplishment of innovative and unique designs. Replication of designs from regional or national amusement parks, attractions or commercial recreation chains or franchises that already exist elsewhere in the state, region or country, is specifically discouraged.

B. Signs. Signs within the interior of each lot shall not be subject to height, size, type or location controls, other than that no sign shall be higher than the permitted height for principal buildings within the district, or so designed or located as to primarily advertise or be directed to roadways or land uses outside of the PRP District, such as Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road), nor shall any signs be placed within a required

buffer area. At the perimeter of the PRP District, signs shall be subject to the following restrictions: One freestanding sign for each lot may be placed at the entrance from a primary road to the PRP District with a maximum of four such signs at each entrance, a maximum height of 30 feet, and an area no larger than 150 square feet per sign. On all arterial roads within the PRP District, signs shall be provided for the purposes of identification and vehicular control, including street signs and exterior directional signs. The provisions of such signs shall be of uniform height, color, typeface and material throughout the PRP District.

C. Exterior lighting. The design and use of materials for exterior lighting along those portions of the primary roads which abut the PRP District and along all arterial roads within the PRP District shall be of uniform design. Uniformly designed exterior lighting shall be provided for all pedestrian pathways, bikeways and parking areas along such primary roadways and arterial roads linking the lots. Such lighting shall also be provided in accordance with Illuminating Engineering Society standards and shall be installed by the developer at his or her expense. Pedestrian pathways throughout the PRP District, around buildings and across access or service roads or driveways shall be lighted to clearly identify their location. The design of lighting poles, fixtures and the spacing and height of lighting poles shall be uniform throughout the PRP District. Directional lighting shall be arranged so as to minimize glare and reflection on properties adjacent to the PRP District and across property line boundaries. All exterior lighting shall comply with Article XLV of the Town Code of the Town of Riverhead entitled "Exterior Lighting".

D. Pedestrian Pathways and Bikeways. There shall be sidewalks or pedestrian pathways and bicycle paths provided throughout each the PRP District, except where the retention of the natural vegetation is encouraged or required. The types of material used for pedestrian pathways and bikeways, including pavement, curbs, planting and protective barriers, shall be uniform throughout the PRP District. The width of such pedestrian pathways need not be uniform but shall vary according to their use and the amount of pedestrian traffic anticipated to utilize them. Pedestrian pathways and bikeways shall wherever possible be separated from vehicular circulation and streets within the PRP District. Stubbed pathways at the boundaries of developed properties shall be encouraged in order to permit linkage to subsequent developers. Subsequent developers shall provide pedestrian pathway and bikeway links to those paths already developed or approved, so as to provide a continuous and interconnecting pedestrian pathway and bikeway system throughout the district. Pedestrian paths shall not be less than five feet in width and, where used as a jogging path or bikeway in addition to a pedestrian pathway, shall not be less than eight feet in width.

E. Common open space. Open space areas within the PRP District, particularly those areas where vegetation has not been cleared pursuant to meeting the requirement of clearing a maximum of 65% of vegetation within the Pine Barrens Compatible Growth Area, shall be so designed and used as to protect the natural resources and qualities of the site, including the natural terrain, woodland, significant views and any unique and unusual features. The following regulations shall apply to these areas:

- (1) Clearing of brush and dead timber shall be required where necessary to eliminate fire hazards.
- (2) Manual clearing of obstruction or jams from streams or waterways shall be required where necessary to ensure unimpeded flow, provided that no channelization shall be permitted.
- (3) Hiking, jogging and bridle paths, utilizing natural ground surfacing such as stone or wood chips, may be constructed and maintained unless otherwise prohibited by Town or state law.
- (4) Open space which is in a natural state shall otherwise be maintained undisturbed in its natural state. No garbage debris shall be permitted to accumulate except vegetation clipping properly maintained as compost heaps.
- (5) Passive recreational use of open space natural areas shall be restricted to hiking, jogging, bicycling, fishing, bird watching, horseback riding and canoeing or kayaking.

F. Landscaping. Shade trees shall be provided along roads, walkways and parking areas. Landscaped buffers or vegetative screening shall be provided around all parking, utility, refuse disposal areas and wherever else the Town Board deems necessary to screen visually objectionable features. Landscaping shall be provided in all areas which contain neither buildings, paved surfaces or undisturbed naturally vegetated areas, including all public areas and around buildings. The landscaping plan shall provide for a variety and mixture of plant materials taking into consideration their susceptibility to disease, colors by season, textures, shapes, blossoms and foliage.

G. PRP roadways.

(1) For the purposes of the PRP District, Grumman Boulevard/Swan Pond Road and State Route 25 (Middle Country Road) are designated as the primary access roads to the PRP.

(2) Arterial roads shall be provided within the PRP District to provide access from properties within the PRP District to Grumman Boulevard/Swan Pond Road and/or State Route 25 (Middle Country Road). Such arterial roads shall be located in such a manner as to provide safe, convenient and direct access from such primary roads to each all properties, without unduly interfering with traffic entering or exiting other s, or creating congestion at any of the access points along the primary access roads. All arterial roads shall be built to public road specifications and be open to the public at all times. Public access to non-arterial roads may be controlled by the property owner. Collector and access roads within each property may be either public or private streets. All roads shall have sufficient right-of-way and road width to accommodate traffic generated at the 30th highest peak hour of the year, taking into account the accumulated peak traffic of simultaneously operating planned recreational park facilities. The cost of providing and improving all roadways shall be the responsibility of the developers. The utilization of private vehicles as a primary means of transportation within the PRP District and for traveling from one property or amenity within the district to another is strongly discouraged. A parking plan which utilizes some form of public shuttle or transit system is strongly encouraged, as are walking or cycling pedestrian pathways and bikeways.

H. Materials, equipment and utilities. All materials and equipment, and utilities such as refuse containers, electrical substations, outdoor mechanical areas shall either be stored in a completely enclosed building or screened by means of a fence, wall, planting, landscaped berm or other suitable means.

I. Parking and loading.

(1) Required parking and loading space shall be provided within the same parcel of land as the building or facility serviced, unless one or more collective shared off-street parking facilities are provided which are reasonably proximate to the facilities they serve, or where some form of frequently running, free shuttle service is provided. The use of shared and collective parking areas is encouraged, particularly where events and operations can be staged or scheduled in a manner so that the peak parking demands for the facilities so served do not coincide. The Town Board may also permit a portion of the proposed parking and loading areas to remain unpaved but landscaped where it believes, or where credible evidence is presented, that more parking spaces than reasonably required for the proposed use or uses will be provided. If conditions change and additional parking is warranted, the Town Board or its designated agent identified at the time of approval may require such an unpaved area to be paved. Such permission to defer paving of parking and loading spaces shall be predicated upon the applicant filing with the Town Board and Town Clerk and recording at the Suffolk County Recording Office deed restrictions or covenants and restrictions drafted in a manner satisfactory to the Town Attorney, ensuring that the land will be used either as open space or parking.

(2) All off-street parking and loading areas shall be bordered by vegetative screening or landscaped areas containing trees, shrubs and/or landscaped berms to shield automobiles from view. Wherever feasible, the Planning Board shall require that at least 10% of the total parking lot area be used for interior landscaping, to include trees and shrubs.

Interior landscaping shall be distributed throughout all parking lots in planting islands to provide the maximum shade and buffer from noise and glare. At least one deciduous tree for every 20 spaces shall be required within the parking lot.

(3) To the maximum extent possible, loading areas shall not be located within any front yard setback area and shall be placed at such locations so as to minimize their visibility to the public and to be provided access separate from parking areas and driveways used by the public.

J. Emergency equipment. All buildings, structures and open spaces accessible to the public shall be accessible to emergency vehicles. Wherever a building or structure exceeds a height of 40 feet, a roadway or other suitable surface capable of supporting heavy emergency equipment shall be located 20 feet from the base.

§ 108-237 Additional Performance Criteria.

(1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.

(2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.

(3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.

(4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.

(5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a non disturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act)EN and Chapter 107 of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.

(6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.

(7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are constructed merely for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation and the provisions of the Town Code of the Town of Riverhead.

(8) Land subdivision maps and site plans shall be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the plan.

(9) Development projects shall place no more than 15% of the entire site in fertilizer-dependent vegetation. Development designs shall consider native planting suggestions made part of the plan.

(10) Development which will have a significant negative impact upon a habitat essential to those species identified on the New York State maintained lists as rare, threatened or of special concern, or upon the communities classified by the New York State Natural Heritage Program as G1, G2 or G3 or as S1, S2 or S3 or upon any federal listed endangered or threatened species, appropriate mitigation measures, as determined by the state, county or local government agency, shall be imposed to protect such species.

(11) Development projects shall minimize disturbance of the natural grade and/or natural vegetation where slopes exceed 10%. Construction in areas with slopes exceeding 10% may be approved if the site design incorporates adequate soil stabilization and erosion control measures so as to mitigate negative environmental impacts. Where applicable, non-disturbance buffers shall be placed on those portions of the site where slopes exceed 10%. Development plans shall include a slope analysis depicting existing slopes in the ranges of 0% to 10%, 11% to 15% and 15% or greater. Erosion and sediment control plans and details of retaining walls and erosion control structures shall be referred for construction in areas where slopes exceed 15% and for roads and driveways traversing slopes of 10%.

(12) Prior to construction, soil erosion and sediment control plans shall be prepared and approved which achieve the following objectives:

(a) Minimize potential impacts associated with soil erosion and resulting in sedimentation of surface waters.

(b) Limit work areas to the immediate areas of construction in order to minimize disruption of adjacent lands.

(13) In order to provide for orderly development and the efficient provision of infrastructure, applications for development projects depicting either open space or reserve areas shall specify the conditions of ownership and the use of such lands, and such conditions shall be set forth in the deed of dedication, declaration of covenants, conservation easement or similar instrument.

(14) Any existing, expanded or new activity involving agricultural production or horticulture shall comply with best-management practices as set forth in the plan, as may be amended from time to time.

(15) Development plans shall indicate established recreational and educational trails and trail corridors, active recreational sites, scenic corridors, roads, vistas and viewpoints, sites of historical or cultural significance, including historic districts, sites on the State or National Registers of Historic Places and historic structures listed on the State or National Registers of Historic Places, or recognized by local law or statute, sensitive archeological sites as identified by the New York State Historic Preservation Officer or the New York State Museum, within 500 feet of the proposed development, and shall provide adequate measures to protect such natural resources. The use of existing natural buffers or the restoration of degraded buffer areas, the use of signs or other man-made structures, consistent in style and scale with the community character, or other similar measures shall be taken to protect roadside areas as well as scenic and recreational resources.

- (16) All development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
- (17) All development shall comply with the applicable provisions of the New York State Environmental Conservation Law and all other applicable federal, state or local laws regulations the environment..
- (18) The approval of the New York State Historic Preservation Office for the establishment of a site-specific protocol for either the relocation of development or the retrieval of artifacts in the event of excavation shall be obtained in order to mitigate impacts upon archaeological resources within the PRP District.
- (19) The applicant shall submit a traffic study for the approval of the comprehensive development plan, which study shall identify and for which the applicant shall pay and implement measures to mitigate the impact of traffic generated by the full buildout of all development within the PRP District to the point where the effects of such buildout are comparable to future conditions without such development. Such mitigation measures shall include but not be limited to:
- (a) Signal, timing, geometric improvements and regulatory measures.
 - (b) A restriction against additional vehicular access points along Swan Pond Road.
 - (c) The completion of off-site road improvements to be required by the New York Department of Transportation as a function of permit review for curb cuts along New York State Route 25.
 - (d) The geometric improvement of the intersection of Edwards Avenue and Route 25, if warranted by motor vehicle traffic generated by development in the PRP District.
- (20) Development within the PRP District shall adhere to setbacks as required; notwithstanding such adherence, noise emanating from the PRP District shall comply with the Noise Ordinance of the Town of Riverhead,-which limits such noise levels from commercial and industrial properties to neighboring properties to 65 dBA. In the event that such noise levels are exceeded, such additional noise abatement measures, including increasing such setbacks or the provision of noise walls or the provision of berms, fences, vegetation and the like, shall be provided for. Such restrictions shall not apply to aircraft noise whose flights shall be restricted to daytime hours.

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1136

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE
(§108-175. and §108-179. - Pine Barrens Overlay District)

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

_____ COUNCILMAN DUNLEAVY :

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Article XXXV - Pine Barrens Overlay District) of the Riverhead Town Code once in the December 24th, 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 be and is hereby directed to forward a copy of this resolution to the Riverhead Planning Department; the Riverhead Planning Board; 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
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 21st day of January, 2009 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108
ZONING
ARTICLE XXXV
Pine Barrens Overlay District

§108-175. Findings, legislative intent and purpose.

A. This Town Board finds and determines that the provisions of the Pine Barrens Overlay District were designed, in part, to protect the Pine Barrens Core and Compatible Growth areas.

This Town Board further finds that the provisions of the Pine Barrens Overlay District regarding land clearing must be clarified to insure that contiguous areas of land remain undisturbed to both protect habitats and to insure the continued proliferation of flora and fauna in the area.

This Town Board further determines that the needed clarification must be adopted before ownership of the affected lands pass from the Town of Riverhead to forestall any dispute over the intended meaning of the land clearing provisions.

This Town Board further finds and determines that the Long Island Pine Barrens Protection Act enacted by the State Legislature in 1993 recognized that the Towns within the Pine Barrens region are the natural guardians of the unique Pine Barrens land within the Town's jurisdiction through the exercise of their accepted zoning powers.

Therefore, it is the intent of this local law to enact certain clarifications of existing provisions to insure that the safeguards that the Town of Riverhead intended to impose regarding land clearing are observed.

B. A- In 1993, New York State adopted § 57-0119 of the Environmental Conservation Law ("ECL") entitled "Central Pine Barrens Joint Planning and Policy Commission." This Commission consists of five voting members: a member appointed by the Governor, the County Executive of Suffolk County and the Supervisors of the Towns of Riverhead, Brookhaven and Southampton. This Commission was formed to implement, manage and oversee land use within the Central Pine Barrens area on Long Island. ECL 57-0119(6)(a) gives the Commission the power to prepare, adopt and insure implementation of the Comprehensive Land Use Plan. ECL Article 57 recognizes the importance of the three local towns in regulating the implementation of the plan within the Central Pine Barrens region. The authority to establish a Comprehensive Land Use Plan is contained in ECL § 57-01021. In conformance with ECL Article 57 and the Comprehensive Land Use Plan, the Town Board of the Town of Riverhead enacted § 108-175 of the Town Code of

the Town of Riverhead entitled "Pine Barrens Overlay District." The intention of the original legislation adopted in 1995 and the resulting plan was that the local planning board and zoning powers and authority to regulate land uses by local municipalities within the Central Pine Barrens area would not be affected by said legislation and plan.

~~B.~~ C. It is the purpose of this article to provide consistency with the goals of the Central Pine Barrens Comprehensive Land Use Plan adopted by the Town Board on June 28, 1995, pursuant to the provisions of Article 57 of the New York State Environmental Conservation Law, as follows:

- (1) To protect, preserve and enhance the functional integrity of the Pine Barrens ecosystem and the significant natural resources thereof.
- (2) To protect the quality of surface water and groundwater.
- (3) To discourage piecemeal and scattered development, and to encourage the preservation of contiguous areas of open space and non-disturbed areas to the greatest extent practicable.
- (4) To promote active and passive recreational and environmental educational uses that are consistent with the Land Use Plan.
- (5) To accommodate development in a manner consistent with the long-term integrity of the pine barrens ecosystem and to ensure that the pattern of development is efficient and orderly.
- (6) To protect the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

~~C.~~ D. The particular objectives for land use with respect to the Central Pine Barrens Core Preservation Area include:

- (1) Preserving the pine barrens in their natural state thereby ensuring the continuation of the unique and significant ecologic, hydrogeologic and other resources representative of such environments.
- (2) Promoting compatible agricultural, horticultural and open space recreational uses within the framework of maintaining a pine barrens environment and minimizing the impact of such activities thereon.
- (3) Prohibiting or redirecting new construction or development.
- (4) Accommodating specific pine barrens management practices, such as prescribed burning, necessary to maintain the special ecology of the preservation area.
- (5) Protecting and preserving the quality of surface water and groundwater.
- (6) Protecting the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

~~D.~~ E. The particular objectives for land use with respect to the Central Pine Barrens Compatible Growth Area include:

- (1) Preserving and maintaining the essential character of the existing pine barrens environment, including plant and animal species indigenous thereto and habitats thereof.
- (2) Protecting the quality of surface water and groundwater.
- (3) Discouraging piecemeal and scattered development.
- (4) Encouraging appropriate patterns or compatible residential, commercial, agricultural, and

industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impacts thereof.

- (5) Accommodating a portion of the development redirected from the Core Preservation Area.
- (6) Allowing appropriate growth consistent with stated natural resource goals.
- (7) Protecting the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

E. F. Although each of the zoning codes of the respective three towns contains penalty provisions for violations of the Code, no specific provisions are included for violations of regulations within the Central pine barrens area. Article 57 of the ECL does not specifically provide for an enforcement or penalty provision. The Towns of Riverhead, Brookhaven, and Southampton desire to discourage and prevent unauthorized and illegal land clearing activities, illegal dumping and other unauthorized uses within the core area and the compatible growth area of the Long Island Central Pine Barrens region. Any amendment to Article 57 of the ECL should be consistent with existing code enforcement provision in each of the three towns.

F. G. This article, in addition to the purposes outlined above, is necessary to raise the potential penalties under the authority of the respective Town codes for unauthorized and illegal land clearing activities, as well as provide enforcement of other provisions of the respective Town code regarding the Long Island Central Pine Barrens region.

§ 108-179. Development within Compatible Growth Area.

A. Development within the Compatible Growth Area (CGA) shall comply with the following standards:

- (1) All development subject to the provisions of Article 6 of the Suffolk County Sanitary Code shall meet the applicable requirements of the Suffolk County Department of Health.
- (2) As determined by the State of New York or the County of Suffolk, any new public or private sewage treatment plant discharge shall be outside of the Core Preservation Area and shall be located north of the groundwater divide, as defined by the Suffolk County Department of Health Services, as site conditions permit.
- (3) All development shall comply with the provisions of Articles 7 and 12 of the Suffolk Sanitary Code.
- (4) All development involving significant discharges to groundwater and located proximate to public water supply wells shall require measures to mitigate impacts upon water quality as required under Article 17 of the New York State Environmental Conservation Law. The Suffolk County Department of Health Services' guidelines for private wells should be used for private wellhead protection.
- (5) Development proposals for sites containing or abutting freshwater wetlands shall be separated by a non-disturbance buffer area which shall be in accordance with Article 24 of the New York State Environmental Conservation Law, the Wild, Scenic and Recreational Rivers Act (the Rivers Act) and Chapter 107 of the Code of the Town of Riverhead, whichever is most restrictive. Distances shall be measured horizontally from

the wetland edge as mapped by the New York State Department of Environmental Conservation, field delineation or local ordinance. Stricter buffer areas may be established for wetlands as appropriate. Buffer areas shall be delineated on development plans with conditions imposed to assure the preservation of the freshwater wetland resource. Said conditions shall be set forth in a declaration of covenants, conservation easement or similar instrument.

- (6) Development proposals for sites within the regulated area of the New York Wild, Scenic and Recreational Rivers Act shall conform to the standards of the Act. Variances from the Act shall meet all requirements imposed by the State of New York in order to be deemed to have met the requirements of this standard. Additional relief from the Town of Riverhead Zoning Board of Appeals shall not be required.
- (7) All stormwater generated by development shall be recharged on site unless surplus capacity exists in an off-site drainage system. In the review of development plans, the Town Board shall encourage the use of natural recharge areas or drainage system design which result in minimal disturbance of native vegetation with the use of natural swales and depressions as an alternative to excavated recharge basins where feasible. Development plans should include the use of ponds only if such ponds are designed to retain stormwater and are not merely constructed for aesthetic purposes. Adequate measures should be employed to control soil erosion and stormwater runoff during construction, as per guidelines promulgated by the New York State Department of Environmental Conservation.
- (8) Clearance: Clearing.
 - (a) The proposed disturbance to natural vegetation, combined with previously disturbed areas, shall conform to the following clearance clearing standards:

Zoning Use District	Maximum Site Clearance-Clearing (percentage)
RB-80	53%
APZ	53%
IA	65%
IC	65%
Business CR	65%
<u>Property within EPCAL LI, PIP, CO and PRP Districts</u>	<u>in conformance with map filed in the Department of Planning, as set forth in subsection 9 hereinafter</u>

- (b) The applicable clearance clearing percentage shall be calculated over the area of the entire parcel, including but not limited to public highways, roadways, building sites, parking areas, drainage structures and recharge areas. Development plans shall delineate the existing naturally vegetated areas, shall calculate those portions of the site that are already cleared due to previous activities and shall contain calculations for the amount of

disturbance of native vegetation and indicate the clearing limits thereof.

(c) To the extent that a portion of a site includes Core property, and for the purpose of calculating the clearing limits, the site shall be construed to be the combined Core and CGA portions. However, the Core portion may not be cleared without a hardship exemption.

(9) ~~Land subdivision maps and site plans shall be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Non-native vegetation species to be avoided are contained in Figure 5-2 of the plan.~~

A. A map of the portion of Pine Barrens Overlay District within the fence line of the former Grumman facility now known as EPCAL, shall be adopted designating those areas of the EPCAL site where land clearing is prohibited. The areas where land clearing is prohibited shall constitute 35% of the overall site. Those areas contained on said map where land clearing is not prohibited may be cleared. The map may be modified from time to time by resolution of the Town Board.

B. Land subdivision maps and site plans outside of the EPCAL site shall also be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Non-native vegetation species to be avoided are contained in Figure 5-2 of the Central Suffolk Pine Barrens Comprehensive Plan.

C.

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

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

12/16/08

TOWN OF RIVERHEAD

Adopted

Resolution # 1137

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING TO CONSIDER A LOCAL LAW WHICH WOULD ADOPT A MAP DESIGNATING NON-DISTURBANCE AREAS PURSUANT TO THE PINE BARRENS OVERLAY DISTRICT (Riverhead Town Code Article XXXV) FOR THE FORMER NAVAL WEAPONS INDUSTRIAL RESERVE PLANT (NWIRP) NOW KNOWN AS ENTERPRISE PARK AT CALVERTON (EPCAL)

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

COUNCILMAN WOOTEN

which was seconded by _____:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law which would adopt a map designating non-disturbance areas pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the former Naval Weapons Industrial Reserve Plan (NWIRP) now known as Enterprise Park at Calverton (EPCAL) in the December 24th, 2008 issue of News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department; the Planning Board; the Planning Department and the Office of Accounting, New York State Department of Environmental Conservation, Central Pine Barrens Joint Planning and Policy Commission.

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 PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on January 21st 2009 at 7:10 pm, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to consider the adoption of a map designating non-disturbance areas clearing limits pursuant to the Pine Barrens Overlay District (Riverhead Town Code Article XXXV) for the former Naval Weapons Industrial Reserve Plan (NWIRP) now known as Enterprise Park at Calverton (EPCAL) as shown on the map depicted below.

Dated: Riverhead, New York
December 16, 2008

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

DIANE M. WILHELM, Town Clerk

Adopted

RESOLUTION # <u>1138</u> ABSTRACT #08-49 December 11, 2008 (TBM 12/18/08)			
COUNCILMAN BUCKLEY offered the following Resolution which was seconded by			
COUNCILMAN WOOTEN			
FUND NAME		CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	1,238,575.05	1,238,575.05
POLICE ATHLETIC LEAGUE	4	272.41	272.41
RECREATION PROGRAM FUND	6	7,124.83	7,124.83
CHILD CARE CENTER BUILDING FUN	9	22.65	22.65
TOWN BOARD SPECIAL PROGRAM FUN	24	276.52	276.52
ECONOMIC DEVELOPMENT ZONE FUND	30	2,526.68	2,526.68
HIGHWAY FUND	111	1,528,944.27	1,528,944.27
WATER DISTRICT	112	716,062.35	716,062.35
RIVERHEAD SEWER DISTRICT	114	384,873.96	384,873.96
REFUSE & GARBAGE COLLECTION DI	115	872,260.67	872,260.67
STREET LIGHTING DISTRICT	116	186,695.61	186,695.61
PUBLIC PARKING DISTRICT	117	100,036.83	100,036.83
BUSINESS IMPROVEMENT DISTRICT	118	2.26	2.26
AMBULANCE DISTRICT	120	69,636.71	69,636.71
EAST CREEK DOCKING FACILITY FU	122	284.10	284.10
CALVERTON SEWER DISTRICT	124	34,031.12	34,031.12
RIVERHEAD SCAVANGER WASTE DIST	128	308,286.30	308,286.30
WORKERS' COMPENSATION FUND	173	946,874.22	946,874.22
RISK RETENTION FUND	175	42,935.49	42,935.49
CDBG CONSORTIUM ACOUNT	181	34,104.47	34,104.47
TOWN HALL CAPITAL PROJECTS	406	75,812.91	75,812.91
YOUTH SERVICES CAP PROJECT	452	2,691.57	2,691.57
SENIORS HELP SENIORS CAP PROJE	453	1,546.19	1,546.19
MUNICIPAL GARAGE FUND	626	21,740.50	21,740.50
TRUST & AGENCY	735	13,084.70	13,084.70
COMMUNITY PRESERVATION FUND	737	2,904,876.30	2,904,876.30
CALVERTON PARK - C.D.A.	914	61,540.00	61,540.00
TOTAL ALL FUNDS		9,555,118.67	9,555,118.67

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

RESOLUTION # 1138 ABSTRACT #08-48 December 04, 2008 (TBM 12/18/08)				
COUNCILMAN BUCKLEY				
offered the following Resolution which was seconded by				
COUNCILMAN WOOTEN				
FUND NAME		12/2/08 CD	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		4,009,542.72	4,009,542.72
POLICE ATHLETIC LEAGUE	4		5,429.40	5,429.40
TEEN CENTER	5	10,000.00		10,000.00
RECREATION PROGRAM FUND	6	45,000.00	8,254.31	53,254.31
CHILD CARE	9	40,000.00		40,000.00
TOWN BOARD SPECIAL PROGRAM FUN	24	12,500.00	2,110.46	14,610.46
YOUTH COURT SCHOLAR	25	1,000.00		1,000.00
SRS DAYCARE	27	7,000.00		7,000.00
AN SPAY/NEUTER	29	1,000.00		1,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30		9,092.59	9,092.59
REC YOUTH	31	2,000.00		2,000.00
HIGHWAY FUND	111	330,000.00	276,152.75	606,152.75
WATER DISTRICT	112		259,427.05	259,427.05
R & M	113	265,000.00		265,000.00
RIVERHEAD SEWER DISTRICT	114	2,415,000.00	113,702.63	2,528,702.63
REFUSE & GARBAGE COLLECTION DI	115	420,000.00	46,324.68	466,324.68
STREET LIGHTING DISTRICT	116	100,000.00	29,772.13	129,772.13
PUBLIC PARKING DISTRICT	117	115,000.00	938.54	115,938.54
BUSINESS IMPROVEMENT DISTRICT	118	95,000.00	9,697.50	104,697.50
AMBULANCE DISTRICT	120	47,000.00	3,030.00	50,030.00
EAST CREEK DOCKING FACILITY FU	122		588.46	588.46
CALVERTON SEWER DISTRICT	124	183,000.00	7,124.09	190,124.09
RIVERHEAD SCAVANGER WASTE DIST	128		36,182.42	36,182.42
SEWER DIST FUND	130	295,000.00		295,000.00
WORKERS' COMPENSATION FUND	173	1,450,000.00	11,149.50	1,461,149.50
RISK RETENTION FUND	175	725,000.00	5,848.10	730,848.10
UNEMPLOYMENT	176	40,000.00		40,000.00
MAIN ST REHAB	177	100,000.00		100,000.00
REVOLVING LOAN PROGRAM	178	20,000.00	2,153.91	22,153.91
RES REHAB LOAN	179	15,000.00		15,000.00
CDBG CONSORTIUM ACOUNT	181	19,000.00	873.86	19,873.86
UDC WORKING	182	2,000.00		2,000.00
RESTORE	184	7,000.00		7,000.00
PUB PARK DEBT	381	16,000.00		16,000.00
SEWER DISTRICTS DEBT SERVICE	382	370,000.00	1,123.13	371,123.13
WATER DISTRICT DEBT SERVICE	383		57,897.47	57,897.47
GENERAL FUND DEBT SERVICE	384	3,900,000.00	35,723.15	3,935,723.15
SCAVANGER WASTE DISTRICT DEBT	385		40,000.00	40,000.00
SUFFOLK THEATER	386	15,000.00		15,000.00
TOWN HALL CAPITAL PROJECTS	406		479,594.71	479,594.71
800 SERIES	408	15,000.00		15,000.00
2 BEARS	440	35,000.00		35,000.00
YOUTH SERVICES CAP PROJECT	452		12,486.89	12,486.89
SENIORS HELP SENIORS CAP PROJE	453		2,928.68	2,928.68
EISEP CAP PROJECT	454	150,000.00	235.28	150,235.28
MUNICIPAL FUEL FUND	625		16,821.65	16,821.65
MUNICIPAL GARAGE FUND	626		57,433.53	57,433.53
TRUST & AGENCY	735		1,630,663.34	1,630,663.34
SPECIAL TRUST	736	2,030,000.00		2,030,000.00
COMMUNITY PRESERVATION FUND	737	7,980,000.00	1,586.88	7,981,586.88
CDA CALVERTON	914	190,000.00		190,000.00
CDA	915	1,500.00		1,500.00
TOTAL ALL FUNDS		21,464,000.00	7,173,889.81	28,637,889.81

December 16, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 1139

REAPPOINTS STUDENT INTERN TO THE ACCOUNTING DEPARTMENT

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

WHEREAS, the need for a Student Intern exists in the Accounting Department,
and

WHEREAS, the recommendation of the Financial Administrator and the
Personnel Officer has been received.

NOW, THEREFORE, BE IT RESOLVED, that effective December 22, 2008
through January 9, 2009 Justin Blass is hereby reappointed to the position of Student
Intern II at the hourly rate of \$10.00.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized
to forward a copy of this resolution to Justin Blass, the Accounting Department, and the
Personnel Officer.

The Vote

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass ~~Yes No~~ *abstain*

Cardinale Yes No

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

12/16/08

Adopted

TOWN OF RIVERHEAD

Resolution # 1140

**ACCEPTS PERFORMANCE BOND OF
VINCENZO MASTRONARDI ET AL.
(SUBDIVISION ENTITLED, "MASTRO REALTY")**

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

WHEREAS, by Resolution #83 adopted on December 7, 2007, the Riverhead Planning Board conditionally approved the final plat entitled, "Mastro Realty", having one of the conditions of final approval being the submission and filing of a performance bond in the amount of \$880,000.00, in connection with improvements to be completed within said subdivision; and

WHEREAS, Mastro Realty has submitted Service Insurance Company, Inc. Site Improvement Performance Bond #2634N in the amount of \$880,000.00 in connection with improvements to be completed within said subdivision; and

WHEREAS, said performance bond is found to be acceptable in connection with the subdivision entitled "Mastro Realty".

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the aforementioned Service Insurance Company, Inc. Performance Bond in connection with this subdivision; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Peter S. Danowski, Jr., Esq., P.O. Box 779, Riverhead, New York, 11901; The Raynor Group, P.E., L.S., PLLC, P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E.; the Planning Department; the Building 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