

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

- Res. #745 Business Improvement District Budget Adjustment
- Res. #746 Information Technology Department Budget Adjustment
- Res. #747 General Fund Budget Adjustment
- Res. #748 2008 Grangebél Park North Spillway Capital Project Budget Adoption
- Res. #749 Authorization to Discard Fixed Assets
- Res. #750 Approves Stipulation of Agreement
- Res. #751 Accepts Resignation of a Payroll Supervisor (Debra Sorensen)
- Res. #752 Appoints a Payroll Supervisor (Carol DelVecchio)
- Res. #753 Accepts Retirement of a Police Officer (John Matlak, Jr.)
- Res. #754 Amends 2008 Salary Resolution
- Res. #755 Reassign Network and Systems Technicians
- Res. #756 Authorizes the town Clerk to Publish and Post a Help Wanted Advertisement for a Civil Engineer
- Res. #757 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for an Automotive Equipment Operator
- Res. #758 Appoints an Executive Director of Youth Bureau (Donna Lyczkowski)
- Res. #759 Authorizes the Town of Riverhead to Secure a Pool Structure and Land at the Premises Known as 29 Rabbit Run, Riverhead, New York, 11901, SCTM #0600-084.00-02-034.04 Pursuant to Riverhead Town Code Chapter 54
- Res. #760 Approves the Attendance at Empire Zone Conference

- Res. #761 Accepts Security of Rugby Recreational Group, LLC (Baiting Hollow Country Club Residential Subdivision) (Water Key Money)
- Res. #762 Accepts Security of Rugby Recreational Group, LLC (Baiting Hollow Country Club Residential Subdivision)  
(Construction/Extension of Lateral Water Main)
- Res. #763 Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code (§101-20. Additional Parking Regulations.)
- Res. #764 Adopts a Local Law for the Addition of Sections 52-22 Through 52-27, Inclusive, to Chapter 52 Entitled “Building Construction, Green Building Construction and Certification Regarding New Town-Owned Buildings and Facilities” of the Riverhead Town Code
- Res. #765 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law Amending the Code of the Town of Riverhead by Amending Chapter 108 “Zoning” to Include a New Article VII Entitled “Wind Energy Systems for Agricultural Uses”
- Res. #766 Approves Chapter 90 Application of Darkside Productions Inc. (Haunted House)
- Res. #767 Approves Chapter 90 Application of Marie Tooker – Abbess Farm (USA Music Festival 2008)
- Res. #768 Approves Chapter 90 Application of Fink’s Country Farm, Inc.
- Res. #769 Ratifies the Execution of a Submission Grant Agreement between the Town of Riverhead and the New York State Environmental Facilities Corporation for Operation and Maintenance Funding for the Pumpout Facilities
- Res. #770 Ratifies the Authorization for the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Planned Recreational Park (PRP) District)

- Res. #771 Authorizes Supervisor to Execute Agreement with the Riverhead Central School District for the Administration of Grant Funds with the New York State Division of Criminal Justice Services
- Res. #772 Authorizes the Supervisor to Execute a Construction Staging Area License Agreement with NF Management, Inc.
- Res. #773 Authorizes Town Clerk to Publish and Post a Public Notice for a Public Hearing Regarding an Alleged Unsafe Building Located at 994-1008 East Main Street, Riverhead, Suffolk County, New York, Tax Map No. 0600-106-4-5, Pursuant to Chapter 54 of the Riverhead Town Code
- Res. #774 Resolution Subject to Permissive Referendum Authorizing the Purchase of a Parcel of Property Located at 1295 Pulaski Street, Riverhead (Purported Owner: Riverhead Building Supply Corp.)
- Res. #775 Authorizes the Supervisor to Execute an Agreement with the Eaton Electrical Corporation Regarding Maintenance of the UPS Power Module System in the Police Department/Justice Court Building
- Res. #776 Authorizes the Supervisor to Execute an Agreement with Air Mark Air Conditioning Corporation to Maintain Heating, Ventilation and Air Conditioning Systems at the Riverhead Town East Lawn Building
- Res. #777 Authorizing the Supervisor to Enter into Negotiations with Owners of Properties Described as SCTM #0600-128-1-13 and 0600-128-5-10
- Res. #778 Authorizes the Adoption of a Parking Plan to Serve Suffolk County Supreme Court
- Res. #779 Authorizes the Town Attorney to Enter into Negotiations with the Riverhead Fire District
- Res. #780 29 Rabbit Run Budget Adoption
- Res. #781 Pays Bills

September 3, 2008

Adopted

TOWN OF RIVERHEAD

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 745

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

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

		<u>FROM</u>	<u>TO</u>
118.000000.499999	Appropriated Fund Balance	11,212	
118.064100.524000	Equipment		11,212

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

September 3, 2008

Adopted

TOWN OF RIVERHEAD

INFORMATION TECHNOLOGY DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 746

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN.

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

		<u>FROM</u>	<u>TO</u>
001.016800.542700	Computer Supplies	11,000.00	
001.016800.524000	Equipment	1,000.00	
001.016800.542100	Office Supplies	4,500.00	
001.016800.524000	Maintenance Contract		16,500

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No



September 3, 2008

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 747

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILMAN BUCKLEY.

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

		<u>FROM</u>	<u>TO</u>
001.016200.542113	Postage	15,500	
001.016200.524000	Equipment		15,500

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

September 3, 2008

Adopted

TOWN OF RIVERHEAD

2008 GRANGEBEL PARK  
NORTH SPILLWAY CAPITAL PROJECT  
BUDGET ADOPTION

RESOLUTION # 748

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

**WHEREAS**, Grangebel Park is located along the Peconic River in the downtown area of Riverhead; and

**WHEREAS**, the Town, with the assistance of grant funds from the State of New York has made significant improvements to Grangebel Park essential to use and enjoyment of this centrally located park by boaters, pedestrians and visitors to the Town of Riverhead, and

**WHEREAS**, the improvements made to Grangebel Park included reconstruction of deteriorated bulkhead, extension of 10' pedestrian bulkhead, lightning and landscaping; and

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

**WHEREAS,** major structural improvements to the north spillway in Grangebel Park are required to increase the integrity of the park and will allow the Town to proceed with the South Spillway Fish Passage Project which is being funded through grant monies; and

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

		<u>FROM</u>	<u>TO</u>
406.095031.481900.70805	Special Trust Transfers	250,000	
406.071100.523018.70805	Construction		250,000

**THE VOTE**

Wooten  Yes  No Buckley  Yes  No

Dunleavy  Yes  No Blass  Yes  No

Cardinale  Yes  No

**TOWN OF RIVERHEAD**

Adopted

**AUTHORIZATION TO DISCARD FIXED ASSETS****RESOLUTION # 749**

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

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

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

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

<u>Department</u>	<u>Tag #</u>	<u>Description</u>
Water	10198	Black hon 4 dower file cabinet
Water	10200	Secretary workstation
Water	10222	Red lawn mower
Water	20435	Okdata Dot matrix printer
Water	21982	Canon calculator
Water	22659	Smith corona typewriter
Water	22660	Smith corona typewriter
Water	2273	Water pump
Water	2292	Blue hand truck
Water	23552	Fax stand
Water	25046	Echo trimmer
Water	26374	Arrow TO25 staple gun
Water	283	Multi quip rotary hammer
Water	333	Skil saw circular
Water	334	Ductile pipe saw
Water	365	10" bench saw
Water	91000019	Chlorine transfer pump
Water	115332	Schramm 125 yellow mounted compressor
Engineer	10927	Tan bookcase
Engineer	10928	Tan bookcase
Engineer	10929	Tan bookcase
Engineer	10930	Executive grey swivel chair
Engineer	1194	File cabinet
Engineer	20084	6 foot formica table
Engineer	20085	Midland radio charger
Engineer	20415	Polaroid instant camera
Engineer	21528	Hp design jet 750c color plotter
Engineer	23373	Fax machine
Engineer	10934	Parallel edge
Engineer	7931	Purple side chair
Town board	1342	Chrome floor mike stand
Town board	20132	3 drawer beige file cabinet
Town board	23767	Denon cdr-1000 cd recorder

Town board	27408	Mid black swivel chair
Town board	4041	Brown vinyl chair
Council	1510	Dark blue office chair
Council	23808	3 drawer file cabinet
Council	443	Brown leather chair
Council	473	2 drawer metal file cabinet
Council	6167	Beige 2 door cabinet
Council	8667	Green paper cutter
Misc. Town Hall	194	Red vinyl chair
Misc. Town Hall	256	Chair with red upholstery
Misc. Town Hall	27047	Denon cd burner
Misc. Town Hall	490	Grey shelving unit
Misc. Town Hall	5121	Hand truck
Misc. Town Hall	5583	8 shelving units
Misc. Town Hall	8714	Litter bin
Misc. Town Hall	8715	Litter bin
Building	23805	3 drawer filing cabinet
Building	23857	3 drawer filing cabinet
Building	2887	Typewriter
Building	4416	Midland portable radio
Building	6021	File cabinet
Building	7052	Plastic file cabinet
Building	742	File cabinet
Municipal garage	2019	Milton battery tester
Municipal garage	4986	Redwood work desk
Municipal garage	4989	Lincoln oil drum
Assessor	20731	Partitions
Assessor	20732	Partitions
Assessor	20733	Partitions
Assessor	20735	Partitions
Assessor	8008/73	Desk
Assessor	91	Brown chrome table
Town clerk	1040	Wooden desk
Town clerk	21646	Shelving unit
Town clerk	21647	Shelving unit
Town clerk	21698	Shelving unit
Town clerk	23506	Panasonic microcassette recorder
Town clerk	26 A	Formica top desk
Town clerk	7065	Vinyl side chair
Town clerk	6004	Executive brown swivel chair
Town clerk	3914	Filing cabinet
Supervisor	24906	Swivel task chair
Supervisor	26399	Step stool
Supervisor	26579	Iron gray hon chair
Supervisor	20588	Chair
Planning	24	Metal bookcase
Planning	26580	Hon desk 80 series
Planning	5328	Drafting stool
Planning	5450	Lateral file cabinet
Planning	7043	White cloth swivel chair
Planning	7852	Black drafting chair
Tax receiver	5888	Adler adding machine
Tax receiver	6171	Beige secretary chair
Tax receiver	6172	Beige secretary chair
Highway	ACU	Acutester
Highway	1729	3 drawer grey metal desk
Highway	20580	Copier stand
Highway	21081	Computer workstation
Highway	21133	Redi-measure wheel
Highway	23254	Midland radio

Highway	23659	High back swivel chair
Highway	24029	Straight countertop ledge
Highway	24030	Straight countertop ledge
Highway	24033	Radius panel
Highway	24034	Panel blue/gray
Highway	24035	Panel blue/gray
Highway	24036	Panel blue/gray
Highway	24037	Panel blue/ gray
Highway	24038	Panel blue/gray
Highway	3416	Green desk 5 drawer
Highway	4429	Radio w/ headphone
Highway	4430	Radio w/ headphone
Highway	5035	Ratchet wrench
Highway	5494	Mobile radio
Highway	7130	Bench grinder
Highway	7124	Saw
Highway	7169	Swivel chair
Highway	7199	Transistor research radio
Highway	8527	File cabinet
Highway	8606	White work station
Sanitation	S27323	Roll- off
Sanitation	S27342	Roll off
Sanitation	S27346	Roll off
Sanitation	S27457	Roll off
Sanitation	S27458	Roll off
Sanitation	3254	Midland truck radio
Sanitation	92000765	Material demolition grinder
Sewer	10177	Victor calculator
Sewer	10187	Air compressor
Sewer	1520	Blue vinyl chair
Sewer	20071	Brown chair
Sewer	22306	White echo weedwacker
Sewer	26565	Echo chainsaw
Sewer	457	Brown chair
Sewer	4945	Merlin phone
Sewer	4953	v- notch chlorinator
Sewer	7686	Sectional compartment holder
Sewer	773	Combustible gas indicator
Sewer	790	Steam cleaner
Sewer	806	Portable air compressor
Sewer	814	Mobile radio unit
Sewer	2332	Black spotlihter
Scavenger waste	21397	Black guest chair
Scavenger waste	23119	13 drawer tool box
Street lighting	1288	Yellow safe
Street lighting	145	5 drawer steel desk
Street lighting	21639	Pencil sharpener
Street lighting	21550	Canon calculator
Street lighting	22618	Telephone
Street lighting	24358	Dewalt cordless drill
Street lighting	23495	Hand held radio
Street lighting	23496	Hand held radio
Street lighting	23497	Hand held radio
Street lighting	27220	Propane tank
Street lighting	27221	Propane tank
Street lighting	60	Methane gas monitor
Street lighting	7716	Air conditioner
Street lighting	7855	Surge power strip
Street lighting	8078	Air conditioner
Street lighting	8085	Hot/cold water cooler

B& G	20356	Radio
B& G	20660	Spreader
B& G	2070	Leaf blower
B&G	20881	Hand vac
B&G	21158	Befco fertilizer spreader
B& G	21430	Vol-con tester
B& G	23185	Dayton vacuum cleaner
B&G	23709	18 volt yellow cordless drill
B& G	2387	Hedge trimmer
B& G	27056	Dewalt cold chisel
B& G	3191	Weed eater
B& G	4f339	Paint spray gun
B& G	4307	Swivel chair
B& G	5051	Weed eater
B& G	5183	Parker hitch+ sweep lawn spreader
B& G	666	Midland truck radio
B& G	6662	Circular saw
B& G	6930	Rototiller 5 HP
B& G	9221	Orange+ white floor jack
Senior	1384	Brown table w/ formica top
Senior	21421	Fax machine
Senior	23099	Secretary chair
Senior	25185	Day care center recliner
Senior	25713	Return for hon desk
Senior	2876	Aluminum coat rack
Senior	546	Brown folding chair
Senior	553	Brown folding chair
Senior	555	Brown folding chair
Senior	557	Brown folding chair
Senior	562	Brown folding chair
Senior	568	Brown folding chair
Senior	6110	Selectric typewriter
Town Attorney	23566	Overhead storage cabinet
Town Attorney	23567	Overhead storage cabinet
Town Attorney	23570	Overhead storage cabinet
Town Attorney	23571	Overhead storage cabinet
Town Attorney	23572	Overhead storage cabinet
Town Attorney	23573	Overhead storage cabinet
Town Attorney	23574	Overhead storage cabinet
Town Attorney	23830	72 x 48 panel
Town Attorney	23831	72 x 30 panel
Town attorney	23847	Privacy screen
Justice court	1463	Panasonic electric pencil sharpener
Justice court	6181	4 drawer lateral file
Justice court	6198	Black chair
Ambulance	AMAST1	Gladiator antishock airpants
Ambulance	AMAST2	Anti shock adult pants
Ambulance	AMAST3	Shock pants adult
Ambulance	AMAST4	Shock pants adult
Ambulance	CMAST1	Child anti shock pants
Ambulance	CMAST2	Child anti shock pants
Ambulance	CMAST3	Child anti shock pants
Ambulance	CMAST4	Child anti shock pants
Ambulance	Cot 1	Folding stretcher
Ambulance	Cot 2	Ambulance cot
Ambulance	Cot 3	Stretcher
Ambulance	Cot 4	Steel stretcher
Ambulance	20263	Motorola p110 portable radio
Ambulance	21032	Base station radio
Ambulance	92000427	Pack case plus

Ambulance	9268	Orange standard trauma bag
Ambulance	9269	Orange standard trauma bag
Ambulance	9270	Orange standard trauma bag
Ambulance	9271	Orange standard trauma bag
Ambulance	9273	Stiff neck collar carry bag
Ambulance	9274	Stiff neck collar carry bag
Ambulance	9275	Stiff neck collar carry bag
Ambulance	9278	Orange standard trauma bag
Ambulance	9279	Navy large trauma bag
Ambulance	9280	Navy large trauma bag
Ambulance	9281	Navy large trauma bag
Ambulance	9282	Green breath saver bag
Ambulance	9283	Green breath saver bag
Ambulance	9284	Green breath saver bag
Ambulance	9285	Green breath saver bag
Ambulance	9286	Orange trauma bag
Ambulance	9287	Orange trauma bag
Ambulance	9288	Orange trauma bag
Ambulance	9289	Orange trauma bag
Recreation	1569A	2 floor mats
Recreation	20929	Tape recorder
Recreation	2162	Fire extinguisher
Recreation	2233	Shelf
Recreation	22763	Lucent tech phone
Recreation	2673	Swing set unit
Recreation	5378	Vacuum cleaner
Recreation	6219	Bumper pool game
Recreation	6255	White cloth swivel chair
Recreation	725	Adler royal calculator
Animal	21763	Midland radio
Animal	22207	Black locking storage cabinet
COPE	20819	Board camera
COPE	20820	Sony video printer
COPE	21033	Panasonic typewriter
Police	1001	Simulator
Police	10022	Desk 6 drawer beige w/ formica top
Police	20764	Computer workstation
Police	20765	Computer workstation
Police	21088	Tint meter
Police	21089	Tint meter
Police	21090	Tint meter
Police	21325	Brother pt 340 label maker
Police	22098	Sony hi fi vcr
Police	22125	Panasonic typewriter
Police	22288	Magnifying fluorescent lamp
Police	22733	Varda silent alarm burglary kit
Police	22757	Motorola ht1000 portable radio
Police	23362	Cannon bubble jet printer
Police	23386	Deskjet printer
Police	23717	Voice recorder model #320
Police	23741	Iron duck breathsaver
Police	24143	Testrite mini copy stand
Police	24145	Testrite mini copy stand
Police	24361	36" wide lateral 4 drawer files
Police	25368	600 series portable detective handheld inspection mirror
Police	25487	Nikon tele converter for digital cam
Police	26940	Nakajima electronic typewriter
Police	26941	Nakajima electronic typewriter
Police	4296	Panasonic typewriter

Police	4695	Poloroid 360 camera
Police	948	5 drawer locker
Police	25159	800 mttz speakers
Community development	22374	Milwaukee cordless drill
Community development	22375	Milwaukee 10" magnum slide compound
Community development	22376	Briggs & Stratton 3.5hp pump
Community development	22377	Briggs & Stratton power washer
Community development	22378	Coffing lever hoist
Community development	22379	Wilton vise
Community development	22380	Portercable skill saw
Community development	22419	Belt sander
Community development	22420	Dewalt ½" rotary hammer
Community development	22421	Magna 40 piece metric tap set
Community development	22422	Magna 76 piece tap set
Community development	22427	Remington power actuated tool
Community development	22428	Arrow electro-matic cordless staple gun
Community development	22429	Arrow electro matic staple gun
Community development	22430	Dewalt vsr drill
Community development	22431	Dewalt vsr drill
Community development	22432	Dewalt palm grip sander
Community development	22437	Robinar refrigerant recovery unit
Community development	22438	Dayton 8" bench grinder
Community development	22439	Dayton 8" bench grinder
Community development	22440	Wilton 6" vise
Community development	22441	Milwaukee heavy duty sawzall
Community development	22442	Milwaukee sander/ grinder
Community development	22443	Dayton amp battery charger
Community development	22444	Ridgid drain cleaning machine
Community development	22445	Bacharach oil combustion test kit
Community development	22446	Dayton 12 gal wet/ dry vac
Community development	22447	Yardman 20" cut lawnmower
Community development	22448	Dayton hydraulic jack
Community development	22449	Daytin belt/ disc sander
Community development	22450	Dayton 20" drill press
Community development	22451	Dayton 18" band saw & motor
Community development	22453	24" extension ladder
Community development	22454	10 foot wood ladder
Community development	22455	10 foot wood ladder
Community development	22457	8 foot wood ladder
Community development	22458	8 foot wood ladder
Community development	22459	8 foot wood ladder
Community development	22460	Pronto tool chest
Community development	22461	6 foot wood ladder
Community development	22462	6 foot wood ladder
Community development	22463	6 foot wood ladder
Community development	22464	Dayton prof. duty generator
Community development	22465	Rigid pipe& volt threading machine
Community development	22466	Wilton belt sander model 4200
Community development	22468	Honda 9hp trash pump
Community development	22469	Utility trailer
Community development	22470	Halogen leak detector
Community development	22471	Laser pointing thermometer
Community development	22473	50 lb. recovery tank
Community development	22474	50 lb. recovery tank
Community development	22475	Wilton metal cutting band saw
Community development	22476	Wheel barrow
Community development	22478	Fax machine
Community development	22479	Panasonic automatic dialer/ speaker
Community development	22480	5 wheel beige cushioned off. Chair
Community development	22484	2 door industrial cabinet

Community development	22495	6' wood ladder
Community development	22497	2 door undustrial cabinet
Community development	22500	Steel trade cart
Community development	22501	Steel trade cart
Community development	22502	Steel trade cart
Community development	22503	Steel trade cart
Community development	22504	2 door 6' industrial cabinet
Community development	22506	Dymo pocket label maker
Community development	22507	Panasonic automatic dialer/ speaker
Community development	22508	Panasonic automatic dialer/ speaker
Community development	22520	2 door 6' industrial cabinet
Community development	22521	Torch regulators
Community development	22522	Torch regulators
Community development	22523	2 dorr 6' industrial cabinet
Community development	22524	2 door industrial cabinet
Community development	22525	2 door 6' industrial cabinet
Community development	22527	Chain saw
Community development	22528	B tank regulator
Community development	22529	B tank regulator
Community development	22531	Torch regulators
Community development	22532	Torch regulators
Community development	22619	Black 2 drawer file cabinet
Community development	22620	Task chair
Community development	22621	Panasonic telephone
Community development	22628	1998 cub cadet snowblower
Community development	22629	Robinair vacuum pump
Community development	22630	Fluke millimeter
Community development	22631	Dayton air compressor
Community development	22632	Weed eater ultra trim
Community development	22633	Industrial motor for disk sander
Community development	22634	Battery charger
Community development	22909	Binding system
Community development	22911	Heavy duty hand truck
Community development	22912	18" hedge trimmer
Community development	22913	Drill press vise
Community development	22914	Broadcast spreader
Community development	22915	Euro clean vacuum
Community development	22916	Dayton welder
Community development	22917	Drill press vise
Community development	22918	Milwaukee sawzall
Community development	22919	Bearing heater
Community development	23127	Poulan 16" chain saw
Community development	23128	Angle grinder
Community development	23583	Field equipment
Community development	23649	Wide angle binoculars
Community development	23866	5 part office divider
Community development	23867	Overhead cabinet
Community development	23127	Chain saw
Community development	23128	Angle grinder
Community development	23583	Field equipment
Community development	23649	Wide angle binoculars
Community development	23866	5 part office divider
Community development	23867	Overhead cabinet
Community development	23868	Overhead cabinet light
Community development	23869	Burgundy chair
Community development	23905	Hawk ind floor machine
Community development	23906	Brown arm chair
Community development	23907	Brown arm chair
Community development	23908	Gray stationary chair
Community development	23909	Gray stationary chair

Community development	23959	Work light on work bench
Community development	24013	Panasonic phone
Community development	24014	Panasonic phone
Community development	24015	Panasonic phone
Community development	24024	Tree trimmer/ orange handle
Community development	24025	Tree trimmer/ red handle
Channel 22	26806	Dvd player
Channel 22	26807	Dvd player
Channel 22	26808	Dvd player
Channel 22	26809	Dvd player
Channel 22	26974	VHS
Channel 22	26826	Monitor
Channel 22	26822	Media creator
Accounting	1018	5 drawer lateral file
Accounting	20616	Monroe calculator
Accounting	22362	Burgundy high black swivel chair
Accounting	23156	Typewriter stand
Accounting	23182	Rapid multi- unit charger
Accounting	23544	Riso envelope feeder
Accounting	23545	Canon calculator
Accounting	24162	Sony digital camera
Accounting	24180	72" x 29 1/2" hon table
Accounting	244	9 drawer file cabinet
Accounting	24743	Tropic sand legal size file cabinet
Accounting	3959	Grey storage shelving units
Accounting	3961	Grey storage shelving units
Accounting	421	Service tray and pedestal
Accounting	4251	6' formica table
Accounting	4399	Computer table
Accounting	49	Grey metal desk
Accounting	6501	6 drawer desk w/ formica top
Accounting	27585	Lifepak Defib. Recalled

**THE VOTE**

Wooten  Yes  No      Buckley  Yes  No

Dunleavy  Yes  No      Blass  Yes  No *Abstain*

Cardinale  Yes  No

September 3, 2008

# Tabled

**TOWN OF RIVERHEAD**

Resolution # 750

**APPROVES STIPULATION OF AGREEMENT**

COUNCILMAN DUNLEAVY

offered the following

resolution, which was seconded by

COUNCILMAN WOOTEN

**WHEREAS**, A STIPULATION OF AGREEMENT DATE September 3, 2008 has been conditionally agreed to by the CSEA and the Town.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the stipulation of agreement dated September 3, 2008.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the President of the CSEA 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**

September 3, 2008

Adopted

**TOWN OF RIVERHEAD**

**ACCEPTS RESIGNATION OF A PAYROLL SUPERVISOR**

**RESOLUTION # 751**

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

**WHEREAS**, the Town has received a letter from Debra Sorensen, a Payroll Supervisor in the Accounting Department, indicating her intent to resign effective August 25, 2008.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the resignation of Debra Sorensen.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to forward a copy of this Resolution to Debra Sorensen, 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**

September 3, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 752

**APPOINTS A PAYROLL SUPERVISOR**

COUNCILMAN BUCKLEY

\_\_\_\_\_ offered the following

resolution, which was seconded by COUNCILWOMAN BLASS

**WHEREAS**, Carol DelVecchio has been serving as a temporary appointment in the position of Payroll Supervisor; and

**WHEREAS**, the incumbent Payroll Supervisor has resigned, creating an immediate vacancy for this position; and

**WHEREAS**, the vacancy was duly posted for, Job Posting #17 and the Suffolk County Department of Civil Service has issued provisional approval to fill this vacancy; and

**WHEREAS**, is recommendation of the Financial Administrator that Carol DelVecchio be appointed provisionally to the position of Payroll Supervisor.

**NOW, THEREFORE, BE IT RESOLVED**, that effective September 4, 2008, this Town Board hereby appoints Carol DelVecchio to the position of provisional Payroll Supervisor as found in Group 4, Step 3A of the Administrative Salary Schedule.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Carol DelVecchio, 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**

September 3, 2008

Adopted

TOWN OF RIVERHEAD

ACCEPTS RETIREMENT OF A POLICE OFFICER

RESOLUTION # 753

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

**WHEREAS**, the Town has received a letter from John Matlak, Jr., a Police Officer in the Riverhead Town Police Department, indicating his intent to retire effective August 31, 2008.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the retirement of John Matlak, Jr. effective for August 31, 2008.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be, and is hereby, directed to send notification of this Resolution to John Matlak, Jr., the Chief of Police, 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

September 3, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 754

AMENDS 2008 SALARY RESOLUTION

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

**RESOLVED**, that this Town Board hereby increases the hourly wage of the Crossing Guards in the Riverhead Town Police Department effective September 8, 2008 as follows:

Geraldine Highland	\$11.00
Frances Rizzuto	\$11.00
Donald Highland	\$11.00
James Temperino	\$11.42
Joseph Dibrico	\$11.42
Edward Gibbs	\$11.00
Brian Mooney	\$11.00

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

September 3, 2008

# Tabled

## TOWN OF RIVERHEAD

Resolution # 755

### REASSIGN NETWORK AND SYSTEMS TECHNICIANS

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

**WHEREAS**, a Stipulation of Agreement dated September 3, 2008 has been conditionally agreed to by the CSEA and the Town reassigning the position of the Civil Service title of Network and Systems Technician on the Administrative Salary Schedule.

**NOW, THEREFORE, BE IT RESOLVED**, that pursuant to said stipulation Network and Systems Technician Theresa Davis is hereby reassigned to Group 4, Step 6 on the Administrative Salary Schedule, and Network and Systems Technician Martin Lynch is hereby reassigned to Group 4, Step 3A of the Administrative Salary Schedule, both effective for September 8, 2008.

**BE IT FURTHER, RESOLVED** that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Theresa Davis, Martin Lynch, 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**

September 3, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 756

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED ADVERTISEMENT FOR A CIVIL ENGINEER**

COUNCILMAN BUCKLEY \_\_\_\_\_ offered the following  
resolution, which was seconded by \_\_\_\_\_ COUNCILWOMAN BLASS

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Advertisement in the September 7, 2008 issue of Newsday.

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

**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**

## **HELP WANTED**

Engineer (Civil) - The Town of Riverhead is seeking a Civil Engineer. Must have a degree in Engineering and hold a NYS PE license. Exp. in storm water management preferred. Applications are to be submitted to the Personnel Department, 552 East Main Street, Riverhead, NY. No applications will be accepted after 4:00 pm on September 19, 2008. EOE.

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

Adopted

September 3, 2008

TOWN OF RIVERHEAD

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED AD FOR AN AUTOMOTIVE EQUIPMENT OPERATOR

RESOLUTION # 757

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

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the September 11, 2008 issue of The Riverhead News Review.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Highway Department, the Office of Accounting, 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

## **HELP WANTED**

PLEASE TAKE NOTICE that the Town of Riverhead is seeking a qualified individual to serve in the position of F/T Automotive Equipment Operator in the Highway Department. The Town requests that all applicants have a clean, valid CDL. Applications are to be submitted to the Personnel Department, 552 East Main Street, Riverhead, NY. No applications will be accepted after 4:00pm on September 19, 2008.  
EOE

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

September 3, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 758

**APPOINTS AN EXECUTIVE DIRECTOR OF YOUTH BUREAU**

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

**WHEREAS**, Donna Lyczkowski has been serving as a provisional appointment in the position of Executive Director of Youth Bureau; and

**WHEREAS**, Civil Service has established a certified list of Eligibles, list # 08-3755-175 for the position of Executive Director of Youth Bureau, and Donna Lyczkowski is reachable on that list.

**NOW, THEREFORE, BE IT RESOLVED**, that effective September 4, 2008, this Town Board hereby removes the provisional status of Donna Lyczkowski and appoints her to the position of Executive Director of Youth Bureau at no change in salary.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Donna Lyczkowski, the Superintendent of Recreation, 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

9/3/08

**TOWN OF RIVERHEAD**

Adopted

**RESOLUTION # 759**

AUTHORIZES THE TOWN OF RIVERHEAD TO SECURE A POOL STRUCTURE AND LAND AT THE PREMISES KNOWN AS 29 RABBIT RUN, RIVERHEAD, NEW YORK, 11901, SCTM # 0600-084.00-02-034.04, PURSUANT TO RIVERHEAD TOWN CODE CHAPTER 54

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

WHEREAS, Chapter 54 of the Riverhead Town Code entitled, "Unsafe Buildings and Collapsed Structures" authorizes the Riverhead Town Board to secure structures determined by the Building Inspector or Code Enforcement Official to be unsafe to the public; and

WHEREAS, certain land and a pool structure reputedly owned by Amado Andrade located at 29 Rabbit Run, Riverhead, New York, 11901, Suffolk County Tax Map number 0600-084.00-02-034.04, has been determined by Riverhead Town Code Enforcement Official Nicole Buckner to be unsafe to the public by reason of an unsecured pool structure thereby creating an attractive nuisance; and

WHEREAS, unsecured pool structures and land pose a safety threat to the residents of and visitors to the Town of Riverhead, especially children; and

WHEREAS, Riverhead Town Code Enforcement Official Nicole Buckner has determined that additional Riverhead Town Code-compliant fencing material will reasonably secure the subject property; and

WHEREAS, the Riverhead Town Code Enforcement Department forwarded notice to Amado Andrade on or about July 31, 2008, at his last known address, to immediately secure the in-ground pool with Riverhead Town Code-compliant fencing material pursuant to Riverhead Town Code section 54-6(F)(1); and

WHEREAS, upon information and belief, the subject owner received notice to secure the subject in-ground pool with Riverhead Town Code-compliant fencing material on or about August 6, 2008; and

WHEREAS, Code Enforcement Official Nicole Buckner re-inspected the subject property on August 20, 2008 and observed that the in-ground pool is still not secured by Riverhead Town Code-compliant fencing material; and

WHEREAS, Riverhead Town Code section 54-6(F)(2) authorizes the Riverhead Town Board to secure the subject in-ground pool utilizing general Town funds upon notice to the subject owner and failure to comply with such notice within 10 days of receipt thereof; and

WHEREAS, Riverhead Town Code section 54-6(F)(3) authorizes the Riverhead Town Board to reimburse general Town funds for the cost of work performed or the services rendered at its direction by assessment or levy upon lots or parcels of land where such work was performed and/or such services rendered so much of the actual costs as were actually incurred upon each lot or parcel and the charge therefore shall be assessed and collected in the same manner and in the same time as other ad valorem Town charges.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead's Investigation Unit/Code Enforcement and/or the Town of Riverhead's Building & Grounds Department or any other designated town department is authorized to secure the pool structure and land at 29 Rabbit Run, Riverhead, New York, 11901 subject to the Riverhead Town Building Code.

BE IT FURTHER RESOLVED that the cost of work performed and/or the services rendered shall be a charge upon the assessment or levy of the subject property upon completion of the work performed and services rendered and shall be collected in the same manner and in the same time as other ad valorem Town charges.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to: CEO Nicole Buckner, Town Investigation Unit; Buildings and Grounds Department; Leroy Barnes, Building Department; Office of the Supervisor; Town of Riverhead Police Department; Town Engineering Department and the Office of the Town Attorney .

THE VOTE

Wooten  
Dunleavy

Yes  No  
 Yes  No

Buckley  
Blass

Yes  No  
 Yes  No

Cardinale  Yes  No

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD  
Resolution # 760

Adopted

9/3/08

APPROVES THE ATTENDANCE AT  
EMPIRE ZONE CONFERENCE

COUNCILMAN BUCKLEY

Offered the following resolution,

Which was seconded by

COUNCILWOMAN BLASS

**WHEREAS**, the New York State Economic Development Council is hosting an information workshop/conference for municipal coordinators of the Empire State Development Zones Program throughout the State; and

**WHEREAS**, it is necessary and appropriate for the Zone Coordinator, Tracy Stark, to attend this informational conference; and

**WHEREAS**, a two day conference is scheduled in Schenectady for October 6-7th, thereby requiring her to stay at the Holiday Inn (or comparable facility) from October 6-7th, at \$125 per night, plus the cost of meals, transportation and registration to be reimbursed upon submission of receipts not to exceed \$600.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves expenditures for lodging at the Holiday Inn (or comparable facility) and reimbursement of meals, registration and transportation for Suffolk County/Town of Riverhead Empire Zone Coordinator, Tracy Stark to attend the Empire Zone Conference in Schenectady, NY from Oct. 6-7th, 2008.

**BE IT FURTHER, RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Tracy Stark, Nick Anastasi (Suffolk County Economic Development), Randy Coburn (New York State Empire Zone Office), and the Riverhead Office of Accounting.

THE VOTE

Dunleavy  
Buckley

Yes No  
Yes No

Cardinale Yes No

Blass  
Wooten

Yes No  
Yes No

The Resolution Was  
Thereupon Duly Declared Adopted

TLS/Empire Zone

9/3/08

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 761**

**ACCEPTS SECURITY OF RUGBY RECREATIONAL GROUP, LLC**  
**(BAITING HOLLOW COUNTRY CLUB RESIDENTIAL SUBDIVISION)**  
**(Water Key Money)**

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

**WHEREAS**, Rugby Recreational Group LLC has submitted a Bank of Smithtown Irrevocable Letter of Credit #100406 in the sum of One Hundred Eighty One Thousand Five Hundred Sixty Dollars (\$181,560.00) representing the water key money in the amount of \$6,052 for each proposed dwelling units for a total cost of \$181,560.00, in connection with Riverhead Town Board Resolution #665, dated August 5, 2008, for the construction of 30 single family dwellings along the west side of Warner Road, Baiting Hollow, New York, further described as Suffolk County Tax Map #0600-40-2-6.3 and 0600-40-2-10, pursuant to Section 105-2.2 of the Riverhead Town Code; and

**WHEREAS**, the Town Attorney has reviewed said Irrevocable Letter of Credit and deems it to be sufficient in its form.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby accepts Bank of Smithtown Irrevocable Letter of Credit #100406 in the sum of One Hundred Eighty One Thousand Five Hundred Sixty Dollars (\$181,560.00) naming the Town of Riverhead as Beneficiary; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Rugby Recreational Group, LLC, 100 Fox Hill Drive, Baiting Hollow, New York, 11933 and copies to the Building Department; the Planning Department and the Town Attorney's Office.

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

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 762

**ACCEPTS SECURITY OF RUGBY RECREATIONAL GROUP, LLC**  
**(BAITING HOLLOW COUNTRY CLUB RESIDENTIAL SUBDIVISION)**  
**(Construction/Extension of Lateral Water Main)**

COUNCILMAN DUNLEAVY

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILMAN WOOTEN \_\_\_\_\_:

**WHEREAS**, Rugby Recreational Group LLC has submitted a Bank of Smithtown Irrevocable Letter of Credit #100407 in the sum of Two Hundred Forty Three Thousand Five Hundred Dollars (\$243,500.00) representing costs associated with the extension of a lateral water main to the proposed subdivision, in connection with Riverhead Town Board Resolution #665, dated August 5, 2008, for the construction of 30 single family dwellings along the west side of Warner Road, Baiting Hollow, New York, further described as Suffolk County Tax Map #0600-40-2-6.3 and 0600-40-2-10, pursuant to Section 105-2.2 of the Riverhead Town Code; and

**WHEREAS**, the Town Attorney has reviewed said Irrevocable Letter of Credit and deems it to be sufficient in its form.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby accepts Bank of Smithtown Irrevocable Letter of Credit #100407 in the sum of Two Hundred Forty Three Thousand Five Hundred Dollars (\$243,500.00) naming the Town of Riverhead as Beneficiary; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Rugby Recreational Group, LLC, 100 Fox Hill Drive, Baiting Hollow, New York, 11933 and copies to the Building Department; the Planning Department and the Town Attorney's Office.

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

Adopted

9/3/08

TOWN OF RIVERHEAD

Resolution # 763

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE**  
**(§101-20. Additional parking regulations.)**

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

**WHEREAS**, a public hearing was held on the 19<sup>th</sup> day of August, 2008 at 7:10 o'clock p.m. at the George C. Young Community Center, S. Jamesport Avenue, Jamesport, 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 is hereby authorized to publish the attached notice of adoption once in the News Review Newspaper and to post same on the signboard at Town Hall; and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Planning Department; Chief Hegermiller, Police Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD  
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 September 3, 2008 as follows:

Chapter 101  
VEHICLES AND TRAFFIC  
ARTICLE V  
**Parking, Standing and Stopping**

**§ 101-20. Additional parking regulations.**

E. The Riverhead Police Department or Code Enforcement Officials, as set forth in §3.1 of the Riverhead Town Code, shall enforce all parking regulations within the parking areas of approved site plans.

- Underline represents addition(s)

Dated: Riverhead, New York  
September 3, 2008

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

**BARBARA GRATTAN, Town Clerk**

Adopted

TOWN OF RIVERHEAD

Resolution # 764

**ADOPTS A LOCAL LAW FOR THE ADDITION OF SECTIONS 52-22 THROUGH 52-27, INCLUSIVE, TO CHAPTER 52 ENTITLED "BUILDING CONSTRUCTION, GREEN BUILDING CONSTRUCTION AND CERTIFICATION REGARDING NEW TOWN-OWNED BUILDINGS AND FACILITIES" OF THE RIVERHEAD TOWN CODE**

COUNCILMAN BUCKLEY

\_\_\_\_\_ 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 for the addition of Sections 52-22 through 52-27, inclusive, to Chapter 52 entitled "Building Construction, Green Building Construction and Certification Regarding New Town-Owned Buildings and Facilities" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 5<sup>th</sup> day of August, 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 52 "Building Construction, Green Building Construction and Certification Regarding New Town-Owned Buildings and Facilities" 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 Riverhead Planning Department; the Riverhead Planning Board; the Town Engineer; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED

## TOWN OF RIVERHEAD NOTICE OF ADOPTION

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law for the addition of Sections 52-22 through 52-27, inclusive, to Chapter 52 entitled, Building Construction, Green Building Construction and Certification Regarding New Town-Owned Buildings and Facilities” of the Riverhead Town Code at its regular meeting held on August 5, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

### Chapter 52: BUILDING CONSTRUCTION Green Building Construction and Certification Regarding New Town-Owned Buildings and Facilities

#### Section 52-22 Statement of Findings and Purpose.

Building construction has an impact on human health and the environment. According to the US Green Building Council, buildings consume approximately 12% of potable water, 39% of primary energy, 40% of raw materials and 70% of U.S. electricity.

Buildings also generate 48% of U.S. carbon emissions and 136 million tons of construction and demolition waste annually. Furthermore, many indoor building materials release hazardous toxins, impair indoor air quality, and reduce occupant health and productivity.

The Town of Riverhead finds that the use of green-building criteria for new Town-owned facilities will improve the quality of our community by making efficient use of natural resources including water, materials and land for the purpose of promoting a healthy indoor and outdoor environment. Green buildings have a smaller environmental footprint, promote dramatic energy savings, and reduce operating costs.

The Town of Riverhead declares it reasonable and necessary to employ green- building standards in the construction and renovation of Town-owned buildings and facilities.

#### Section 52-23 Definitions

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

- (1) The term “green building standards” shall mean design guidelines, and/or a rating system or rules for constructing or reconstructing buildings that ensure site planning, water efficiency, energy efficiency, renewable energy, conservation of materials and resources and indoor environmental quality.
- (2) The term “LEED” shall mean the Leadership in Energy and Environmental Design building rating system for New Construction, Version 2.2 and “LEED” for Existing Buildings: Operations & Maintenance version, as applicable, published by the US Green Building Council.
- (3) The term “substantial reconstruction” shall mean a project in which the scope of work includes rehabilitation or renovation in at least two of the three major systems: electrical, HVAC, and plumbing of a building affecting at least fifty percent (50%) of the building’s total floor area.

Section 52-24 Green Building Rating System

- A. The Town of Riverhead hereby adopts the US Green Building Council (USGBC) Leadership in Energy and Environmental Design (LEED) as the applicable standard. Under the LEED rating system, several levels of environmental achievement are possible, including but not limited to a "Certified" rating to a "Platinum" rating.

Section 52-25 Applicability and Standard

- A. All new Town-owned buildings or Town-owned buildings undergoing substantial reconstruction shall utilize LEED design and construction guidelines so as to achieve the minimum standard of LEED certification.

Section 52-26 Compliance and Enforcement

The Building Department Administrator or designee shall determine procedures for compliance with the provisions of this article. The Building Department Administrator or designee shall also be responsible for undertaking the inspections to determine compliance and certification and filing the necessary documentation.

Section 52-27 Exemptions

The following buildings shall be exempt from the provisions of this article.

- A. Buildings that do not use either electricity or fossil fuel for comfort conditioning.

- Underline represents addition(s)

Dated: Riverhead, New York  
September 3, 2008

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 765

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW AMENDING THE CODE OF THE TOWN OF RIVERHEAD BY AMENDING CHAPTER 108 "ZONING" TO INCLUDE A NEW ARTICLE VII ENTITLED "WIND ENERGY SYSTEMS FOR AGRICULTURAL USES"**

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

**BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled "Zoning", by enacting a new Article VII entitled "Wind Energy Systems for Agricultural Uses" of the Code of the Town of Riverhead once in the September 11, 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 all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN  YES  NO    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 7<sup>th</sup> day of October, 2008 at 2:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled "Zoning", by enacting a new Article VII entitled "Wind Energy Systems for Agricultural Uses" as follows:

**CHAPTER 108  
ZONING  
Article VII  
Wind Energy Systems for Agricultural Uses**

**§108-27. Purpose and Intent.**

This Local Law is designed to promote the safe, efficient and effective use of small wind energy systems attendant to bona fide agricultural operations. The Town Board finds it appropriate to encourage the development of these small wind energy systems to promote the reduction of on-site consumption of utility supplied electricity, while protecting from any adverse effects of such systems.

**§108- 28. Definitions.**

FALL ZONE – The area, defined as the furthest distance from the tower base, in which a guyed tower will collapse in the event of a structural failure. The radius of the area is the same as the total height of the structure.

SMALL WIND ENERGY SYSTEM -- A wind energy conversion system consisting of a wind turbine, a tower, and associated control or conversion electronics, which has a rated capacity intended primarily to reduce on-site consumption of utility power.

TOWER HEIGHT – The height above grade of the fixed portion of a tower that is part of a small wind energy system, exclusive of the wind turbine.

**§108-29. Uses.**

Small wind energy systems shall be permitted on parcels greater than seven (7) acres in size, in the agricultural protection zone where such parcels are dedicated primarily to uses necessary for bona fide agricultural production, as defined in section 108-22(A).

**§108-30. Application for Permit.**

Applications for small wind energy systems shall be submitted to the Town of Riverhead Building Department and shall include:

A. Name, address, telephone number of the applicant. If the applicant will be

represented by an agent, the name, address and telephone number of the agent as well as an original signature of the applicant authorizing the agent to represent the applicant.

- B. Name, address, telephone number of the property owner. If the property owner is not the applicant, the application shall include a letter or other written permission signed by the property owner (i) confirming that the property owner is familiar with the proposed applications and (ii) authorizing the submission of the application.
- C. Address of each proposed tower site, including tax map section, block and lot number.
- D. Evidence that the proposed tower height does not exceed the height recommended by the manufacturer or distributor of the system.
- E. A plot plan on an approved property survey at 1" = 100' scale depicting the limits of the fall zone distance from structures, property lines, public roads and projected noise level decibels (DBA) from the small wind energy system to nearest occupied dwellings.
- F. A line drawing of the electrical components of the system in sufficient detail to allow for a determination that the manner of installation conforms to the Electric Code of The Town of Riverhead and the New York State Building Code.

#### **§108-31. Development standards.**

- A. Tower Height. Tower height shall not exceed one-hundred twenty (120) feet and shall be exempt from the height restrictions pursuant to Section 108-65 of Article XIV Supplementary Height Regulations. To prevent harmful wind turbulence to the small wind energy system, the minimum height of the lowest part of any horizontal or vertical axis wind turbine blade shall be at least 30 feet above the highest structure or tree within a 250 foot radius. Modification of this standard may be made when the applicant demonstrates that a lower height will not jeopardize the safety of the wind turbine structure.
- B. Set-backs. Notwithstanding the provisions of the Bulk Schedule, the following standards shall apply to Small Wind Energy Systems:
  - (1) A small wind energy system shall be set back from a property line a distance no less than the total height of small wind energy system plus ten (10) feet.
  - (2) No part of the wind system structure, including guy wire anchors, may extend closer than ten (10) feet to the property boundaries of the installation site.
  - (3) A small wind energy system shall be set-back from the nearest public road

a distance no less than the total height of the small wind energy system, plus ten (10) feet, and in no instance less than one hundred (100) feet.

- (4) There shall be no habitable structures on the applicant's property within the fall zone.
- C. Noise. Small wind energy systems shall not exceed 60 DBA, as measured at the closest neighboring inhabited dwelling at the time of installation. The level, however, may be exceeded during short-term events such as utility outages and/or severe wind storms.
- D. Compliance with New York State Uniform Building Code. Building permit applications for small wind energy systems shall be accompanied by standard drawings of the wind turbine structure, including the tower, base, and footings. An engineering analysis of the tower showing compliance with the New York State Uniform Building Code and certified by a licensed professional engineer shall also be submitted. This requirement may be satisfied by documentation presented by the manufacturer.
- E. Compliance with National Electric Code. Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components on the plot plan in sufficient detail to allow for a determination that the manner of installation conforms to the National Electrical Code. This requirement may be satisfied by documentation supplied by the manufacturer.
- F. Compliance with FAA Regulations. Small wind energy systems must comply with applicable FAA regulations, including any necessary approvals for installations close to airports. The allowed height shall be reduced to comply with all applicable Federal Aviation Requirements, including Subpart B (commencing with Section 77.11) of Part 77 of Title 14 of the Code of Federal Regulations regarding installations close to airports.
- G. Utility Notification. No small wind energy system shall be installed until evidence has been given that the utility company has been informed of the customer(s) intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

#### **§108-32. Construction standards.**

- A. Exterior lighting on any structure associated with the system shall not be allowed except that which is specifically required by the Federal Aviation Administration.
- B. The system's tower and blades shall be a non-reflective, unobtrusive color that blends the system and its components into the surrounding landscape to the greatest extent possible and incorporate non-reflective surfaces to minimize any visual disruption.

- C. All on-site electrical wires associated with the system shall be installed underground except for "tie-ins" to a public utility company and public utility company transmission poles, towers and lines.
- D. At least one sign shall be posted on the tower at a height of five feet warning of potential electrical shock or high voltage and potential harm from revolving machinery.
- E. No brand names, logo or advertising shall be placed or painted on the tower, rotor, generator or tail vane where it would be visible from the ground, except that a system or tower's manufacturer's logo may be displayed on a system generator housing in an unobtrusive manner.
- F. Towers shall be constructed to provide one of the following means of access control, or other appropriate method of access:
- (1) Tower-climbing apparatus located no closer than 12 feet from the ground.
  - (2) A locked anti-climb device installed on the tower (if tower is a climbable type).
  - (3) A locked, protective fence at least six feet in height that encloses the tower.
- G. Anchor points for any guy wires for a system tower shall be located within the property that the system is located on and not on or across any above-ground electric transmission or distribution lines. The point of attachment for the guy wires shall be sheathed in bright orange or yellow covering from three to eight feet above the ground.
- H. All small wind energy systems shall be equipped with manual and automatic over-speed controls. The conformance of rotor and over-speed control design and fabrication with good engineering practices shall be certified by the manufacturer.
- I. Capacity. Small wind energy systems shall generate no more than 110% of the agricultural operation's anticipated demand at the time of application.

### **§108-33. Fees.**

The Building Department fee for small wind energy system applications shall be \$250.00.

#### **§108-33.1. Abandonment of Use.**

All small wind energy systems which are not used for twelve (12) successive months shall be deemed abandoned and shall be dismantled and removed from the property at the expense of the property owner. Failure to abide by and faithfully comply with this section or with any and all conditions that may be attached to the granting of any

building permit shall constitute grounds for the revocation of the permit by the Building Department.

**§108-33.2. Enforcement; Penalties and Remedies for Violations.**

- A. The Building Inspector, Code Enforcement Officer and Town Attorney shall have authority to enforce this Article.
- B. Any person owning, controlling or managing any building, structure or land who shall undertake a wind energy conversion facility or wind monitoring tower in violation of this Article or in noncompliance with the terms and conditions of any permit issued pursuant to this Article, or any order of the enforcement officer, and any agent who shall assist in so doing, shall be guilty of an offense and subject to a fine of not more than \$1000.00 or to imprisonment for a period of not more than 30 thirty days, or subject to both such fine and imprisonment. Every such person shall be deemed guilty of a separate offense for each week such violation shall continue. The Town may institute a civil proceeding to collect civil penalties in the amount of \$1000.00 for each violation and each week said violation continues shall be deemed a separate violation.
- C. In case of any violation or threatened violation of any of the provisions of this Article, including the terms and conditions imposed by any permit issued pursuant to this Article, in addition to other remedies and penalties herein provided, the Town may institute any appropriate action or proceeding to prevent such unlawful erection, structural alteration, reconstruction, moving and/or use, and to restrain, correct or abate such violation, to prevent the illegal act.

**§108-33.3. Severability.**

Should any provision of this Local Law be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of this Local Law as a whole or any part thereof other than the part so decided to be unconstitutional or invalid.

**§108-33.4 Effective Date.**

This Local Law shall be effective upon its filing with the Secretary of State in accordance with the Municipal Home Rule Law.

\* Underline represents addition(s)

Dated: Riverhead, New York  
September 3, 2008

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

**BARBARA GRATTAN, Town Clerk**

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 766

**APPROVES CHAPTER 90 APPLICATION OF DARKSIDE PRODUCTIONS INC.**  
**(HAUNTED HOUSE)**

**COUNCILMAN DUNLEAVY**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILMAN WOOTEN** :

**WHEREAS**, on August 12, 2008, Darkside Productions Inc. had submitted a Chapter 90 Application for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on Friday, September 26, 2008 through Tuesday, November 4, 2008, between the hours of 12:00 noon and 12:00 midnight; and

**WHEREAS**, Darkside Productions Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

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

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

**WHEREAS**, the applicable Chapter 90 Application fee has been paid; and

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

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

**RESOLVED**, that the application of Darkside Productions Inc. for the purpose of conducting a haunted house walk-through to be held at 5184 Rte. 25A, Wading River, New York, on Friday, September 26, 2008 through Tuesday, November 4, 2008, between the hours of 12:00 noon and 12:00 midnight, is hereby approved subject to the following conditions:

- A fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601 for the purpose of scheduling the “pre-opening” inspection appointment;
- Issuance of Town of Riverhead Place of Assembly permit prior to opening to public;
- Approval from New York State Department of Labor prior to opening to public;
- Approval of parking plan, traffic and security by Riverhead Police Department; and be it further

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Darkside Productions Inc., 4 Olive Street, Rocky Point, New York, 11778 and copies to the Riverhead Fire Marshal, Police Chief David Hegermiller 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

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 767

**APPROVES CHAPTER 90 APPLICATION OF MARIE TOOKER – ABBESS FARM  
(USA Music Festival 2008)**

COUNCILMAN WOOTEN

\_\_\_\_\_ offered the following resolution, was seconded by

COUNCILMAN BUCKLEY :

**WHEREAS**, on March 3, 2008, Marie Tooker, as owner of Abbess Farm, had submitted a Chapter 90 Application for the purpose of conducting an event referred to as a “USA Music Festival 2008” to benefit a not-for-profit organization called, “Long Island Cares, Inc.”, to be held at 3581 Middle Country Road, Calverton, New York, on Saturday, October 4, 2008 between the hours of 10:00 a.m. and 10:00 p.m. and on Sunday, October 5, 2008 between the hours of 10:00 a.m. and 7:00 p.m.; and

**WHEREAS**, Marie Tooker has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

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

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

**WHEREAS**, the applicant has requested the application fee be waived due to the proceeds of the event to benefit Long Island Cares, Inc., a not-for-profit organization.

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

**RESOLVED** that the Chapter 90 Application of Marie Tooker as owner of Abbess Farm for the purpose of conducting an event referred to as a “USA Music Festival 2008” to benefit a not-for-profit organization called, “Long Island Cares, Inc.”, to be held at 3581 Middle Country Road, Riverhead, New York, on the aforementioned dates and times, is hereby approved; and be

it further

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

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

**RESOLVED**, that approval for this event shall be subject to the receipt of required Suffolk County Department of Health permit(s), including the food handling permit(s); and be it further

**RESOLVED**, that prior to the fire safety inspection, the applicant shall have the property staked by a licensed surveyor to designate the areas upon which development rights are intact; and be it further

**RESOLVED**, that use of the property outside of the staked area, property upon which the development rights have been sold to the County of Suffolk, will result in the immediate revocation of this permit and may be further subject to fines and penalties; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Marie Tooker, Abbess Farm, 3581 Middle Country Road, Calverton, New York, 11933 and copies to the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department; the Riverhead Fire 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

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 768

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

**COUNCILMAN BUCKLEY**

\_\_\_\_\_ offered the following resolution, was seconded by

**COUNCILWOMAN BLASS** \_\_\_\_\_:

**WHEREAS**, on August 9, 2008, Fink's Country Farm, Inc. had submitted a Chapter 90 Application for the purpose of conducting hayrides, a walk-through corn maze and pumpkin picking to be held on property owned by Castle Court, LLC (Gerald Simone) at 6242 Middle Country Road, Manorville, New York, to commence on Saturday, September 20, 2008 and ending on Sunday, November 2, 2008, between the hours of 8:00 a.m. and 7:00 p.m.; and

**WHEREAS**, Fink's Country Farm, Inc. has advised that additionally, on Sunday, October 5, 2008, they will be conducting a fundraiser for a charity in honor of their friend's three-year old son who passed away from a chromosomal disorder, said fundraiser will include live music, hayrides, a walk-through corn maze and pumpkin picking, having the charity as the beneficiary to the proceeds of that day; and

**WHEREAS**, Fink's Country Farm, Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

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

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

**WHEREAS**, an Owners Endorsement and Inspection Authorization has been executed by the property owner, Castle Court LLC (Gerald Simone); and

**WHEREAS**, the applicable Chapter 90 Application fee has been paid; and

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

THE VOTE

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

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

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

**RESOLVED**, that the application of Fink's Country Farm, Inc., for the purpose of conducting a fundraiser, having a walk-through corn maze and pumpkin picking to be held on property owned by Castle Court, LLC (Gerald Simone) at 6242 Middle Country Road, Manorville, New York, to commence on Saturday, September 20, 2008 and ending on Sunday, November 2, 2008, between the hours of 8:00 a.m. and 7:00 p.m., is hereby approved; and be it further

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

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Fink's Country Farm, Inc., 8 Wyandanch Trail, Ridge, New York, 11961 and copies to the Riverhead Fire Marshal; Chief Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

9/3/08

Town of Riverhead

Adopted

Resolution # 769

**Ratifies the Execution of a Submission Grant Agreement between the Town of Riverhead and the New York State Environmental Facilities Corporation for Operation and Maintenance Funding for the Pumpout Facilities**

~~COUNCILWOMAN BLASS~~ offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY:

**WHEREAS**, the New York State Environmental Facilities Corporation provides funding the operation and maintenance of pumpout facilities; and

**WHEREAS**, the Town of Riverhead has previously sent a letter with the intent to apply for reimbursement following the 2008 summer season; and

**WHEREAS**, the Environmental Facilities Corporation will provide up to \$3,000 for the Town of Riverhead pumpout boat and \$2,000 for each of the two stationary facilities following the submission of receipts after November 1, 2008; and

**THEREFORE, BE IT FURTHER RESOLVED**, that the Riverhead Town Board ratifies the Supervisor's execution of the contract between the Town of Riverhead and the Environmental Facilities.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Community Development Department, the Sewer Department and the Police Department.

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

# CLEAN VESSEL ASSISTANCE PROGRAM OPERATION & MAINTENANCE (CVAP O&M) ANNUAL APPLICATION

## CERTIFICATION AND REQUEST FOR REIMBURSEMENT

**The Applicant, by its Authorized Representative, hereby states as follows:**

1. Town of Riverhead (Town of Riverhead Pumpout Boat/Facility 2008 O&M), the Applicant herein, previously executed a Funding Agreement for the Clean Vessel Act Assistance Program (the "Agreement") with the New York State Environmental Facilities Corporation (the "Corporation").
2. The Applicant hereby certifies that there has been no material changes in the information concerning the facility as set forth in the Agreement, and hereby incorporates all terms and provisions of said Agreement herein as though the same were set forth in full, and such information may be relied upon by the Corporation.
3. The representations and warranties set forth in the Agreement are true and correct as of the date hereof, and Applicant has complied with, performed and will continue to comply with and perform all of the covenants and promises in the Agreement. Applicant acknowledges that the submission of this Certification constitutes a filing of a record with the State or any of its political subdivisions or public benefit corporations. The State and the Corporation will rely on this filing to support my CVAP O&M reimbursement.
4. No litigation of any nature is now pending or threatened, to restrain or enjoin, or in any manner question or affect, directly or indirectly my ability or authority to carry out my responsibilities under the Agreement or for the Applicant to receive a reimbursement.
5. The Applicant is not the subject of any pending, threatened or existing action, whether under any bankruptcy, reorganization or insolvency law or any other proceeding, nor any undischarged or unpaid judgment, lien or claim, nor in default under any loan or mortgage agreement, nor delinquent on the payment of any federal, state, or local tax, or sales or compensating use tax, which has not been previously disclosed to the Corporation. The Applicant further agrees to immediately notify the Corporation in writing of any change in the above circumstances.
6. The pumpout and/or dump station facility must be accessible to all recreational marine vessels during normal operating hours. If the facility is not operational for any reason, it will notify EFC.
7. Applicant acknowledges that reimbursement shall be paid by the Corporation in reliance upon the representations and certifications set forth herein. Funding may be requested for up to 75% of eligible costs, except where maximum allowances for individual cost categories are set forth, with a maximum total grant amount of \$3,000 for pumpout boats and \$2,000 for all

other pumpout facilities. Reimbursement for this period will be based on documented costs between November 1, 2007 and October 31, 2008. The Applicant acknowledges grant awards are limited to the amount of available funding and may be less than the maximum allowed.

8. a. Applicant hereby certifies that the O&M Costs for which reimbursement is requested herein are reasonable, necessary, and allocable to the facility funded by the Agreement.

b. Applicant hereby certifies that funding has not been received from any Federal sources for costs claimed under this grant. Funding received for costs claimed under this grant from sources, other than Federal, include:

State  Local  Other (Please Specify): \_\_\_\_\_  
Amount \$ \_\_\_\_\_

9. a. Applicant agrees that it will not seek, and if offered, will not accept, reimbursement from any other municipal, state or federal sources for any expenditures previously reimbursed, or to be reimbursed, under this Agreement.

b. The Applicant acknowledges that any expenditure which will be reimbursed by any other municipal, state or federal sources shall not be eligible for reimbursement under this Agreement.

c. The Applicant agrees that, if it receives funding from any other municipal, state or federal sources for costs previously reimbursed under this Agreement, it will repay to the Corporation all such funding to the full extent of any such reimbursement.

d. The Applicant covenants and agrees that it shall not, under any circumstances, be entitled to receive state, federal or other governmental assistance in excess of one hundred percent of the costs of the operation and maintenance of the facility.

10. The making of the annual reimbursement request has been duly authorized by the Applicant, and that no change in circumstances has occurred, or will occur upon the making of the reimbursement payment herein requested, which would constitute a default or breach of the Agreement.

11. The operation of the pumpout station and/or facility is in compliance with State and Federal regulations and CVAP guidelines.

12. The Applicant has obtained all licenses, permits or other approvals required as of the date hereof to undertake the O&M, including, but not limited to, any and all New York State Department of Environmental Conservation (DEC) approvals or permits.

13. No amounts requested hereunder have been included in any previous CVAP O&M reimbursement requests and have all been incurred within the applicable annual grant period.

14. The reimbursement requested does not include any costs other than costs for maintaining and operating existing pumpout and dump stations associated with the original Agreement.

15. The reimbursement requested does not include any costs pursuant to any agreements or documents which have not been furnished to the Corporation.

16. If the facility is conveyed and transferred to a third party, this agreement, and the Agreement set forth in Paragraph 1, shall be incorporated in the sales contract, and the applicant and purchaser, with the consent of the Corporation, shall execute an assignment and assumption agreement of the terms and conditions set forth in both of the aforesaid agreements.

17. Applicant acknowledges that continuation of the program is dependent upon the availability of CVAP funding from the United States Fish and Wildlife Service.

**APPLICANT**

**By:** \_\_\_\_\_  
**Name:** Philip Cardinale  
**Title:** Supervisor

**Date:** \_\_\_\_\_

**NEW YORK STATE ENVIRONMENTAL  
FACILITIES CORPORATION**

**By:** \_\_\_\_\_  
**Name:**  
**Title:**

**Date:** \_\_\_\_\_

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

On this            day of            , 2008, before me personally came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that he/she is the \_\_\_\_\_ of the New York State Environmental Facilities Corporation, the corporation described in and which executed the foregoing instrument; and that he/she signed his/her name thereto by order of the Board of Directors of said corporation.

\_\_\_\_\_  
Notary Public

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

On this            day of            , 2008, before me personally came \_\_\_\_\_, to me known, who, being by me duly sworn, did depose and say that \_\_\_\_\_ is the \_\_\_\_\_ of the \_\_\_\_\_, the corporation or partnership described in and which executed the foregoing instrument; and that \_\_\_\_\_ signed \_\_\_\_\_ name thereto by the authority of said corporation or partnership.

\_\_\_\_\_  
Notary Public

9/3/08

TOWN OF RIVERHEAD

Adopted

Resolution # 770

**RATIFIES THE AUTHORIZATION FOR THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE (Planned Recreational Park (PRP) District)**

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

**RESOLVED**, the Town Clerk is hereby authorized to publish and post the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the August 28, 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 the Wading River Congregational Church, 2057 North Country Road, Wading River, New York on the 16<sup>th</sup> day of September, 2008 at 7:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ZONING  
ARTICLE XLIV  
PLANNED RECREATIONAL PARK (PRP) District**

**§ 108-235. Purpose.**

A parcel of land of 2,430 acres, 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 and surrounding the Planned Industrial Park 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 through its designation as a Planned Recreational Park (PRP) District. 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; however, the underlying use and dimensional requirements differ for each of the subdistricts within the overall PRP District.

**§ 108-236. Underlying subdistricts created. (RESERVED)**

~~A. The following separate and distinct subdistricts may, upon application to the Town Board, be so designated within the Planned Recreational Park District, provided that the particular subdistrict meets the minimum requirements as specified below:~~

- ~~(1) AP Amusement Park Subdistrict. Such a subdistrict shall comprise no more than 50% of the PRP District and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a subdistrict shall be a single, contiguous parcel of land.~~
- ~~(2) HCC Hotel-Conference Center Subdistrict. Such a subdistrict shall comprise no less than 2% and no more than 10% of the PRP District, shall be located contiguous to the Planned Industrial Park District, and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a district shall be a single, contiguous parcel of land.~~
- ~~(3) SP Sports Park Subdistrict. Such a subdistrict shall comprise no more than 30% of the PRP District and shall be located contiguous to and shall include, in part or whole, an existing airport runway and shall have primary access from State Route 25 (Middle Country Road). Such a district shall be a single, contiguous parcel of land.~~
- ~~(4) FEC Family Entertainment Center Subdistrict. Such a subdistrict shall comprise no less~~

~~than 5% and no more than 15% of the PRP District and shall have primary vehicular access from State Route 25 (Middle Country Road). Such a subdistrict shall be a single, contiguous parcel of land.~~

- ~~(5) GC Golf Course Subdistrict. Such a subdistrict, or subdistricts if more than one are created, shall comprise no more than 30% of the PRP District.~~
- ~~(6) OS Open Space Subdistrict. Such a subdistrict or subdistricts shall comprise no less than 40% of the PRP District and shall include the following lands:
  - ~~(a) The Pine Barrens Core Preservation Area located at the westerly end of the PRP District and comprising approximately 423 acres.~~
  - ~~(b) An undisturbed natural area of approximately 128 acres located to the north of Grumman Boulevard and west of McKay Lake.~~
  - ~~(c) A community park, of not less than 135 acres, to be located north of Swan Pond Road/Grumman Boulevard and west of the existing 10,000 runway.~~
  - ~~(d) A passive recreation park of not less than 27 acres incorporating an area containing rare and endangered species of fauna and flora, located in the northeasterly portion of the PRP District.~~
  - ~~(e) A natural buffer, 300 feet in width and comprised of approximately 20 acres of land, and located to the south of State Route 25 (Middle Country Road) directly opposite the Calverton National Cemetery.~~
  - ~~(f) A public golf course of not less than 160 acres and 18 regulation-sized golf holes and related facilities to be located north of the undisturbed natural area as described in § 108-236A(6)(b).~~~~

~~B. All development within these subdistricts shall conform to the provisions and standards as set forth in the underlying subdistrict in addition to the standards and provisions applying to the PRP District as a whole. Where there is a conflict between the standards of the PRP District and the underlying subdistrict or standards elsewhere in other Town codes, the standards of the underlying subdistrict shall apply.~~

#### **§ 108-237. Development standards for PRP District.**

- A. Building and site design and layout. The siting 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 within each of the subdistricts, as well as within the entire Planned Recreational Park District, is encouraged. While uniformity and bland design are specifically discouraged, measures to ensure harmony and continuity in architectural and landscape design between uses within and between subdistricts 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 subdistrict shall not be subject to height, size, type or locational controls, other than that no sign shall be higher than the permitted height for principal buildings within the subdistrict, 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 subdistrict 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 subdistricts. 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 a subdistrict. Directional lighting shall be arranged so as to minimize glare and reflection on properties adjacent to the PRP District and across subdistrict boundaries.
- D. Pedestrian Pathways and Bikeways. There shall be sidewalks or pedestrian pathways and bicycle paths provided throughout each subdistrict, except for those portions of the OS Open Space Subdistrict where the retention of the natural vegetation is encouraged. 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. The first developer in the district shall provide stubbed pathways at the boundaries of the subdistrict 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, fishing, bird watching, horseback riding and canoeing or kayaking.
  - (6) The foregoing regulations shall be applied in a manner that is compatible with the requirements of the map referred to hereinabove. To the extent that application of these regulations conflicts with the requirements of the aforesaid map, the requirements of the map shall apply.
- 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 Planning 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. Access into the PRP District shall be provided at no more than two points along State Route 25, and three points along Grumman Boulevard/Swan Pond Road, and shall be at least 2,000 feet apart.
- (2) Arterial roads shall be provided within the PRP District to provide access from each of the subdistricts 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 of the subdistricts, without unduly interfering with traffic entering or exiting other subdistricts, 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. Collector and access roads within each subdistrict 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 means of transportation within the PRP District and for traveling from one subdistrict 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 or subdistrict 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 Planning 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 Planning 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 Planning Board and Town Clerk and recording at the Nassau County Recording Office deed 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) No parking or loading areas shall be permitted within any required buffer areas. No parking area shall be closer than 10 feet to any building or structure.
- (4) To the maximum extent possible, loading areas shall not be located within any front yard

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.

**§ 108-238. Approval procedure.**

~~A. Intent. The planned recreational park is envisioned to be a comprehensive single-planned development, comprised of separate but interrelated subdistricts, each of which differ in use and function, but which together share basic infrastructural elements such as water, sewer, energy, vehicular and pedestrian circulation and open space. While it would be preferable for the entire district to be designed according to a single comprehensive development plan, its size may preclude single ownership and control. Thus, the approval procedures and the regulations of this article do allow certain smaller portions or parcels of land within the District to be planned, approved and developed separately, provided that such planning and development makes provision for the development of an infrastructure network and a layout which fits into, relates to and is compatible with other development planned, approved or anticipated in other parts of the planned recreational park. (RESERVED)~~

~~B. Initial submission: schematic land use and infrastructure.~~

~~(1) Network plan.~~

~~(a) The first applicant to apply for an approval of a portion of the PRP District shall submit a concept development plan indicating:~~

~~[1] The portion of the PRP District which he/she owns or controls and wishes to develop.~~

~~[2] A layout of the basic infrastructural networks necessary to provide services to the portion the developer is seeking development approval for.~~

~~[3] A schematic land use scheme, encompassing the rest of the land within the PRP District, showing generally the other uses or subdistricts to be developed in other portions of the PRP Districts and indicating how the overall land use and infrastructure network will function and interrelate.~~

~~(b) The schematic land use and infrastructural network plan shall indicate such subdistricts and such infrastructure as is mandated by § 108-236, Underlying subdistricts created, and § 108-237, Development standards for PRP District.~~

~~(2) This schematic land use and infrastructural network plan shall, upon approval, become the approved schematic development plan for the entire PRP District and shall only be amended if and when subsequent submissions for development approvals, as set out below, are approved.~~

~~(3) The approving agency for the schematic land use and infrastructural network plan for the PRP District shall be the Town Board.~~

~~(4) The initial approval and subsequent amendments to the schematic land use and infrastructural network plan shall not occur until the preliminary concept plan for that portion of the PRP District for which a development approval is being sought, as set out in § 108-238C, regarding concept plan approval, is approved. Once a concept plan for any portion of the PRP District has been approved, the schematic land use and infrastructural network plan for that portion of the PRP network shall be fixed and may not be amended without the full consent of the owner or developer of the approved portion.~~

~~(5) All subsequent amendments to the schematic land use and infrastructural network plan shall be approved by the Town Board. Where there are any disagreements between two or more developers within the PRP District, as to the form or layout of the District for which concept plan approval has not already been granted, the Town Board shall be the final arbiter and decision maker. (RESERVED)~~

~~C. Concept plan approval and designation of subdistricts.~~

- (1) Concurrently with the initial submission of a schematic land use and infrastructural network plan, the applicant shall also make application for approval of a concept plan for a portion of the PRP District which, when granted final approval pursuant to § 108-238D, Final plan approval, shall be designated as one or more subdistricts within the PRP District.
- (2) The concept plan shall meet the requirements of §§ 108-236 and 108-237.
- (3) The following information shall be submitted for concept plan approval:
  - (a) A diagram or diagrams, at a scale of not less than one inch equals 100 feet, showing proposed land uses, including building footprints and parking areas, infrastructure, including main water and sewer lines and stormwater drainage facilities and proposed community facilities such as fire or police substations or public parks; historic and cultural features; a circulation plan, including major and minor vehicular routes, pedestrian pathways and bicycle and bridle trails; recreational facilities; ancillary retail facilities; and open space and natural areas.
  - (b) Conceptual diagrams, illustrations, perspective renderings or elevations of main buildings, structures and improvements, including proposed building materials and landscape treatments.
  - (c) Site functional diagrams, indicating the relationship of proposed infrastructure and recreational amenities to other portions of the PRP District and to the Town of Riverhead.
  - (d) Environmental suitability diagrams indicating the environmental suitability of land proposed for clearing and development versus those left in their natural state or those proposed to be used as landscaped open space.
  - (e) Preliminary staging or phasing plans.
  - (f) Density yield evaluations, including building floor areas, impervious coverage percentages, number of employees or residents generated, water and sewer consumption, amount of open space and approximate amount of stormwater runoff generated.
  - (g) A preliminary financial analysis, including land costs, infrastructure costs (roads, sewer, water and drainage, primarily), site development and construction costs, soft costs, development costs for community facilities and amenities, and preliminary estimates of membership, admission or user fees. A statement concerning the overall feasibility of the proposed development shall be included.
  - (h) An outline of the marketing, sales or promotion program.
  - (i) A community impact statement, including the proposed development's impact on community facilities and services.
  - (j) A fiscal impact analysis indicating that, at each stage or at the end of each phase of development, the revenues generated by the proposed development to the Town will not exceed the costs of providing services.
  - (k) A statement indicating the long-term ownership of common facilities and infrastructure, the designation of maintenance responsibilities for such areas and the structuring of developer, owner and Town roles in this regard. In this respect, the establishment of a community association with maintenance assessment and user fees shall be considered.
- (4) ~~The procedure for the review and approval of the concept plan shall be the same as that required for a special permit, except for the submission requirements, which shall be in accordance with § 108-238C(3)(a) through (k). Following approval of the concept plan, and the initial approval or subsequent amendment of the schematic land use and infrastructural network plan, the Town Board shall designate the area encompassed by the approved concept plan as one or more subdistricts within the PRP District.~~  
(RESERVED)

D. Final plan approval.

- (1) Following the approval of a concept plan and the designation of one or more subdistricts

~~within the PRP District by the Town Board, subdivision~~ Subdivision and site plan, as appropriate and necessary, shall be obtained in accordance with the requirements of Article XXVI, Site Plan Review, and Article XX, Subdivision Regulations. Where the standards of this article conflict with others in the Zoning Code, the standards of this article shall apply.

- (2) 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 a subdistrict, including exterior building materials and glass; plant material and landscaping palette; architectural guidelines for style, size and height of buildings; building and ground maintenance schedules; conservation and resource management measures; a sign/graphics plan for all signs, advertising, brochures and business forms. All subsequent developers within the subdistrict shall adhere to the approved design vocabulary.

**§ 108-239. AP Amusement Park Subdistrict – Group A Uses and Dimensional Requirements.**

- A. ~~Purpose. The purpose of the AP Amusement Park Subdistrict is to provide a family-oriented destination amusement park center for residents, tourists and day visitors to the area.~~  
(RESERVED)

B. Permitted uses:

Amusement and video arcades

Amusement Parks

Animal exhibits

Archery Ranges

Arenas for boxing, basketball, baseball, cycling, football, hockey, ice skating, soccer, tennis or other sports

Athletic fields

Boat or canoe rental facilities and fishing piers

Botanical gardens and arboreta

Bowling alleys

Cable car operators

Carnivals

Circuses

Commercial museums and art galleries

Entertainment-oriented retail centers, including gift, souvenir and clothing, jewelry, photography, toy, antique, hobby, art, home decoration, beverages, confections, foodstuffs and stationery

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

Expositions and exhibition facilities

Fairs

Game parlors

Golf driving ranges, schools or practice facilities

Ice skating and roller rinks

Indoor or outdoor tennis, racquetball, basketball and other sports courts

Kiddie parks

Martial arts schools or facilities

Museums and art galleries

Outdoor or indoor concert or live performance facilities

Pitch-and-putt or miniature golf courses

Planeteria  
Professional or semiprofessional sports club facilities  
Race track for horses, automobiles or motorcycles  
Rodeos  
 Scenic railroads for amusement  
Scuba and scindiving facilities and instruction  
Skiing facilities  
Speedway operations  
Sports instructional academies, schools, camps or facilities  
Sporting events  
Sports museums or halls of fame  
Stadiums  
Swimming pools, not including membership clubs  
 Theaters for live performances  
 Theme parks  
 Waterslides and wave pools  
 Zoological gardens, but not aquariums

C. Accessory uses.

Ancillary retail facilities, including the sale of beverages, books, clothing, confections, cosmetics, foodstuffs, gifts, periodicals, photo supplies, souvenirs, stationery and toys  
Automatic Teller Machines  
Bed-and-breakfasts and inns  
 Bus or transit stops or stations  
Cabins and cottages, for transient lodging  
 Fences and walls  
 First aid stations and other emergency services  
Health spas  
Hotels  
 Infrastructural facilities  
Motels  
 Off-street parking and loading facilities  
 Parks, open space and picnic areas  
 Police and fire substations  
 Restaurants, cafeterias and eating and drinking establishments  
 Security and management facilities  
 Signs  
Timeshares and fractional ownership for non-primary-transient occupancy  
 Trash receptacles and enclosures  
Uses customarily accessory and incidental to the principal uses, such as ticket sales; stables, vehicle maintenance, storage and repair; sports equipment sales and rental; and pro shops

D. General lot, yard and height requirements.

- (1) For the overall amusement park:
  - (a) Minimum park area: 300 acres in contiguous parcels.
  - (b) Minimum park width: 1,000 feet.
  - (c) Minimum frontage on an arterial road: 3,000 feet.
  - (d) Maximum floor area ratio: ~~0-10~~ 0.20 in total for all buildings within the park.
  - (e) ~~Maximum vegetative clearance: 65% of the park area clearing.~~ Clearing shall be in accordance with Section 108-237E.

- (f) ~~Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for every six acres of land within the park, or a proportion thereof. Minimum perimeter buffer: 100 feet in width along State Route 25 (Middle Country Road) and 100 feet in width along all other perimeters.~~
- (g) ~~Minimum perimeter buffer: 300 feet in width along State Route 25 (Middle Country Road) and 100 feet in width along all other perimeters. Maximum impervious coverage: 50% of all land within the park.~~
- (h) ~~Maximum impervious coverage: 50% of all land within the park. Maximum height: three stories or 40 feet, whichever is greater, for all buildings – except for exposition and exhibition facilities, hotels, timeshares and fractional ownership, indoor sports arenas and outdoor stadiums – providing occupiable or habitable floor area, but six stories or 75 feet whichever is greater for exposition and exhibition facilities, hotels, timeshares and fractional ownership, and 120 feet for all other structures, provided that a setback of at least three feet for every one foot in vertical height above 40 feet is provided from the perimeter boundary of the park.~~
- (i) ~~Maximum height: three stories or 40 feet, whichever is greater, for all buildings providing occupiable or habitable floor area, but 120 feet for all other structures, provided that a setback of at least three feet for every one foot in vertical height is provided from the perimeter boundary of the park.~~

**§108-239A. Group B Uses and Dimensional Requirements.**

**A. Permitted uses:**

All terrain-vehicle course  
Amusement and video arcades  
Amusement parks  
Auction houses  
Bingo parlors, bridge clubs

Dance halls and studios  
Discotheques and nightclubs  
Farmers markets, arts and crafts markets, carnival or festival markets  
Health clubs and gymnasiums  
Movie theaters, not including drive-in theaters  
Restaurants and eating and drinking establishments  
Water skiing

**B. Accessory uses:**

Accessory uses permitted in §108-239.

**C. General lot, yard and height requirements:**

- (a) Minimum tract size: 20 acres
- (b) Minimum tract width: 500 feet
- (c) Minimum frontage on an arterial street: 500 feet.
- (d) ~~Minimum floor area ratio: 0.20 in total for all buildings within the Development.~~
- (e) Maximum vegetation clearing: Clearing shall be in accordance with Section 108-237
- (E).
- (f) Minimum perimeter buffer: 100 feet.
- (g) Maximum impervious coverage: 50% of all land within the Development.
- (h) Maximum height: three stories of 60 feet, whichever is the lesser.

**§ 108-240. HCC Hotel-Conference Center Subdistrict Facilities.**

- A. Purpose. ~~The purpose of the HCC Hotel Conference Center Subdistrict is to create a hotel and conference center within the Planned Recreation Park District that provides transient lodging facilities to visitors to the park and to the region, as well as a destination for local, regional and national conferences, seminars and business meetings that can take advantage of the park's attractions, recreational facilities, leisure activities and natural environs. For the purpose of Section 243 only, the use "Hotel/Conference Center Facilities" shall include the following permitted facilities and accessory facilities, pursuant to the requirement set forth in (D) below.~~
- B. Permitted uses:
- Bed-and-breakfasts and inns
  - Cabins and cottages, for transient lodging
  - Health spas
  - Hotels, restricted to transient lodging facilities
  - Motels, restricted to transient lodging facilities
  - Recreational vehicle parks
- C. Accessory uses:
- Ancillary retail facilities oriented to guests meeting, visiting or lodging at the principal use, including but not limited to the sale of books, beverages, clothing, confections, cosmetics, drugs, dry goods, flowers, foodstuffs, gifts, jewelry, sporting goods, periodicals, photo supplies and stationery, and personal service establishments such as barber and beauty shops.
  - Automatic teller machines
  - Conference facilities, meeting rooms and ballrooms
  - Fences and walls
  - Health clubs and other indoor recreational facilities whose use is restricted to guests meeting at, visiting or lodging at the principal use or employees thereof
  - Off-street parking and loading facilities
  - Outdoor swimming pools, tennis courts, basketball and other sports courts, miniature golf courses, jogging and walking trails, whose use is restricted to guests lodging at the principal use or employees thereof
  - Restaurants, cafeterias and eating and drinking establishments
  - Security and management facilities
  - Signs
  - Trash receptacles and enclosures
- D. General lot, yard and height requirements.
- (1) ~~For the overall hotel-conference center development:~~
- (a) ~~Minimum tract size: 50 acres. Minimum lot area: two acres for bed-and-breakfasts and inns; and five acres for all other uses.~~
  - (b) ~~Minimum tract width: 500 feet. Minimum lot width: 250 feet.~~
  - (c) ~~Minimum tract frontage on an arterial road: 1,000 feet. Minimum frontage on a street: 200 feet.~~
  - (d) ~~Maximum floor area ratio: 0.20 in total for all buildings within the hotel-conference center development. Minimum front yard depth: 50 feet for bed-and-breakfasts and inns; 75 feet for all other uses.~~
  - (e) ~~Maximum vegetation clearance: 65% of the land within the hotel-conference center. Minimum side yards: 30 feet for bed-and-breakfasts and inns; 50 feet for all other uses.~~
  - (f) ~~Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the hotel-conference center~~

~~development, or a proportion thereof. Minimum rear yards: 50 feet for bed-and-breakfasts and inns; 75 feet for all other uses.~~

~~(g) Minimum perimeter buffer: 100 feet. Maximum floor area ratio: 0.20 for bed-and-breakfasts and inns; 0.50 for all other uses.~~

~~(h) Maximum impervious coverage: 50%.~~

~~(i) Maximum height: two stories for bed-and-breakfasts and inns; six stories or 75 feet for all other uses, provided that a setback of three feet shall be provided from the perimeter of the hotel-conference development for every one foot in vertical height.~~

~~(2) For each use or building within the hotel-conference center development:~~

~~(a) Minimum lot area: two acres for bed-and-breakfasts and inns; and five acres for all other uses.~~

~~(b) Minimum lot width: 250 feet.~~

~~(c) Minimum frontage on a street: 200 feet.~~

~~(d) Minimum front yard depth: 50 feet for bed-and-breakfasts and inns; 75 feet for all other uses.~~

~~(e) Minimum side yards: 30 feet for bed-and-breakfasts and inns; 50 feet for all other uses.~~

~~(f) Minimum rear yards: 50 feet for bed-and-breakfasts; 75 feet for all other uses.~~

~~(g) Maximum floor area ratio: 0.20 for bed-and-breakfasts and inns; 0.50 for all other uses.~~

~~(h) Maximum impervious coverage: 50%.~~

~~(i) Maximum height: two stories for bed-and-breakfasts and inns; six stories or 75 feet for all other uses, provided that a setback of three feet shall be provided from the perimeter of the hotel-conference development for every one foot in vertical height.~~

#### **§ 108-241. ~~SP Sports Park Subdistrict.~~ (RESERVED)**

~~A. Purpose. The purpose of the SP Sports Park Subdistrict is to create family-oriented, publicly accessible, primarily outdoor, participatory or instructional, sports-oriented commercial recreation facilities, as well as stadiums, arenas or other facilities for professional or semiprofessional sports teams and for other spectator sports. Membership clubs shall be permitted, provided that they are also open to the public at large for a reasonable fee.~~

~~B. Permitted uses:~~

~~Archery ranges~~

~~Arenas for boxing, basketball, baseball, cycling, football, hockey, ice skating, soccer, tennis or other sports~~

~~Athletic fields~~

~~Aviation clubs or schools~~

~~Boat or canoe rental facilities and fishing piers~~

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

~~Golf driving ranges, schools or practice facilities~~

~~Indoor or outdoor tennis, racquetball, basketball and other sports courts~~

~~Martial arts schools or facilities~~

~~Pitch and putt or miniature golf courses~~

~~Professional or semiprofessional sports club facilities~~

~~Race tracks for horses, automobiles or motorcycles~~

~~Redeems~~

~~Scuba and skydiving facilities and instruction~~

~~Skiing facilities  
Speedway operations  
Sports instructional academies, schools, camps or facilities  
Sports museums or halls of fame  
Stadiums  
Swimming pools, not including membership clubs~~

**G. Accessory uses:**

~~Uses customarily accessory and incidental to the principal uses, such as ticket sales; stables; vehicle maintenance, storage and repair; sports equipment sales and rental; and pro shops.~~

~~Accessory uses permitted in § 108-239 in the AP Amusement Park Subdistrict.~~

**D. General lot, yard and height requirements:**

~~(1) For the overall sports park:~~

- ~~(a) Minimum park area: 100 acres in contiguous parcels.~~
- ~~(b) Minimum park width: 500 feet.~~
- ~~(c) Minimum frontage on an arterial road: 2,000 feet.~~
- ~~(d) Maximum floor area ratio: 0.10 in total for all buildings in the park.~~
- ~~(e) Maximum vegetation clearance: 65%.~~
- ~~(f) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the park, or a proportion thereof.~~
- ~~(g) Minimum perimeter buffer: 100 feet.~~
- ~~(h) Maximum impervious coverage: 50%.~~
- ~~(i) Maximum height: three stories or 40 feet for all buildings providing habitable or occupiable floor area, except indoor sports arenas or stadiums which, in addition to other permitted structures, shall not exceed a height of 120 feet, provided that a setback of at least three feet for every one foot in vertical height is provided from the perimeter of the park.~~

**§ 108-242. FEC Family Entertainment Center Subdistrict. (RESERVED)**

**A. Purpose.** ~~The purpose of the FEC Family Entertainment Center Subdistrict is to provide family-oriented commercial recreation facilities as a destination for residents, tourists and visitors to the region, that will complement and not compete with the facilities within the amusement park and sports park subdistricts.~~

**B. Permitted uses:**

~~Amusement and video arcades and game parlors  
Auction houses  
Bingo parlors, bridge clubs  
Bowling alleys  
Commercial museums and art galleries  
Dance halls and studios  
Discotheques and nightclubs  
Entertainment-oriented retail centers, including gift, souvenir and clothing, jewelry, photography, toy, antique, hobby, art, home decoration, beverages, confections, foodstuffs and stationery  
Farmers markets, arts and crafts markets, carnival or festival markets  
Health clubs and gymnasiums~~

- ~~Ice skating and roller rinks~~
- ~~Indoor performance and concert facilities~~
- ~~Movie theaters, not including drive-in theaters~~
- ~~Restaurants and eating and drinking establishments~~

C. Accessory uses:

~~Accessory uses permitted in § 108-239 in the AP Amusement Park District~~

D. Lot, yard and height requirements:

- ~~(1) Minimum tract size: 20 acres.~~
- ~~(2) Minimum tract width: 500 feet.~~
- ~~(3) Minimum frontage on an arterial street: 500 feet.~~
- ~~(4) Maximum floor area ratio: 0.20 in total for all buildings within the family entertainment center development.~~
- ~~(5) Maximum vegetation clearance: 65% of all land in the family entertainment center development.~~
- ~~(6) Minimum open space set aside or contribution: four acres of land within the OS Open Space Subdistrict for each six acres of land within the family entertainment center development, or a proportion thereof.~~
- ~~(7) Minimum perimeter buffer: 100 feet.~~
- ~~(8) Maximum impervious coverage: 50% of all land within the development.~~
- ~~(9) Maximum height: three stories or 60 feet, whichever is the lesser.~~

**§ 108-243. GC Golf Course Subdistrict. Group C Uses and Dimensional Requirements.**

A. Purpose. ~~The purpose of the GC Golf Course Subdistrict is to create a privately owned but publicly accessible golf course development as a principal use, either independent and self-sustaining or in conjunction with a resort development, or in conjunction with a limited retirement or second-home residential development. (RESERVED)~~

B. Permitted uses:

Golf course resorts, provided that the lodging and/or conference facilities meet the requirements of the HCC Hotel-Conference Center Subdistrict and that the minimum tract size is 300 acres and includes at least two regulation-sized 18-hole golf courses.

Golf driving ranges, practice facilities or golf instruction schools open to the general public

Non-membership golf courses open to the general public

Par 3 or executive-sized golf courses open to the general public

C. Accessory uses:

Uses customary and incidental to golf courses, including clubhouses, restaurants and eating and drinking establishments and pro shops

Detached single-family residential homes, restricted to retirement or second-home occupancy, and only in conjunction with regulation-sized 18-hole golf courses, with a maximum of three single-family homes per hole or a total of 54 homes per golf course

~~For golf course resorts only, the following accessory uses shall be permitted: spa or health club facilities, tennis courts, swimming pools, jogging or walking trails, children's indoor or outdoor sports facilities, meeting and conference facilities, and transient lodging facilities restricted to guests, visitors and employees of the resort.~~

D. Lot, yard and height regulations.

- (1) Minimum tract size: 140 acres in contiguous parcels for golf courses and 300 acres for golf course resorts.
- (2) Minimum tract width: 1,000 feet.

- (3) Minimum frontage on an arterial street: 500 feet.
- (4) Minimum perimeter buffer: 25 feet for the golf course and 100 feet for all other buildings, structures or uses.
- (5) Maximum floor area ratio: 0.05 in total for all buildings in the golf course development.
- (6) Maximum vegetation clearance: 65% of all land in the golf course development.
- (7) Maximum impervious coverage: 50% of all land in the golf course development.
- (8) Maximum permitted height: three stories or 40 feet, whichever is the lesser.
- (9) Minimum open space set aside or contribution: four acres of land.

**§ 108-244. OS Open Space Subdistrict. (RESERVED)**

A. Purpose. ~~The purpose of the OS Open Space Subdistrict is to provide for the passive and active recreational needs of the residents of Riverhead, to ensure the preservation and protection of sensitive ecological land and resources in their natural state, and the provision of natural buffers adjacent to and for the protection of sensitive land uses and ecological features within the OS Open Space Subdistrict.~~

B. Permitted uses:

- ~~(1) An 18-hole regulation-play public golf course of not less than 160 acres to be located to the north of the undisturbed natural area located west of McKay Lake and north of Grumman Boulevard, and provided that the vegetation clearance does not exceed 65%.~~
- ~~(2) A community park with active and passive community sports and recreational facilities of not less than 135 acres, located north of Swan Pond Road/Grumman Boulevard and west of the existing ten-thousand-foot runway, and provided that the maximum vegetation clearance is no greater than 65%.~~
- ~~(3) A nature preserve in the Pine Barrens Core Preservation area, located at the western end of the PRP District, comprising not less than 423 acres.~~
- ~~(4) In all other areas of the OS Open Space District, the following uses may be established, provided that no more than 10% of the existing natural vegetation is cleared:~~
  - ~~(a) Nature preserves.~~
  - ~~(b) Hiking, nature trails, and bridle paths.~~
  - ~~(c) Canoeing and kayaking.~~
  - ~~(d) Fishing.~~

C. Accessory uses:

- ~~(1) Uses customary and incidental to the principal permitted uses.~~

D. Lot, area and height regulations:

- ~~(1) Minimum frontage on an arterial street: 100 feet.~~
- ~~(2) Maximum floor area ratio: 0.05 for all buildings on the open space tract.~~
- ~~(3) Maximum vegetation clearance: unless otherwise specified, no greater than 65%.~~

**§ 108-245. Additional requirements.**

A. 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 nondisturbance 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) Editor's Note: See Environmental Conservation Law § 15-2701 et seq. 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.
  - (a) ~~No more than 65% of the PRP District~~ Clearing shall only be permitted in the PRP District shall be cleared pursuant to the Central Pine Barrens Comprehensive Land Use Plan and the Pine Barrens Overlay District (Article XXXV) of the Zoning Code of the Town of Riverhead, and in accordance with Section 108-237 (E). The applicable clearance percentage shall be calculated over 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.
  - (b) 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. Nonnative vegetation species to be avoided are contained in Figure 5-2 of the plan.~~ Land subdivision maps and site plans shall be designed in conformance

with a map filed in the Department of Planning which map shall specify the areas within the PRP district where land clearing is prohibited. Those areas contained on said map where land clearing is not prohibited may be cleared.

- (10) 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.
- (11) 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.
- (12) 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%.
- (13) 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.
- (14) 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.
- (15) Where applicable, the use of planned industrial park development pursuant to the provisions of Article XX of this chapter shall be encouraged to preserve open spaces.
- (16) 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.
- (17) 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.
- (18) All development shall comply with the applicable provisions of the Suffolk County Sanitary Code and all other applicable federal, state or local laws.
- (19) A buffer of 1,000 feet of and no more than 50% disturbance shall be permitted around breeding ponds pursuant to NYSDEC freshwater wetland permit requirements.
- (20) 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.

- (21) 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 Seven 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.
- (22) 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, Editor's Note: See Ch. 81, Noise Control. 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.

B. A land use within the Compatible Growth Area that lawfully exists at the time of the effective date of this article or any amendment thereto may be continued in its present form, except that the aforementioned standards shall apply to any change, structural alteration, expansion, restoration or modification to said land use constituting development as defined herein.

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

Dated: Riverhead, New York  
September 3, 2008

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

**BARBARA GRATTAN, Town Clerk**

9/3/08

Adopted

Town of Riverhead

Resolution # 771

**Authorizes Supervisor to Execute Agreement with the Riverhead Central School District for the Administration of Grant Funds with the New York State Division of Criminal Justice Services**

COUNCILMAN WOOTEN

offered the following resolution,

which was seconded by COUNCILMAN BUCKLEY:

**WHEREAS**, the Town of Riverhead, in conjunction with the Riverhead Central School District, applied for a grant in the amount of \$7,000, specifically for the development of curriculum, training, technical support and supplies to support the Riverhead Central School District Council for Unity program under a consulting agreement with the Council for Unity, Inc.; and

**WHEREAS**, said grant was approved in the amount of \$7 000, which includes the consulting agreement between the RCSD and the Council for Unity, as well as supplies and materials to be provided by the RCSD; and

**WHEREAS**, the grant will provide services pursuant to the attached grant agreement between the Riverhead Central School District and the Council for Unity.

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute an electronic agreement with the New York State Department of Justice in order to administer funds on behalf of the Riverhead Central School District,

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to the Community Development Department and Theresa Drozd, Riverhead Central School District and the Community Development Department.

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

## LICENSE AND SERVICES AGREEMENT

THIS LICENSE AND SERVICES AGREEMENT (the "Agreement") is by and between Council for Unity, Inc. (the "Council") and Riverhead Middle School (the "Client") dated as of July 1, 2008 (the "Effective Date") for use of Council Materials (as hereinafter defined) in order to implement a Council for Unity chapter at Riverhead Middle School (the "Chapter").

WHEREAS, Client desires to establish and implement the Chapter and perform the Client Responsibilities as described herein; and

WHEREAS, Council desires to license the use of Council Materials and provide the Council Services, as described herein, for a one-year period for the sole purpose of establishing the Chapter.

NOW THEREFORE, in consideration of the foregoing, and further good and valuable consideration, receipt and sufficiency which is hereby acknowledged, Council and Client hereby agree to all of the following terms and conditions:

1. License.

- a. License Grant. Subject to all the terms and conditions of this Agreement, Council hereby grants to Client for the Term, as defined in Section 4 a personal, non-exclusive, non-transferable, non-sublicensable, limited license (the "License") solely to use the Council Materials (as defined in Exhibit A) for Client's implementation of the Chapter. The foregoing license grant may be exercised solely by Client, Faculty Advisors and Chapter participants for the purpose of establishing the Chapter. Client and Faculty Advisors shall reproduce Council Materials only to the extent necessary to implement the Chapter and to exercise the license grant set forth herein.
- b. Proprietary Rights. Client acknowledges that Council is the exclusive owner of all right, title and interest in the Council Materials, regardless of any participation or collaboration by Client in the implementation of such Council Materials. Client further acknowledges that that Council is the owner and holder of all copyright, patent, trademark, trade secret and other proprietary rights therein (collectively, "Proprietary Rights"), and reserves all such Proprietary Rights to itself except as expressly licensed to Client hereunder. To the extent that any Proprietary Rights do not otherwise vest in Council, Client hereby assigns all such Proprietary Rights to Council, and agrees to do all other acts reasonably necessary to perfect Council's ownership thereof, without any additional consideration of any kind.
- c. Proprietary Notices. Client shall not remove any copyright, trademark, patent or other proprietary or restrictive notice or legend contained in or included in any of the Council Materials, and Client shall reproduce and copy all such notices and legends on all copies of the Council Materials that are permitted to be made hereunder.

- d. License Restrictions. Nothing in this Agreement shall be construed as an implied grant to Client of any right to, and Client shall not, and shall not permit Faculty Advisors, Chapter participants or any other third party, to (i) use or reproduce any of the Council Materials other than for the purpose of implementing the Chapter or (ii) modify or alter the Council Materials in any manner.
- e. Client employees and Chapter participants. Client shall cause Faculty Advisors and Chapter participants to comply with the terms and conditions of this Agreement, and Client shall remain fully responsible for Faculty Advisors and Chapter participants' compliance with the terms of this Agreement. Client shall cooperate with Council in order to assist Council in preventing and identifying any use of or access to the Council Materials by Faculty Advisors or Chapter participants or otherwise, in violation of the terms and restrictions of the License granted herein.

2. Council Services and Client Responsibilities.

- a. Council Services. In consideration for the Fees and for Client's performance of the Client Responsibilities, Council hereby agrees to provide the services (the "Council Services") as detailed on Exhibit B hereto to Client during the Term (as defined in Section 4 hereof). Client acknowledges and agrees that the Council Services are to be performed to implement the Chapter.
- b. Client Responsibilities. Client hereby agrees to perform the responsibilities and obligations (the "Client Responsibilities") as detailed on Exhibit B hereto during the Term (as defined in Section 4 hereof). Client shall perform the Client Responsibilities in a timely fashion and cooperate fully, and cause the Faculty Advisors to cooperate fully, with the Council and its representatives in order to implement the Chapter. Client also agrees to designate, with approval by Council, such approval which shall not be unreasonably withheld, at least one faculty advisor (the "Faculty Advisor" or "Faculty Advisors") with qualifications appropriate for facilitating the implementation of the Chapter on behalf of the Client.

3. Payment.

- a. Fees. Client agrees to pay Council a total sum of \$5,000.00 (the "Fees") as the sole consideration for the License and Council Services to be provided during the Term of the Agreement.
- b. Payments. All payments under this Agreement are due according to the following fee schedule:

October 15, 2008      \$5,000

All payments shall be drafted to Council for Unity, Inc. and mailed to the Council at 50 Broadway, Suite 1503, New York, New York 10004. All Fees paid hereunder are non-refundable.

4. Term and Termination.

- a. Term. This Agreement shall commence upon the Effective Date and shall continue for a period of one year (the "Term").
- b. Termination. Prior to the end of the Term, Council may terminate this Agreement at any time upon delivery of written notice if Client breaches any material provision of this Agreement (including, but not limited to, non-payment, late payment of Fees, and proprietary information) and fails to cure such breach within thirty (30) days after Council delivers written notice of such breach to the Client.
- c. Events Upon Termination. Upon any termination of this Agreement, all work by Council shall cease, and Client shall return to Council all of the Council Materials and certify in writing that it has not retained any copies of such Council Materials. Council shall invoice Client for all accrued Fees, and Client shall pay the invoiced amount immediately upon receipt of such invoice. In the event of termination of this Agreement for any reason, the provisions of Sections 1, 4, 6, 7, 9 shall survive.

5. Services; Authority; Agreement.

- a. Services. Council represents and warrants that the Council Services shall be performed by qualified personnel in a professional and diligent manner. Client represents and warrants that the Client Responsibilities shall be performed by qualified personnel in a professional and diligent manner.
- b. Authority. Each party represents and warrants that it has full power and authority to enter into this Agreement.
- c. Agreement. Each party further represents that it has not entered into nor will it enter into any agreements that would conflict with its obligations hereunder. Client represents and warrants that it shall abide by all of the terms of this Agreement including but not limited to terms regarding the License grant and confidentiality. Client represents and warrants that it will comply with all applicable laws, rules and regulations.

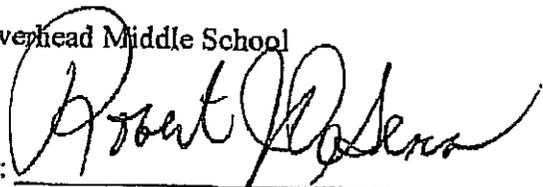
6. Indemnification. Client shall hold harmless Council, its officers, employees and agents from and against all claims, loss, damage, liability and lawsuits (including reasonable attorney's fees) arising from Client's breach of this Agreement or noncompliance with applicable federal, state and local laws or ordinances.

7. Limitation of Liability. COUNCIL SHALL NOT BE LIABLE TO CLIENT FOR ANY CONSEQUENTIAL, INDIRECT OR SPECIAL DAMAGES ARISING UNDER THIS AGREEMENT, EVEN IF COUNCIL HAS BEEN ADVISED OF THE POSSIBILITY OF SUCH DAMAGES. Council shall not be liable under this Agreement relating to the Council Services and Council Materials or under any contract, negligence, strict liability or other legal or equitable theory for any amounts, in the aggregate, in excess of the total amount of Fees actually paid by Client to Council hereunder.
8. Insurance. Client shall maintain not less than \$1 million of liability insurance during the Term with Council expressly named as co-insured.
9. General.
  - a. No Assignment. Except by reason of merger or acquisition of the Client, Client shall not have the right to assign, transfer, or sublicense any obligations or benefit under this Agreement without the prior written consent of Council. Except as otherwise provided herein, this Agreement shall be binding on and inure to the benefit of the respective successors and permitted assigns of the parties.
  - b. Notices. All notices under this Agreement shall be in writing, and shall be deemed given when personally delivered, when mailed by prepaid certified or registered U.S. mail, when sent by commercial overnight courier service with tracking capabilities or by facsimile (if confirmed by writing mailed by prepaid certified or registered U.S. mail within 48 hours after such facsimile transmission), to the respective addressee of each party at the address or facsimile number below, or such other address or facsimile number as such party last provided to the other party by written notice.
  - c. No Waiver. The failure of either party to enforce its rights under this Agreement at any time for any period shall not be construed as a waiver of such rights.
  - d. Independent Contractor. Notwithstanding any provision hereof, for all purposes of this Agreement each party shall be and act as an independent contractor and not as partner, joint venturer or agent of the other party and shall not bind nor attempt to bind the other party to any contract.
  - e. Amendment. No changes or modifications to or waivers of any provision of this Agreement shall be effective unless evidenced in a written amendment that is signed by both parties.
  - f. Effect of Illegality. In the event that any provision of this Agreement shall be determined to be illegal or unenforceable, such provision shall be limited or eliminated to the minimum extent necessary so that this Agreement shall otherwise remain in full force and effect and enforceable.
  - g. Choice of Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York without regard to the conflicts of laws provisions thereof. The sole jurisdiction and venue for actions related to

the subject matter of this Agreement shall be the state and federal courts located in New York, New York.

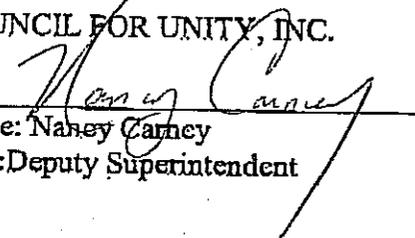
- h. Headings. Headings herein are for convenience of reference only and shall in no way affect interpretation of the Agreement.
- i. Force Majeure. A party shall not be liable for nonperformance or delay in performance (other than of obligations regarding payment of money or confidentiality) caused by any event reasonably beyond the control of such party including, but not limited to wars, hostilities, revolutions, riots, civil commotion, national emergency, strikes, lockouts, unavailability of supplies, epidemics, fire, flood, earthquake, force of nature, explosion, embargo, or any other Act of God, internet, electric power or communications outage, or any law, proclamation, regulation, ordinance of any court, government or governmental agency.
- j. Entire Agreement. This Agreement, including Exhibits hereto, constitutes the entire agreement between the parties with respect to the subject matter of this Agreement and supersedes all proposals, oral or written, all negotiations, conversations, discussions or agreements between or among the parties relating to the subject matter. In the event of any conflict or inconsistency between any Exhibit and any term or condition of this Agreement, the term or condition of this Agreement shall control.
- k. Counterparts. This Agreement may be executed in counterparts, each of which will be deemed an original but all of which together shall constitute one and the same Agreement.
- l. IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date.

Riverhead Middle School

By: 

Name: Robert J DeSena  
Title: President

COUNCIL FOR UNITY, INC.

By: 

Name: Nancy Carney  
Title: Deputy Superintendent

Exhibit A

Council Materials

"Council Materials" shall include the following:

1. Organizational curricula, which includes comprehensive syllabi, group dynamics curriculum, multicultural curriculum, induction manuals, leadership manuals for Chapter participants, program guide for facilitators, evaluation methodologies, program tapes (both audio and video), program CD-ROMs and handouts (collectively, "Organizational Curricula");
2. Council name;
3. Council service mark and trade marks;
4. Council marketing information and brochures;
5. Council Founders' Plaque, banner and age-appropriate materials; and
6. Any and all copyrighted materials associated with the implementation of the Chapter.

COUNCIL SERVICES:

Under the terms of this Agreement, Council shall provide the following Council Services:

1. Training seminar for Faculty Advisors who will facilitate the Chapter.
2. Organizational Curricula;
3. On-site technical support to assist Faculty Advisors in facilitating the program;
4. Invitation to network-wide social/cultural activities for Chapter participants
5. Articulations and inter-visitations between and among participating chapters, including a visitation to the John Dewey High School historical site where the Council originated.
6. Mentoring opportunities, lifetime membership and continued services after high school through Council Alumni and Friends Association.
7. Invitation to professional development sessions for Faculty Advisors.
8. Complementary student tickets for all new inductees, current executive board members of the chapter and one adult ticket to Council Annual Induction Dinner.
9. Marketing resources for the Chapter (including Founders' Plaque, Banner and age appropriate materials).

## CLIENT RESPONSIBILITIES:

Under the terms of this Agreement, Client shall perform the following Client Responsibilities:

1. At least one Faculty Advisor and release time for such Faculty Advisor(s) to be trained in the use of the Council Materials and to participate in programs for professional growth days;
2. One classroom for Chapter participants to hold meetings;
3. Continuity of membership for Chapter participants by maintaining the Chapter as a student organization for one entire year.
4. Utilization of the Council Materials, including but not limited to the evaluation methodologies and mandated lessons from the Organizational Curricula.
5. Assistance in Chapter recruitment and networking strategies from administrative, faculty, parental and school safety through meetings with Chapter student leaders at least once a month.
6. Sufficient release time provided to Faculty Advisors to ensure adherence to Council's monitoring protocols for submission of required monthly progress reports to Council, as well as attendance at Council for Unity events subject to receipt of advance notification of at least two weeks from the Council chapter.
7. Establishment of a Chapter bulletin board/outreach center, to be supervised by Chapter participants and Faculty Advisors, in order to notify members and the general school population of all Chapter and Council projects and events at the [SCHOOL NAME].
8. Administrative commitment to creating a network of faculty, school staff, parents association and school safety personnel to collaborate with Chapter and Council to make the Location safer and more unified.
9. With the exception of promotional material produced by Council membership in conjunction with a chapter sponsored activity or function, submission to Council management for prior review and approval the use of the "Council for Unity" name in all types of advertising media, either printed or electronically broadcasted via computer network, internet, or Client website, including but not limited to invitations, press releases, curricula, posters, banners or literature for any event, which such approval shall not be unreasonably withheld.

Adopted

9/3/08

TOWN OF RIVERHEAD

Resolution # 772

**AUTHORIZES THE SUPERVISOR TO EXECUTE A CONSTRUCTION STAGING AREA LICENSE AGREEMENT WITH NF MANAGEMENT, INC.**

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

**WHEREAS**, the Town of Riverhead is the owner of property currently used for public parking and known as Public Parking Lot No. 1 located on the easterly side of Peconic Avenue, Riverhead, NY; and

**WHEREAS**, the Town of Riverhead is the owner of an additional parcel of vacant real property located on the easterly side of Peconic Avenue, Riverhead, NY and known as SCTM # 0600-128-6-85.3; and

**WHEREAS**, both aforementioned properties are in immediate proximity to real property owned and to be developed by NF Management, Inc.

**WHEREAS**, NF Management, Inc. is proposing to redevelop a portion of its real property known as 40 Peconic Avenue, Riverhead, NY and known as SCTM # 0600-128-6-86.3 which redevelopment will provide a substantial benefit to the economic vitality of the downtown area of the Town of Riverhead as well as sales and property tax revenue to the Town eventually; and

**WHEREAS**, the nature of redevelopment in the downtown area requires the use of the entire parcel of property being redeveloped for the building being constructed and parking facilities, leaving no property available for a construction staging area during the construction process, presenting substantial practical difficulties and expense for redevelopment in the downtown area; and

**WHEREAS**, the Town of Riverhead has agreed to allow NF Management, Inc. temporary use of said public properties for a construction staging area pursuant to the terms and conditions set forth in the attached License Agreement;

**NOW, THEREFORE, be it**

**RESOLVED**, that the Supervisor is hereby authorized to execute the attached License Agreement with NF Management, Inc.; and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to NF Management, Inc., the CDA, the Office of Accounting 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 Attorney: authorize execution of Construction Staging Area License Agreement with NF Management

# CONSTRUCTION STAGING AREA LICENSE AGREEMENT

THIS CONSTRUCTION STAGING AREA LICENSE AGREEMENT ["License"] is entered into by and between the TOWN OF RIVERHEAD, 200 Howell Avenue, Riverhead, NY ["Licensor"] and NF Management, ~~LLC~~ Inc., with offices located at 60 Ida Lane, Aquebogue, NY ["Licensee"]

## RECITALS

WHEREAS, Licensor is the owner of property currently used for a public parking and known as Public Parking Lot No.1 located on the easterly side of Peconic Avenue, Riverhead, NY 11901 and

WHEREAS, Licensor is the owner of ~~a two~~ additional parcels of vacant real property located on the easterly side of Peconic Avenue, Riverhead, NY and known as SCTM # 0600-128-6-85.3 ~~and 85.1~~, and

WHEREAS, both aforementioned properties are in immediate proximity to real property owned and to be developed by the Licensee", and

WHEREAS, the Licensee is proposing to redevelop a portion of its real property known as 40 Peconic Avenue, Riverhead NY 11901 and known as SCTM #0600-128-6-86.3 which redevelopment will provide a substantial benefit to the economic vitality of the downtown area of Riverhead Town as well as sales and property tax revenue to the Town eventually, and

WHEREAS, the nature of redevelopment in the downtown area requires the use of the entire parcel of property being redeveloped for the building being constructed and parking facilities, leaving no property available for a construction staging area during the construction process, presenting substantial practical difficulties and expense for redevelopment in the downtown area, and

WHEREAS, the Licensor has agreed to allow Licensee temporary use of said public properties for a construction staging area pursuant to the terms and conditions set forth in this License Agreement.

NOW, THEREFORE, the Licensor and Licensee agree as follows:

and the delineated  
triangular area

1. LICENSE. Licensor hereby grants to Licensee a temporary and nonexclusive license to use the portion of said public parking lot legally together with lots 0600-128-85.1 and 85.3 depicted in red and described on Exhibit A, ["the staging area"] which is attached to and made a part of this Agreement, for the purpose of a construction staging area for construction taking place on the property depicted in green on Exhibit A ["the construction area"] and known as 0600-128-6-86.3. The rights of the Licensee under this License shall include a nonexclusive right of Licensee over and across the staging area for storage and operation of construction equipment and supplies and for ingress and egress. The Licensee shall cooperate with the Licensor ~~is~~ in determining the layout and exact use of the staging area and in protecting the Licensor's permanent use of the staging area as a public parking lot after this license has terminated.

2. TERM. The term of this License shall begin on the date of the issuance of a building permit to the Licensee for the construction area and ~~may~~ continue for so long as said building permit shall remain in full force and effect provided that the Town's Building Department Administrator ["BDA"] determines that use of the staging area is necessary for the construction taking place at the construction area. Either the Licensor or the Licensee may terminate this License at any time upon thirty (30) days written notice to the other party. If this License is terminated pursuant to this provision, the Licensee shall remove all equipment, fencing, materials and so forth from the staging area and return the site to its original or better condition within 30 business days after termination as directed by the Building Department Administrator. shall

3. FEE. No fee shall be required for this License.

4. USE. The rights of the Licensee hereunder shall be to temporarily use the designate area of the staging area for necessary construction related purposes, such as a construction trailer, construction equipment, a materials trailer, building materials and other related uses, all as determined by the Building Department Administrator and as

specified in a Site Plan, including fencing and access, as approved by the Building Department Administrator. Licensee shall not permit any permanent waste or damage to be done to the staging area and shall maintain the staging area and keep the said area in good condition and repair and free of any litter, construction debris or any other waste and not allow any such litter or debris to blow away from the site. The site shall be returned to the Licensor in its original or better than original condition when a temporary or permanent Certificate of Occupancy is issued for the construction area, and no permanent Certificate of Occupancy shall be issued unless and until the Licensor has approved the condition of the staging area. No materials, equipment or anything else not intended and used for the construction area specified in Exhibit B shall be stored at this site.

5. INDEMNIFICATION. Licensee shall indemnify, defend protect and hold harmless the Licensor, and its officers, agents, and employees from and against any and all liens and encumbrances of any nature whatsoever which may arise in the exercise of Licensee's rights hereunder, and from all claims, causes of action, liabilities, costs and expenses (including all reasonable attorney's and in-house counsel fees), losses or damages arising from Licensee's use of the staging area, any breach of this License, or any act or failure to act of Licensee or Licensee's agents, employees, construction workers, or invitees, except those arising out of the sole negligence or willful misconduct of the Licensor, its officers, agents and employees.

6. RISK OF DAMAGE OR LOSS. Licensee, as a material part of the consideration to Licensor, hereby assumes all risk of damage to its property or injury to all persons and personal property in or upon the staging area. Licensee hereby releases and relieves Licensor, and waives its entire right of recovery against Licensor, for any loss or damage arising out of or incident to the Licensee's use of the staging area.

7. HAZARDOUS MATERIALS. Licensee shall not use, generate, manufacture, store or transport or dispose of, on or over the staging area, any flammable liquids, radioactive materials, hazardous materials, hazardous wastes, hazardous or toxic substances, or any other "hazardous materials" as that term may be defined under federal or state laws,

except for the hazardous materials which may be in the vehicles that Licensee will park or store on the staging area. Should any discharge, leakage, spillage, emission or pollution of any type occur upon or from the staging area as a result of Licensee's use and occupancy thereof, Licensee shall provide notice as required by law and Licensee, at its sole cost and expense, shall undertake all appropriate remediation on all the property affected, whether owned by Licensor or any third party, to the satisfaction of the Licensor and any governmental body have jurisdiction thereof. Licensee must also notify Licensor as required by law of any release of hazardous materials that have come or will come to be located on or beneath the staging area.

8. ALTERATIONS. Licensee shall not alter the staging area or any improvements on the staging area except as specifically authorized by the Building Department Administrator.

9. RESTORATION. Licensee shall maintain the staging area in its current condition and will restore the staging area to its pre-construction condition to include repair to any damaged pavement, curbs, markings, or other public infrastructure components. All repairs must be completed thirty [30] days after completion of the term outlined in paragraph 2 above.

10. LIENS, TAXES AND ASSESSMENTS. Licensee shall keep the staging area free from all liens, taxes and assessments resulting from or caused by the Licensee's use of the staging area, and shall operate the staging area in full compliance with all federal, state and municipal laws, ordinances and regulations governing the use and occupancy of the staging area.

11. FENCING AND SIGNAGE. Licensee may, with the advance approval of the Building Department Administrator, erect fencing and post signage at the entry to the staging area indicating that the use of the staging area is restricted to the Licensee during the term of this Agreement.

12. SURRENDER. Upon the termination of this license, all rights, title, use and interest of the Licensee in and to

this License shall be surrendered peaceably to the Licensor and the Licensee shall remove all property from the staging area and restore the staging area and, if needed, any adjoining property, to its former condition or better.

13. INSURANCE. Licensee shall maintain in full force and effect during the term of this License, at Licensee's sole cost and expense, a policy of comprehensive general liability insurance in terms and amounts satisfactory to the Licensor and approved in writing by the Licensor's Risk Manager and naming the Licensor as an additional insured.

14. DEFAULT. In the event of a breach by Licensee of any of the terms of this License, all rights of Licensee hereunder shall cease and terminate, and in addition to all other rights Licensor may have at law or in equity, Licensor may re-enter the staging area and take possession thereof without notice and may remove any and all persons and property therefrom, and may also cancel and terminate this License; upon any such cancellation, all rights of Licensee in and to the staging area shall cease and terminate.

15. RULES AND REGULATIONS. The Building Department Administrator shall have the right to establish and enforce reasonable rules and regulations concerning the management, use and operation of the staging area, and compliance with said rules and regulations by the Licensee and his officers, agents and employees is expressly made a term of this License Agreement.

16. ASSIGNMENT AND SUBLETTING. This License is personal to the Licensee and Licensee agrees not to sublease, assign, sell, transfer, encumber, pledge or otherwise hypothecate any part of the License or Licensee's interest in the staging area to any other person or entity without the prior written consent of the Building Department Administrator, which consent may be withheld in the Building Department Administrator's or Licensor's sole and absolute discretion. Any purported assignment or sublease by Licensee of this License shall be void *ab initio* and a basis for immediate termination of this License. In the event that the Building Department Administrator or the Licensor shall provide such prior written consent to an assignment or sublease by Licensee, any such assignment or

sublease shall not relieve Licensee of its obligations under this License.

17. ATTORNEY'S FEES. If any party named herein brings an action to enforce the terms hereof or to declare its rights hereunder, the prevailing party in any such action, on trial and appeal, shall be entitled to recover its costs and reasonable attorney's fees, including those of in-house counsel.

18. NOTICES. All notices, consents, requests, demands, approvals, waivers, and other communications desired or required to be given hereunder shall be in writing and signed by the party so giving notice, and shall, with respect to the Licensor, be delivered, received and time stamped in the office of the Town Attorney, 200 Howell Avenue, Riverhead, NY, 11901 with respect to the Licensee, the notices shall be given to: NF Management, c/o Deborah Doty, Esq., 670 West Creek Avenue, PO Box 1181, Cutchogue, NY 11935. Either party may, from time to time, change the designated party and address for its notices in the manner outlined above.

19. GOVERNING LAW. This License Agreement shall be interpreted, enforced and governed by the laws of the State of New York.

20. AMENDMENTS. No provision of this License Agreement may be amended or modified except by an agreement in writing executed by both parties hereto.

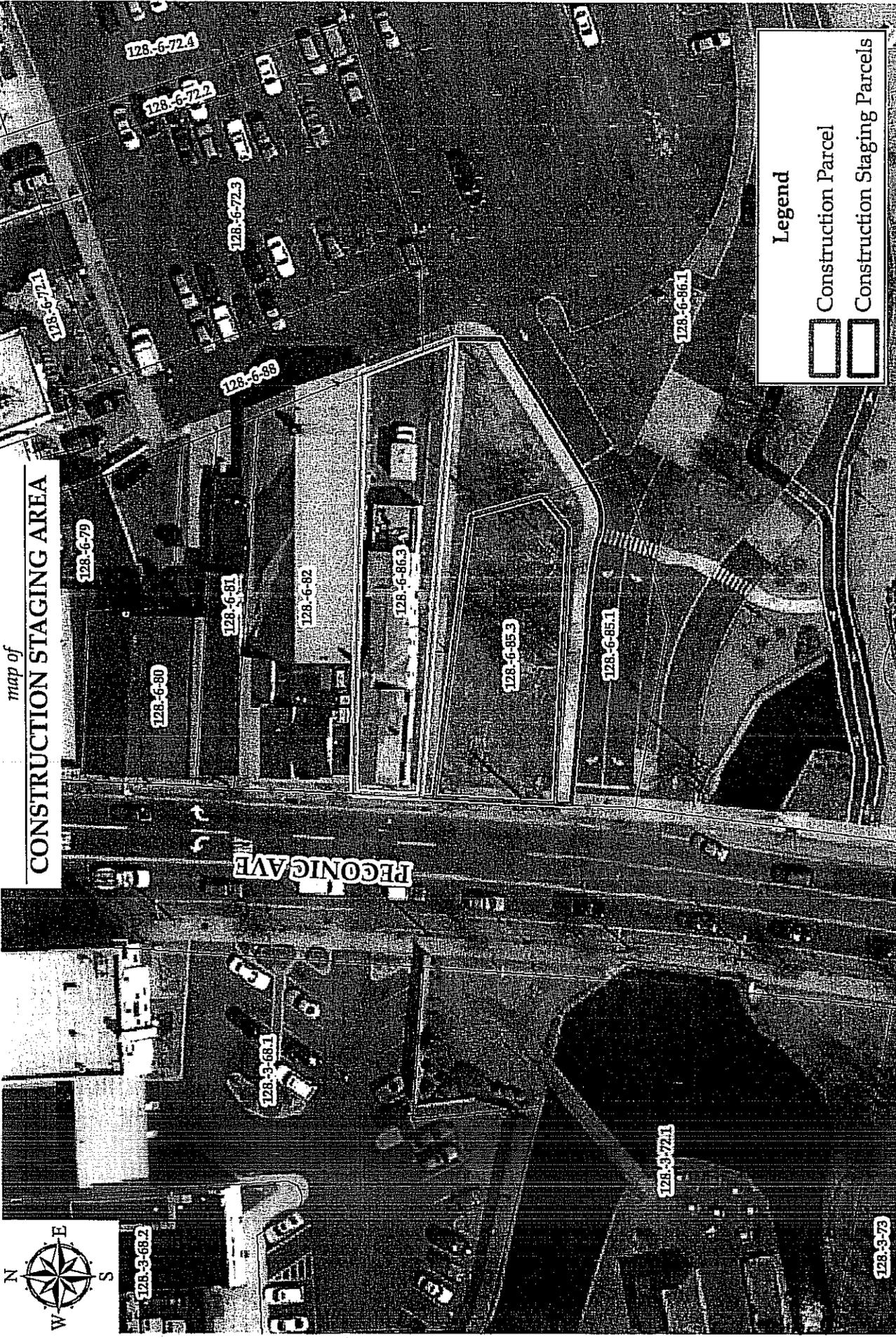
21. SEVERABILITY. In the event that one or more of the provisions contained in this License shall for any reason be held by a court of competent jurisdiction to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provision hereof, and the remainder of the provisions of this License shall continue in full force and effect without impairment.

22. SOLE AGREEMENT. This License constitutes the sole agreement between the Licensor and the Licensee with respect to the staging area.

IN WITNESS WHEREOF, each of the parties has caused its authorized representative to execute triplicate original counterparts of this License this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

Licensor: \_\_\_\_\_  
Town of Riverhead  
By: Philip J. Cardinale, Supervisor

Licensee: Ray J. Dickhoff PRES  
NF Management, Inc.  
By: Raymond Dickhoff, President.



map of  
**CONSTRUCTION STAGING AREA**

**Legend**

-  Construction Parcel
-  Construction Staging Parcels

**TOWN OF RIVERHEAD**  
*Phil Cardinale, Supervisor*  
 200 Howell Ave.  
 Riverhead, New York 11901



DATE: 08/21/2008  
 TOWN ATTORNEY



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Adopted

9/3/08

TOWN OF RIVERHEAD

Resolution # 773

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A PUBLIC HEARING REGARDING AN ALLEGED UNSAFE BUILDING LOCATED AT 994-1008 EAST MAIN STREET, RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TAX MAP NO. 0600-106-4-5, PURSUANT TO CHAPTER 54 OF THE RIVERHEAD TOWN CODE**

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 public notice for a public hearing regarding an alleged unsafe building located at 994-1008 East Main Street, Riverhead, Suffolk County, New York, Suffolk County Tax Map no. 0600-106-4-5, pursuant to Chapter 54 of the Riverhead Town Code once in the September 4, 2008, edition of the News Review Newspaper, 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 be and is hereby directed to send notification of this resolution to Wickham C. Tyte and Frances A. Tyte, 992 East Main Street, Riverhead, New York 11901; the Office of the Supervisor, the Office of the Town Attorney; Fire Marshal's Office and the Town Clerk.

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Wading River Congressional Church, North Wading River Road, Wading River, New York on the 16th day of September, 2008, at 7:15 o'clock p.m., to hear all interested persons regarding an alleged unsafe building at 994-1008 East Main Street, Riverhead, New York, Suffolk County Tax Map no. 0600-106-4-5, pursuant to Chapter 54 of Riverhead Town Code:

Dated: Riverhead, New York  
September 3, 2008

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

9/3/08

Adopted

Town of Riverhead

Resolution # 774

**RESOLUTION SUBJECT TO PERMISSIVE REFERENDUM AUTHORIZING THE PURCHASE OF A PARCEL OF PROPERTY LOCATED AT 1295 PULASKI STREET, RIVERHEAD (Purported Owner: Riverhead Building Supply Corp.)**

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

**WHEREAS**, the Town of Riverhead and its government has grown significantly in recent years, and the space currently being utilized by the Town limits the Town's ability to adequately accommodate its employees and permit the expansion of departments, personnel and services; and

**WHEREAS**, the Town Board authorized, by Resolution # 1170 adopted on December 18, 2007, an appraisal of parcel of property located at 1295 Pulaski Street, Riverhead, designated on the Suffolk County Tax Map as District 0600, Section 121.00, Block 01.00, Lot 007.000, owned by Riverhead Building Supply Corp.; and

**WHEREAS**, the Town Board had determined that the purchase of improved real property located at 1295 Pulaski Street, Riverhead, New York known as "Riverhead Building Supply" property would accommodate several Town departments and its staff; allow for the Town's continued growth and allow the Town to provide increased services and staffing for its citizens; and

**WHEREAS**, the Town Board has determined that it would be in the best interest of the residents of the Town of Riverhead to purchase the parcel of property located at 1295 Pulaski Street, Riverhead, designated on the Suffolk County Tax Map as District 0600, Section 121.00, Block 01.00, Lot 007.000, owned by Riverhead Building Supply Corp.,

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Riverhead, pursuant to the pertinent provisions of New York State Town Law, including §§ 220 and 90, does hereby designate that certain parcel of improved real property situated at 1295 Pulaski Street, Riverhead, New York, more fully described in Schedule "A" attached hereto and made a part hereof, as the intended site for future purchase, and be it further

**RESOLVED** that the Town Board, by its Supervisor, is authorized to enter into a

contract for the purchase of said premises for a price of \$2, 500,000.00, and be it further

**RESOLVED** that said contract will provide for the conditions of said purchase, and be it further

**RESOLVED** execute said contract, deed and other closing documents necessary for purchase of the subject property and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

**RESOLVED** that this resolution shall be subject to as permissive referendum as provided in Article 7 of New York State Town Law, and that the Town Clerk is directed to publish notice hereof.

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

SCHEDULE "A"

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being in the Town of Riverhead, County of Suffolk and State of New York, being more particularly bounded and described as follows:

BEGINNING at a point on the southwesterly side of Pulaski Street, said point being distant 150.00 feet northwesterly from the corner formed by the intersection of the southwesterly side of Pulaski Street and the northwesterly side of J.T. Boulevard;

RUNNING THENCE from said point of BEGINNING South 42° 51' 50" West 300.00 feet along land now or formerly of John J. & Genevieve E. Harris to a point and land now or formerly of John Checkowski;

THENCE along said land of Checkowski North 49° 30' 10" West 150.00 feet;

THENCE still along said land South 42° 51' 50" West 121.59 feet to a point and land now or formerly of E.S. Lapham;

THENCE along said land of Lapham North 49° 30' 10" West 100.00 feet to a point and land now or formerly of M. Katzburg;

THENCE along land of M. Katzburg North 41° 32' 50" East 414.68 feet to the southwesterly side of Pulaski Street;

THENCE along the southwesterly side of Pulaski Street the following two courses and distances

- 1) South 53° 17' 50" East 100.00 feet; and
- 2) South 49° 30' 10" East 160.02 feet

to the point or place of BEGINNING.

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

Please take notice that the Town Board of the Town of Riverhead adopted a resolution on September 3, 2008 authorizing purchase the parcel of property located at 1295 Pulaski Street, Riverhead, designated on the Suffolk County Tax Map as District 0600, Section 121.00, Block 01.00, Lot 007.000, owned by Riverhead Building Supply Corp. The purchase of said property shall be subject to permissive referendum.

Dated: Riverhead, New York  
September 3, 2008

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

**BARBARA GRATTAN, Town Clerk**

9/3/08

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 775**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE  
EATON ELECTRICAL CORPORATION REGARDING MAINTENANCE OF THE  
UPS POWER MODULE SYSTEM IN THE POLICE DEPARTMENT/JUSTICE  
COURT BUILDING**

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

WHEREAS, the Town Police Department and Justice Court Building requires continuous operation due to the nature of the building's activities; and

WHEREAS, the Town Police Department and Justice Court Building requires an uninterrupted power source to facilitate continuous operation; and

WHEREAS, the UPS System protects the Town Police Department and Justice Court Building in the event of a power failure and allows the building to continue operation until the emergency generator is activated; and

WHEREAS, the Town of Riverhead is desirous of ensuring the continued operation of the UPS system to ensure the continued operation of the Town Police Department and Justice Court Building; and

WHEREAS, the Eaton Electrical Corporation is ready, willing and able to provide maintenance of the UPS system.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute an agreement with Eaton Electrical Corporation regarding maintenance of the UPS System at the Town Police Department and Justice Court Building.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Eaton Electrical Corporation, 8609 Six Forks Road, Raleigh, NC 27615; Riverhead Town Police Department; Office of the Supervisor; Town Engineering Department; and the Office of the Town Attorney.

THE VOTE

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

Cardinale  Yes  No

The Resolution  Was  Was Not  
Thereupon Duly Declared Adopted



Electrical

Eaton Electrical Corporation  
(Formerly Powerware)  
8609 Six Forks Road  
Raleigh, NC 27615

### Contract 253658 SERVICE AGREEMENT

**INVOICE TO: (CUSTOMER)**

Company Name: Town of Riverhead  
Street: 552 East Main Street  
City: Riverhead  
State: NY Zip: 11901  
Contact: \_\_\_\_\_  
PH: \_\_\_\_\_  
Fax / E-Mail: \_\_\_\_\_

**INSTALL SITE: (CUSTOMER)**

Company Name: Town of Riverhead  
Street: 200 Howell Ave  
City: Riverhead,  
State: NY Zip: 11901  
Contact: Ken Testa  
PH: 631-727-3200 ext 279  
Fax / E-Mail: \_\_\_\_\_

PAYMENT TERM SELECTED:  SINGLE YEAR  MULTI-YEAR

**Start Date: 6/1/08 End Date: 5/31/09**

PAYMENT CYCLE:  ANNUAL  MULTI-YEAR PREPAY  ARREARS (GOVT. ONLY)  MVS

PURCHASE ORDER NUMBER: \_\_\_\_\_

Tax Exempt Certification Attached

**LIST OF COVERED EQUIPMENT**

Item	Product Line	Model	S/N#	Service Choice	CPM	Qty	Total Annual Price	
1	9330	40	EU063AXX07	ProActive	7*24		\$ 4,192.00	
2				Includes (1) Battery PM				
3								
4								
SEE ATTACHED SHEETS: Terms and Conditions, X-1							<b>NET TOTAL*</b>	<b>\$ 4,192.00</b>

*This Agreement, together with the terms on the attached sheets made part of this Agreement constitutes the entire Agreement between the parties and shall exclusively control the relationship of the parties, with regard to this Agreement. Printed, preprinted or other terms on the face or reverse side of Customer's Purchase Order shall not be binding.*

**CUSTOMER / PURCHASER**

**EATON ELECTRICAL,**

Company Name: \_\_\_\_\_  
Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Fax / E-Mail: \_\_\_\_\_

Signature: \_\_\_\_\_  
Date: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Fax / E-Mail: \_\_\_\_\_

**OFFICE USE ONLY**

QUOTED BY: Garry Luerssen  
Firm Name: Pure Power  
Signature: \_\_\_\_\_  
Date: 5/30/08  
Phone Number: 631-474-7886 Fax: 631-474-7957

Contract Number: 253658  
Customer Number: \_\_\_\_\_  
Site Number: \_\_\_\_\_  
Bill To Number: \_\_\_\_\_  
Date Processed: \_\_\_\_\_

**COMMENTS:**

\*important tax notice: Tax is not included in the above purchase price. In order to comply with tax regulations, sales/use tax will be added and itemized separately when you are invoiced. If you are not liable for this tax, please provide an executed tax exemption or resale certificate with this signed Agreement.

## UPS ProActive Service Plan Scope of Work Attachment R-6

1. **Corrective Maintenance Coverage:** Inspection and repair of the Power Module shall be performed as needed during the contracted period of maintenance at no extra charge to Purchaser. Remedial maintenance provided by Contractor shall include, and be expressly limited to, maintenance for ordinary wear and tear to the Power Module, travel expenses, all necessary parts replacement, adjustments and repairs. If the Purchaser maintains spare parts at the maintenance site, Contractor may, at its option, use those spare parts in the performance of Corrective Maintenance. Contractor shall replace the spare parts, which it so uses. **Exclusions:** certain wear parts are excluded from corrective coverage including batteries and capacitors. All Corrective Maintenance to Battery System, if any, will be in accordance with battery manufacturers' warranty or separate agreement, if any.
2. **Performance Check:** In the first year of unit operation only, Contractor shall schedule, with notice to the Purchaser, and conduct a Performance Check of the Power Module system and related Battery system. Performance Check shall include, and expressly be limited to, those services as listed in **Attachment R-3**. A Contractor will perform the Performance Check at the time requested by Purchaser during the CPM. Following each inspection, Contractor will provide Purchaser with a written report describing the observed condition of the Power Module Equipment and related Battery System, status of site spares inventory, and recommendations toward future remedial maintenance, upgrades or spare parts requirements.
3. **Preventive Maintenance:** 7 x 24 Annual Preventive Maintenance Visit – Not included in first year of unit operation. Calibration of all metering and protective features. Functional testing of all transfer conditions. Inspection of online performance and equipment history. Examination of interfaces to other Powertrain equipment. Visual check on batteries and battery environment. Written evaluation providing a record of equipment performance. A Contractor will perform the Preventive Maintenance at the time requested by Purchaser during the CPM. See **Attachment R-2**.
4. **Power Protection Audit:** Once per year during the term of the Service Agreement, Contractor shall schedule, with notice to the Purchaser, and conduct a Power Protection Audit of the Power Module system, Battery system, and overall operating environment. Checkup shall include, and expressly be limited to, those services as listed in the Power Protection Audit checklist attached. Following each Power Protection Audit, Contractor will provide Purchaser with a written report describing audit results and recommendations. The Power Protection Audit shall be performed at the same time as the Performance Check. See **Attachment R-8**.
5. **Remote Monitoring Advance Response Service:** Contractor will provide Remote Monitoring Advance Response Service. This service will only be available if customer purchases a monitoring factory modem and Remote Notify. Monitoring will be done for major alarm conditions only. Contractor will provide remote diagnostics as possible, and when necessary will dispatch a field service technician for problem resolution. Contractor will notify Purchaser contact when a major alarm occurs.
6. **UPS Performance Report:** A monthly UPS Performance Report will be provided (only available for those Purchasers with Remote Monitoring Advance Response Service activated). Said report will provide a summary of major alarms occurring during the previous month in a monitored UPS. The monthly UPS Performance Report will be sent electronically or a hard copy mailed at Contractor's discretion.
7. **Customer Web Account Access:** Contractor will provide Purchaser with web-based access to account information and site service records. Access will be password restricted for maximum security of Purchaser records. A history of service performed as well as scheduled service calls will be available.

The Purchaser shall, from the commencement date of the Service Agreement, maintain the UPS Power Module in accordance with the published operating specifications for the Power Module at the time of purchase. The Purchaser shall, unless otherwise specified in the Service Agreement, maintain the Battery System in strict accordance with the Battery System manufacturer's recommended maintenance guidelines.

## **Power Protection Audit Scope of Work Attachment R-8**

- I. Site Data**
  - A. Print paper copy of Power Protection Audit Datasheet in Adobe Acrobat.
  - B. Record site information. (Customer Name, Site Contact, Street Address, Product: Name, Model, & Serial Number)
  
- II. General UPS Room Environment**
  - A. Verify clear access to UPS unit. Note any improper conditions.
  - B. Verify clear access to Battery Cabinet or room. Note any improper conditions.
  - C. Using temperature probe, verify UPS room temperature.
  - D. Using temperature probe, verify Battery room temperature.
  - E. Verify or note cleanliness of UPS equipment room.
  - F. Verify or note cleanliness of Battery equipment room.
  - G. Using appropriate Battery Vendor information, record Battery date codes.
  - H. If applicable verifies Battery room has proper ventilation.
  - I. Locate & verify clear access to external UPS feeder breakers.
  - J. Verify UPS feeder breakers for proper size & labeling. Record breaker ratings.
  - K. Locate & verify clear access to Battery feeder breakers.
  - L. Verify Battery feeder breakers for proper size & labeling. Record breaker ratings.
  - M. If applicable verifies access to Battery Safety Equipment.
  - N. If applicable, verify UPS room has a working telephone. Record phone number.
  - O. Verify if UPS & Battery rooms are secure, and if key or card is required to enter.
  
- III. Generator Testing**
  - A. Get customer permission to do a Generator test and record the following:
    - 1) Generator Starting Battery operation
    - 2) Generator Voltage
    - 3) Generator Frequency
    - 4) Generator Stability
    - 5) Generator log (ET Meter, Kilowatt Rating, etc.)
    - 6) Load in Kilowatts on generator
    - 7) Total load in amps on generator
  
- IV. Battery Testing**
  - A. Using the Front Panel LCD Screen (see Eaton Plus Service Manual for procedure), record the percentage of Load on UPS.
  - B. Perform Battery Time Calculation using DC Expert, (assumes battery in proper working order) otherwise, use the Battery Run Time Calculator if Battery Setup and/or Commissioning Test has not been done.
  
- V. Report Findings**
  - A. Print and fill out PP Audit Recommendation, give a copy to the Customer and keep a copy for your records. If any Product or Service Sales opportunities are noted, forward a copy with a Sales Lead Worksheet to the appropriate Sales Associate(s).

## UPS Performance Check

### Attachment R-3

### Scope of Work

The following is an outline of general checks performed during an Eaton Electrical Inc. ("Eaton") Performance Check of the UPS Power Module and related Battery System (if any) that are normally performed by Eaton field service personnel. All checks are designed to be performed during normal operation with no danger to the UPSs operating condition or to the critical load. All checks or processes may not be applicable to all equipment models.

#### I. Visual Inspection

- A. Inspect the proper operation of all cooling fans.
- B. Inspect all power connections for signs of overheating.
- C. Inspect all DC capacitors for signs of leakage.
- D. Inspect all AC capacitors for signs of leakage.
- E. Inspect and inventory all customer owned spare parts.
- F. Inspect for and note any open engineering changes.

#### II. Internal Operating Parameters

- A. Rectifier bridge current average leg balance.
- B. Inverter leg current average balance.
- C. Power Supply voltages and waveforms.
- D. Power Supply back up control battery cell voltages.
- E. Output filter current average phase balance.

#### III. Environmental Parameters

- A. UPS area ambient temperature and humidity.
- B. Operating condition of ventilating equipment and cooling equipment.
- B. General Cleanliness of UPS Power Module
- C. General Cleanliness of UPS area
- D. Replace air filters
- E. Clean control panel/CRT screen

#### IV. Battery System Checks

- A. General appearance of Battery System
- B. General cleanliness of Battery System area
- C. Battery System area ambient temperature and condition of ventilating equipment
- D. Inspect jars/cells for physical case abnormalities.
- E. Inspect all DC power interconnections for abnormalities.

#### V. Monitoring System Parameters

- A. Alarm archive review and printing
- B. Alarm lamp test - local and remote
- C. Download of alarm history/event Que.
- D. Download of present front panel metering values.
  1. System Input Voltages, Currents, and Frequency (all phases).
  2. Rectifier Input Voltages, Currents, and Frequency (all phases).
  3. DC Charging Voltages and Current
  4. Inverter Output Voltages, Currents, and Frequency (all phases).
  5. System Output Voltages, Currents, and Frequency (all phases).
  6. System Bypass Voltages and Currents (all phases).
- E. Download of battery self test data
- F. Download of unit configuration report

- G. Operation of control and status panel lamp tests – local and remote
- H. Operating status or remote monitor status panels

**VI. General**

- A. Customer Consultation
- B. Verbal Recommendations
- C. General Observations

Following the Performance Check, a written report will be provided detailing the results of the inspection, and making specific recommendations toward future remedial action, upgrades, or sparing.

## UPS Preventive Maintenance

### Scope of Work

### Attachment R-2

The following is an outline of general checks performed during an Eaton Electrical Inc. ("Eaton") Preventive Maintenance of the Powerware UPS Power Module, that are normally performed by Eaton field service personnel. All checks are designed to be performed either during normal operation with no danger to the UPSs operation condition and the critical load, or during off line operation, in the bypass mode. All checks or processes may not be applicable to all equipment models.

- I. **Visual Inspection**
  - A. Inspect all printed circuit boards connections for cleanliness, swab contacts if necessary.
  - B. Inspect all power connections for signs of overheating
  - C. Inspect all subassemblies, bridges and legs for signs of component defects or stress
  - D. Inspect all DC capacitors for signs of leakage
  - E. Inspect all AC capacitors for signs of leakage
  - F. Inspect and inventory all customer-owned spare parts
  - G. Inspect for, and perform as required, any open engineering changes
  - H. If work is completed under a PowerTrust Ultra contract, inspect battery monitoring system
- II. **Internal Operating Parameters**
  - A. DC Ground Detection Offset
  - B. Inverter leg current average balance
  - C. Output filter current average phase balance
  - D. Rectifier bridge current average leg balance
  - E. AC Protection settings and operation
  - F. DC Protection settings and operation
  - G. Input and Output Frequency and Voltage Bandwidth settings
  - H. Verify DC filter capacitance
  - I. Verify AC tank and trap filter capacitance
  - J. Power Supply voltages and waveforms
  - K. Replace Power Module power supply back up control battery cells
  - L. Static Switch leakage testing
- III. **External Operating Parameters**
  - A. System Input Voltages (all phases)
  - B. System Input Currents (all phases)
  - C. DC Charging Voltages (float and equalize), record settings, adjust to nominal
  - D. Rectifier phase on and walk up
  - E. Inverter phase on and walk up
  - F. Adjust all panel meters to measured values
  - G. System Bypass Voltages (all phases)
  - H. Manual and UV Transfer Testing, verify uninterrupted transfer waveform
  - I. Outage simulation, and battery capability testing, and verify charger current limit
  - J. Generator operation and interface verification
- IV. **Environmental Parameters**
  - A. UPS area ambient temperature and condition of ventilating equipment
  - B. General Cleanliness of UPS Power Module
  - C. General Cleanliness of UPS area
  - D. Replace all air filters
  - E. Clean control panel/CRT screen
- V. **Battery Cabinet Checks (Eaton Manufactured)**
  - A. General appearance of Battery System (all types)
  - B. General cleanliness of Battery System area (all types)
  - C. Inspect cells for physical abnormalities

- D. Inspect all DC connections for abnormalities
- E. Battery System area ambient temperature and condition of ventilating equipment

**VI. Monitoring System Parameters**

- A. Alarm archive review and printing
- B. Alarm lamp test-local and remote
- C. Replace all open monitor bulbs
- D. If work is completed under a PowerTrust Ultra contract, inspect battery monitoring system

**VII. General**

- A. Customer Consultation
- B. Verbal Recommendations
- C. General Observations

Following the Preventive Maintenance inspection, a written report will be provided detailing the results of the inspection, and making specific recommendations toward future remedial action, upgrades, or sparing.

9/3/08

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 776

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH AIR MARK AIR CONDITIONING CORPORATION TO MAINTAIN HEATING, VENTILATION AND AIR CONDITIONING SYSTEMS AT THE RIVERHEAD TOWN EAST LAWN BUILDING

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

WHEREAS, the Town of Riverhead is desirous of maintaining the heating, ventilation and air conditioning systems at the Riverhead Town East Lawn Building; and

WHEREAS, procurement of heating, ventilation and air conditioning services are imperative in the safe and efficient operation of the East Lawn Building; and

WHEREAS, Air Mark Air Conditioning Corporation is interested and capable of providing maintenance of the East Lawn Building's heating, ventilation and air conditioning systems.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreement with Air Mark Air Conditioning Corporation to maintain the heating, ventilation and air conditioning systems at the Riverhead Town East Lawn Building.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Frederick T. Rurup, President, Air Mark Air Conditioning Corporation, 1566 Rocky Point Road, Middle Island, New York 11953; Office of the Supervisor; Town Engineering Department and the Office of the Town Attorney.

THE VOTE

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

The Resolution  Was  Was Not Thereupon Duly Declared Adopted

## SERVICE AGREEMENT

This Agreement made the \_\_\_\_\_ day of \_\_\_\_\_, 2008 between the TOWN OF RIVERHEAD, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York, 11901, and AIR MARK AIR CONDITIONING CORP., a corporation existing under the laws of the State of New York with a principal place of business at 1566 Rocky Point Road, Middle Island, New York, 11953.

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

### 1. SCOPE OF SERVICES

During the terms of this Agreement, Air Mark shall provide HVAC maintenance of the Town of Riverhead East Lawn Building, 542 East Main Street, Riverhead, more delineated in Schedule A as attached.

### 2. TERM OF AGREEMENT

The Agreement shall commence on August 1, 2008 and terminate on July 31, 2009.

### 3. PAYMENT

For these services Town of Riverhead will pay Air Mark a fee of \$1150.00.

### 4. PUBLICITY

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

### 5. ASSIGNMENT AND SUBCONTRACTING

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

### 6. TERMINATION

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

### 7. RECORDS

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

## 8. CHANGES

The Town, by resolution of the Town Board or written request by at least three members of the Town Board, within the general scope of this Agreement, may, at any time by written notice to Air Mark, issue additional instructions, require additional services or direct the omission of services covered by this Agreement. In such event, there will be made an equitable adjustment in price and time of performance, but any claim for such an adjustment must be made within 15 days of the receipt of such written notice. In the event that Air Mark determines that a change order is required, Air Mark shall obtain written approval of the Town, by resolution or written consent of at least three members of the Town Board, and if the change shall require the payment of additional compensation, Air Mark must obtain the written approval of three members of the Town Board or resolution of the Town Board for the additional compensation prior to commencement of work regarding the change order. It is agreed and understood that no oral agreement, conversation, or understanding between Air Mark and the Town, its departments, officers, agents and employees shall effect or modify any of the terms or obligations of this Agreement or schedules annexed hereto and made a part hereof.

## 9. NOTICES

Any notice shall be considered as having been given: (i) to Town of Riverhead if mailed by certified mail, postage prepaid to Town of Riverhead, Attention: Daniel P. McCormick, Deputy Town Attorney, 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Air Mark if mailed by certified mail, postage prepaid to Air Mark Air Conditioning Corp., Attention: Frederick T. Rurup, 1566 Rocky Point Road, Middle Island, NY 11953.

## 10. COMPLIANCE WITH LAWS

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

## 11. INSURANCE, INDEMNITY AND LIABILITY

Air Mark shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation insurance. Air Mark hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, its departments, officers, agents and employees and against any and all damages,

liabilities or expenses, including counsel fees, arising out of the acts or omissions of Air Mark under this Agreement.

12. CONFLICT OF INTEREST

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

13. DISCLOSURE

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

14. DISPUTES

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

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

---

Phil Cardinale, Supervisor  
Town of Riverhead  
200 Howell Avenue  
Riverhead, NY 11901

---

Frederick T. Rurup, President  
Air Mark Air Conditioning Corp.  
1566 Rocky Point Road  
Middle Island, NY 11953

Schedule A

AIR MARK CONDITIONING CORPORATION

SERVICE AGREEMENT

1. In order to properly maintain the equipment listed at the premises indicated, AIR MARK AIR CONDITIONING CORP. agrees to perform the applicable items on the attached list, periodically as shown.
2. Customer agrees to notify Air Mark as soon as any unusual operating conditions of the air conditioning occurs.
3. Reasonably prompt service will be given by Air Mark on all emergency calls during the terms of this contract without charge for such service. Service rendered beyond the normal working hours (8:00 am to 4:30 pm Monday through Friday inclusive) and the following holidays: New Years, Independence, Veteran's, Thanksgiving, Christmas, Columbus, Memorial and Labor Days, Lincoln's, Washington's and Martin Luther King's Birthdays will be charged for at our prevailing rates; namely \$45.00 per man hour.
4. Charges for material, filters, refrigerant or parts are not included in this Agreement, but labor needed for their installation is included. Unless material is required for emergency repairs, it will not be furnished without previous authorization by the customer.
5. Excluded from service and maintenance are the following: water supply and drain, and electrical service beyond the subject equipment. (Disconnect switches and circuit breakers are excluded.) Installation of HEPA filters and cleaning of heat exchangers. Moving or relocating the subject equipment. Work made necessary by enforcement of government codes, building or union codes.
6. Service rendered because of abuse, neglect in operation, fire, freezing, flood, corrosion, failure of power supply, blown fuses, open switches or damage to the system or equipment shall be paid for as an extra at the rates prevailing at the time rendered. Air Mark cannot be responsible for failure to render service because of strikes or other emergencies beyond its control.

AIR MARK AIR CONDITIONING CORPORATION  
1566 ROCKY POINT ROAD  
MIDDLE ISLAND, NY 11953

DATE: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_

PURCHASER: TOWN OF RIVERHEAD  
EAST LAWN BUILDING  
542 EAST MAIN STREET  
RIVERHEAD, NY 11901

DATE: \_\_\_\_\_

ACCEPTED: \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

**AIR MARK AIR CONDITIONING CORPORATION**

LIST OF EQUIPMENT UNDER SERVICE AGREEMENT LOCATED AT:

**EAST LAWN BUILDING  
542 EAST MAIN STREET  
RIVERHEAD, NEW YORK 11901**

MAKE	EQUIPMENT	MODEL #	SERIAL #	TONNAGE
BRYANT	SPLIT SYSTEM	591ANX018000AAA	0489E32801	1.5
FRIGIDAIRE	SPLIT SYSTEM	FS3BA-024KA	FSA020100337	2.0
LUXAIRE	SPLIT SYSTEM	HABA-F024SD	WCGPO72357	2.0
BRYANT	SPLIT SYSTEM	587GJ024	3188A17363	2.0
HONEYWELL	ELECTRONIC AIR CLEANERS	(4)	F50E1018	
AUTOFLOW	HUMIDIFIERS	200P	(4)	
DUNKIRKE	HOT WATER BOILER	235AAW002187		
B & G	CIRCULATOR PUMPS	100	(4)	

**AIR MARK AIR CONDITIONING CORPORATION**

**WORK SCHEDULE**

1. WE AGREE TO PERFORM 4 PERIODIC INSPECTIONS CONSISTING OF:
  - A. 1 SPRING SERVICE INSPECTION.
  - B. 1 SUMMER SERVICE INSPECTION.
  - C. 1 FALL SHUT DOWN AND/OR CHANGE OVER TO WINTER OPERATION.
  - D. 1 WINTER SERVICE INSPECTION.
  - E. 4 FILTER CHANGES
  
2. FURNISH WRITTEN REPORTS OF INSPECTIONS & REPAIRS.

9/3/08

Adopted

**TOWN OF RIVERHEAD**

Resolution # 777

**AUTHORIZING THE SUPERVISOR TO ENTER INTO  
NEGOTIATIONS WITH OWNERS OF PROPERTIES  
DESCRIBED AS SCTM# 600-128-1-13 AND 600-128-5-10**

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

**WHEREAS**, in order to accommodate the growth and improvement of the Downtown Business District and expanded Suffolk County Courthouse Complex, the Town desires to increase parking in the vicinity of the downtown and courthouse area; and

**WHEREAS**, the two parcels described as SCTM# 600-128-1-13 and 600-128-5-10 are located within close proximity to the downtown area and courthouse complex; and

**WHEREAS**, the Supervisor seeks approval of the Town Board to enter into negotiations with the owners of parcels described as SCTM# 600-128-1-13 and 600-128-5-10 for public parking purposes; and

**WHEREAS**, the Supervisor will prepare a presentation for consideration by the Town Board and any approvals for acquisition, lease or the like shall be formally presented to the Town Board in compliance with the provisions of Town Law and Municipal Home Rule Law; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to enter into negotiations with the owners of properties described as SCTM# 600-128-1-13 and 600-128-5-10 for public parking purposes upon determination that the timing of the completion of the balance of the court rooms warrants the need for these parcels, and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Supervisor of the Town of Riverhead, all members of the Town Board, Suffolk County Department of Public Works attention Gil Anderson Commissioner, Ken Testa, P.E., Town Engineer and Office of the Town Attorney.

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

September 3, 2008

Adopted

TOWN OF RIVERHEAD  
RESOLUTON # 778

AUTHORIZES THE ADOPTION OF A PARKING PLAN TO SERVE  
SUFFOLK COUNTY SUPREME COURT

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

WHEREAS, the Town Board of the Town of Riverhead it is in the best interest of the Town to ensure adequate parking for the Suffolk County Court Complex on Griffing Avenue in Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead does hereby adopt the following parking plan to ensure adequate parking for the Suffolk County Court Complex within close proximity to the court complex:

BE IT RESOLVED; that phase I to be implemented by June 30, 2009 provided 4 Courtrooms are opened in the Annex Building per 6/10/08 letter (Items 1-7)

ITEM #	LOCATION	# OF SPACES
1	New Court Street Parking Lot (completed)	253
2	Griffing Avenue to Main Street Parking Lot (Allocation M-F 9:00 am to 11:59 am)	80
3	Hallet Street (Conveyance to Suffolk County) – Credit	22
4	Hallet Street Curbside (west side adjacent to Polonaise Park)	12
5	Griffing/Roanoke Avenue Parking Lot (Allocation M-F 9:00 am to 11:59 am)	25
6	Lincoln Street Curbside (existing)	17
7	Railroad Avenue between Osborne Avenue and Griffing Avenue (north side adjacent to train track west of railroad station)	18
	Total Phase I	427

BE IT RESOLVED; that phase II to be implemented by June 30, 2010 provided 5 courtrooms are opened in the old Courthouse per 6/10/08 letter. (Items 8-11)

ITEM #	LOCATION	# OF SPACES
8	Griffing/Roanoke Avenue Parking Lot (Allocation M-F 9:00 am to 11:59 am)	25

9	Suffolk County National Bank Lease of Third Street Parking Lot	56
10	Railroad Avenue Curbside (south side) New Construction	14
11	Lincoln Street Property Lease (New Construction)	84
	Total Phase II	179
	Total Phase I & II	606

; and

BE IT FURTHER RESOLVED, that appropriate signage indicating allocation of the above areas designated for court parking between the hours of 9:00 am to 11:59 am Monday through Friday shall be installed; and

BE IT FURTHER RESOLVED, that \$18,000 will be expended in 2009 and \$179,000 will be allocated in 2010 capital budget if necessary for capital improvements; and

BE IT FURTHER RESOLVED, that the possible construction of the Vintage Square project may accommodate all Court parking needs and in such instance, the implementation of the described plan will not be necessary; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to forward a copy of this resolution to Suffolk County Department of Public Works attention to Gil Anderson, Ken Testa, P.E., Town Engineer and Chief Deputy County Executive Jim Morgo.

THE VOTE

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

THE RESOLUTION  WAS  WAS NOT THEREFORE DULY ADOPTED.

9/3/08

Adopted

TOWN OF RIVERHEAD

Resolution # 779

**AUTHORIZES THE TOWN ATTORNEY TO ENTER INTO  
NEGOTIATIONS WITH THE RIVERHEAD FIRE DISTRICT**

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

**WHEREAS**, the Riverhead Fire District, by letter dated July 15, 2008, has offered to enter into negotiations with the Town of Riverhead to exchange two properties owned by the Fire District on Ostrander Avenue and Second Street for property owned by the Town north of Stotzky Park east of the Armory; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Attorney is authorized and directed to enter into negotiations with counsel to the Fire District relative to the drafting of an agreement to effect the exchange of the Town owned property for the two properties owned by the Fire District; and be it further

**RESOLVED**, that the terms of any agreement shall be subject to a further resolution of this Board; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Jonathan D. Brown, Esq., counsel for the Riverhead Fire District, and the Office of the Town Attorney.

THE VOTE

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

SEPTEMBER 3, 2008

Adopted

TOWN OF RIVERHEAD

29 Rabbit Run

BUDGET ADOPTION

RESOLUTION # 780

COUNCILMAN BUCKLEY

\_\_\_\_\_ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS\_\_\_\_\_.

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

		<u>FROM</u>	<u>TO</u>
406.010010.411000.41063	Real Property Taxes	9,750	
406.086660.540000.41063	Contractual Expense		7,500
406.086660.549001.41063	Administrative Fee		2,250

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

# Adopted

RESOLUTION # 781		ABSTRACT #08-34 August 21, 2008 (TBM 9/03/08)		
Councilwoman Blass offered the following Resolution which was seconded by				
Councilman Dunleavy .				
FUND NAME		8/15/08 CD	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	13,875,000.00	470,211.89	14,345,211.89
PAL	4	20,000.00		20,000.00
TEEN CENTER	5	10,000.00		10,000.00
RECREATION PROGRAM FUND	6	55,000.00	3,848.47	58,848.47
SITE COUNCIL	7	2,000.00		2,000.00
DARE	8	3,000.00		3,000.00
CHILD CARE	9	145,000.00		145,000.00
TB SPECIAL PROGRAM	24	103,000.00		103,000.00
SRS DAYCARE	27	40,000.00		40,000.00
ECONOMIC DEVELOPMENT ZONE FUND	30	25,000.00	497.22	25,497.22
HIGHWAY FUND	111	3,295,000.00	49,980.02	3,344,980.02
WATER DISTRICT	112	700,000.00	23,182.14	723,182.14
R & M	113	100,000.00		100,000.00
RIVERHEAD SEWER DISTRICT	114	2,080,000.00	13,273.06	2,093,273.06
REFUSE & GARBAGE COLLECTION DI	115	1,250,000.00	4,328.87	1,254,328.87
STREET LIGHTING DISTRICT	116	595,000.00	4,488.26	599,488.26
PUBLIC PARKING DISTRICT	117	180,000.00	843.66	180,843.66
BUSINESS IMPROVEMENT DISTRICT	118	100,000.00	2,646.22	102,646.22
AMBULANCE DISTRICT	120	270,000.00	125.45	270,125.45
EAST CREEK DOCKING FACILITY FU	122		78.26	78.26
CALVERTON SEWER DISTRICT	124	350,000.00	204.3	350,204.30
RIVERHEAD SCAVANGER WASTE DIST	128	1,745,000.00	4,755.40	1,749,755.40
SEWER DIST FD	130	290,000.00		290,000.00
WORKERS' COMPENSATION FUND	173	2,145,000.00	11,009.61	2,156,009.61
RISK RETENTION FUND	175	515,000.00	687.16	515,687.16
UNEMPLOYMENT	176	9,500.00		9,500.00
REV LOAN PRO	178	20,000.00		20,000.00
RES REHAB	179	5,000.00		5,000.00
CDBG CONSORTIUM ACOUNT	181	119,000.00	2,793.69	121,793.69
PUBLIC PARKING DEBT SERVICE	381	5,000.00	1,830.49	6,830.49
SEWER DEBT	382	643,000.00		643,000.00
WATER DISTRICT DEBT SERVICE	383	382,000.00	37,939.60	419,939.60
GENERAL FUND DEBT SERVICE	384	7,840,000.00	5,407.70	7,845,407.70
SCAVANGER WASTE DISTRICT DEBT	385	15,000.00	2,409.71	17,409.71
SUFF THEATRE	386	620,000.00		620,000.00
TOWN HALL CAPITAL PROJECTS	406		27,563.83	27,563.83
TWO BEARS	440	3,000.00		3,000.00
YOUTH SERVICES CAP PROJECT	452	58,000.00	1,270.11	59,270.11
EISEP	454	20,000.00		20,000.00
MUNICIPAL FUEL FUND	625		8,506.91	8,506.91
MUNICIPAL GARAGE FUND	626		7,440.28	7,440.28
TRUST & AGENCY	735		-57,023.27	-57,023.27
COMMUNITY PRESERVATION FUND	737	2,770,000.00	226.2	2,770,226.20
CALVERTON PARK - C.D.A.	914	195,000.00	24.56	195,024.56
<b>TOTAL ALL FUNDS</b>		<b>40,597,500.00</b>	<b>628,549.80</b>	<b>41,226,049.80</b>

RESOLUTION # 781 ABSTRACT #08-35 August 28, 2008 (TBM 9/03/08)				
Councilwoman Blass offered the following Resolution which was seconded by				
Councilman Dunleavy				
FUND NAME		CD - NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		948,507.58	948,507.58
POLICE ATHLETIC LEAGUE	4		6,073.96	6,073.96
RECREATION PROGRAM FUND	6		53,227.10	53,227.10
CHILD CARE CENTER BUILDING FUN	9		456.50	456.50
ECONOMIC DEVELOPMENT ZONE FUND	30		2,910.30	2,910.30
HIGHWAY FUND	111		87,589.96	87,589.96
WATER DISTRICT	112		56,184.50	56,184.50
RIVERHEAD SEWER DISTRICT	114		47,302.00	47,302.00
REFUSE & GARBAGE COLLECTION DI	115		31,689.11	31,689.11
STREET LIGHTING DISTRICT	116		10,508.48	10,508.48
PUBLIC PARKING DISTRICT	117		2,029.67	2,029.67
AMBULANCE DISTRICT	120		95,000.00	95,000.00
EAST CREEK DOCKING FACILITY FU	122		754.84	754.84
CALVERTON SEWER DISTRICT	124		5,279.98	5,279.98
RIVERHEAD SCAVANGER WASTE DIST	128		11,243.57	11,243.57
WORKERS' COMPENSATION FUND	173		16,707.15	16,707.15
CDBG CONSORTIUM ACOUNT	181		572.58	572.58
TOWN HALL CAPITAL PROJECTS	406		51,104.45	51,104.45
YOUTH SERVICES CAP PROJECT	452		4,562.67	4,562.67
SENIORS HELP SENIORS CAP PROJE	453		2,903.75	2,903.75
MUNICIPAL GARAGE FUND	626		25,088.28	25,088.28
TRUST & AGENCY	735		921,727.29	921,727.29
SPECIAL TRUST	736		210,200.00	210,200.00
COMMUNITY PRESERVATION FUND	737		1,677.57	1,677.57
<b>TOTAL ALL FUNDS</b>			<b>2,593,301.29</b>	<b>2,593,301.29</b>

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

Councilman Wooten offered the following resolution, which was seconded by Councilman Dunleavy.

RESOLUTION # 562

43219-2-29

**\*Adopted**  
9/3/08

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York in said Town, on July 1, 2008, at 2 o'clock P.M., Prevailing Time.

PRESENT:

Philip Cardinale

Supervisor

Barbara Blass - Absent

Councilman

John Dunleavy

Councilman

Timothy Buckley

Councilman

James Wooten

Councilman

**Tabled**  
7/1/08

In the Matter of The Increase and Improvement of Facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York	PUBLIC INTEREST ORDER
--	-----------------------

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map, plan and report including an estimate of cost, pursuant to Section 202-b of the Town Law, relating to the proposed increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Howell Avenue Pump

\*09.03.08 Councilman Wooten offered to untable this resolution, which was seconded by Councilman Dunleavy. All voted yes to UNTABLE

\*09.03.08 Councilman Wooten offered this resolution for adoption, which was seconded by Councilman Dunleavy. All voted yes to ADOPT

Station, including acquisition of land and original furnishings, equipment, machinery and apparatus in connection therewith, at a maximum estimated cost of \$3,600,000, and

WHEREAS, at a meeting of said Town Board duly called and held on May 20, 2008, an Order was duly adopted by it and entered in the minutes specifying the said Town Board would meet to consider the increase and improvement of facilities of the Riverhead Sewer District in said Town at a maximum estimated cost of \$3,600,000, and to hear all persons interested in the subject thereof concerning the same at the Town Hall, in Riverhead, New York, in said Town, on June 17, 2008 at 7:20 o'clock P.M., Prevailing Time; and

WHEREAS, said Order duly certified by the Town Clerk was duly published and posted as required by law; and

WHEREAS, a public hearing was duly held at the time and place set forth in said notice, at which all persons desiring to be heard were duly heard; NOW, THEREFORE, BE IT

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to make the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Howell Avenue Pump Station, including acquisition of land and original furnishings, equipment, machinery and apparatus in connection therewith, at a maximum estimated cost of \$3,600,000.

Section 2. This Order shall take effect immediately.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The order was thereupon declared duly adopted.

\* \* \* \* \*

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

**Adopted**  
9/3/08

43219-2-29

**BOND RESOLUTION**  
RESOLUTION # 563

**Tabled**  
7/1/08

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 1st day of July, 2008, at 2 o'clock P.M., Prevailing Time. The meeting was called to order by \_\_\_\_\_, and upon roll being called, the following were

**PRESENT:**

Supervisor, Philip Cardinale  
Councilman, John Dunleavy  
Councilman, Timothy Buckley  
Councilman, James Wooten

**ABSENT:**

Councilwoman, Barbara Blass

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

\*09.03.08 Councilman Wooten offered to untable this resolution, which was seconded by Councilman Dunleavy. All voted yes to UNTABLE

\*09.03.08 Councilman wooten offered this resolution for adoption, which was seconded by Councilwoman Blass All voted yes to ADOPT

BOND RESOLUTION DATED JULY 1, 2008.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD SEWER DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

WHEREAS, the capital project hereinafter described has been determined to be a Type II Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, will not result in any significant environmental effects; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$3,600,000; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of the facilities of the Riverhead Sewer District, in the Town of Riverhead, Suffolk County, New York, consisting of, design planning, engineering and reconstruction of the Howell Avenue Pump Station, including acquisition of land and original furnishings, equipment, machinery and apparatus in connection therewith, at a maximum estimated cost of \$3,600,000, there are hereby authorized to be issued \$3,600,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the plan for the financing of said object or purpose is by the issuance of the \$3,600,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is forty years pursuant to subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Riverhead Sewer District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such

bonds for sale, conduct the sale, and award the bonds in such manner as she shall deem best for the interests of said Town, including, but not limited to, the power to sell said bonds to the New York State Environmental Facilities Corporation; provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The Supervisor is hereby further authorized, at his or her sole discretion, to execute a project finance and/or loan agreement, and any other agreements with the New York State Department of Environmental Conservation and/or the New York State Environmental Facilities Corporation, including amendments thereto, and including any instruments (or amendments thereto) in the effectuation thereof, in order to effect the financing or refinancing of the specific object or purpose described in Section 1 hereof, or a portion thereof, by a bond.

and/or note issue of said Town in the event of the sale of same to the New York State Environmental Facilities Corporation.

Section 9. The power to issue and sell notes to the New York State Environmental Facilities corporation pursuant to Section 169.00 of the Local Finance Law is hereby delegated to the Supervisor. Such notes shall be of such terms, form and contents as may be prescribed by said Supervisor consistent with the provisions of the Local Finance Law.

Section 10. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or
- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 11. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 12. This resolution, which takes effect immediately, shall be published in summary form in the official newspaper, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_  
\_\_\_\_\_ VOTING \_\_\_\_\_

The resolution was thereupon declared duly adopted.

\* \* \* \* \*

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

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on July 1, 2008, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,  
July 1, 2008.

Barbara Grattan  
Town Clerk

BOND RESOLUTION DATED JULY 1, 2008.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$3,600,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD SEWER DISTRICT , IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

<b>Specific object or purpose:</b>	Increase/improvement of Sewer District
<b>Period of probable usefulness:</b>	Forty years
<b>Maximum estimated cost:</b>	\$3,600,000
<b>Amount of obligations to be issued:</b>	\$3,600,000 bonds
<b>SEQRA Status:</b>	Type II Action