

**PUBLIC COMMENT ON ANY COMMUNITY DEVELOPMENT  
AGENCY RESOLUTION LISTED BELOW:**

CDA

Res. #20 Authorizing the Issuance of the Final Generic Environmental Impact Statement (GEIS) on the Proposed update of the Town of Riverhead East Main Street Urban Renewal Plan (1993) and Authorizing the Town Clerk to Publish and Post a Notice of Completion of the Final GEIS

CDA

Res. #21 Authorizes the Chairman to Execute Amendment to Agreement of Sale Dated October 2, 2007 with REPCAL, LLC

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

Res. #712 Authorizes the Chairman to Execute Amendment to Agreement of Sale Dated October 2, 2007 with REPCAL, LLC

Res. #713 Authorizes Gary Jacquemin, AIA to Proceed with East End Arts Council Carriage House Interior Modifications

Res. #714 Authorizes the Supervisor to Execute a Telephone Service and Maintenance Agreement at the Senior Center

Res. #715 Street Lighting District Budget Adjustment

Res. #716 Sewer Department Budget Adjustment

Res. #717 Sanitation Department Budget Adjustment

Res. #718 Town of Riverhead Home Improvement Program Budget Adoption

Res. #719 Accepts Resignation of a Seasonal Traffic Control Officer (Ollie Crump, Jr.)

Res. #720 Authorizes the Town Clerk to Publish and Post a Help Wanted Advertisement for a Site Plan Reviewer

Res. #721 Authorizes Attendance of Assessor at Seminar

- Res. #722 Authorization to Publish Bid for Signage Services for the Town of Riverhead
- Res. #723 Awards Bid for Propane
- Res. #724 Authorizes the Release of Security of Baiting Hollow Club (Rugby Recreational Group, LLC)
- Res. #725 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (§108-175, and §108-179. – Pine Barrens Overlay District)
- Res. #726 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located on the South Side of Route 25, East of Edwards Avenue, Calverton, New York
- Res. #727 Authorizes Attendance of One Police Department Employee to NY/NJ Regional Fugitive Task Force Training
- Res. #728 Awards Bid for the Town of Riverhead Community Development Agency Removal and Disposal of Non-Friable Asbestos Shingles at 1114 Woodcrest Avenue, Riverhead
- Res. #729 Supports and Endorses a “Back to Business” Fall 2008 Series
- Res. #730 Authorizes the Release of Cash Security for Omnipoint Facilities Network 2, LLC (T-Mobile)
- Res. #731 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (§108-58.1. Yard Sales)
- Res. #732 Authorizes the Replacement of Site Plan Security of Sprint Spectrum, L.P.
- Res. #733 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (§108-294. Uses. – Business CR Zoning Use District – Rural Neighborhood Business)

- Res. #734 Authorizes the Supervisor to Execute an Agreement with the Town Police Departments of East Hampton, Southold and Shelter Island and the Village Police Departments of Southampton, East Hampton, Quogue, Westhampton Beach and Sag Harbor Regarding Mutual Aid and Assistance
- Res. #735 Authorizes 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 (§108-3. Definitions. – Building Trade Shop)
- Res. #736 Ratifies Authorization to Publish Notice to Amend CDBG Program
- Res. #737 Amends the Zoning Use District Map of the Town of Riverhead Destination Retail (DRC) Zoning Use District to Industrial A Zoning Use District
- Res. #738 Accepts Offer of Sale of Real Property Located in the Town of Riverhead Formerly Known as Hubbard Duck Farm (Owner: North Fork Knolls I, LLP)
- Res. #739 Rescinds Resolution #686 of August 5, 2008 (Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-26 Entitled, “Cluster Development and Additional Subdivision Requirements”)
- Res. #740 Authorizes Town Clerk to Publish and Post Notice of Public Hearing - Sid Harvey Industries, Inc.
- Res. #741 Authorizes Town Clerk to Publish and Post Notice of Public Scoping Hearing Subdivision and Site Plan of REPCAL LLC
- Res. #742 2008 Iron Pier Beach Capital Improvement Project Budget Adoption
- Res. #743 Pays Bills

# Tabled

## TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

RESOLUTION # 20

**AUTHORIZING THE ISSUANCE OF THE FINAL GENERIC ENVIRONMENTAL  
IMPACT STATEMENT (GEIS) ON THE PROPOSED UPDATE OF THE TOWN OF  
RIVERHEAD EAST MAIN STREET URBAN RENEWAL PLAN (1993) AND  
AUTHORIZING THE TOWN CLERK TO PUBLISH AND POST A NOTICE OF  
COMPLETION OF THE FINAL GEIS**

Councilman ~~COUNCILWOMAN BLASS~~ offered the following resolution which was seconded by Councilman \_\_\_\_\_  
COUNCILMAN DUNLEAVY

**WHEREAS**, the Town of Riverhead Community Development Agency (CDA), by CDA Resolution #9 of September 19, 2006, authorized the update of the East Main Street Urban Renewal Plan (URP) as adopted October 19, 1993, pursuant to the General Municipal Law of the State of New York, and

**WHEREAS**, the CDA by the same resolution declared itself the lead agency for the environmental review of the aforementioned Urban Renewal Plan Update under the State Environmental Quality Review Act (SEQRA), and determined that such action, together with existing development petitions, had the potential for a significant adverse impact upon either the natural or social environment, and that a Draft Generic Environmental Impact Statement (GEIS) should be prepared, and thereafter the CDA filed the requisite Positive Declaration of significance under SEQRA, and

**WHEREAS**, the CDA as lead agency prepared a Draft Scope of Issues to properly focus the analysis of the GEIS; circulated the document among involved and interested agencies for their comment; and also held a Scoping Hearing on October 25, 2006, to solicit public comment on the GEIS Scope, and

**WHEREAS**, the CDA reviewed those comments and incorporated them into a Final Scope of Issues, and

**WHEREAS**, the CDA, with the assistance of the Town's consultants, prepared a Draft Urban Renewal Plan Update, and a Draft GEIS assessing the aforementioned action,

**WHEREAS**, the CDA conducted a public hearing on the Draft GEIS on June 19, 2008, and accepted public comments on the Draft GEIS through July 7, 2008, and,

**WHEREAS**, the CDA, with the assistance of the Town's consultants, has prepared a Final GEIS on the proposed URP Update,

**NOW, THEREFORE, BE IT RESOLVED** that the CDA has determined that the information in the Final GEIS is complete with respect to the scope, content, and adequacy for the purpose of public review, pursuant to SEQRA, and

**IT IS FURTHER RESOLVED** that the attached Notice of Completion of the Final GEIS under the provisions of SEQRA be filed, circulated and published in the official newspaper of the Town of Riverhead, and that said Notice of Completion and Final GEIS be filed and circulated in accordance with 6 NYCRR Part 617.12 of the SEQRA implementing procedures.

**THE VOTE**

DUNLEAVY  YES  NO

BUCKLEY  YES  NO

BLASS  YES  NO

WOOTEN  YES  NO

CARDINALE  YES  NO

**PUBLIC NOTICE  
TOWN OF RIVERHEAD**

**PLEASE TAKE NOTICE** that the Town of Riverhead Community Development Agency (CDA) has completed the preparation of a Final Generic Environmental Impact Statement regarding the proposed Update of the East Main Street Urban Renewal Plan, pursuant to the requirements of the State Environmental Quality Review Act, and that said Final Generic Environmental Impact Statement is available for public review at the Clerks' Office, Town Hall, 200 Howell Avenue, Riverhead, New York.

Dated Riverhead, New York

August 21, 2008

BY ORDER OF  
THE TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY  
PHIL CARDINALE, CHAIRMAN

August 19, 2008

Adopted

TOWN OF RIVERHEAD

CDA RESOLUTION # 21

AUTHORIZES THE CHAIRMAN TO EXECUTE AMENDMENT TO AGREEMENT  
OF SALE DATED OCTOBER 2, 2007 WITH REPCAL LLC

COUNCILMAN DUNLEAVY

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

resolution, which was seconded by COUNCILMAN BUCKLEY

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale to sell some 300 acres of property located in the Light Industrial Zone at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Repcal LLC; and

WHEREAS, the parties had previously agreed to extend the Due Diligence Period as defined in the October 2, 2007 Agreement to August 31, 2008, subject to Repcal LLC waiving any objections to, or any extensions of, the Due Diligence Period as it related solely to the items listed in Schedule A annexed to said extension agreement; and

WHEREAS, Repcal LLC has requested an additional six (6) month extension of the Due Diligence period to February 28, 2009; and

WHEREAS, Repcal LLC has timely filed its applications for preliminary subdivision approval and for site plan approval and has submitted its petitions for the extensions of the Riverhead Water District and the Calverton Sewer District; and

WHEREAS, the requested extension will not cause any delays with respect to the other time periods and deadlines set forth in the October 2, 2007 Agreement;

NOW, THEREFORE BE IT RESOLVED,

That the Chairman is hereby authorized to execute the Fourth Amendment to the Agreement of Sale dated October 2, 2007 in the form and substance as annexed hereto, extending the Due Diligence Period through February 28, 2009;

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy

Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

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

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

August 19, 2008

RESOLUTION # 712 \_\_\_\_\_

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE SUPERVISOR TO EXECUTE FOURTH AMENDMENT TO AGREEMENT OF SALE DATED OCTOBER 2, 2007 WITH REPCAL LLC

**COUNCILMAN BUCKLEY**

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

resolution, which was seconded by \_\_\_\_\_ **COUNCILMAN WOOTEN**

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale to sell some 300 acres of property located in the Light Industrial Zone at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Repcal LLC; and

WHEREAS, the parties had previously agreed to extend the Due Diligence Period as defined in the October 2, 2007 Agreement to August 31, 2008, subject to Repcal LLC waiving any objections to, or any extensions of, the Due Diligence Period as it related solely to the items listed in Schedule A annexed to said extension agreement; and

WHEREAS, Repcal LLC has requested an additional six (6) month extension of the Due Diligence period to February 28, 2009; and

WHEREAS, Repcal LLC has timely filed its applications for preliminary subdivision approval and for site plan approval and has timely submitted its petitions for the extensions of the Riverhead Water District and the Calverton Sewer District; and

WHEREAS, the requested extension will not cause any delays with respect to the other time periods and deadlines set forth in the October 2, 2007 Agreement;

NOW, THEREFORE BE IT RESOLVED,

That the Supervisor is hereby authorized to execute an amendment to the Fourth Agreement of Sale dated October 2, 2007 in the form and substance as annexed hereto, extending the Due Diligence Period through February 28, 2009;

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway,

Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the  
Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

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

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

August 19, 2008

Adopted

TOWN OF RIVERHEAD  
RESOLUTION # 713

AUTHORIZES GARY JACQUEMIN, AIA TO PROCEED WITH  
EAST END ARTS COUNCIL CARRIAGE HOUSE INTERIOR MODIFICATIONS

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

WHEREAS, the East End Arts Council is a not-for-profit organization whose mission is bringing the arts to everyone and inspire our community through support, advocacy and education; and

WHEREAS, the East End Arts Council occupies several Town of Riverhead buildings located at East Main Street, Riverhead, New York including the Carriage House; and

WHEREAS, the East End Arts Council has requested additional interior work in the Carriage House to better accommodate the many programs and groups that will be utilizing this building.

NOW, THEREFORE, BE IT RESOLVED, that the Engineering Department supports the modifications to the interior of the Carriage House and along with the Town Board have discussed and reviewed the proposal submitted by Gary Jacquemin, AIA for professional architectural services, to provide plans and specifications for the requested interior modifications; and

BE IT FURTHER RESOLVED, that the Town Board of the Town of Riverhead be and does hereby accept the proposal submitted and does hereby authorize Gary Jacquemin, AIA to proceed with interior design services in the not to exceed amount of Three Thousand Two Hundred & 00/100 (\$3,200.00) plus the estimated reimbursable expense amount of about Two Hundred & 00/100 (\$200.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Engineer to secure a Town of Riverhead Purchase Order in the amount of \$3,200 plus \$200 for reimbursable expenses; and

BE IT FURTHER RESOLVED, that the Town Clerk be and does hereby authorize the Town Clerk to forward a certified copy of this resolution to Gary Jacquemin, AIA, 115 Griffing Avenue, Riverhead, New York, 11901, Pat Snyder, Director, East End Arts Council, 141 East Main Street, Riverhead, New York, 11901, Christine Kempner, Director, Community Development and a copy to Kenneth Testa, P.E., Purchasing Department and the Office of Accounting.

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.

SENT TO KEN TESTA  
(FAX) DEC 12, 2008  
WAITING FOR REPLY

June 12, 2008

Ken Testa, Town Engineer  
Riverhead Town Hall  
200 Howell Av  
Riverhead, NY 11901

RE: EEAC CARRIAGE HOUSE  
ADDITIONAL SERVICES

Dear Ken:

This proposal is for additional interior work requested for the Carriage House as discussed. Our work shall be based upon the approved drawings CAB-1 thru CAB-4 dated November 15, 2007. Work under this proposal shall consist of the preparation of the documents for bidding and will include design development and preparation of construction details and specifications of materials and finishes for the following:

- Multi-purpose work surface and storage unit, full length of the first floor studio, west wall.
- Instrument storage closet (guitars, amplifiers) at the second floor south landing area.
- Cabinets and shelving for the Recording Studio.
- Closet at the head of the north stair, second floor.
- Telephone shelf unit, second floor south.
- Moveable partition at the first floor studio.

It is understood that the Town "boiler-plate" bidding specifications and requirements will be prepared by the Riverhead Town Engineering Department, and that bids will be solicited and received by the Engineering Department. Our work during bidding and selection of contractor will be on a review basis only. Services provided by this office during fabrication and installation of units shall include responses to contractor's questions and review of contractor's payment requisitions. Project scheduling and construction management to be by others.

Fee for professional services for work described shall be billed hourly in accordance with additional services as described in our Phase II agreement. Those fees are as follows:

Principal .....	165.00
Senior Technical Architect .....	110.00
Senior Production Architect .....	105.00
Production Assistant.....	60.00

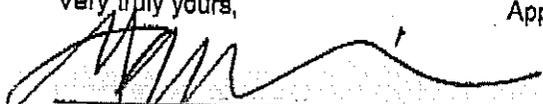
Work provided for services described herein shall be billed in accordance with the progress of work and shall not exceed \$3,200.00. Reimbursable expenses shall be in addition to the fee and shall include items such as blueprinting and reproductions, postage and handling of drawings and documents. Such expenses will be billed at 1.2 times direct cost.

Additional services shall include that work for items not indicated above, for changes to approved work, and additional services during the construction period and shall be billed in addition to the amount indicated at the hourly rates noted.

Thank you for your continued interest in our firm.

Very truly yours,

Approved:

  
 \_\_\_\_\_  
 GARY JACQUEMIN AIA

\_\_\_\_\_ KEN TESTA, TOWN ENGINEER

DATE \_\_\_\_\_

8/19/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 714

AUTHORIZES THE SUPERVISOR TO EXECUTE A TELEPHONE SERVICE AND MAINTENANCE AGREEMENT AT THE SENIOR CENTER

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

WHEREAS, the Town of Riverhead requires the use of a telephone communications system for the effective and efficient operation of town government and constituent services at the Senior Center; and

WHEREAS, NextiraOne, LLC, doing business as Black Box Network Services, is a company engaged in the business of providing telephone service and maintenance; and

WHEREAS, the Town of Riverhead wishes to renew its 2007 telephone and maintenance agreement with NextiraOne, LLC, at the Senior Center.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached telephone service and maintenance agreement with NextiraOne, LLC; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Jack Lord, Black Box Network Services, Voice Services, 250 Park Avenue, 3<sup>rd</sup> Floor, New York, New York 10177; the Office of the Supervisor; the Accounting Department; Engineering Department: ATTN: Leisa Sollazzo; 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

**ORDER FORM**



<b>SECTION A: CUSTOMER INFORMATION</b>	
<b>Customer Name ("Customer"):</b> Town of Riverhead  <b>State of Incorporation:</b> NY	<b>NextiraOne, LLC d/b/a Black Box Network Services ("Black Box")</b> 2800 Post Oak Blvd., Suite 200 Houston, TX 77056 (713) 307-4000
<b>Principal Address:</b> 60 Shadetree Lane <b>City:</b> Aquebogue <b>State:</b> NY <b>Zip:</b> 11931	<b>Billing Address:</b> 200 Howell Avenue <b>City:</b> Riverhead <b>State:</b> NY <b>Zip:</b> 11901
<b>Tax ID No.</b> Tax Exempt Status <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No Tax Exempt No. If "Yes" (exempt) Certificate of Tax Exemption MUST be attached to Order.	The terms of Agreement shall govern this Order. Effective Date of Agreement: 4/15/2008 <input type="checkbox"/> MOA Expiration Date of Agreement: 8/31/2010
<b>Customer Purchase Order Number:</b> (If applicable)	<b>Date of Order Form is Represented by the Customer Signature Date Set Forth Below</b>
<b>Purchase Plan:</b> <input type="checkbox"/> Cash Purchase <input type="checkbox"/> Third Party Lease/Financing by (Must have prior written approval from NextiraOne. Lease/financing company documentation MUST be attached to Order, e.g., Document Receipt Notice, Assignment and Assumption Agreement, etc.)	

<b>SECTION B: SELECT ALL APPLICABLE PRODUCT/SERVICE OPTIONS</b>	
<b>Select all that apply:</b> <input type="checkbox"/> New Systems <input checked="" type="checkbox"/> Services <input type="checkbox"/> Adds/Upgrade to Existing System	<input type="checkbox"/> Installation Services <input type="checkbox"/> CCAT Services <input type="checkbox"/> Other:

<b>SECTION C: PRODUCT PURCHASE AND INSTALLATION</b>	
<b>System Price</b> (excluding applicable taxes and shipping): * Check box if shipping is included in a Voice System Price: <input type="checkbox"/>	
<b>Payment Terms:</b> (excluding applicable taxes and shipping) <b>Voice:</b> 25% of System Price due at Customer signing 60% of System Price due at Delivery 15% of System Price due at Cutover Other: <b>For All Voice Transactions:</b> Anticipated Delivery Date: Anticipated Cutover Date: Final Configuration Date:	<b>Data:</b> 25% of System Price due at Customer signing 60% of System Price due at Delivery* 15% of System Price due at Cutover* Other: <b>For All Data Transactions:</b> Requested On-Site Date:
For drop-ship orders: 20% of System Price due at Customer signing 80% of System Price due at Delivery* Other:	
*Customer will be invoiced on both the scheduled Delivery date and on either the Cutover date for Voice products/services or the Service completion date for Data products/services, as applicable, with payment due upon receipt of invoice. Late payments may result in suspension of work and in Installation and/or Cutover delays.	

Customer Initials

**ORDER FORM**



**SECTION D: SUPPORT AND MANAGED SERVICES**

<b>Service Fee</b> (excluding applicable taxes):	\$3,615.59	Term of Order:	28 Months
<b>CCAT Application Fee</b> (excluding applicable taxes):			
<b>Payment Terms: Service Billing Option for Managed Services and Maintenance</b> (excluding applicable taxes):			
Billing payment schedule (check one):			
<input checked="" type="checkbox"/> Annually \$1,519.30	<input type="checkbox"/> Semi-Annually	<input type="checkbox"/> Quarterly	<input type="checkbox"/> Monthly
<input type="checkbox"/> Pre-paid Billing (Standard) 2 years (per year)			
*Any billing option selected other than annual will incorporate an additional processing fee.			

**SECTION E: ATTACHMENTS**

<input type="checkbox"/> Scope of Work (Product & Managed Services) <input checked="" type="checkbox"/> Customer Inventory Schedule(s) <input type="checkbox"/> Software License	<input type="checkbox"/> Tax Exemption Certificate <input type="checkbox"/> Lease/Financing company documentation <input type="checkbox"/> Other:
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**SECTION F: SIGNATURES**

<b>Customer:</b> Town of Riverhead	NextiraOne, LLC d/b/a Black Box Network Services
BY:	BY:
NAME:	NAME:
TITLE:	TITLE:
DATE:	DATE:



# Customer Inventory Schedule A - Maintenance Pricing

**Quote ID:** 54261  
**Project Number:** 10528767  
**Customer Name:** Town of Riverhead  
**Site Name:** Senior Center  
**Site Number:** 10528767  
**Address:** 60 Shadetree Lane  
**City, State Zip:** Aquebogue NY 11931  
**Contact Name:** Leisa Sollazzo  
**Contact Phone:** (631) 727-3200  
**Billing Address:** 60 Shadetree Lane  
**City, State Zip:** Aquebogue NY 11931  
**System Type:** Norstar  
**Service:**  
**Contract Start Date:** 4/15/2008  
**Contract End Date:** 8/31/2010  
**Contract Term:** 2+  
**Sales Person Name:** Karen Peek / Stalnrock

**Services Package:**

- Norstar Standard

**Service Features:**

- Major Calls - 3 Hour Response Time - 8-5 M-F
- Minor Calls - 24 Hour Response Time - 8-5 M-F
- Corrective Maintenance
- Manufacturer Corrective Software Updates

	Unit	Quantity
<b>Norstar System</b>		
Norstar MICS (0X32)	Station	12
Norstar Vc Mail Mod. 2/4	Each	1
Paging System no speakers	Each	1

**BlackBox Service Pricing Summary**

Description	Total
BlackBox Services - Base System Package Price	\$472.78
Total Equipment	\$1,046.52
<b>Total Price</b>	<b>\$1,519.30</b>
Total (Annual)	\$1,519.30
Total (Term) (Includes \$576.99 for 139 extended day/s)	\$3,615.59

Customer Initials \_\_\_\_\_ Date \_\_\_\_\_



ProtecNet®

NextiraOne dba Black Box Network Services offers

# STANDARD SERVICE PLAN NORSTAR SUPPORT SOLUTIONS

The Customer Solutions Center will provide remote diagnostics and resolve the problem or dispatch on-site assistance if needed. The Standard Plan includes all parts and labor during normal business hours.

## SERVICE FEATURES

### SUPPORT FROM SINGLE SERVICE PROVIDER

- One Toll-Free 800 # or via CSC.com for all Service Requests \*
- Materials \*\*
- Remote Labor Included During Coverage Hours
- Corrective Maintenance
- Remotely Diagnose Problem \*\*\*
- Dispatch On-Site as Needed
- Black Box Network Services Technical Assistance Center
- Escalation to Manufacturer Technical Assistance Center
- Manufacturer Corrective Software Updates
- 24 Hour x 7 Day Customer Solutions Center \*\*\*\*

### DEFINED SERVICE RESPONSE TIME

- Coverage Hours 8am-5pm, Monday-Friday
- On-Site or Remote Response within Three (3) Hours of Initial Call for Major Failures \*\*\*\*
- Black Box Network Services Holidays Excluded
- On-Site or Remote Response within Twenty-Four (24) Hours of Initial Call for Minor Failures \*\*\*\*

### BENEFITS

- Ease and Convenience of a Single Source Solution
- Cost Effective Service Option
- Experienced Technical Expertise
- Enhances Customer's Own Internal Support Structure

\* To obtain CSC.com Web Access, the following information needs to be emailed to [CSC@blackbox-vs.com](mailto:CSC@blackbox-vs.com) to set up a customer profile: Contact Name, phone number, fax number, email address, company name and site numbers.

\*\* Parts replacement shipped next business day.

\*\*\* Remote Diagnostics requires 24x7 access and modem. Any services provided remotely are dependant upon access features of system (RAD Device).

\*\*\*\* The Black Box Network Services' Customer Solutions Center is staffed after hours with personnel responsible for entering customer service requests and dispatching on-call technical support engineers for problem resolution. Major Failure defined as: The product's central processor or any attached processor cannot receive or retrieve information; any attendant console cannot place or receive calls; a minimum of 20% of all telephone or data ports cannot place or receive calls or a business-affecting ACD station or group failure; a minimum of 20% of all trunks are inoperative or the lead trunk of any group is inoperative



August 19, 2008

Adopted

TOWN OF RIVERHEAD  
STREET LIGHTING DISTRICT  
BUDGET ADJUSTMENT  
RESOLUTION # 715

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN BUCKLEY.

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

		<u>FROM</u>	<u>TO</u>
116.051820.543500	Professional Services - Engineer	5,550	
116.051820.524000	Equipment		5,550

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

August 19, 2008

TOWN OF RIVERHEAD

Adopted

SEWER DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 716

COUNCILMAN BUCKLEY

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

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

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

		<u>FROM</u>	<u>TO</u>
114.090600.584500	Hospitalization & Dental Insurance	14,000	
114.081300.524175	Trucks	40,000	
114.081300.524000	Equipment		54,000

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No



August 19, 2008

TOWN OF RIVERHEAD  
SANITATION DEPARTMENT  
BUDGET ADJUSTMENT  
RESOLUTION # 717

Adopted

COUNCILMAN WOOTEN

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

COUNCILWOMAN BLASS

which was seconded by \_\_\_\_\_.

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

		<u>FROM</u>	<u>TO</u>
001.012590.452116	Yard Waste Permit	11,760	
001.081600.512500	Overtime		11,760

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

August 19, 2008

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 718

TOWN OF RIVERHEAD HOME IMPROVEMENT PROGRAM

BUDGET ADOPTION

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

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

		<u>FROM</u>	<u>TO</u>
406.095031.485500.44101	Transfer from CDBG 2007	25,000	
406.095031.485500.44101	Transfer from CDBG 2008	105,000	
406.086680.492255.44101	NYS Affordable Housing	195,000	
406.086680.523000.44101	Home Improvement Program		325,000

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to CDD Director 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

August 19, 2008

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF A SEASONAL TRAFFIC CONTROL OFFICER

RESOLUTION # 719

COUNCILMAN DUNLEAVY

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

which was seconded by \_\_\_\_\_ COUNCILMAN BUCKLEY \_\_\_\_\_.

**WHEREAS**, the Town has received a letter from Ollie Crump, Jr., a Seasonal Traffic Control Officer in the Riverhead Town Police Department, indicating his intent to resign effective August 4, 2008.

**NOW, THEREFORE, BE IT RESOLVED**, that this Town Board hereby accepts the resignation of Ollie Crump, Jr.

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

The Vote

Wooten Yes No

Buckley Yes No

Dunleavy Yes No

Blass Yes No

Cardinale Yes No

THE RESOLUTION    WAS    WAS NOT

**THEREFORE DULY ADOPTED**

August 19, 2008

TOWN OF RIVERHEAD

Adopted

Resolution # 720

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST  
A HELP WANTED ADVERTISEMENT FOR A SITE PLAN REVIEWER**

COUNCILMAN BUCKLEY

\_\_\_\_\_ offered the following  
resolution, which was seconded by \_\_\_\_\_ COUNCILMAN WOOTEN

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Advertisement in the August 21, 2008 issue of The News Review.

**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**

PLEASE TAKE NOTICE that the Town of Riverhead is seeking a qualified individual to serve in the position of Site Plan Reviewer. Must have experience in civil engineering, architecture, landscape architecture, drafting, zoning inspection, or site plan review. Applications are to be submitted to the Personnel Department, 552 East Main Street, Riverhead, NY. No applications will be accepted after 4:00pm on August 29, 2008. EOE.

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

8/19/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 721

**AUTHORIZES ATTENDANCE OF ASSESSOR AT SEMINAR**

COUNCILMAN WOOTEN

Offered the following resolution which was seconded

by COUNCILWOMAN BLASS

WHEREAS, on September 20-24, 2008, a New York State Assessors' Association Executive/Trustees' Board meeting and the Annual Meeting and Seminar on Assessment Administration are being held in Kerhonkson, New York, and

WHEREAS, 1 member of the Board of Assessors is required to attend said Board meeting and has expressed an interest and desire in attending said seminar.

NOW, THEREFORE, BE IT RESOLVED, that the assessor is hereby authorized to attend said seminar, and

BE IT FURTHER RESOLVED, that the use of a Town vehicle is hereby authorized, and

BE IT FURTHER RESOLVED, that the assessor shall be reimbursed for costs of registration, deposit, travel, lodging and meals, not to exceed a total of \$950.00, and

BE IT FURTHER RESOLVED, that said expenses are to be fully receipted upon return, and

BE IT FURTHER RESOLVED, that expenses incurred for tuition, travel, lodging and meals are subject to reimbursement by the State of New York to the Town of Riverhead upon completion of said seminar, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Assessor's Office 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

Thereupon Duly Declared Adopted

Adopted

TOWN OF RIVERHEAD

Resolution # 722

AUTHORIZATION TO PUBLISH BID FOR SIGNAGE SERVICES FOR THE TOWN OF RIVERHEAD

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for SIGNAGE SERVICES and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 28<sup>TH</sup>, 2008 issue of the News Review and;

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

THE VOTE

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the **SIGNAGE SERVICES FOR THE TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00a.m. on SEPTEMBER 5<sup>TH</sup>, 2008.**

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

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

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

All bids are to be submitted to the Town Clerk's Office in a sealed envelope bearing the designation **BIDS FOR SIGNAGE SERVICES FOR THE TOWN OF RIVERHEAD.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Barbara Grattan, Town Clerk

Adopted

AUGUST 19, 2008

TOWN OF RIVERHEAD

Resolution # 723

AWARDS BID FOR PROPANE

offered the following resolution, COUNCILMAN DUNLEAVY

which was seconded by COUNCILMAN BUCKLEY

WHEREAS, the Town Clerk was authorized to publish and post a notice for sealed bids for PROPANE for the Town of Riverhead and;

WHEREAS, 3 bids were received and opened at 11:05 am on August 1, 2008, at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place given in the Notice to Bidders.

NOW THEREFORE BE IT RESOLVED, that the bid for PROPANE for the Town of Riverhead be and hereby is, awarded to AMERGAS PROPANE for \$.18 margin over posting of the Pipeline prices;

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

THE VOTE

Buckley  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 724

Adopted

AUTHORIZES THE RELEASE OF SECURITY OF BAITING HOLLOW CLUB  
(RUGBY RECREATIONAL GROUP, LLC)

COUNCILMAN BUCKLEY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

WHEREAS, Town Board Resolution #699 adopted on July 17, 2007, accepted Bank of Smithtown Irrevocable Letter of Credit #100376 in the amount of Forty Thousand Dollars (\$40,000) from Rugby Recreational Group, LLC representing construction costs associated with the removal of the clubhouse concrete foundation and the merging of the subject lots as required pursuant to Riverhead Planning Board Resolution #37, dated June 8, 2007, in connection with real property on Sound Avenue, Baiting Hollow, New York, further described as Suffolk County Tax Map #0600-40-2-p/o 10; and

WHEREAS, by Engineering Memo of Vincent A. Gaudiello, P.E., dated August 11, 2008, it has been determined that construction/removal has been completed to the Building Department's satisfaction, the Planning Department is satisfied with site requirements and it has been confirmed that the subject lots have been merged.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned Irrevocable Letter of Credit in the sum of Forty Thousand Dollars (\$40,000); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to William Esseks, Esq. of Esseks, Hefter & Angel, 108 East Main Street, P.O. Box 279, Riverhead, New York, 11901 and copies to Raynor Group, P.E., L.S., & P.L.L.C., P.O. Box 720, Water Mill, New York, 11976, Attn: Vincent Gaudiello, P.E., the Building Department; the Planning Department and the Town Attorney's Office.

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

8/19/08

Adopted

TOWN OF RIVERHEAD

Resolution # 725

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

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" (Article XXXV - Pine Barrens Overlay District) of the Riverhead Town Code once in the August 28<sup>th</sup>, 2008 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the Wading River Congregational Church, 2057 North Country Road, Wading River, New York on the 16<sup>th</sup> day of September, 2008 at 7:25 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108  
ZONING  
ARTICLE XXXV  
**Pine Barrens Overlay District**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- (4) Encouraging appropriate patterns or compatible residential, commercial, agricultural, and industrial development in order to accommodate regional growth influences in an orderly way while protecting the pine barrens environment from the individual and cumulative adverse impacts thereof.
- (5) Accommodating a portion of the development redirected from the Core Preservation Area.
- (6) Allowing appropriate growth consistent with stated natural resource goals.
- (7) Protecting the pine barrens ecosystem from illegal activity within the boundaries of the Central Pine Barrens Area, in particular clearing of large tracts of land without the necessary approvals.

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

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

#### **§ 108-179. Development within Compatible Growth Area.**

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

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

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

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

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

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

calculations for the amount of disturbance of native vegetation and indicate the clearing limits thereof.

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

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

- A. A map of the portion of Pine Barrens Overlay District within the fence line of the former Grumman facility now known as EPCAL, shall be adopted designating those areas of the EPCAL site where land clearing is prohibited. The areas where land clearing is prohibited shall constitute 35% of the overall site. Those areas contained on said map where land clearing is not prohibited may be cleared. The map may be modified from time to time by resolution of the Town Board.
- B. Land subdivision maps and site pans outside of the EPCAL site shall also be designed to encourage the preservation of large unbroken blocks that provide for contiguous open spaces to be established when adjacent parcels are developed. Applications for subdivision and site plan shall contain calculations for clearing, and these limits shall become part of the filed map or approved drawings. Non-native vegetation species to be avoided are contained in Figure 5-2 of the Central Suffolk Pine Barrens Comprehensive Plan.

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

Dated: Riverhead, New York  
August 19, 2008

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

**BARBARA GRATTAN, Town Clerk**

Adopted

8/19/08

RESOLUTION # 726

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED ON THE SOUTH SIDE OF ROUTE 25, EAST OF EDWARDS AVENUE, CALVERTON, NEW YORK

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

WHEREAS, the Town Board has determined that the property situated on the south side of Route 25, east of Edwards Avenue, Calverton, New York, known as Abbess Farm, Ltd., is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE, BE IT RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the structures situated on the south side of Route 25, east of Edwards Avenue, Calverton, New York, known as Abbess Farm, Ltd., in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property and the structures situated upon such; and be it further

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

WOOTEN  YES \_\_\_ NO    BUCKLEY  YES \_\_\_ NO  
DUNLEAVY  YES \_\_\_ NO    BLASS  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED DULY ADOPTED

08/19/08

Adopted  
STATUS \_\_\_\_\_

**TOWN OF RIVERHEAD**

Resolution # 727

AUTHORIZES ATTENDANCE OF ONE POLICE DEPARTMENT EMPLOYEE  
TO NY/NJ REGIONAL FUGITIVE TASK FORCE TRAINING

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

**WHEREAS**, Police Chief Hegermiller has requested authorization from the Riverhead Town Board for the attendance of one police department employee to attend the NY/NJ Regional Fugitive Task Force Training in Atlantic City, New Jersey; and,

**WHEREAS**, the seminar will be held in Atlantic City, New Jersey from September 8, - September 12, 2008.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board hereby authorizes the attendance of one police department employee to attend the NY/NJ Regional Fugitive Task Force Training.

**BE IT FURTHER RESOLVED**, that the Town Board hereby authorizes reimbursement of expenses incurred, not to exceed \$150.00 upon submission of proper receipts; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Chief Hegermiller and the Office of Accounting.

THE VOTE

THE VOTE

WOOTEN  YES  NO DUNLEAVY  YES  NO

BUCKLEY  YES  NO BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

Adopted

August 19, 2008

TOWN OF RIVERHEAD

RESOLUTION # 728

AWARDS BID FOR THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY REMOVAL AND DISPOSAL OF NON-FRIABLE ASBESTOS SHINGLES AT 1114 WOODCREST AVENUE, RIVRHEAD

COUNCILMAN BUCKLEY offered the following resolution which was

seconded by COUNCILMAN WOOTEN

WHEREAS, the Riverhead Community Development Agency acquired the property located at 1114 Woodcrest Avenue, Riverhead, New York from Suffolk County for the purpose of resale as affordable housing; and

WHEREAS, the Riverhead Town Board did authorize the Town Clerk to publish and post a Notice to Bidders for the removal and disposal of non-friable asbestos shingles from the location of 1114 Woodcrest Avenue, Riverhead; and

WHEREAS, two (2) bids were received and read aloud on the 13<sup>th</sup> day of June, 2008 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

WHEREAS, one of the two bidders did not submit a lump sum bid, as required in the contract specifications, instead submitted a unit price bid which was deemed unacceptable.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board be and does hereby award the bid for removal and disposal of non-friable asbestos shingles from the location of 1114 Woodcrest Avenue, Riverhead, New York to Boyle Services, Inc. in the lump sum amount of Ten Thousand Two Hundred Twenty Five & 00/100 (\$10,225.00); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby direct Boyle Services, Inc. that the proper asbestos disposal documentation must be submitted to the Engineering Department in conformance with the State of New York Part 56-11.6, Title 12 of the Official Compilation of Codes, Rules and Regulations; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Clerk to return any and all bid bonds received in connection with the above; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Supervisor to execute the Town of Riverhead Contract for the Removal and Disposal of Non-Friable Asbestos Shingles from the location of 1114 Woodcrest Avenue, Riverhead; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Engineering Department to prepare a purchase request and forward to the Purchasing Department for issuance of a Town of Riverhead Purchase Order in the lump sum amount listed above; and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorizes the Town Clerk to forward a certified copy of this resolution to Boyle Services, Inc, 17 Railroad Street, Huntington Station, NY 11746 and a copy to Christine Kempner, Community Development Director, Christine Fetten, P.E., Assistant Town Engineer, the Purchasing Department and the Office of Accounting.

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

August 19, 2008

Town of Riverhead

Adopted

Resolution 729

**Supports and Endorses an "Back to Business" Fall 2008 Series**

**COUNCILMAN WOOTEN**

\_\_\_\_\_ offered the following resolution, which was

seconded by **COUNCILWOMAN BLASS**

**WHEREAS**, the Community Development Corporation of Long Island (CDC LI) provides loans and business training to small businesses throughout Long Island and has expressed interest in providing outreach services to the Town of Riverhead in furtherance of the Downtown Revitalization and to encourage long-term improvements in the downtown business district and elsewhere throughout the town; and

**WHEREAS**, local support for a business education series include the Riverhead Chambers of Commerce, the Town of Riverhead Business Improvement District, and the Riverhead Business Alliance, with the Town of Riverhead Townhall hosting the event; and

**WHEREAS**, the Town of Riverhead Community Development Department has initiated a lecture program entitled "Back to Business" Fall 2008 Series to be held in various locations in the Town of Riverhead and beginning with a Small Business Loan Program information session to be held in the Townhall Boardroom on Friday, September 12, 2008 at 5:30 p.m. and recorded for public broadcast as part of the Town of Riverhead economic revitalization program; and

**WHEREAS**, the Riverhead Chamber of Commerce, the Town of Riverhead Business Improvement District, and the Riverhead Business Alliance support and co-sponsor the Town of Riverhead and CDC LI to provide business education to the public and accessible through various outlets; and

**WHEREAS**, the project meets the requirements and goals and objectives of the program, is consistent with the goals of the East Main Street Urban Renewal Plan (1993), the Vision Plan for Downtown Riverhead (BID 1995), the Revitalization Strategy for Downtown Riverhead (APPS, June 2000), the Town of Riverhead Comprehensive Plan (2003), Downtown Center-1 zoning district (2004), and the objectives of Smart Growth as recognized by Vision Long Island (2005); and

**THEREFORE, BE IT RESOLVED**, that the Town Board hereby supports and endorses CDC LI to present an information program entitled "Back to Business" Fall 2008 Series

to begin with a Small Business Loan Program information session to be held in the Townhall Boardroom on Friday, September 12, 2008 at 5:30 p.m. and recorded for public broadcast as part of the Town of Riverhead economic revitalization program; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification to the Community Development Department.

**THE VOTE**

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

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

08/19/08

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 730**

**AUTHORIZES THE RELEASE OF CASH SECURITY FOR OMNIPPOINT FACILITIES NETWORK 2, LLC (T-MOBILE)**

**COUNCILWOMAN BLASS** offered the following resolution,

which was seconded by **COUNCILMAN DUNLEAVY**

**WHEREAS**, T-Mobile for Omnipoint Facilities Network 2, LLC posted cash security (Check #0555895, dated July 6, 2006) in the amount of Six Thousand Five Hundred Dollars (\$6,500) for work on an existing tower located at the Riverhead Water District Office, Pulaski Street, Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600 / 124.-1-27 pursuant to Section 108-133(I) of the Riverhead Town Code; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the cash security in the sum of Six Thousand Five Hundred Dollars (\$6,500); and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Anthony Cilo, 3500 Sunrise Highway, Suite D203, Great River, New York 11739, the Building Department; the Planning Department, the Accounting 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

8/19/08

Adopted

TOWN OF RIVERHEAD

Resolution # 731

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF THE RIVERHEAD TOWN CODE**  
**(\$108-58.1. Yard sales.)**

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

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" 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 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  
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 3<sup>rd</sup> day of September, 2008 at 2:45 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108  
Zoning  
Article XIII  
**Supplementary Use Regulations**

**§ 108-58.1. Yard sales.**

A. Yard sales, attic sales, garage sales, auction sales or similar types of sales of personal property owned by the occupant of the premises and located thereon are subject to the following requirements:

- (1) No signs, except one on-premises sign and one off-premises directional sign, not larger than six square feet in size, displayed for a period of not longer than one week immediately prior to the day of such sale, shall be permitted.
- (2) The hours, location on the site and methods of operation will cause no unreasonable disturbance to the neighborhood.
- (3) The premises will be cleared of trash and debris and all signs erected will be removed the same day as the sale by sunset.
- (4) Not more than three days of such sales shall be conducted on any lot within any calendar year.
- (5) To accommodate emergency vehicle access, the premises where the yard sale is to occur must be located on and abut a road that is at least 33 1/2 feet wide or otherwise the premises must provide off-street on-site parking for all patrons.
- (6) The sale of any firearm, rifle or shotgun is prohibited.

- Underline represents addition(s)

Dated: Riverhead, New York  
August 19, 2008

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

**BARBARA GRATTAN, Town Clerk**

8/19/08

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 732**

**AUTHORIZES THE REPLACEMENT OF SITE PLAN SECURITY OF SPRINT SPECTRUM, L.P.**

**COUNCILMAN BUCKLEY**

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

**COUNCILMAN WOOTEN**

which was seconded by \_\_\_\_\_:

**WHEREAS**, by Resolution #172 adopted on March 1, 2005, the Town Board accepted a Safeco Insurance Company of America Bond #6307986 in the sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00) representing the 100% site plan security in connection with Riverhead Town Board Resolution #160, dated February 15, 2005, to co-locate six public utility communication antenna panels to an existing municipal water tank located at Plant #9 of the Riverhead Water District located in Wading River, New York, further described as Suffolk County Tax Map #0600-57-1-1.5, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

**WHEREAS**, by Notice of Bond Cancellation, dated June 16, 2008, from Safeco Insurance Company, it was advised that the aforementioned bond would expire on June 21, 2008; and

**WHEREAS**, Sprint Spectrum, L.P. has forwarded Safeco Insurance Company of America Bond #674013909 in the sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00), having an effective date of July 21, 2008, to replace the aforementioned security bond; and

**WHEREAS**, the Town Attorney has reviewed said security 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 Safeco Insurance Company of America Bond #674013909 in the sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to return Safeco Insurance Company of America Bond #6307986 in the sum of Three Thousand Seven Hundred Fifty Dollars (\$3,750.00); and be it further

**RESOLVED**, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Amato & Associates, P.C., 666 Old

Country Road, Suite 901, Garden City, New York, 11530 to the attention of Craig Zonin, Esq., attorney for Sprint Spectrum, L.P.; and be it further

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

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

8/19/08

Adopted

TOWN OF RIVERHEAD

Resolution # 733

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

**(§108-294. Uses. – Business CR Zoning Use District – Rural Neighborhood Business)**

COUNCILMAN WOOTEN

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

COUNCILWOMAN BLASS

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

**WHEREAS**, a public hearing was held on the 5<sup>th</sup> day of August, 2008 at 2:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time, and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that a local law amending Chapter 108 entitled "Zoning", 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, 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 Zoning Board of Appeals; 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 amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on August 19, 2008. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108  
**ZONING**  
ARTICLE LV

**Business CR Zoning Use District (Rural Neighborhood Business)**

**108-294. Uses.**

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

A. Permitted uses:

- (1) Retail stores.
- (2) Specialty food stores, wine shops and bakeries with retail sales on premises.
- (3) Personal services.
- (4) Restaurants, cafes, and ice cream parlors.
- (5) Professional offices.
- (6) Professional studios and performing arts studios.
- (7) Public libraries.
- (8) Museums.
- (9) Schools.
- (10) Banks.

\* Underline represents addition(s)

Dated: Riverhead, New York  
August 19, 2008

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

**BARBARA GRATTAN, Town Clerk**

8/19/08

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 734**

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE TOWN POLICE DEPARTMENTS OF EAST HAMPTON, SOUTHOLD AND SHELTER ISLAND AND THE VILLAGE POLICE DEPARTMENTS OF SOUTHAMPTON, EAST HAMPTON, QUOGUE, WESTHAMPTON BEACH AND SAG HARBOR REGARDING MUTUAL AID AND ASSISTANCE

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

WHEREAS, the Town of Riverhead is vulnerable to a variety of disasters and emergencies; and

WHEREAS, the safety and well-being of all of the residents and visitors to the Town of Riverhead is of the utmost importance to the Town of Riverhead; and

WHEREAS, in the event of a local disaster, civil disturbance or any other event it may be necessary to have additional resources available in the form of personnel, equipment, supplies, facilities and services; and

WHEREAS, the Constitution of the State of New York permits municipalities to enter mutual aid and assistance agreements which may include provisions for the furnishing and exchanging of personnel, equipment, supplies, facilities and services; and

WHEREAS, the Town of Riverhead is desirous of availing itself of additional personnel, equipment, supplies, facilities and services in the event of a local disaster, civil disturbance or any other event.

NOW THEREFORE BE IT RESOLVED, that the Supervisor is hereby authorized to execute a municipal mutual aid and assistance agreement with the Town Police Departments of East Hampton, Southold and Shelter Island and the Village Police Departments of Southampton, East Hampton, Quogue, Westhampton Beach and Sag Harbor.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Town Police Departments of East Hampton, Southold and Shelter Island and the Village Police Departments of Southampton, East Hampton, Quogue, Westhampton Beach and Sag Harbor; Office of the Supervisor; Town of Riverhead Police 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

## Municipal Mutual Aid and Assistance Agreement

Town of Riverhead Police Department, Town of East Hampton Police Department, Town of Southold Police Department, Town of Shelter Island Police Department and the Village of Southampton Police Department, Village of East Hampton Police Department, Village of Quogue Police Department, Village of Westhampton Beach Police Department and the Village of Sag Harbor Police Department.

This Agreement, made the \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, between the municipal corporations of the Town of Riverhead, Town of East Hampton, Town of Southold, Town of Shelter Island and the Village of Southampton, Village of East Hampton, Village of Quogue, Village of Westhampton Beach and the Village of Sag Harbor.

### **Legislative Intent**

The safety and well being of all the residents of and visitors to the East End Towns and Villages is of the utmost importance for the municipalities. It remains necessary for the Town and Villages to act in a fiscally responsible manner. As means of accomplishing both objectives, the East End Towns and Villages are entering into a Municipal Aid and Assistance Agreement with each other.

In the advent of a local disaster, civil disturbance or any other event where it may be necessary to have additional resources available, while it is not fiscally sound to stock pile equipment or to hire additional personnel solely for the purposes of assisting at the time of a disaster or event, a Municipal Mutual Aid and Assistance Agreement between the aforementioned municipal corporations will allow them to use their resources at such times. The ability to use those resources only when needed and without financial liability at other times provided an opportunity to the municipalities for better service, while limiting financial impact to only those times of absolute need.

**WHEREAS**, the State of New York is vulnerable to a variety of disasters and emergencies; and

**WHEREAS**, in addition to the state, the Federal Emergency Management Agency (FEMA) has recognized the importance of the concept of written mutual aid agreements between all levels of government to facilitate reimbursement; and

**WHEREAS**, pursuant to the Constitution of the State of New York, municipalities are allowed to enter into mutual aid and assistance agreements, which may include provisions for the furnishing and exchanging of supplies, equipment, facilities, personnel and services during an emergency or event; and

WHEREAS, the municipalities which have chosen to become signatories to this Agreement wish to provide mutual aid and assistance amongst one another; now

THEREFORE, pursuant to Article IX, Section 1 of the Constitution of the State of New York, these municipalities agree to enter into this Agreement for mutual aid and assistance, with this Agreement embodying the understandings, commitments, terms and conditions for said aid and assistance, as follows:

## SECTION I

### DEFINITION

- A. "Agreement" shall mean this document, the "Municipal Mutual Aid and Assistance Agreement".
- B. "Aid and Assistance" shall include, but not limited to, personnel, equipment, facilities, services, supplies and other resources.
- C. "Authorized Representative" shall mean a party's employee, who has been authorized in writing by that party, to request, offer or otherwise provide assistance under the terms of this Agreement. The list of authorized representatives for each party executing this Agreement shall be attached to the executed copy of this Agreement. In the event of a change in personnel, unless otherwise notified, the presumption will be that the successor to that position will be the authorized representative. The authorized representative shall have the ability to commit the resources of its municipality without further authorization from any other source.
- D. "Disaster" means occurrence or imminent threat of widespread or severe damage, injury, loss of life or property resulting from any natural or man-made causes, including but not limited to fire, flood, earthquake, hurricane, tornado, high-water, landslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, bridge failure or bridge collapse.
- E. "Event" means any occurrence which would require additional resources.
- F. "Municipality" means a public corporation as defined in Subdivision 1, Section 66 of the General Construction Law and a special district as defined in Subdivision 16 of Section 102 of the Real Property Tax Law.
- G. "Party" means a municipality that has adopted and executed this Agreement.
- H. "Provider" means the party that has received a request to furnish aid and assistance to the party in need (the "Recipient").

- I. "Recipient" means the party setting forth a request for aid and assistance to another party.

## SECTION II

### INITIAL RECOGNITION OF PRINCIPAL BY ALL PARTIES

- A. As this is a reciprocal contract, it is recognized that any party to this Agreement may be requested by another party to be a Provider. It is mutually understood that each party's foremost responsibility is to its own citizens. The provisions of this Agreement shall not be construed to impose an unconditional obligation on any party to this Agreement to provide aid and assistance pursuant to a request from another party. Accordingly, when aid and assistance have been requested, a party may in good faith withhold resources in order to provide reasonable and adequate protection for its own community, by deeming itself unavailable to respond and so inform the party setting forth the request.
- B. Given the finite resources of any jurisdiction and the potential for each party to be unavailable for aid and assistance at a given point in time, the parties mutually encourage each other to enlist other entities in aid and assistance efforts and to enter into such agreements accordingly. Concomitantly, the parties fully recognize that there is a highly meritorious reason for entering into this Agreement and accordingly shall attempt to render assistance in accordance with the terms of this Agreement to the fullest extent possible.
- C. Pursuant to the Constitution of the State of New York and as elaborated upon in Section IX of this Agreement, all functions and activities performed under this Agreement are carried out for the benefit of the general public and not for the benefit of any specific individual or individuals. Accordingly, this Agreement shall not be construed as or deemed to be an agreement for the benefit of any third parties or persons and no third persons shall have any right of action under this Agreement for any cause whatsoever. All immunities provided by law shall be fully applicable as elaborated upon in Section VII of this Agreement.

## SECTION III

### PROCEDURES FOR REQUESTING ASSISTANCE

- A. Aid and assistance shall not be requested unless the resources available within the stricken area are deemed inadequate by the Recipient. When Recipient becomes affected by a disaster or an emergency event and deems its resources inadequate, it may request aid and assistance by communicating the request. A verbal request shall be followed as soon as practicable by a written

confirmation of that request. All requests for aid and assistance shall be transmitted by the party's "Authorized Representative" as set forth below.

- B. All communications shall be conducted directly between Recipient and Provider.
- C. Provider's Traveling Employee Needs - Unless otherwise specified by Recipient or agreed to by the parties in writing, it is mutually understood that Recipient will provide for the needs of Provider's traveling employees. Recipient shall pay for all reasonable out-of-pocket costs and expenses of Provider's personnel including, without limitation, transportation expenses for travel to and from the stricken area. Further, Recipient shall house and feed Provider's personnel at its (Recipient's) sole cost and expense. If Recipient cannot provide such food and /or housing at the disaster area, Recipient shall specify in its request for assistance that personnel will be required to service their own needs.

#### **SECTION IV PROVIDERS ASSESSMENT OF AVAILABILITY OF RESOURCES AND ABILITY TO RENDER ASSISTANCE**

When contacted by the Recipient, Provider's authorized representative shall assess Provider's own local situation to determine available personnel, equipment and other resources. If Provider's authorized representative determines that Provider has available resources, Provider's authorized representative shall so notify Recipient and as soon as practicable, provide written verification of the response to the request.

#### **SECTION V SUPERVISION AND CONTROL**

Provider shall designate supervisory personnel amongst its employees sent to render aid and assistance to Recipient. As soon as practicable, Recipient shall assign work tasks to Provider's supervisory personnel and unless specifically instructed otherwise, Recipient shall have the responsibility for coordination between Provider's supervisory personnel and Recipient. Recipient shall provide necessary credentials to Provider's personnel authorizing them to operate on behalf of the Recipient. Based upon such assignments set forth by Recipient, Provider's supervisory personnel shall:

1. have the authority to assign work and establish work schedules for Provider's personnel;
2. maintain daily personnel time records, material records and a log of equipment hours;

3. report work progress to Recipient at mutually agreed upon intervals.

#### **SECTION VI**

#### **LENGTH OF TIME FOR AID AND ASSISTANCE RENEWABILITY – RECALL**

- A. Unless otherwise provided, the duration of the Provider's assistance shall be for an initial period of up to twenty-four (24) hours, starting from the time of the call for assistance until the personnel go out of service for the Recipient. Thereafter, assistance may be extended in increments agreed upon by the authorized representatives of the Provider and Recipient.
- B. As noted in Section II of this Agreement, Provider's personnel, equipment and other resources shall remain subject to recall by Provider to provide for its own citizens if circumstances so warrant. Provider shall make a good faith effort to provide at least eight (8) hours advance notification to Recipient of Provider's intent to terminate the assistance, unless such notice is not practicable, in which case as much notice as is reasonable under the circumstances shall be provided.

#### **SECTION VII**

#### **RIGHTS AND PRIVILEGES OF PROVIDER'S EMPLOYEES**

Whenever Provider's employees are rendering aid and assistance pursuant to this Agreement such employees shall remain the responsibility of the Provider and retain the same powers, duties, immunities and privileges they would ordinarily possess if performing their duties within the geographic limits of Provider.

#### **SECTION VIII**

#### **PROVIDER'S EMPLOYEE WORKERS' COMPENSATION**

Recipient shall not be responsible for reimbursing any amounts paid or due as benefits to Provider's employees due to personal injury or death occurring during the periods of time such employees are engaged in rendering of aid and assistance under this Agreement. It is mutually understood that Recipient and Provider shall be responsible for payment of such Workers' Compensation benefits only to their own respective employees.

## SECTION IX HOLD HARMLESS

Each party (as Indemnitor) agrees to protect, defend, indemnify and hold the other party (as Indemnitee) and its officers, employees and agents, free and harmless from and against any and all losses, penalties, damages, assessments, costs, charges, professional fees and other expenses or liabilities of every kind and arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings or causes of action of every kind in connection with or arising out of Indemnitor's negligent acts, errors and/or omissions. Indemnitor further agrees to investigate, handle, respond to, provide defense for and defend any such claims, etc, at Indemnitor's sole expense and agrees to bear all other costs and expenses related thereto. To the extent that immunity does not apply, each party shall bear the risk of its own actions, as it does with its day to day operations and determine for itself what kinds of insurance and in what amounts it should carry. Each party understands and agrees that any insurance protection obtained shall in no way limit the responsibility to indemnify, keep and hold harmless that other parties to this Agreement.

## SECTION X AMENDMENTS

This Agreement may be modified at any time upon the mutual written consent of the parties. Additional municipalities may become parties to this Agreement upon the acceptance and execution of this Agreement.

## SECTION XI DURATION OF AGREEMENT – RENEWAL – TERMINATION

This Agreement shall be binding for not less than five (5) years from its effective date; unless terminated upon at least sixty (60) days advance written notice by a party as set forth below. Thereafter, this Agreement shall continue to be binding upon the parties in subsequent years, unless cancelled by written notification served personally or by registered mail to the other parties to the Agreement. The withdrawal shall not be effective until sixty (60) days after notice thereof has been sent. A party's withdrawal from this agreement shall not affect a party's reimbursement obligations or any other liability or obligation under the terms of this agreement incurred hereunder. Once the withdrawal is effective, the withdrawing entity shall no longer be a party to this Agreement but this Agreement shall continue to exist among the remaining parties.

## SECTION XII HEADINGS

The headings of various sections and subsections of this Agreement have been inserted for convenient reference only and shall not be construed as

modifying, amending or affecting in any way the express terms and provisions of this Agreement.

**SECTION XIII  
SEVERABILITY – EFFECT ON OTHER AGREEMENTS**

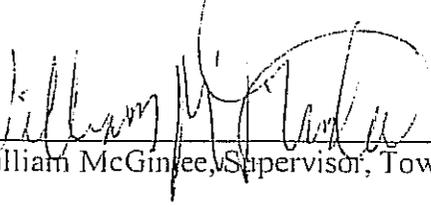
- A. Should any clause, sentence, provision, paragraph or other part of this Agreement be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Agreement.
- B. In the event that parties to this Agreement have entered into other aid and assistance agreements, those parties agree that, to the extent a request for aid and assistance is made pursuant to this Agreement, those other aid and assistance agreements are superceded by this Agreement.

**SECTION XIV  
EFFECTIVE DATE**

This Agreement shall take effect upon its approval by the entity seeking to become a signatory to this Agreement and upon proper execution hereof.

**IN WITNESS WHEREOF**, each of the parties have caused this Municipal Mutual Aid and Assistance Agreement to be duly executed in its name and on their behalf by its' Chief Executive Officer, who has signed accordingly, with seals affixed and attested with concurrence of a majority of its governing board, as of the date set forth in this Agreement.

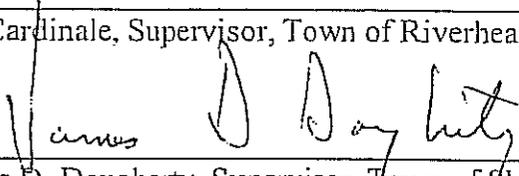
Municipal Mutual Aid and Assistance Agreement Signature Page

  
\_\_\_\_\_  
William McGinlee, Supervisor, Town of East Hampton

5-12-08  
Date

\_\_\_\_\_  
Phil Cardinale, Supervisor, Town of Riverhead

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
James D. Dougherty, Supervisor, Town of Shelter Island

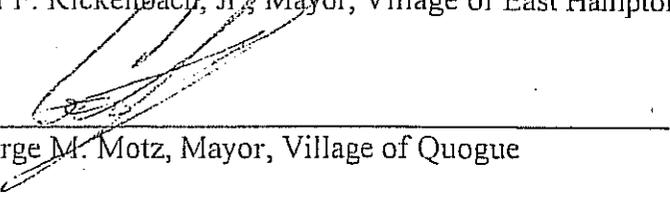
5/14/08  
Date

\_\_\_\_\_  
Scott A. Russell, Supervisor, Town of Southold

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Paul F. Rickenbach, Jr., Mayor, Village of East Hampton

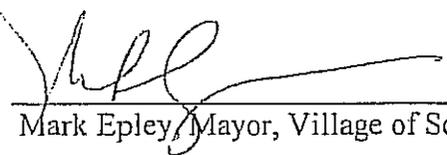
5/09/08  
Date

  
\_\_\_\_\_  
George M. Motz, Mayor, Village of Quogue

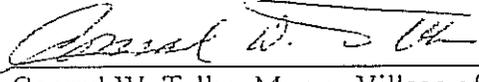
5/15/08  
Date

\_\_\_\_\_  
Gregory Ferraris, Mayor, Village of Sag Harbor

\_\_\_\_\_  
Date

  
\_\_\_\_\_  
Mark Epley, Mayor, Village of Southampton

5/21/08  
Date

  
\_\_\_\_\_  
Conrad W. Teller, Mayor, Village of Westhampton Beach

5-15-08  
Date

8/19/08

TOWN OF RIVERHEAD

Adopted

Resolution # 735

**AUTHORIZES 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 (§108-3. Definitions. – Building Trade Shop)**

COUNCILMAN DUNLEAVY

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

COUNCILMAN BUCKLEY

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" 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 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

Chapter 108  
**ZONING**  
ARTICLE I  
General Provisions

**§ 108-3. Definitions; word usage.**

BUILDING TRADE SHOP — A building housing construction operations, including carpentry, electrical, plumbing, HVAC, roofing, painting, landscaping and similar trades. Any accessory outdoor storage must be completely screened.

- Underscore represents addition(s)

Dated: Riverhead, New York  
August 19, 2008

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

**BARBARA GRATTAN, Town Clerk**

August 19, 2008

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 736

**Ratifies Authorization to Publish Notice to Amend CDBG Program**

COUNCILMAN BUCKLEY

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

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

**WHEREAS**, the Town of Riverhead desires to amend its FY2000 & FY 2005 Community Development Block Grant ("CDBG") Program; and

**WHEREAS**, such an amendment requires notification of the public prior to submission of the amendment for transfer of funds and budget modification to provide for public comment.

**THEREFORE, BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish the attached notice in the News Review on Thursday, August 21, 2008, and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Joseph Sanseverino, Director, Suffolk County Community Development and notification of this resolution to the Community Development Department and the Accounting Department.

**THE VOTE**

Blass  Yes  No

Wooten  Yes  No

Dunleavy  Yes  No

Buckley  Yes  No

Cardinale  Yes  No

**THE RESOLUTION WAS \_\_\_\_\_ WAS NOT THEREFORE DULY ADOPTED.**

**PUBLIC NOTICE  
AMENDMENT TO TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

The Town of Riverhead is proposing the following changes to its Community Development Block Grant Program:

<u>Year 2005</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
Downtown Pedestrian Safety Improvement	\$12,614.93	-\$8,238.89	\$4,376.04

<u>Year 2000</u>	<u>Current</u>	<u>Proposed Change</u>	<u>Amended Budget</u>
Milbrook Gables Clearance	\$25,437.11	+\$8,238.89	\$33,676.00

Interested citizens may submit comments on or before Monday, September 22<sup>nd</sup>, 2008 to:

Town of Riverhead  
Community Development Office  
200 Howell Avenue  
Riverhead, NY 11901

The Town Board will consider a Resolution authorizing the proposed change at the October 7, 2008 Board Meeting to be held at 2:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901.

Dated: August 21, 2008

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

BARBARA GRATTAN, TOWN CLERK

August 19, 2008

**TOWN OF RIVERHEAD**

**Resolution # 737**

**Adopted**

**AMENDS THE ZONING USE DISTRICT MAP  
OF THE TOWN OF RIVERHEAD DESTINATION RETAIL (DRC) ZONING USE  
DISTRICT TO INDUSTRIAL A ZONING USE DISTRICT**

**COUNCILMAN WOOTEN**

offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS**

**WHEREAS**, the Town Board of the Town of Riverhead is in receipt of a change of zone petition from Peter Danowski, Esq. on behalf of Peconic Holdings, LLC to amend the Zoning Use District Map of the Town of Riverhead to provide for the Industrial A Zoning Use District to the exclusion of the existing Destination Retail Zoning Use District upon real property more particularly known as SCTM 0600-119-1-28.2, and

**WHEREAS**, the Town Board has declared itself Lead Agency for the review of the petition and has determined that the application is an Unlisted Action that will not have a significant impact on the environment and that an Environmental Impact Statement need not be prepared, and

**WHEREAS**, the Riverhead Town Board has referred the petition to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the change of zone petition, and

**WHEREAS**, a public hearing was held on the matter on July 1, 2008, and

**WHEREAS**, the Riverhead Town Board has carefully considered the merits of the change of zone petition, the SEQRA record created to date, the report of the Riverhead Planning Department, the report of the Planning Board, the commentary heard at the relevant public hearing as well as all other pertinent planning, zoning and environmental information, now

**THEREFORE BE IT**

**RESOLVED**, that in the matter of the change of zone petition Peconic Holdings, LLC, the Riverhead Planning Board hereby makes the following findings:

**FIRST:** That the property currently lies within the Destination Retail Zoning Use District;

**SECOND:** That the parcel numbers 0600-119-1-40; 26.1; 27.1; 28.2 were zoned Destination Retail Center to allow for the assemblage of a corner lot to further allow for the development of a Destination Retail Use of appropriate floor area;

**THIRD:** That the property is currently improved with industrial land use intended to be expanded as an industrial use, and

**FOURTH:** That the contiguous property to the north is currently improved with an industrial land use intended to be expanded as an industrial use, and

**FIFTH:** That the residual tax lot numbers 0600-119-1-40 and 26.1 are of adequate area to support a Destination Retail building of a minimum of 10,000 sq. ft. in floor area, and;

**BE IT FURTHER,**

**RESOLVED,** that based upon its findings, the Riverhead Town Board, upon its own motion, hereby amends the Zoning Use District map of the Town of Riverhead to provide for the Industrial A Zoning Use District to the exclusion of the Destination Retail (DRC) Zoning Use District upon Suffolk County Tax Lot Numbers 0600-119-1-28.2 and 0600-119-1-27.1, and

**BE IT FURTHER,**

**RESOLVED,** that a copy of this resolution be forwarded to Peconic Holdings, LLC, or their agent, the Building Department, the Town Attorney, Mr. Robert Hubbs, and a copy be scanned onto the Town Hall Share Drive for future reference.

**THE VOTE**

DUNLEAVY  YES \_\_\_ NO    BUCKLEY  YES \_\_\_ NO  
BLASS  YES \_\_\_ NO    WOOTEN  YES \_\_\_ NO  
CARDINALE  YES \_\_\_ NO  
THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

8/19/08

TOWN OF RIVERHEAD

Adopted

Resolution # 738

**ACCEPTS OFFER OF SALE OF REAL PROPERTY LOCATED  
IN THE TOWN OF RIVERHEAD FORMERLY KNOWN AS HUBBARD DUCK  
FARM (Owner: North Fork Knolls I, LLP)**

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

**WHEREAS**, the Open Space Committee ("the Committee") has received an offer for the sale of a parcel of real property from North Fork Knolls, I, LLP, on approximately 77.50 acres of their lands located on the west side of Cross River Drive, north of Saw Mill Creek, Riverhead, New York, at \$70,000.00 per acre, further described as Suffolk County Tax Map #0600-112.00-01.00-016.001; and

**WHEREAS**, the Committee has commissioned an appraisal of the value of the subject real property; and

**WHEREAS**, the Committee has assessed the subject real property with respect to the criteria provided in Chapter 14 of the Code of the Town of Riverhead and Town Law 64-e and thereafter formally recommended that the Town Board of the Town of Riverhead consider the purchase of this property to preserve open space, wetlands and threatened ecological area; and

**WHEREAS**, the Town Board has carefully considered the merits of the offer of sale, the appraisal of Given Associates, the report of the Open Space Committee, the criteria set forth in Chapter 14 of the Code of the Town of Riverhead, Town Law 64-e, and all other pertinent planning, zoning and environmental information; and

**WHEREAS**, the Town Board finds that the acquisition of the subject parcel is the best alternative for the protection of community character, preservation of open space and preservation of a unique ecological area and of all reasonable alternatives available to the Town, and

**WHEREAS**, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said real property, and

**WHEREAS**, the County of Suffolk will acquire a fifty percent (50%) undivided interest in and to the premises, and the Town of Riverhead will acquire a fifty percent (50%) undivided interest in and to the premises with funds created pursuant to Town Law

64-e(2), as tenants in common,

**WHEREAS**, the Finance Director for the Town of Riverhead has prepared a report in accordance with 64-e (2) and the Town Board finds that this purchase meets the criteria set forth in 64-e (2), (3)b, and (4) such that there will be sufficient revenue to repay any indebtedness in its entirety for the acquisition of this parcel and the acquisition will preserve community character, open space and a unique ecological area,

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board hereby accepts the offer of sale of open space from the subject real property of North Fork Knolls I, LLP, pursuant to Chapter 14 of the Code of the Town of Riverhead and Town Law 64-e, and be it further

**RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of the subject property in an amount not to exceed seventy thousand dollars (\$70,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and/or share expenses for same with the County of Suffolk, and directs the Accounting Department to set up a budget, and be it further

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to North Fork Knolls I, LP c/o John Harras, Esq., Harras Bloom & Archer, LLP, 445 Broad Hollow Road, Suite 127, Melville, New York 11747; the Open Space Committee; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; Janet Longo, Suffolk County Division of Real Property & Management, 100 Veterans Memorial Highway, Post Office Box 6100, Hauppauge, New York 11788; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

WOOTEN  YES \_\_\_ NO    BUCKLEY  YES \_\_\_ NO

DUNLEAVY  YES \_\_\_ NO    BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  IS \_\_\_ IS NOT  
DECLARED DULY ADOPTED

8/19/08

TOWN OF RIVERHEAD

Adopted

Resolution # 739

**RESCINDS RESOLUTION #686 OF August 5, 2008**  
**(AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC**  
**NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108**  
**ENTITLED "ZONING" OF THE RIVERHEAD TOWN CODE)**

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

**WHEREAS**, pursuant to Resolution #686 adopted by the Riverhead Town Board on August 5, 2008, the Town Clerk was authorized to publish and post a public notice to consider a local law to amend Chapter 108 entitled "Zoning", §108-26 entitled "Cluster development and additional subdivision requirements" of the Riverhead Town Code in the August 14, 2008 issue of the News Review; and

**WHEREAS**, it has been determined that Resolution #686 was erroneously adopted on August 5, 2008.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that the Town Board of the Town of Riverhead hereby rescinds Resolution #686 of August 5, 2008; 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 Building Department and the Office of the Town Attorney.

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

TOWN OF RIVERHEAD

Resolution # 740

Adopted

**Authorizes Town Clerk to Publish and Post Notice of Public Hearing  
Sid Harvey Industries, Inc.**

COUNCILMAN BUCKLEY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Sid Harvey Industries, Inc. pursuant to Article XXVIA and Article XLI, Section 108-274B(2) of the Town Code to allow for the construction of internal alterations to approximately 10,000 sq. ft. of industrial space for the conduct of a wholesale business on a 6.1 acre parcel zoned Industrial A; such property more particularly described as SCTM 0600-119-1-28.7, and

WHEREAS, the Riverhead Planning Department has completed an Environmental Review of the special use permit petition and has recommended that a negative declaration be made by the Lead Agency pursuant to 6 NYCRR Part 617, and

WHEREAS, the applicant has appeared before the Town Board, and

WHEREAS, the Riverhead Town Board desires to hold a public hearing at this time, now

**THEREFORE BE IT**

**RESOLVED**, that the Town Clerk hereby be authorized to publish and post the attached notice of public hearing.

THE VOTE

DUNLEAVY  YES \_\_\_ NO BUCKLEY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO WOOTEN  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION  WAS \_\_\_ WAS NOT  
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**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, Wading River, New York, on the 16th Day of September, 2008 at 7:20 o'clock pm, to consider the special permit petition to allow for the construction of internal alterations to approximately 10,000 sq. ft. of industrial space for the conduct of a wholesale business on a 6.1 acre parcel zoned Industrial A; such property more particularly described as SCTM 0600-119-1-28.7.

Dated: Riverhead, New York

Date: August 19, 2008

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

August 19, 2008

Adopted

**TOWN OF RIVERHEAD**

Resolution # 741

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE  
OF PUBLIC SCOPING HEARING  
SUBDIVISION AND SITE PLAN OF REPCAL LLC**

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

**WHEREAS**, the Riverhead Planning Board is in receipt of a petition for an industrial block subdivision from REPCAL LLC to transfer ownership of 300ac. of land zoned Light Industrial within the Enterprise Park at Calverton (EPCAL) from the Riverhead Community Development Agency to the applicant and to thereafter divide the 300ac. into five industrial blocks ranging from 32.7 to 76.7acres, such property bearing SCTM 0600-135-1-p/o7.33, and;

**WHEREAS**, the REPCAL petition also seeks to further divide a 48.9 acre block (shown on the plan as "Block One") into six industrial lots of ranging from 2.7 to 10.9 acres, and

**WHEREAS**, the Riverhead Town Board is simultaneously in receipt of a site plan petition for development of "Block One" as described above with nine Light Industrial use buildings with an aggregate building area of 318,475 sq.ft. together with related improvements and featuring an open space lot of 8.1ac., such development to be known as "Rechler Center for Business and Technology", and

**WHEREAS**, the Riverhead Planning Department has identified the project as a Type I action pursuant to 6 NYCRR Part 617.4(b)(4) and (6)(i)&(iv), mandating coordinated State Environmental Quality Review (SEQR) among involved agencies; which process was undertaken resulting in the designation of the Riverhead Town Board as lead agency, and

**WHEREAS**, the Riverhead Planning Department prepared a SEQR report identifying the potential for significant impact on the natural and social environment and recommended that a positive declaration of significance be rendered; which declaration was made at the August 5<sup>th</sup> 2008 regular meeting of the Town Board, and

**WHEREAS**, the Town Board desires to conduct a scoping process to properly focus the content of the resultant Supplemental Environmental Impact Statement including holding a scoping hearing pursuant to Part 617.8(e) to solicit public commentary, now

**THEREFORE, BE IT**

**RESOLVED**, that the Town Clerk be directed and is hereby authorized to forward a certified copy of this resolution to the Planning Department, the Town Attorney, the CDA and to the applicant or his agent and to publish and post the following notice of public hearing in the August 28<sup>th</sup> issue of the News Review.

**THE VOTE**

Wooten  Yes  No

Buckley  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

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

**PLEASE TAKE NOTICE** that a public scoping hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York on the 17<sup>th</sup> day of September 2008 at 3:30 PM to solicit public comment on the scope of issues of the Environmental Impact Statement of REPCAL LLC to subdivide and develop 300ac. of land within the Enterprise Park at Calverton (EPCAL) zoned Light Industrial; such real property being more particularly described as Suffolk County Tax Map Parcel Number 0600-135-1-p/o7.33.

Dated: Riverhead, New York  
August 28<sup>th</sup>, 2008

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

August 19, 2008

Adopted

**TOWN OF RIVERHEAD**  
**2008 IRON PIER BEACH**  
**CAPITAL IMPROVEMENT PROJECT**  
**BUDGET ADOPTION**  
**RESOLUTION # 742**

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

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

	<u>FROM</u>	<u>TO</u>
406.095031.481900.70804    Special Trust Transfers	10,200	
406.071800.523015.70804    Construction		10,200

**THE VOTE**

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





AUGUST 19, 2008

Tabled

Adopted

TOWN OF RIVERHEAD

Resolution #668

INCREASES FEE FOR RECYCLING CANS

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

WHEREAS, the Sanitation Department's established fee for recycle pails is \$13.00 each to residents within the Town's six carting districts, excluding condominium complexes and mobile home parks; and

WHEREAS, the cost of the recycle pails has increased significantly to \$18.30 per pail, the Sanitation Department finds it necessary to increase the fee to \$19.00; and

NOW, THEREFORE BE IT RESOLVED that the Town Board hereby increases the fee for recycling pails to \$19.00; and

BE IT FURTHER RESOLVED, that new Town of Riverhead residents may receive their first pail free of charge and all Town residents may purchase a replacement pail for the fee of \$19.00; and

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

THE VOTE

DUNLEAVY  YES \_\_\_ NO BUCKLEY \_\_\_ YES \_\_\_ NO

BLASS  YES \_\_\_ NO WOOTEN \_\_\_ YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

THIS RESOLUTION \_\_\_ IS \_\_\_ IS NOT  
DECLARED DULY ~~ADOPTED~~

Resolution untabled at 8/19/08 TBM - all approved

Resolution Adopted at 8/19/08 TBM - all approved

Tabled

August 19, 2008

Adopted

TOWN OF RIVERHEAD  
RESOLUTION # 744

DISCONTINUES THE POSITION OF CITIZEN OMBUDSMAN

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

**WHEREAS**, the Town has recognized the reporting structure of certain departments within the Town; and

**WHEREAS**, it has been determined that the position of an Ombudsman although a volunteer position, is not an effective mechanism through which to facilitate access to government agencies; and

**WHEREAS**, discontinuing this position will allow for additional work space for a paid employee as well as a computer terminal and office supplies.

**NOW, THEREFORE BE IT RESOLVED**, that the Town Board discontinues the position of Vince Tria, Citizen Ombudsman, effective Friday, August 22, 2008.

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward copies of this resolution to Vince Tria.

THE VOTE

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

THIS RESOLUTION WAS WAS NOT  
THEREFORE DULY ADOPTED