

**July 21, 2009**

The Town Clerks Office is responsible for assigning the Councilpersons' names to each resolution without any particular preference to content.

**PUBLIC COMMENT ON ANY TOWN BOARD RESOLUTION**

**CDA**

**Res. #16 Authorizes the Chairman to Execute a Professional Services Agreement Amendment with DRU Associates, Inc.**

**PUBLIC COMMENT ON ANY TOWN BOARD RESOLUTION**

**Res. #703 2009 Chips Reconstruction Road Improvement Project**

**Res. #704 Rescinds Town Board Resolution #624 Reauthorizes budget Adoption of Salt Barn Construction**

**Res. #705 2009 Recreation Capital Improvement Project Budget Adjustment**

**Res. #706 Authorizes Amendment to CDBG Program**

**Res. #707 Approves Memorandum of Agreement**

**Res. #708 Ratifies the Appointment of a Recreation Specialist Level I to the Recreation Department (Maria Dounelis)**

**Res. #709 Ratifies the Appointment of a Call-In Bus Driver to the Riverhead Recreation Department (Noel Ehlers)**

**Res. #710 Appoints a Recreation Specialist Level I to the Recreation Department (Justin White)**

**Res. #711 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Open Space/Park Preserve Committee Members**

**Res. #712 Appoints Member to Riverhead Industrial Development Agency (Paul Thompson)**

- Res. #713 Resolution of Support and Concurrence with the Suffolk County/Town of Riverhead Empire Zone (Formerly Economic Development Zone) Regionally Significant Project Application**
- Res. #714 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled “Zoning”(§108-3 Definitions, Article I, General Provisions, Structure)**
- Res. #715 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled “Zoning” (§108-56 Signs)**
- Res. #716 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled “Zoning” (§108-64.5 Bed and Breakfast Facilities, Article XIII, Supplementary Use Regulations**
- Res. #717 Rescinds Resolution No. 684 Adopted at the July 7, 2009 Town Board Meeting Entitled “Extends Bid Contract for Landscaping Items for the Town of Riverhead”**
- Res. #718 Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled “Zoning” (§108-3 Definitions, Article I, General Provisions, Bed and Breakfast)**
- Res. #719 Approves Chapter 90 Application of Martha Clara Vineyards (Beer and Wine Festival)**
- Res. #720 Adopts a Local Law Amending Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXXI – Open Space Conservation District)**
- Res. #721 Authorizes Town Supervisor to Execute Sewer Easement Agreement**
- Res. #722 Authorizes the Town Clerk to Advertise for Bids on a Used 1981 Mack Model RM Cab and Chassis with a Combination Dump Body or Equal**

- Res. #723** Authorizes the Town Clerk to Advertise for Bids on a John Deere Model 5525 Tractor with a Cheetah 17.5' Flail Boom Mower or Equal
- Res. #724** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 54 of the Code of the Town of Riverhead Entitled "Unsafe Buildings and Collapsed Structures"
- Res. #725** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 96 of the Code of the Town of Riverhead Entitled "Trash, Rubbish and Refuse Disposal"
- Res. #726** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 101 of the Code of the Town of Riverhead Entitled "Vehicles and Traffic"
- Res. #727** Authorization to Publish Advertisement for Propane for the Town of Riverhead
- Res. #728** Authorization to Publish Advertisement for Heating Fuel for the Town of Riverhead
- Res. #729** Authorizes the Release of Security of Montgomery Distributors LLC (American Service Station, Jamesport)
- Res. #730** Authorizes Public Notice of Application to New York Department of State for Brownfield Opportunity Areas Funding
- Res. #731** Economic Recovery Projects Municipal/Sponsor Resolution
- Res. #732** Authorizes the Supervisor to Execute Agreement Extending Bid Award Contract
- Res. #733** Amends Resolution No. 685 Adopted at the July 7, 2009 Town Board Meeting Entitled "Awards Bid for Snack Vendors"
- Res. #734** Authorizes Town Clerk to Publish and Post a Public Notice for a Local Law to Consider Amendments to Chapter 108 of the Code of the Town of Riverhead Entitled "Zoning" (§108-286 Uses, Article LIII, Hamlet Center (HC) Zoning Use District)

**Res. #735 Adopts a Local Law Amending Chapter 73 Entitled  
“Landmarks Preservation” of the Riverhead Town Code**

**Res. #736 Pays Bills**

July 21, 2009

COMMUNITY DEVELOPMENT AGENCY  
TOWN OF RIVERHEAD

Adopted

Resolution # 16

**AUTHORIZES THE CHAIRMAN TO EXECUTE A PROFESSIONAL SERVICES  
AGREEMENT AMENDMENT WITH DRU ASSOCIATES, INC.**

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

**WHEREAS**, the Community Development Agency of the Town of Riverhead has requested the services of Dru Associates, Inc. for the purposes of conducting field studies relating to endangered, threatened or special concern species located at the EPCAL property; and

**WHEREAS**, the parties have previously entered into a professional services agreement for the sole purpose of conducting field studies relating to salamanders possibly located at the EPCAL property; and

**WHEREAS**, the Department of Environmental Conservation (DEC) established a protocol for the evaluation of bird species at the EPCAL property, which evaluations were conducted by Dru Associates, Inc. in collaboration with the DEC; and

**WHEREAS**, the increased need for environmental evaluation of the property has required an amended agreement between the parties;

**NOW, THEREFORE, BE IT RESOLVED**, that the Chairman is hereby authorized to execute the attached Professional Services Agreement Amendment with Dru Associates, Inc.; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Dru Associates, Inc., 40 Hitching Post Lane, Glen Cove, New York 11542, the Town Attorney and the Office of Accounting.

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

PROFESSIONAL SERVICES AGREEMENT AMENDMENT

THIS AGREEMENT made the        day of        2009 between the TOWN OF RIVERHEAD, (hereinafter "Town") a municipal corporation with offices located at 200 Howell Avenue, Riverhead, New York, 11901, and DRU ASSOCIATES, INC. (hereinafter "DRU"), a professional corporation existing under the laws of the State of New York, with a principal place of business at 40 Hitching Post Lane, Glen Cove, New York 11542.

WITNESSETH:

WHEREAS, the Town has requested the services of DRU for the purposes conducting field studies relating to endangered, threatened or special concern species located at the EPCAL property, and

WHEREAS, the parties have previously entered into a professional services agreement for sole purpose of conducting field studies relating to salamanders possibly located at the EPCAL property, and

WHEREAS, the Department of Environmental Conservation (DEC) established a protocol for the evaluation of bird species at the EPCAL property which evaluations were conducted by DRU associates in collaboration with the DEC, and

WHEREAS, the increased need for environmental evaluation of the property has required an amended agreement between the parties, and

WHEREAS, the following reflects the terms and conditions of the parties amended professional services agreement and encompasses all work to be conducted by DRU Associates, and includes all past work conducted by DRU Associates of which \$51,053.11 has already been billed and paid.

NOW, THEREFORE, IT IS MUTUALLY AGREED BY AND BETWEEN THE PARTIES AS FOLLOWS:

1.     Scope of services

The Town hereby retains the services of DRU for the purposes of conducting field studies relating to endangered, threatened or special concern species located at the EPCAL property.

2.     Compensation for service

As compensation for such services, the Town will pay DRU up to a maximum of One Hundred Four Thousand Six Hundred Fifty (\$104,650.00) Dollars for labor and materials to the satisfaction of the Town Board and the Financial Administrator of the Town. The full cost of all professional services in accordance with this agreement and other services

as may be required shall not exceed of One Hundred Four Thousand Six Hundred Fifty (\$104,650.00) Dollars unless the Town and DRU shall otherwise agree in writing as set forth herein.

DRU shall notify the Town in writing providing a description of the additional services it proposes to provide together with an explanation as to why the additional services are necessary. In no event shall DRU perform any additional services without the prior written agreement of the Town Board. DRU shall complete its obligations hereunder no later than sixty days from the date hereof unless the Town and DRU shall agree otherwise in writing. DRU shall supply information regarding services they have performed as may be requested from time to time by the Town.

DRU shall submit invoices to the Town every month and will indicate time and expenses incurred during that period pursuant to the tasks identified herein. Invoices shall be due and pay DRU within 30 days of their receipt by the Town. The Town has the right to withhold payment for portions of work not completed, after notification to DRU unless the schedule is extended for reasons beyond the control of DRU, including extra agency review or other unanticipated events.

3 Term of Agreement

The Agreement shall commence upon the execution of this agreement by the Town Supervisor pursuant to authorization of the Town Board and shall expire upon completion of the work specified herein to the satisfaction of the Town. All work hereunder shall be completed within one year of the date of the commencement of this agreement which shall be deemed to be.

This Agreement may be terminated by either party and for any reason upon 30 days written notice to the other party. In that event, DRU shall be compensated only for the value of services and expenses incurred in accordance with this agreement.

4. Modifications to Agreement

This Agreement may only be modified in writing and such modification is subject to approval by the Town Board of the Town pursuant to a duly adopted resolution.

5. Performance of Professional Services

DRU will perform its service hereunder in a timely manner. DRU shall not be responsible for delays occasioned by factors beyond its control nor by factors which could not reasonably have been foreseen at the time this Agreement was executed.

DRU shall be entitled to rely on information provided by the Town provided said information is sealed by a licensed professional where appropriate or directly provided to DRU by the Town.

DRU shall perform its services in accordance with the professional standards applicable to the services provided, i.e. information technology, at the time such services are rendered.

Estimates made by DRU of probable costs and detailed cost projections represent DRU'S judgment with respect thereto. It is recognized, however, that DRU has no control over actual site conditions or the cost of materials or equipment. Accordingly, DRU cannot and does not represent or guarantee that ultimate project costs will not vary from that set forth in Exhibit A. However, DRU will advise the Town prior to ordering any materials or equipment prices if said prices have increased beyond that quoted herein.

All drawing, specifications, reports, notes and data developed pursuant to this Agreement are instruments of service, and as such, the original documents will become the property of the Town.

Except as otherwise provided herein, the parties agree that DRU's liability under this agreement and for the project shall be limited to the total contract cost to the Town as specified and Exhibit A and any modifications made thereto.

6. DRU understands and recognizes that in conducting the work authorized by this agreement its employees and or agents may have access to confidential or sensitive Town documents and/or records. DRU agrees that it shall not copy, utilize, distribute or otherwise provide unauthorized access to any Town documents and/or records. DRU agrees to indemnify and hold the Town harmless from any and all damages it may incur by reason of the unauthorized distribution, use or exposure of Town documents together with the Town's reasonable attorneys fees incurred in connection with such unauthorized distribution, use or exposure of confidential Town documents. DRU shall immediately notify the Town in writing should its employees or agents become aware that copying, use, distribution or other unauthorized exposure of Town documents has occurred.

7. Controlling Law

This Agreement shall be construed according to the laws of the State of New York.

8. Prior Agreements. The previous agreement between the parties dated the 27<sup>th</sup> day of June, 2008 shall be deemed merged herein.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto.

TOWN OF RIVERHEAD

DRU ASSOCIATES, INC.

By: \_\_\_\_\_  
Phil Cardinale, Supervisor

By: \_\_\_\_\_

*Dru Associates, Inc.*

Ecological Consultants

40 Hitching Post Lane, Glen Cove, NY 11542  
21 Mt. Ponds, Box 779, Wilmington, VT 05363

(516) 676-7107  
(802) 464-3341

May 22, 2008

Dawn Thomas  
Town of Riverhead  
200 Howells Rd  
Riverhead, NY 11091

Re: Overall Proposal for Ecological Consulting,  
Endangered Species and Habitats at EPCAL, Riverhead, NY

Dear Dawn;

Dru Associates, Inc. is pleased to outline the scope and estimated costs of our ecological research at Calverton. Dru Associates will perform the tasks outlined to meet the project's natural resource assessment requirements as directed by NYS DEC as explained below in the form of a work plan. While the tasks are outlined in the Work Plan, cost estimates are subject to revision as the field work defines the extent of issues to be addressed, and updated requirements of NYS DEC and SEQRA become known over the tow year period involved in this research.

Dru Associates provides its services on an hourly fee basis for specified tasks (as presented below in the Work Plan and Budget). These daily estimates, and any further work required, are based on the following hourly rates: Principal Ecologist (\$215.00), Ecologist (\$125.00), Field Technician (\$75.00), Support staff (\$35.00), with the work billed monthly, terms 30 days net.

**Work Plan**

The scientific objectives of the research are:

**Objectives:**

- A. Determine the species of salamander using the subject ponds, and birds using the grasslands.
- B. Estimate the distribution patterns of breeding salamanders at the ponds.
- C. Estimate the habitat use patterns of significant bird species and herpetofauna.
- D. Estimate the size of the populations present.

The methods of accomplishing the objectives are:

**Task 1. Migratory Salamander Study, Winter Phase:** Field research with NYS DEC tracking inward migration and egg-laying periods of salamander breeding activity, employing minnow trapping, and aquatic searches of habitat beginning as soon as ice breaks on ponds, extending from January through April. After egg production is confirmed, the gestation period is calculated and field visits to track and capture larvae commence at the appropriate time later in the season (May-June). The search for larvae involves netting techniques, with the technique dependent on site conditions. Frequency of at least one search per week is required for four weeks after the calculated gestation period has elapsed. Captured larvae are identified in the field if possible, or removed to the lab for microscopic identification. **Minnow traps:** small wire cage traps set in strategic places around habitat, checked twice daily if set 24 hrs. The frequency of trapping sessions will be at least two three-day sessions during February-March, continued during April as required depending on results. **Egg searches** are performed weekly until no further findings occur during March-April.

**Task 2. Larval Study:** After egg production is confirmed with NYS DEC, the gestation period is calculated and field visits to track and capture larvae commence at the appropriate time later in the season (May-June). The search for larvae involves netting techniques, with the technique dependent on site conditions. Frequency of at least one search per week is required for four weeks after the calculated gestation period has elapsed. Captured larvae are identified in the field if possible, or removed to the lab for microscopic identification.

**Task 3. Field study of significant grassland bird species:** Dru Associates will collaborate with the NYS DEC and other consultants to inventory birds species designated as important by DEC. This study involves approximately two field days per week from February through May, then weekly through summer to count and map the occurrence of, at the least, Upland Plover, Grasshopper Sparrow, Northern Harrier, and Short-eared Owl.

**Task 4. Field Study of salamander dispersion, aimed at identifying important upland habitats of salamanders (timing and cost determined based on larval study results during June).**

Under license from NYS DEC this study employs trapping (both types) to define the directions and distances to which out-bound salamanders go after leaving the ponds. During this season, this study can only be applied to young-of-the-year (larvae metamorphose into juveniles that wander out away from the ponds during the summer.

**a. Drift fence/trapping program involves two types of trap used in combination or separately (good results come from both methods, better results when combined):**

**Minnow traps:** small wire cage traps set in strategic places around habitat, checked twice daily if set 24 hrs. The frequency of trapping sessions will be at least two three-day sessions during March-April, and more may be required depending on results (if there are no captures, a third session is recommended to assure the regulatory agencies that results are bona fide). The budget below reflects sessions during March-April.

**Drift fence/bucket traps:** Fences constructed of aluminum or polypropylene are set across migration routes to and from ponds, with trap buckets dug into ground level every 25-40 feet, depending on topography. The frequency of trapping sessions will be determined by field and weather conditions.

**Task 5. Field Study of all wildlife habitats to understand relationships between all portions of EPCAL within the Fence.**

This study employs all methods listed above to identify priority areas at EPCAL for Open Space conservation for the long term that blends all prospective development activities.

**Task 6. Reports on Findings:** Scientific reports and SEQRA documentation and meetings, supported by an academic literature review and field data sheets of observations covering salamanders and birds species found to be important at the site. The reports will include color photographs of each specimen captured or species observed, including biotic data on the animals, and all field data sheets concerning environmental parameters will be synthesized and reported. The Task work products are:

- 6a. Data logging all species
- 6b. GIS Mapping all species habitats
- 6c. Salamander ecology report, NYS DEC license reporting
- 6d. Bird ecology report, NYS DEC observation records

**Personnel**

Project Manager: Dr. R.W. Abrams, CEP  
 Field Ecologists: Ms. S.E. Ner, MS; Eric Heimbauer, BS

Field research crew will always be at least two persons.

**Budget:** The following are **estimated costs** to complete all tasks on the ponds:

| <b>Tasks</b>  | <b>Work Plan</b>                  | <b>Cost \$</b>    |
|---------------|-----------------------------------|-------------------|
| <b>Task 1</b> | Migratory herps and egg searching | 26,200            |
| <b>Task 2</b> | Larval herp study                 | 12,200            |
| <b>Task 3</b> | Bird study                        | 25,000            |
| <b>Task 4</b> | Salamander migration              | 16,250            |
| <b>Task 5</b> | Open Space habitat mapping        | 8,500             |
| <b>Task 6</b> | Reports, SEQRA documentation      | 16,500            |
| <b>Total</b>  | <b>Estimated costs</b>            | <b>\$ 104,650</b> |

The results of field research are always dependent on environmental conditions beyond our control. Any changes to the Work Plan or costs will be discussed with you prior to occurring.

If the terms of this agreement are acceptable, please execute below to initiate the work. Thank you for your consideration.

Sincerely,

*Ron Abrams*

Dr. R.W. Abrams, CEP

Accepted \_\_\_\_\_ Date \_\_\_\_\_ 2008

*Disclaimer: All work provided under this agreement is at the discretion of the client and performed according to best professional judgment following currently accepted standards and ethics of the Academy of Board Certified Environmental Professionals. No direct or implied guaranty is offered concerning the decisions or opinions offered by government agencies in response to submittals by Dru Associates, Inc., other than those inherent in performing ecological research according to prevailing academic standards. If you have questions concerning discretionary issues of wetland and ecological science please direct them to Dr. R.W. Abrams before accepting this proposal.*

July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

**2009 CHIPS RECONSTRUCTION  
ROAD IMPROVEMENT PROJECT**

**BUDGET ADOPTION**

**RESOLUTION # 703**

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

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

|                         |                                 | <u>FROM</u> | <u>TO</u> |
|-------------------------|---------------------------------|-------------|-----------|
| 451.053589.492500.45110 | CHIPS                           | 230,000     |           |
| 451.051100.523030.45110 | CHIPS - Road Reconstruction Imp |             | 230,000   |

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No



July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

RESOLUTION # 704

**RESCINDS TOWN BOARD RESOLUTION #624**

**REAUTHORIZES BUDGET ADOPTION**

**OF SALT BARN CONSTRUCTION**

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> |
|---|-------------|-----------|
| 406.095710.494200.40198    Serial Bond Proceeds | 600,000     |           |
| 406.051120.522100.40198    Construction         |             | 528,000   |
| 406.051120.543505.40198    Engineering          |             | 72,000    |

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No                  Blass  Yes  No

Cardinale  Yes  No

July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

**2009 RECREATION CAPITAL IMPROVEMENT PROJECT**

**BUDGET ADJUSTMENT**

**RESOLUTION # 705**

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY.

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

|                         |                                       | <u>FROM</u> | <u>TO</u> |
|-------------------------|---------------------------------------|-------------|-----------|
| 406.095031.481900.70900 | Special Trust Transfers               | 2,575       |           |
| 406.071100.523029.70900 | Fence Installation Impr – Stozky Park | 3,200       |           |
| 406.071100.523015.70900 | Basketball Court Impr – Horton Ave    |             | 5,775     |

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 706**

**Authorizes Amendment to CDBG Program**

**COUNCILMAN DUNLEAVY**

offered the following resolution,

which was seconded by **COUNCILMAN WOOTEN**

**WHEREAS**, the Town of Riverhead desires to amend its FY 2007 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, which notice was published in the News Review on Thursday, May 28, 2009; and

**WHEREAS**, no comments were submitted in response to the notice of amendment for transfer of funds and budget modification.

**THEREFORE, BE IT RESOLVED**, that the Town Board authorizes the following changes to its Community Development Block Grant Program:

| <u>Year 2007</u>                       | <u>Current</u> | <u>Change</u>  | <u>Amended Budget</u> |
|--|----------------|----------------|-----------------------|
| Carriage House Renovations             | \$75,000.00    | (-\$53,200.00) | \$21,800.00           |
| <u>Year 2007</u>                       | <u>Current</u> | <u>Change</u>  | <u>Amended Budget</u> |
| East End Art Council Site Improvements | \$0.00         | +\$43,200.00   | \$43,200.00           |
| Downtown Pedestrian Safety Improvement | \$0.00         | +\$10,000.00   | \$10,000.00           |

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

**WOOTEN** ✓ yes \_\_\_ no  
**DUNLEAVY** ✓ yes \_\_\_ no      **BLASS** ✓ yes \_\_\_ no  
**CARDINALE** ✓ yes \_\_\_ no  
**THIS RESOLUTION** ✓ is \_\_\_ is not  
**DECLARED DULY ADOPTED**

July 21, 2009

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 707

APPROVES MEMORANDUM OF AGREEMENT

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

RESOLVED, that this Town Board hereby ratifies and approves the provisions of the Memorandum of Agreement by and between the Civil Service Employees Association and the Town of Riverhead dated July 7, 2009; and

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

THE VOTE

WOOTEN  yes \_\_\_ no  
DUNLEAVY  yes \_\_\_ no      BLASS  yes \_\_\_ no  
CARDINALE  yes \_\_\_ no

THE RESOLUTION  WAS \_\_\_ WAS NOT

THEREFORE DULY ADOPTED

7/21/09

Adopted

TOWN OF RIVERHEAD

Resolution # 708

**RATIFIES THE APPOINTMENT OF A  
RECREATION SPECIALIST LEVEL I TO THE  
RECREATION DEPARTMENT**

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

**RESOLVED**, that Maria Dounelis is hereby appointed as a Recreation Specialist Level I to the Recreation Department effective July 10th, 2009 to serve as needed on an at will basis and to be paid at the rate of \$20.00 an hour and to serve at the pleasure of the Town Board.

**BE IT FURTHER, RESOLVED**, that these positions are subject to the following conditions:

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

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

WOOTEN  yes  no

DUNLEAVY  yes  no

BLASS  yes  no

CARDINALE  yes  no

THIS RESOLUTION  is  is not  
DECLARED DULY ADOPTED

<sup>1</sup> Rec. Jim: Res Maria Dounelis -09

7/21/09

Adopted

**TOWN OF RIVERHEAD**

Resolution # 709

**RATIFIES THE APPOINTMENT OF A CALL-IN BUS DRIVER  
TO THE RIVERHEAD RECREATION DEPARTMENT**

COUNCILMAN DUNLEAVY

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

which was seconded by COUNCILMAN WOOTEN

**RESOLVED**, that Noel Ehlers is hereby appointed to serve as a Call-In Bus Driver, Level 2 effective July 8, 2009 to serve as needed on an at-will basis and to be paid at the rate of \$12.60 per hour, and to serve at the pleasure of the Town Board; and

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

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

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

WOOTEN  yes  no

DUNLEAVY  yes  no

BLASS  yes  no

CARDINALE  yes  no

**THIS RESOLUTION**  **is** \_\_\_\_\_ **is not**  
**DECLARED DULY ADOPTED**

<sup>1</sup> Rec.Kelly/ResBusDriver.Ehlers

7/21/09

TOWN OF RIVERHEAD

Resolution # 710

APPOINTS A RECREATION SPECIALIST LEVEL I TO THE RECREATION DEPARTMENT

COUNCILMAN WOOTEN

offered the following resolution,

COUNCILWOMAN BLASS

which was seconded by

RESOLVED, that Justin White is hereby appointed as a Recreation Specialist Level I to the Recreation Department effective July 21st, 2009 to serve as needed on an at will basis and to be paid at the rate of \$20.00 an hour and to serve at the pleasure of the Town Board.

BE IT FURTHER, RESOLVED, that these positions are subject to the following conditions:

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

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

Wooten, Dunleavy, Blass, and Cardinale signatures with 'yes' checked, and resolution declaration 'is' checked.

1 Rec. Jim: Res Justin White -09

July 21, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 711

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD FOR OPEN SPACE/PARK PRESERVE COMMITTEE MEMBERS**

COUNCILWOMAN BLASS

offered the following resolution, which was

seconded by COUNCILMAN DUNLEAVY.

**BE IT RESOLVED**, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the July 30, 2009 issue of the New Review, the newspaper hereby designated as the official newspaper for this purpose; and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

## **HELP WANTED**

**PLEASE TAKE NOTICE**, that the Town of Riverhead is seeking qualified individuals to serve on the Open Space/Park Preserve Committee. Applicants must be interested in identifying lands for acquisition by the Town and preserved as open space and recommending utilization, maintenance and management of lands owned or acquired by the Town. Individuals with knowledge of fragile areas and protection of rare or endangered species are encouraged to submit a letter of interest. Letters of interest are to be submitted to the Town Board, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 am and 4:30 pm Monday through Friday.

BY ORDER OF:  
THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK

July 21, 2009

Adopted

TOWN OF RIVERHEAD

Resolution No. 712

**APPOINTS MEMBER TO RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY**

COUNCILMAN DUNLEAVY offered the following resolution which was seconded by

COUNCILMAN WOOTEN :

**WHEREAS**, the Riverhead Industrial Development Agency is a public benefit corporation established by Senate Bill #6036 by Chapter 624 of the Laws of 1980 which became effective the 26<sup>th</sup> day of June, 1980; and

**WHEREAS**, in compliance with General Municipal Law Section 856, the Town Board of the Town of Riverhead filed a certificate of membership in the Office of the Secretary of State; and

**WHEREAS**, pursuant to General Municipal Law Section 856, the Industrial Development Agency may be composed of up to seven (7) members, whose members serve at the pleasure of the appointing authority; and

**WHEREAS**, there currently exists one vacant position on the Industrial Development Agency; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby appoints Paul Thompson to fill the vacant position on the Riverhead Industrial Development Agency effective immediately; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Paul Thompson, 107 Youngs Avenue, Calverton, NY 11933; and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

July 21, 2009

Adopted

Town of Riverhead

Resolution # 713

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

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

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

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

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

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

**WHEREAS**, the County of Suffolk and the Town of Riverhead intends to augment the Empire Zone boundaries to encourage industrial and commercial development and to allow for the creation of an additional designated area in the Town of Huntington (approximately 13.7 acres) for a *Regionally Significant Project* in an area outside the separate and distinct contiguous areas which will not affect the current 1280 acres within the zone; and

**WHEREAS**, Merchant Services, Inc located at 515 Broadhollow Road, Melville, New York; meets the criteria of 957 (d) of the general municipal law as regionally significant project by creating 300 new jobs for inclusion within the Suffolk County/Town of Riverhead Empire Zone; and

**WHEREAS**, the Town of Riverhead wishes to support and concur with the Empire Zone Board of Directors' designation of Merchant Services, Inc at SCTM #0400-268.00-01.00-019.000 as *Regionally Significant Project*; and

**NOW, THEREFORE**, be it resolved that the Town Board, in its capacity as governing body of the Town of Riverhead, does hereby support and concur with the Suffolk County/Town of Riverhead Empire Zone Board to include Merchant Services, Inc located within the property referred to as SCTM#0400-268.00-01.00-019.000.

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

|                          |                        |                               |
|--------------------------|------------------------|-------------------------------|
| Member Blass <u>✓</u>    | <b><u>The Vote</u></b> | Member Wooten <u>✓</u>        |
| Member Dunleavy <u>✓</u> |                        | Supervisor Cardinale <u>✓</u> |

Empire Zone/TS 07/02/09

✓

TOWN OF RIVERHEAD

Tabled

Resolution # 714

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

COUNCILWOMAN BLASS

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

COUNCILMAN DUNLEAVY

:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", §108-3 of the Riverhead Town Code entitled "Definitions", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES \_\_\_ NO    DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 1<sup>st</sup> day of September, 2009 at 2:10 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-3 entitled "Definitions", of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING  
ARTICLE I  
General Provisions

STRUCTURE -- A combination of materials, other than a building, forming a construction ~~that is safe and stable for use, occupancy or ornamentation, whether installed on, above or below the surface of land or water.~~ Excluded shall be For purposes of this definition, a "structure" shall not include a combination of such materials having a total floor area of less than 50 square feet ~~and which is used for purposes provided the use is for other than a family dwelling unit,~~ storage, business, farm or industrial purposes. Also excluded shall be fences four feet or less in height in a front yard and six feet or less in height elsewhere on a lot.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

7/21/09

Adopted

TOWN OF RIVERHEAD

Resolution # 715

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING" (§108-56 Signs.)**

COUNCILMAN DUNLEAVY

offered the following resolution,

which was seconded by COUNCILMAN WOOTEN:

**RESOLVED**, that the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-56 Signs) once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

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

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not

Therefore Duly Adopted

**TOWN OF RIVERHEAD  
NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at the George Young Community Center, South Jamesport Avenue, Jamesport, New York on the 18th day of August, 2009 at 7:25 o'clock p.m. to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-56 Signs) as follows:

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

**§108-56. Signs.**

(2) Residential property real estate signs. Real estate signs advertising the sale, rental, or lease of residential real estate are permitted, provided that:

(e) Said sign(s) may be erected by a licensed real estate broker or by the individual property owner. Said sign(s) may be erected by a licensed real estate broker who has paid the ~~an established~~ annual fee of \$200.00 to the Building Department. Erection of such signage by the individual owner of the property shall require a deposit of \$100 per sign, paid to the Building Department, to be refunded upon removal of the sign by the applicant.

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

Dated: Riverhead, New York  
July 21, 2009

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

**DIANE M. WILHELM, Town Clerk**

July 21, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 716

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", §108-64.5 of the Riverhead Town Code entitled "Bed-and-breakfast facilities", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES \_\_\_ NO      DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 1<sup>st</sup> day of September, 2009 at 2:15 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-64.5 entitled "Bed-and-breakfast facilities", of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING  
ARTICLE XIII  
Supplementary Use Regulations

**§ 108-64.5. Bed-and-breakfast facilities.**

The Town Board, in its consideration of bed-and-breakfast facilities, shall incorporate the special permit requirements of § 108-3 of this chapter and shall require the following:

- A. The bed-and-breakfast use shall be an accessory use to a one family dwelling and shall be located within the one family dwelling ~~the principal use~~ in residential, commercial and agricultural zoning use districts.
- B. The use in all districts allowed under this section shall be exclusively owner-occupied single-family housing. "Owner-occupied single one-family dwelling" ~~housing~~ shall mean a person's you're an individual's legal primary residence as defined in the federal and state tax laws, with proof of real estate ownership/title of said premises and property.
- C. The structure shall maintain the character of a one family dwelling. A dwelling which is converted to include a bed-and-breakfast facility must maintain the appearance of a one-family dwelling such that there shall be no structural change in the exterior of the dwelling, except as may be necessary for purposes of safety in accordance with the New York State Building Code.
- D. The residence shall be the primary residence of the owner, who is also the operator.
- ~~E.~~ All one-family dwellings ~~Residential buildings~~ incorporating bed-and-breakfast as an accessory use shall be a minimum of 2,000 square feet in living area.
- ~~F.~~ The maximum number of rented rooms permitted in a bed-and-breakfast shall be limited to five and ~~The~~ length of stay within a bed-and-breakfast shall be a maximum duration of one two weeks or 14 consecutive days ~~or seven consecutive days,~~ and ~~Documentation~~ verifying the length of stay of each guest, such as a registration ledger or receipts, will

be made available to the Code Enforcement Officer or the Building Department upon request.

EG. The only meal served shall be breakfast and it shall be served only to guests of the bed-and-breakfast facility.

H. The use of amenities provided by the bed-and-breakfast, such as outdoor areas and gardens, swimming pool or tennis court, shall be restricted in use to the overnight guests and permanent residents of the facility.

I. ~~Cooking facilities shall be restricted from use~~ prohibited in guest bedrooms.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 21, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 717

**RESCINDS RESOLUTION NO. 684 ADOPTED AT THE JULY 7, 2009  
TOWN BOARD MEETING ENTITLED "EXTENDS BID CONTRACT FOR  
LANDSCAPING ITEMS FOR THE TOWN OF RIVERHEAD"**

COUNCILWOMAN BLASS

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

COUNCILMAN DUNLEAVY

by \_\_\_\_\_:

**WHEREAS**, the Town Board, by Resolution # 790 adopted on August 21, 2007, awarded a bid for Landscaping Items; and

**WHEREAS**, said bid contract was for a period of one year; and

**WHEREAS**, on July 15, 2008 the Town Board adopted Resolution No. 639 extending the bid contract with Ivy Acres, Inc. under identical terms and conditions for an additional year; and

**WHEREAS**, on July 7, 2009 the Town Board adopted Resolution No. 648 extending the bid contract for a second extension; and

**WHEREAS**, the Purchasing Department had requested that Resolution No. 684 extending the bid contract be withdrawn based upon New York State General Municipal Law §103 as such provision of law requires that municipal contracts subject to competitive bidding requirements such as the one referred to herein cover a reasonable time period and reasonable extensions beyond the initial term, may be granted by the municipality under identical terms and conditions. Municipal contracts for unreasonably long terms or indefinite terms are of questionable validity and the law further provides that any contract awarded in violation of bidding requirements is void and unenforceable; and

**WHEREAS**, the extension of the bid contract set forth in Resolution No. 648 would grant vendor an unreasonably long term such that the extension unfairly and unreasonably prohibits potential vendors from participating in the competitive bid process to the detriment of taxpayers; and

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 684 adopted by the Town Board at its July 7, 2009 Town Board meeting is hereby rescinded pursuant to New York State General Municipal Law §103; and be it further

**RESOLVED**, that the Engineering Department shall draft bid packets and specifications, together with Notice to Bidders such that a resolution may be presented to the Town Board for public notice; and be it further

**RESOLVED**, the Town Clerk is hereby directed to forward a copy of this Resolution to Ivy Acres, Inc., 1675 Edwards Avenue, Baiting Hollow, NY 11933, Purchasing Department, Deputy Supervisor and Engineering Department; and be it further

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

WOOTEN  YES  NO    DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

TOWN OF RIVERHEAD

Adopted

Resolution # 718

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 entitled "Zoning", §108-3 of the Riverhead Town Code entitled "Definitions", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES \_\_\_ NO      DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 1<sup>st</sup> day of September, 2009 at 2:20 o'clock p.m. to consider a local law amending Chapter 108 entitled "Zoning", §108-3 entitled "Definitions", of the Riverhead Town Code as follows:

CHAPTER 108  
ZONING  
ARTICLE I  
General Provisions

**BED-AND-BREAKFAST** -- A ~~structure~~use accessory to and located within a one family dwelling where rooms are rented to guests for a maximum stay of two weeks and where ~~meals~~ breakfast produced on premises shall only be provided to those individuals staying at the bed-and-breakfast. The maximum number of rented rooms permitted in a bed-and-breakfast shall be limited to five.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

7/21/09

Adopted

TOWN OF RIVERHEAD

Resolution # 719

**APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS  
(Beer and Wine Festival)**

**COUNCILMAN WOOTEN**

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

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

**WHEREAS**, on June 18, 2009, Martha Clara Vineyards had submitted a Chapter 90 Application for the purpose of conducting an event entitled "Beer and Wine Festival" to be held at their premises located at 6025 Sound Avenue, Riverhead, New York, between the hours of 1:00 p.m. and 6:00 p.m. on Saturday, August 8, 2009; and

**WHEREAS**, Martha Clara Vineyards has submitted and completed a Short Environmental Assessment Form pursuant to 6 NYCRR Part 617, identifying the potential adverse environmental impacts of the event; and

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

**WHEREAS**, the appropriate Chapter 90 application fee has been paid.

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

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

**RESOLVED**, that the Chapter 90 Application of Martha Clara Vineyards for the purpose of conducting an event entitled "Beer and Wine Festival" to be held at their premises located at 6025 Sound Avenue, Riverhead, New York, between the hours of 1:00 p.m. and 6:00 p.m. on Saturday, August 8, 2009 is hereby approved; and be it further

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts., Chapter 108-56 - "Signs", and any other section of the Riverhead Town Code that may pertain to this event; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Martha Clara Vineyards, 6025 Sound Avenue, Riverhead, New York, 11901, to the attention of Nancy Bartow; and be it further

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

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Therefore Duly Adopted

July 21, 2009

TOWN OF RIVERHEAD

Resolution # 720

Tabled

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED  
"ZONING" OF THE RIVERHEAD TOWN CODE  
(ARTICLE XXXI – Open Space Conservation District)**

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

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

**WHEREAS**, a public hearing was held on the 7<sup>th</sup> day of July, 2009 at 2:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW, THEREFORE, BE IT RESOLVED**, that a local law amending Chapter 108 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 be and is hereby authorized to publish the attached notice of adoption once in the News Review, the official newspaper, and to post same on the signboard at Town Hall; and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled "Zoning" of the Riverhead Town Code at its regular meeting held on July 7, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 108  
ZONING  
ARTICLE XXXI  
Open Space Conservation District**

**§108-150. Purpose.**

It is the purpose of the Open Space Conservation District to provide for the conservation and preservation of lands within the Town of Riverhead, whether in public or private ownership, which are open areas of significant environmental importance and which are may be wholly exempt or have nontaxable status. The Town Board, in order to implement the provisions of the Town's Comprehensive Plan, shall determine the significance of parcels of open space and thereby determine the inclusion of those parcels in the Open Space Conservation District.

**§108-151. Uses.**

In the Open Space Conservation District, no building, structure or premises shall be used, arranged or designed to be used and no structure shall hereafter be erected, reconstructed or altered unless otherwise provided for in this chapter, except for ~~two of~~ the following special permit uses or special permitted accessory uses:

A. Special permit uses. All special permit uses set forth herein shall be subject to the approval of the Town Board, pursuant to ~~the definition of site plan in §108-3 of this chapter~~ Article XXVIA of this chapter. Special permit uses are as follows:

~~(1) Those structures which are considered customary to the prevailing use. This shall include but not be limited to golf clubhouses, tennis clubhouses, bath houses, park administration buildings, camp houses, maintenance buildings, utility shops, central heating and power plants and fully enclosed storage.~~

(1) Public Parks & Recreational Areas

(2) Camps

(3) Single family residence

(4) Agricultural production

(5) Reforestation land or other conservation purposes recognized and approved by local and regional authorities.

B. Special permit accessory uses or structures. All special permit accessory uses or structures set forth herein shall be subject to the approval of the Town Board pursuant to Article XXVIA of this chapter. Special permit accessory uses or structures are as follows:

(1) Those uses or structures which are customarily incidental and subordinate to the principal building or use and located on the same lot as such principal building or use and shall include such uses as bath houses, park administration buildings, camp houses, maintenance buildings and fully enclosed storage facilities related to the principal specially permitted uses.

**§108-152. Special requirements.**

~~A. Pursuant to Article XXVI of this chapter, all uses shall require site plan approval.~~

~~B. Signage shall conform to the provisions of §108-56 of this chapter.~~

~~C. All development in the Open Space Conservation District shall conform to the screening and buffer requirements set forth in §108-64.1 of this chapter.~~

**§108-152. General lot, yard, bulk and height requirements.**

No buildings shall be erected nor any lot or land area utilized unless in conformity with the Zoning Schedule incorporated into this chapter by reference and made a part hereof with the same force and effect as if such requirements were herein set forth in full as specified in said schedule, except as may be hereafter specifically modified.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

Adopted

7/21/09

AUTHORIZES TOWN SUPERVISOR TO EXECUTE SEWER EASEMENT AGREEMENT

RESOLUTION NO. 721

ADOPTED

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

WHEREAS, property owned by Irwin L. Garsten located at Route 58, Riverhead, New York, more particularly described in Exhibit A attached hereto is connecting to the Riverhead Sewer District, and

WHEREAS, to provide for future extensions as may be required an easement is necessary.

NOW, THEREFORE, BE IT RESOLVED, that the Town Supervisor be and is hereby authorized to execute the attached Sewer Easement Agreement and necessary recording documents; and

BE IT FURTHER RESOLVED, the Town Clerk be and is hereby authorized to forward a copy of this resolution to Riverhead Sewer District Superintendent Michael Reichel, , Peter Danowski, Esq., and Frank Isler, Esq.

THIS RESOLUTION PREPARED BY FRANK ISLER, ESQ., FOR THE RIVERHEAD SEWER DISTRICT

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

**SEWER EASEMENT AGREEMENT**

THIS AGREEMENT, made this 10<sup>th</sup> day of July, 2009, between IRWIN L. GARSTEN, residing at 1375 Old Country Road, Riverhead, NY 11901, party of the first part, and THE TOWN OF RIVERHEAD, a municipal corporation with offices at 200 Howell Avenue, Riverhead, NY 11901, with the Town Board acting for and as governing body of the Riverhead Sewer District, party of the second part,

**W I T N E S S E T H :**

The party of the first part hereby grants to the party of the second part, its successors and assigns, a perpetual easement and right-of-way to lay, maintain, repair and operate a pipeline for the transmission of sewage under and through premises of the party of the first part lying and being at Route 58, Riverhead, Town of Riverhead, County of Suffolk and State of New York, more particularly included in and described on Exhibit A attached hereto and made a part hereof.

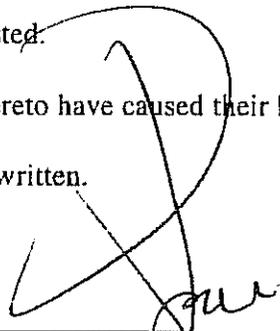
The said party of the first part, its successors and assigns, retain unto themselves to fully enjoy the said premises EXCEPT for purposes hereinbefore granted to the party of the second part.

This grant and easement shall, at all times, be deemed to be a continuing covenant running with the land and shall be binding upon the successors and assigns of the party of the first part herein, but shall never be construed as a road or highway dedication.

At all times that the party of the second part, whether in laying, maintaining or repairing said pipeline, disturbs the surface area, whether paved or unpaved, or said

rights-of-way, it shall be the obligation of the party of the second part to restore said areas to the condition in which they previously existed.

**IN WITNESS WHEREOF**, the parties hereto have caused their hands and seals to be hereunto affixed the day and year first above written.

  
\_\_\_\_\_  
IRWIN L. GARSTEN

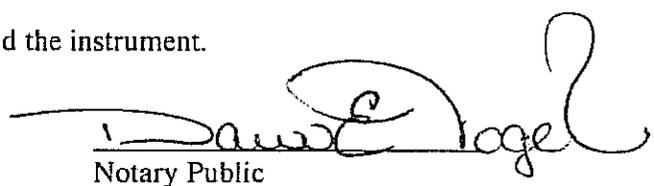
THE TOWN OF RIVERHEAD

By: \_\_\_\_\_  
Philip Cardinale, Supervisor

STATE OF NEW YORK )

COUNTY OF SUFFOLK ) ss.:

On the 6<sup>th</sup> day of July in the year 2009, before me, the undersigned, personally appeared IRWIN GARSTEN, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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

**DAWN E. VOGEL**  
Notary Public, State of New York  
No. 01VO0205186  
Qualified in Suffolk County  
Term Expires May 4, 2013

STATE OF NEW YORK )

COUNTY OF SUFFOLK ) ss.:

On the \_\_\_\_\_ day of \_\_\_\_\_ in the year 2009, before me, the undersigned, personally appeared PHILIP CARDINALE, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual or the person upon behalf of which the individual acted, executed the instrument.

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

EXHIBIT A

Apple Honda  
at Riverhead, Town of Riverhead  
Suffolk County, New York

Surveyor's Description - Proposed Easement

ALL that certain plot, piece or parcel of land with the buildings and improvements thereon erected, situate, lying and being at Riverhead, Town of Riverhead, County of Suffolk and State of New York, being a Proposed 10 Foot Wide Easement to Riverhead Water District, more particularly bounded and described as follows:

BEGINNING at a point on the southerly side of Old Country Road (C.R. 58), at the northeasterly corner of land now or formerly Riverhead Water District;

RUNNING thence from said point of beginning along the southerly side of Old Country Road (C.R. 58) the following two (2) courses and distances:

1. North 73 deg. 25 min. 30 sec. East 298.39 feet,
2. On the arc of a curve to the right having a radius of 545.89 feet for a distance of 66.98 feet to land now or formerly Heribert Obser;

RUNNING thence South 18 deg. 26 min. 00 sec. East along land now or formerly Heribert Obser 10.14 feet to a point;

RUNNING thence through land of the party of the first part the following two (2) courses and distances:

1. On the arc of a curve to the left having a radius of 535.89 feet for a distance of 67.39 feet,
2. South 73 deg. 25 min. 30 sec. West 297.99 feet to land now or formerly Riverhead Water District;

RUNNING thence North 18 deg. 44 min. 40 sec. West along land now or formerly Riverhead Water District 10.01 feet to the point or place of Beginning.



# Combined Real Estate Transfer Tax Return, Credit Line Mortgage Certificate, and Certification of Exemption from the Payment of Estimated Personal Income Tax

Recording office time stamp

See Form TP-584-I, Instructions for Form TP-584, before completing this form. Please print or type.

**Schedule A — Information relating to conveyance**

|   |   |   |
|---|---|---|
| Grantor/Transferor<br><input checked="" type="checkbox"/> Individual<br><input type="checkbox"/> Corporation<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Estate/Trust<br><input type="checkbox"/> Other | Name (if individual; last, first, middle initial)<br><b>Garsten, Irwin L.</b> | Social security number<br><b>102-22-8812</b>        |
|   | Mailing address<br><b>1375 Old Country Road</b>                               | Social security number                              |
|   | City State ZIP code<br><b>Riverhead NY 11901</b>                              | Federal employer ident. number                      |
| Grantee/Transferee<br><input type="checkbox"/> Individual<br><input type="checkbox"/> Corporation<br><input type="checkbox"/> Partnership<br><input type="checkbox"/> Estate/Trust<br><input checked="" type="checkbox"/> Other | Name (if individual; last, first, middle initial)<br><b>Town of Riverhead</b> | Social security number                              |
|   | Mailing address<br><b>200 Howell Ave.</b>                                     | Social security number                              |
|   | City State ZIP code<br><b>Riverhead NY 11901</b>                              | Federal employer ident. number<br><b>11-6001935</b> |

Location and description of property conveyed

| Tax map designation |       |          | Address               | City/village | Town      | County  |
|---------------------|-------|----------|-----------------------|--------------|-----------|---------|
| Section             | Block | Lot      |                       |              |           |         |
| 108                 | 02    | p/o<br>8 | 1375 Old Country Road | Riverhead    | Riverhead | Suffolk |

Type of property conveyed (check applicable box)

|   |  |  |   |
|---|--|--|---|
| 1 <input type="checkbox"/> One- to three-family house<br>2 <input type="checkbox"/> Residential cooperative<br>3 <input type="checkbox"/> Residential condominium<br>4 <input type="checkbox"/> Vacant land | 5 <input checked="" type="checkbox"/> Commercial/Industrial<br>6 <input type="checkbox"/> Apartment building<br>7 <input type="checkbox"/> Office building<br>8 <input type="checkbox"/> Other _____ | Date of conveyance<br><div style="border: 1px solid black; width: 100px; height: 20px; margin: 5px 0;"></div> month day year | Percentage of real property conveyed which is residential real property _____%<br><i>(see instructions)</i> |
|---|--|--|---|

Condition of conveyance (check all that apply)

- |  |  |   |
|--|--|---|
| a. <input type="checkbox"/> Conveyance of fee interest<br><br>b. <input type="checkbox"/> Acquisition of a controlling interest (state percentage acquired _____%)<br><br>c. <input type="checkbox"/> Transfer of a controlling interest (state percentage transferred _____%)<br><br>d. <input type="checkbox"/> Conveyance to cooperative housing corporation<br><br>e. <input type="checkbox"/> Conveyance pursuant to or in lieu of foreclosure or enforcement of security interest (attach Form TP-584.1, Schedule E) | f. <input type="checkbox"/> Conveyance which consists of a mere change of identity or form of ownership or organization (attach Form TP-584.1, Schedule F)<br><br>g. <input type="checkbox"/> Conveyance for which credit for tax previously paid will be claimed (attach Form TP-584.1, Schedule G)<br><br>h. <input type="checkbox"/> Conveyance of cooperative apartment(s)<br><br>i. <input type="checkbox"/> Syndication<br><br>j. <input type="checkbox"/> Conveyance of air rights or development rights<br><br>k. <input type="checkbox"/> Contract assignment | l. <input type="checkbox"/> Option assignment or surrender<br><br>m. <input type="checkbox"/> Leasehold assignment or surrender<br><br>n. <input type="checkbox"/> Leasehold grant<br><br>o. <input type="checkbox"/> Conveyance of an easement<br><br>p. <input type="checkbox"/> Conveyance for which exemption from transfer tax claimed (complete Schedule B, Part III)<br><br>q. <input type="checkbox"/> Conveyance of property partly within and partly outside the state<br><br>r. <input checked="" type="checkbox"/> Other (describe) <b>Sewer Easement Agreement</b> |
|--|--|---|

|                             |  |               |                          |
|-----------------------------|--|---------------|--------------------------|
| For recording officer's use | Amount received<br>Schedule B., Part I \$ _____<br>Schedule B., Part II \$ _____ | Date received | Transaction number _____ |
|-----------------------------|--|---------------|--------------------------|

**Schedule B — Real estate transfer tax return (Tax Law, Article 31)**

**Part I — Computation of tax due**

|   |   |    |       |
|---|---|----|-------|
| 1 | Enter amount of consideration for the conveyance (if you are claiming a total exemption from tax, check the exemption claimed box, enter consideration and proceed to Part III) <input type="checkbox"/> <b>Exemption claimed</b> | 1. | - 0 - |
| 2 | Continuing lien deduction (see instructions if property is taken subject to mortgage or lien)   | 2. |       |
| 3 | Taxable consideration (subtract line 2 from line 1)   | 3. |       |
| 4 | Tax: \$2 for each \$500, or fractional part thereof, of consideration on line 3   | 4. |       |
| 5 | Amount of credit claimed (see instructions and attach Form TP-584.1, Schedule G)  | 5. |       |
| 6 | Total tax due* (subtract line 5 from line 4)  | 6. | - 0 - |

**Part II — Computation of additional tax due on the conveyance of residential real property for \$1 million or more**

|   |  |    |  |
|---|--|----|--|
| 1 | Enter amount of consideration for conveyance (from Part I, line 1)   | 1. |  |
| 2 | Taxable consideration (multiply line 1 by the percentage of the premises which is residential real property, as shown in Schedule A) | 2. |  |
| 3 | Total additional transfer tax due* (multiply line 2 by 1% (.01))   | 3. |  |

**Part III — Explanation of exemption claimed on Part I, line 1 (check any boxes that apply)**

The conveyance of real property is exempt from the real estate transfer tax for the following reason:

- a. Conveyance is to the United Nations, the United States of America, the state of New York, or any of their instrumentalities, agencies, or political subdivisions (or any public corporation, including a public corporation created pursuant to agreement or compact with another state or Canada)..... a
- b. Conveyance is to secure a debt or other obligation..... b
- c. Conveyance is without additional consideration to confirm, correct, modify, or supplement a prior conveyance ..... c
- d. Conveyance of real property is without consideration and not in connection with a sale, including conveyances conveying realty as bona fide gifts..... d
- e. Conveyance is given in connection with a tax sale..... e
- f. Conveyance is a mere change of identity or form of ownership or organization where there is no change in beneficial ownership. (This exemption cannot be claimed for a conveyance to a cooperative housing corporation of real property comprising the cooperative dwelling or dwellings.) Attach Form TP-584.1, Schedule F..... f
- g. Conveyance consists of deed of partition ..... g
- h. Conveyance is given pursuant to the federal Bankruptcy Act..... h
- i. Conveyance consists of the execution of a contract to sell real property, without the use or occupancy of such property, or the granting of an option to purchase real property, without the use or occupancy of such property..... i
- j. Conveyance of an option or contract to purchase real property with the use or occupancy of such property where the consideration is less than \$200,000 and such property was used solely by the grantor as the grantor's personal residence and consists of a one-, two-, or three-family house, an individual residential condominium unit, or the sale of stock in a cooperative housing corporation in connection with the grant or transfer of a proprietary leasehold covering an individual residential cooperative apartment..... j
- k. Conveyance is not a conveyance within the meaning of Tax Law, Article 31, section 1401(e) (attach documents supporting such claim) ..... k
- l. Other (attach explanation) ..... l

\*Please make check(s) payable to the county clerk where the recording is to take place. If the recording is to take place in New York City, make check(s) payable to the **NYC Department of Finance**. If a recording is not required, send this return and your check(s) made payable to the **NYS Department of Taxation and Finance**, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule C — Credit Line Mortgage Certificate (Tax Law, Article 11)**

Complete the following only if the interest being transferred is a fee simple interest.

I (we) certify that: (check the appropriate box)

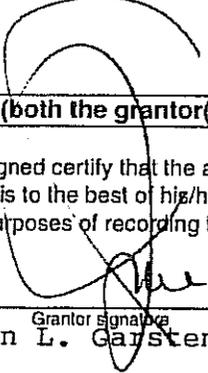
- 1.  The real property being sold or transferred is not subject to an outstanding credit line mortgage.
- 2.  The real property being sold or transferred is subject to an outstanding credit line mortgage. However, an exemption from the tax is claimed for the following reason:
  - The transfer of real property is a transfer of a fee simple interest to a person or persons who held a fee simple interest in the real property (whether as a joint tenant, a tenant in common or otherwise) immediately before the transfer.
  - The transfer of real property is (A) to a person or persons related by blood, marriage or adoption to the original obligor or to one or more of the original obligors or (B) to a person or entity where 50% or more of the beneficial interest in such real property after the transfer is held by the transferor or such related person or persons (as in the case of a transfer to a trustee for the benefit of a minor or the transfer to a trust for the benefit of the transferor).
  - The transfer of real property is a transfer to a trustee in bankruptcy, a receiver, assignee, or other officer of a court.
  - The maximum principal amount secured by the credit line mortgage is \$3,000,000 or more, and the real property being sold or transferred is not principally improved nor will it be improved by a one- to six-family owner-occupied residence or dwelling.

Please note: for purposes of determining whether the maximum principal amount secured is \$3,000,000 or more as described above, the amounts secured by two or more credit line mortgages may be aggregated under certain circumstances. See TSB-M-96(6)-R for more information regarding these aggregation requirements.

- Other (attach detailed explanation).
- 3.  The real property being transferred is presently subject to an outstanding credit line mortgage. However, no tax is due for the following reason:
  - A certificate of discharge of the credit line mortgage is being offered at the time of recording the deed.
  - A check has been drawn payable for transmission to the credit line mortgagee or his agent for the balance due, and a satisfaction of such mortgage will be recorded as soon as it is available.
- 4.  The real property being transferred is subject to an outstanding credit line mortgage recorded in \_\_\_\_\_ (insert liber and page or reel or other identification of the mortgage). The maximum principal amount of debt or obligation secured by the mortgage is \_\_\_\_\_. No exemption from tax is claimed and the tax of \_\_\_\_\_ is being paid herewith. (Make check payable to county clerk where deed will be recorded or, if the recording is to take place in New York City, make check payable to the NYC Department of Finance.)

**Signature (both the grantor(s) and grantee(s) must sign)**

The undersigned certify that the above information contained in schedules A, B, and C, including any return, certification, schedule, or attachment, is to the best of his/her knowledge, true and complete, and authorize the person(s) submitting such form on their behalf to receive a copy for purposes of recording the deed or other instrument effecting the conveyance.


Town of Riverhead  
 \_\_\_\_\_ By: \_\_\_\_\_  
 Irwin L. Garsten President Philip Cardinale Supervisor  
Grantor signature Title Grantee signature Title

Grantor signature Title Grantee signature Title

Reminder: Did you complete all of the required information in Schedules A, B, and C? Are you required to complete Schedule D? If you checked e, f, or g in Schedule A, did you complete Form TP-584.1? Have you attached your check(s) made payable to the county clerk where recording will take place or, if the recording is in New York City, to the NYC Department of Finance? If no recording is required, send your check(s), made payable to the Department of Taxation and Finance, directly to the NYS Tax Department, RETT Return Processing, PO Box 5045, Albany NY 12205-5045.

**Schedule D - Certification of exemption from the payment of estimated personal income tax (Tax Law, Article 22, section 663)**

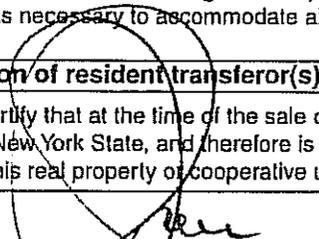
Complete the following only if a fee simple interest or a cooperative unit is being transferred by an individual or estate or trust.

**Part I - New York State residents**

If you are a New York State resident transferor(s)/seller(s) listed in Schedule A of Form TP-584 (or an attachment to Form TP-584), you must sign the certification below. If one or more transferors/sellers of the real property or cooperative unit is a resident of New York State, each resident transferor/seller must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all resident transferors/sellers.

**Certification of resident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) as signed below was a resident of New York State, and therefore is not required to pay estimated personal income tax under Tax Law, section 663(a) upon the sale or transfer of this real property or cooperative unit.

|   |                                     |                |
|---|-------------------------------------|----------------|
| Signature  | Print full name<br>Irwin L. Garsten | Date<br>7/6/09 |
| Signature   | Print full name                     | Date           |
| Signature   | Print full name                     | Date           |
| Signature   | Print full name                     | Date           |

**Note:** A resident of New York State may still be required to pay estimated tax under Tax Law, section 685(c), but not as a condition of recording a deed.

**Part II - Nonresidents of New York State**

If you are a nonresident of New York State listed as a transferor/seller in Schedule A of Form TP-584 (or an attachment to Form TP-584) but are not required to pay estimated personal income tax because one of the exemptions below applies under Tax Law, section 663(c), check the box of the appropriate exemption below. If any one of the exemptions below applies to the transferor(s)/seller(s), that transferor(s)/seller(s) is not required to pay estimated personal income tax to New York State under Tax Law, section 663. Each nonresident transferor/seller who qualifies under one of the exemptions below must sign in the space provided. If more space is needed, please photocopy this Schedule D and submit as many schedules as necessary to accommodate all nonresident transferors/sellers.

If none of these exemption statements apply, you must complete Form IT-2663, *Nonresident Real Property Estimated Income Tax Payment Form*, or Form IT-2664, *Nonresident Cooperative Unit Estimated Income Tax Payment Form*. For more information, see *Payment of estimated personal income tax*, on page 1 of Form TP-584-I.

**Exemption for nonresident transferor(s)/seller(s)**

This is to certify that at the time of the sale or transfer of the real property or cooperative unit, the transferor(s)/seller(s) (grantor) of this real property or cooperative unit was a nonresident of New York State, but is not required to pay estimated personal income tax under Tax Law, section 663 due to one of the following exemptions:

- The real property or cooperative unit being sold or transferred qualifies in total as the transferor's/seller's principal residence (within the meaning of Internal Revenue Code, section 121) from \_\_\_\_\_ Date to \_\_\_\_\_ Date (see instructions).
- The transferor/seller is a mortgagor conveying the mortgaged property to a mortgagee in foreclosure, or in lieu of foreclosure with no additional consideration.
- The transferor or transferee is an agency or authority of the United States of America, an agency or authority of the state of New York, the Federal National Mortgage Association, the Federal Home Loan Mortgage Corporation, the Government National Mortgage Association, or a private mortgage insurance company.

|           |                 |      |
|-----------|-----------------|------|
| Signature | Print full name | Date |
| Signature | Print full name | Date |
| Signature | Print full name | Date |
| Signature | Print full name | Date |

July 21, 2009

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 722

**AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR BIDS ON A USED 1981 MACK MODEL RM CAB AND CHASSIS WITH A COMBINATION DUMP BODY OR EQUAL**

COUNCILMAN WOOTEN OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY COUNCILWOMAN BLASS.

**RESOLVED**, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of a **USED 1981 MACK MODEL RM CAB AND CHASSIS WITH A COMBINATION DUMP BODY or EQUAL** for the use of the Town of Riverhead Highway Department, **AND BE IT,**

**RESOLVED**, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to **11:00 A.M.** on **August 10, 2009,** **AND BE IT FURTHER,**

**RESOLVED**, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on **August 10, 2009** at **11:00 A.M.** at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation **"Bid on a Used 1981 Mack Model RM Cab and Chassis with Combination Dump Body or Equal"**.

DUNLEAVY ✓ YES \_\_\_ NO    WOOTEN ✓ YES \_\_\_ NO  
BLASS ✓ YES \_\_\_ NO  
CARDINALE ✓ YES \_\_\_ NO  
THIS RESOLUTION ✓ IS \_\_\_ IS NOT ADOPTED

NOTICE TO BIDDERS

Sealed bids for the purchase of a **“USED 1981 MACK MODEL RM CAB AND CHASSIS WITH COMBINATION DUMP BODY OR EQUAL”** for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:00A.M. on August 10, 2009.

Instructions for bidders, specifications and forms may be obtained on line at [www.riverheadli.com](http://www.riverheadli.com) or the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation **“Exceptions to the Specifications”**, and attached to the bid form.

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

All bids will be submitted in a sealed envelope bearing the designation **“BID on USED 1981 MACK MODEL RM CAB AND CHASSIS WITH COMBINATION DUMP BODY OR EQUAL”** and addressed to: TOWN CLERK, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
DIANE M. WILHELM, TOWN CLERK

Adopted

July 21, 2009

TOWN OF RIVERHEAD

RESOLUTION # 723

AUTHORIZES THE TOWN CLERK TO ADVERTISE FOR BIDS ON A JOHN DEERE MODEL 5525 TRACTOR with a CHEETAH 17.5' FLAIL BOOM MOWER OR EQUAL

COUNCILWOMAN BLASS OFFERED THE FOLLOWING

RESOLUTION WHICH WAS SECONDED BY COUNCILMAN DUNLEAVY.

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to advertise for sealed bids for the purchase of a JOHN DEERE MODEL 5525 TRACTOR with a CHEETAH 17.5' FLAIL BOOM MOWER OR EQUAL for the use of the Town of Riverhead Highway Department, AND BE IT,

RESOLVED, that the specifications and forms for bidding be prepared by the Superintendent of Highways, and all bids to be returnable up to 11:05 A.M. on August 10, 2009, AND BE IT FURTHER,

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby authorized to open publicly and read aloud on August 10, 2009 at 11:05 A.M. at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York, all sealed bids bearing the designation "Bid on a John Deere Model 5525 Tractor with a Cheetah 17.5' Flail Boom Mower or Equal".

DUNLEAVY ✓ YES \_\_\_ NO WOOTEN ✓ YES \_\_\_ NO  
BLASS ✓ YES \_\_\_ NO  
CARDINALE ✓ YES \_\_\_ NO  
THIS RESOLUTION ✓ IS \_\_\_ IS NOT ADOPTED

## NOTICE TO BIDDERS

Sealed bids for the purchase of a **“JOHN DEERE MODEL 5525 TRACTOR with a CHEETAH 17.5’ FLAIL BOOM MOWER OR EQUAL”** for the use of the Riverhead Highway Department will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York 11901 until 11:05A.M. on August 10, 2009.

Instructions for bidders, specifications and forms may be obtained on line at [www.riverheadli.com](http://www.riverheadli.com) or the office of the Town Clerk at the Town Hall Monday through Friday between the hours of 8:30 A.M. and 4:30 P.M.

All bids will be submitted on the bid form provided. Any and all exceptions to the specifications will be listed on a separate sheet of paper bearing the designation **“Exceptions to the Specifications”**, and attached to the bid form.

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

All bids will be submitted in a sealed envelope bearing the designation **“BID on JOHN DEERE MODEL 5525 TRACTOR with a CHEETAH 17.5 FLAIL BOOM MOWER OR EQUAL”** and addressed to: TOWN CLERK, TOWN OF RIVERHEAD, 200 HOWELL AVENUE, RIVERHEAD, NEW YORK 11901.

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
DIANE M. WILHELM, TOWN CLERK

July 21, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 724

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 54 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "UNSAFE BUILDINGS AND COLLAPSED STRUCTURES"**

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN WOOTEN :

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 54 of the Riverhead Town Code entitled "Unsafe Buildings and Collapsed Structures", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES \_\_\_ NO      DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, on the 18<sup>th</sup> day of August, 2009 at 7:20 o'clock p.m. to consider a local law amending Chapter 54 of the Riverhead Town Code entitled "Unsafe Buildings and Collapsed Structures", as follows:

CHAPTER 54  
UNSAFE BUILDINGS, STRUCTURES, AND DANGEROUS CONDITIONS  
~~COLLAPSED STRUCTURES~~

**§54-1. Title.**

**§54-2. Purpose.**

**§54-3. Unsafe buildings, structures and dangerous conditions on property prohibited.**

**§54-4. Inspection and report.**

**§54-5. Service of notice.**

**§54-6. Contents of notice.**

**§54-7. Filing of copy of notice**

**§54-8. Emergency measures to vacate premises.**

**§54-9. Costs to be assessed and to constitute lien against premises.**

**§54-10. Penalties for offenses.**

**§54-11. Severability.**

**§54-12. When effective.**

**§ 54-1. Title.**

This chapter shall be known as the "Unsafe Buildings, Structures and Dangerous Conditions ~~and Collapsed Structures~~ Law of the Town of Riverhead."

## **§ 54-2. Purpose.**

The purpose of this chapter is to promote the public health, safety and general welfare of the residents of the Town of Riverhead and the conservation of property and property values and to eliminate safety and health hazards.

## **§ 54-3. Unsafe buildings, structures and dangerous conditions on property prohibited.**

All buildings or structures and dangerous conditions on property which are structurally unsafe, dangerous, unsafe to the public by means of unsecured windows, doors or other openings allowing unauthorized access to the interior of the building or structure and access to a dangerous condition on the property and/or creating an attractive nuisance by reason of the accessibility, unsanitary or not provided with adequate egress or which in relation to the existing use constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment are, severally, for the purpose of this chapter, unsafe buildings or structures and/or dangerous conditions on property. All such buildings and structures and/or dangerous conditions on property are hereby declared to be illegal and are prohibited and shall be abated by repair and rehabilitation, boarding or other acceptable means of securing until repaired or demolished, or by demolition and removal in accordance with the procedures of this chapter.

## **§ 54-4. Inspection and report.**

When, in the opinion of the Building Inspector or other duly authorized New York State Uniform Fire Prevention and Building Code Enforcement Officer (CEO), any building or structure and/or dangerous conditions located in the Town of Riverhead shall be deemed to be unsafe or dangerous to the public, he shall make a formal inspection thereof and thereafter prepare a written report thereof and file the same in his office and a copy with the Town Board. The Building Inspector or CEO shall take no further action except as provided in § 54-8 for a period of 10 business days.

## **§ 54-5. Service of notice.**

- A. When it shall be determined by the Building Inspector or CEO that a building or structure or dangerous condition is ~~dangerous~~ or unsafe to the public, he shall promptly serve or cause to be served a notice on the owner or other persons having an interest in such property or structure as hereinafter provided.
- B. The aforementioned notice shall be served on the owner of the premises or some one of the owner's executors, legal representatives, agents, lessees or other person having a vested or contingent interest in same, as shown by the last completed assessment roll of the town, either personally or by registered mail, addressed to the person intended to be served at the last known place of business. If the notice is

served by registered mail, the Building Inspector or CEO shall cause a copy of such notice to be posted on the premises.

**§ 54-6. Contents of notice.**

The notice referred to in § 54-5 hereof shall contain the following:

- A. A description of the premises.
- B. A statement of the particulars in which the building or structure and/or dangerous condition on property is unsafe or constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment dangerous.
- C. An order requiring the building or structure and/or condition to be made safe and secure or removed.
- D. A statement that the securing, or removal, or remediation of the building or structure and/or condition existing on the property shall commence within 10 days from the date of the service of the notice and shall be completed within 30 days thereafter. The Building Inspector or CEO may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector or CEO may impose such conditions as he may deem appropriate.
- E. A statement that, in the event of the neglect or refusal of the person served with notice to comply with same, a hearing will be held before the Riverhead Town Board, notice of which and the time and place thereof to be specified in the notice to the owner referred to in § 54-5 hereof.
- F. Unsecured windows, doors or other openings.
  - (1) When a building or structure and/or condition on the property is determined by the Building Inspector or CEO to be unsafe to the public by reason of unsecured windows, doors other openings allowing unauthorized access to the interior of the building or structure or unsafe to the public by reason of unsecured gates, fences or the lack thereof and/or creating creates an attractive nuisance by reason of the accessibility, a statement that notice of the adoption of a resolution requiring the boarding and/or securing of the unsafe structure may be served upon the owners of the property at which the condition exists by certified return-receipt mail, addressed to the last known address of said owners.
  - (2) Failure to comply with notice to board and/or secure. Whenever a notice or notices referred to in Subsection F(1) of this section have been served and the owner shall neglect or fail to comply with such notice within 10 days of receipt

thereof, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from the general Town funds as directed by resolution.

(3) Manner of assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to failure of the owner to comply with the Town Board's resolution, the Town shall be reimbursed for the cost of work performed or the services rendered at its direction by assessment or levy upon the lots or parcels of land where such work was performed or such services rendered. So much of the actual costs as were actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad valorem Town charges.

G. A statement that, in the event that the Town Board, after the hearing specified in Subsection E hereof, shall determine that the building or structure and/or dangerous condition on the property is unsafe or ~~dangerous to the public~~ constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, the Town Board may order the building or structure and/or condition on the property to be repaired, remediated and secured or taken down and removed.

H. A statement that, in the event that the building or structure and/or dangerous condition on the property shall be determined by the Town to be unsafe or ~~dangerous~~ constitutes a hazard to safety or health by reason of inadequate maintenance, dilapidation, obsolescence or abandonment and in the event of the neglect or refusal of the owner to repair or remove the same within the time provided, the Town may remove such building or structure and/or dangerous condition by whatever means it deems appropriate and assess all costs and expenses incurred by the Town in connection with the proceedings to remove or secure, including the cost of actually removing said building or structure and/or remediate or secure the property such that the dangerous condition is not accessible to the public, against the land on which said buildings or structures or dangerous condition on the property are located.

#### **§ 54-7. Filing of copy of notice.**

A copy of the notice referred to in § 54-6 hereof may be filed in the office of the County Clerk of the county within which such building or structure and/or dangerous condition on the property is located, which notice shall be filed by such Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules, and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Town Attorney. The Clerk of the county where such notice is filed shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.

**§ 54-8. Emergency measures to vacate premises.**

If the Building Inspector or CEO determines in his inspection of any building or structure and/or dangerous condition on the property that there is actual and immediate danger of failure or collapse so as to endanger life, he shall promptly require the building, structure, dangerous condition or portion thereof to be vacated forthwith and not to be reoccupied until the specified repairs are completed, inspected and approved by the Building Inspector or CEO. For this purpose he may enter such building, or structure, or land on which it stands or adjoining land or structure with such assistance and at such cost as may be necessary. He may also order adjacent structures to be vacated and protect the public by appropriated barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Building Inspector or CEO shall cause to be posted at each entrance to such building or structure and/or property where a dangerous condition exists a notice stating "This building, structure and/or condition on the property is unsafe and its use or occupancy has been prohibited by the Building Inspector or CEO." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Building Inspector or CEO or for any person to enter the building or structure and/or property, except for the purpose of making the required repairs or the demolition thereof.

**§ 54-9. Costs to be assessed and to constitute lien against premises.**

All costs and expenses incurred by the Town of Riverhead in connection with any proceeding or any work done to remove the danger or in connection with the demolition and removal of any such building or structure and/or dangerous condition on the property shall be assessed against the land on which such building or structure and/or dangerous condition is located, and a statement of such expenses shall be presented to the owner of the property, or if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector or CEO may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred, and the owner thereof, with the assessors, who shall in the preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as is provided by law for the collection and enforcement of real property taxes in the Town of Riverhead.

**§ 54-10. Penalties for offenses.**

- A. Any person who neglects, refuses or fails to comply with any order or notice issued hereunder shall be guilty of an offense punishable by a fine not to exceed \$250 or by imprisonment for a term not to exceed 15 days, or both such fine and imprisonment. Each week's continued violation shall constitute a separate additional offense or violation.
- B. Nothing in this chapter shall be construed as depriving the Town of any other available remedy relevant to a violation of this chapter.

**§ 54-11. Severability.**

The invalidity of any section, subsection or provision of this chapter shall not invalidate any other section, subsection or provision thereof.

**§ 54-12. When effective.**

This chapter shall take effect immediately.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Adopted

Resolution # 725

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 96 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "TRASH, RUBBISH AND REFUSE DISPOSAL"**

COUNCILMAN WOOTEN

offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal", to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO      DUNLEAVY  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, on the 18<sup>th</sup> day of August, 2009 at 7:15 o'clock p.m. to consider a local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code as follows:

**CHAPTER §96**

~~TRASH, RUBBISH AND REFUSE DISPOSAL~~

~~96-1. Accumulations on occupied premises prohibited.~~

~~Every person who is the owner of land lying and situated within the Town of Riverhead or who occupies, rents or leases any such land and all appurtenances thereto shall keep such land and all appurtenances thereto free and clear from all trash, rubbish, garbage, weeds, grass, refuse or other objects.~~

~~§ 96-2. Action by town upon failure to remove accumulations.~~

- ~~A. Authority to remove. In the event that the owner, occupant or tenant of such land shall fail to remove such weeds, trash, garbage, grass, refuse or other objects that cause such land to be a nuisance in the town, the town shall have the authority, as provided for herein, to enter onto such land and clean the same and to charge the cost or expense of such action against the owner and establish a lien in the manner herein provided.~~
- ~~B. Town Board action. Any person, corporation or association which is the owner of real property in the Town of Riverhead shall be required to remove the items set forth in Subsection A which may exist upon its land when directed to do so by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.~~
- ~~C. Notice to be served. Whenever the Town Board shall adopt a resolution requiring the owners of land to remove rubbish or debris which exists thereon, the Town Board shall specify the time within which such work shall be completed. Such notice shall set forth with reasonable certainty the location at which the condition exists and the manner in which the removal work shall be performed. The owners shall be given at least ten (10) days from the date of mailing of the notice within which the work shall be performed, and in any event such notice shall grant a reasonable time, giving due consideration to the amount of accumulation of rubbish or debris and the location thereof. Notice of the adoption of a resolution requiring the removal work may be served upon the owners of the property at which the condition~~

~~exists by ordinary mail, addressed to the last known address of said owners.~~

- ~~D. Failure to comply. Whenever a notice or notices referred to in Subsection C of this section have been served and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution.~~
- ~~E. Manner of assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to the failure of the owner to comply with the Town Board's resolution, the town shall be reimbursed for the cost of the work performed or the services rendered at its direction by assessment or levy upon the lots or parcels of and where such work was performed or such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad valorem town charges.~~

## **RUBBISH, REFUSE, WEEDS AND OTHER RANK VEGATATION**

### **96-1 Legislative Intent; Purpose.**

The Town Board of the Town of Riverhead has determined that there exists in the Town of Riverhead unsightly conditions and environmental public nuisance(s) and it is the intent of this chapter to provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by any undesirable, environmental public nuisance(s) or blight full condition(s) on such land(s), premise(s) and public way(s) whereby reason that such conditions may, cause a fire hazard, create a nuisance to children with potential danger of injury on rocks, debris, holes, noxious weeds, etc., obstruct visibility at street intersections, result in the aggravation of allergies or furnish a potential harborage or breeding place for disease carrying insects, arthropods, animals and snakes covered by excess growth or vegetation.

### **\$96-2 Scope, Applicability, Exclusions; more restrictive provisions shall prevail.**

**A. Scope.** The provisions of this chapter shall apply to all new and existing residential and nonresidential premises and constitute the minimum requirements and standards for such premises.

**B. Applicability.** The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provisions of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

**C. Exclusions:** The height provisions set forth in 96-5A of this Chapter shall not apply to wooded areas, wetland areas, or the growing of domestic grains and agricultural crops for purposes related to agricultural production as defined in the Town Code of the Town of Riverhead.

### **§ 96-3 Applicability of Definitions.**

**A. General.** Unless otherwise expressly stated, the forgoing terms set forth in §96-4 of this chapter shall, for the purposes of this chapter, have the meanings shown herein.

**B. Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**C. Terms not defined.** Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies.

### **§ 96-4 Definitions.**

**CODE ENFORCEMENT OFFICIAL.** The official who is charged with the administration and enforcement of this chapter, or any duly authorized representative of such person, including but not limited to the Building Inspector, Chief Building Inspector, Principal Building Inspector, Senior Building Inspector, Building Permits Coordinator, Zoning Inspector, Electrical Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Town Investigator, Senior Town Investigator, Ordinance Enforcement Officer or Ordinance Inspector of the Town of Riverhead, and such person(s) shall be certified as a New York State Code Enforcement Official.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**LAND.** For the purpose of this chapter the term "land" and "property" shall have the same meaning as "premise" as defined herein.

**NUISANCE.** The unlawfully doing of an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render hazardous for others, or in any way renders other persons insecure in life, or in the use of their property.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title or deed to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**OCCUPANT.** Any individual or person occupying a premise or building, or having possession of a premise or building.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use

**GARBAGE/REFUSE.** Any solid or liquid waste material or product or combination of solid or liquid waste materials which result from the handling, preparation, cooking and consumption of food. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "garbage/refuse" as defined herein.

**GRASS.** Any plant of the family "Gramineae" having jointed stems with long narrow leaves which are growing wild or cultivated by seed as upon lawns and pastures.

**LITTER.** Waste material haphazardly deposited upon the ground, including but not limited to paper and plastic bags, paper and plastic cups, foodstuffs, food wrappings, cigar and cigarette butts, newspapers, advertisements, flyers, handbills, cans, bottles or glass, which tends to create a danger to public health, safety and welfare and/or which creates an unsightly condition, whether or not the waste material was generated by the owner of the property, by a lessee of the owner or a customer of the owner or lessee. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "litter" as defined herein.

**NOXIOUS PLANTS.** Noxious plants shall include the following Poison Ivy, Poison Sumac, and Poison Oak.

**RESIDENTIAL PREMISE.** A residential premise shall be any parcel of real estate, used or intended for residential purposes, whether platted or un-platted.

**RANK VEGETATION.** Rank vegetation shall mean any plant exceeding ten (10) inches in height. Trees, Shrubberies, flowers and agricultural crops are not to be considered rank vegetation unless they constitute an extreme deviation from the aesthetic appearance of the existing neighborhood in which such vegetation exists.

**RUBBISH.** All combustible and noncombustible "waste materials", for the purpose of this definition "waste material" shall mean any form of discarded, unattended, improperly contained "rubbish" as defined herein, the term rubbish shall include rags, cartons, boxes, wood, excelsior, rubber, leather, metals, mineral matter, glass, crockery fragments of building materials, construction debris or fallen buildings and ruins, the term rubbish shall also include the residue from the burning of any of the aforementioned items, this term shall also include discarded, abandoned or stored refrigerators and or freezers.

**YARD, FRONT** A space unoccupied, except as otherwise herein provided, between the front street line and the nearest point of any building line or structure on the lot and extending from side lot line to side lot line.

**YARD, REAR** A space unoccupied, except by a building or structure or accessory use as herein provided, extending from side lot line to side lot line between the rear lot line and the extreme rear line of the main building.

**YARD, SIDE** A space unoccupied, except by a building or structure or accessory use as herein provided, situated between the line of the principal building and side lines of the lot and extending from the front lot line to the rear lot line.

**YARD WASTE** Any form of discarded plant material or plant matter, including leaves, grass clippings, tree branches, brush, tree stumps, flowers and roots; debris commonly discarded as "waste material" in the course of maintaining yards and gardens, including sod and biodegradable waste approved for the yard waste composting program by the Town Board or the Sanitation Supervisor. For the purpose of this definition "waste material" shall mean any form of discarded, non-thriving "yard waste" as defined herein.

**WEEDS.** A valueless plant with long narrow leaves growing wild, sometimes growing on cultivated ground amongst grass, to the exclusion or injury of the desired crop, the term shall also include any undesirable or troublesome plant growing profusely where it is not wanted.

**WOODED AREAS.** Shall mean an area densely covered with trees, shrubs and plant life.

#### **§ 96-5 Duties of Owners or Occupants.**

**A. Weeds, Grass, Rank Vegetation;** It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow weeds, grass or other rank vegetation as defined in this chapter to exceed a height of ten (10) inches measured above ground level on any premise or public way.

**B. Yard Waste, Rubbish, Litter, Garbage/Refuse.** It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow any accumulation of yard waste, rubbish, litter, garbage or refuse as defined in this chapter on any premise or public way.

#### **§ 96-6 Notice of violation; if required.**

**A. Notice.** The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code may notify the owners by notice of violation, such notice of violation shall be served upon such owner of said property in which a violation of the provisions set forth in §96-5 of this chapter exists.

**B. Contents of notice.** The notice shall contain a general description of the property, a statement of the particulars with regard to the condition of the violation existing upon the

premise and an order requiring that the violation, be abated. The notice shall specify a time, not less than (10) days after the service thereof, within which the owner served with such notice shall complete the abatement of the violation existing on such premise as specified in the notice. The notice shall further state that, in the event that the cited condition is not eliminated within the time specified in the notice, the Town shall undertake to enter upon the property, if necessary, to abate the condition of the violation specified in such notice and assess the cost of such removal against said property pursuant to the foregoing provision set forth in §96-8 of this chapter.

**C. Service of notice.** The notice may be served either personally or by certified mail, addressed to the last known address, if any, of the owner as the same may appear on the records of the Receiver of Taxes of the Town; provided, however, that if such service is made by certified mail a copy of such notice shall also be posted on the premise where such violation exists. Service of the notice by mail and posting shall be deemed completed on the day on which both the mailing and the posting will have been accomplished.

**D. Failure to comply.** Upon failure of the owner of the premise in which a violation of set forth in §96-5 of this chapter exists and such owner fails to comply with the notice set forth herein within the time provided therein, the Town shall provide for such labor and materials as are necessary for abating such violation pursuant to the forgoing provisions of §96-8 of this chapter.

#### **96-7. Appearance Tickets.**

**A.** The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code is hereby authorized and empowered to serve the owner and/or occupant of such premise with an appearance ticket for any violations of this chapter. Service of a court appearance ticket shall be served upon such owner or occupant of said property, by personal service.

**B.** No notice of violation shall be required from the town in order to make an owner or occupant guilty of a violation of §96-5 of this chapter should an appearance ticket be issued as set forth in Subsection A.

#### **§ 96-8. Action by town board upon failure to abate violations as specified.**

**A. Failure to comply.** Whenever a notice or notices are served as set forth in §96-6 of this chapter and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.

**B. Authority to remove.** In the event that the owner and/or occupant of such land or premise shall fail to abate any violation as provided described in Subsection A, and in doing so causes such premise to be a nuisance in the town, the town board shall have the authority, as provided for herein, to enter onto such premise were such violation exist, remedy such violation and to charge the cost or expense of such remediation against the owner and establish a lien in the manner herein provided.

**C. Assessment of costs and expenses, liens.** All costs and expenses incurred by the Town in connection with the abatement of a violation of this chapter shall be assessed against the subject premise or lot. An itemization of such costs shall be provided to the Town Board by the Town Engineering Department. The total costs and expenses shall then be determined by the Town Board and shall be reported to the Assessor of the Town as the amount to be liened and assessed against the premise, and the expense so assessed shall constitute a lien and charge on the premise on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

**96-9. Penalties for Offenses.**

**A. Any person, association, firm or corporation, owner or occupant which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:**

**(1) By a fine of not less than \$250 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.**

**(2) By a fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.**

**(3) By a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.**

**B. Each week's continued violation shall constitute a separate additional violation**

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

7/21/09

TOWN OF RIVERHEAD

Resolution # 725

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 96 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "TRASH, RUBBISH AND REFUSE DISPOSAL"**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal", to be posted on the sign board of the Town, and be it further

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

WOOTEN \_\_\_ YES \_\_\_ NO      DUNLEAVY \_\_\_ YES \_\_\_ NO

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

CARDINALE \_\_\_ YES \_\_\_ NO

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

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, on the 18<sup>th</sup> day of August, 2009 at 7:15 o'clock p.m. to consider a local law amending Chapter 96 entitled "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code as follows:

**CHAPTER §96**

~~TRASH, RUBBISH AND REFUSE DISPOSAL~~

~~96-1. Accumulations on occupied premises prohibited.~~

~~Every person who is the owner of land lying and situated within the Town of Riverhead or who occupies, rents or leases any such land and all appurtenances thereto shall keep such land and all appurtenances thereto free and clear from all trash, rubbish, garbage, weeds, grass, refuse or other objects.~~

~~§ 96-2. Action by town upon failure to remove accumulations.~~

- ~~A. Authority to remove. In the event that the owner, occupant or tenant of such land shall fail to remove such weeds, trash, garbage, grass, refuse or other objects that cause such land to be a nuisance in the town, the town shall have the authority, as provided for herein, to enter onto such land and clean the same and to charge the cost or expense of such action against the owner and establish a lien in the manner herein provided.~~
- ~~B. Town Board action. Any person, corporation or association which is the owner of real property in the Town of Riverhead shall be required to remove the items set forth in Subsection A which may exist upon its land when directed to do so by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.~~
- ~~C. Notice to be served. Whenever the Town Board shall adopt a resolution requiring the owners of land to remove rubbish or debris which exists thereon, the Town Board shall specify the time within which such work shall be completed. Such notice shall set forth with reasonable certainty the location at which the condition exists and the manner in which the removal work shall be performed. The owners shall be given at least ten (10) days from the date of mailing of the notice within which the work shall be performed, and in any event such notice shall grant a reasonable time, giving due consideration to the amount of accumulation of rubbish or debris and the location thereof. Notice of the adoption of a resolution requiring the removal work may be served upon the owners of the property at which the condition~~

~~exists by ordinary mail, addressed to the last known address of said owners.~~

- ~~D. Failure to comply. Whenever a notice or notices referred to in Subsection C of this section have been served and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution.~~
- ~~E. Manner of assessment of cost upon real property. In any case where it shall be necessary for the Town Board to have the work performed due to the failure of the owner to comply with the Town Board's resolution, the town shall be reimbursed for the cost of the work performed or the services rendered at its direction by assessment or levy upon the lots or parcels of and where such work was performed or such services rendered. So much of the actual cost as was actually incurred upon each lot or parcel and the charge therefor shall be assessed and collected in the same manner and in the same time as other ad valorem town charges.~~

## **RUBBISH, REFUSE, WEEDS AND OTHER RANK VEGATATION**

### **96-1 Legislative Intent; Purpose.**

The Town Board of the Town of Riverhead has determined that there exists in the Town of Riverhead unsightly conditions and environmental public nuisance(s) and it is the intent of this chapter to provide minimum requirements to safeguard public safety, health and general welfare insofar as they are affected by any undesirable, environmental public nuisance(s) or blight full condition(s) on such land(s), premise(s) and public way(s) whereby reason that such conditions may, cause a fire hazard, create a nuisance to children with potential danger of injury on rocks, debris, holes, noxious weeds, etc., obstruct visibility at street intersections, result in the aggravation of allergies or furnish a potential harborage or breeding place for disease carrying insects, arthropods, animals and snakes covered by excess growth or vegetation.

### **\$96-2 Scope, Applicability, Exclusions; more restrictive provisions shall prevail.**

**A. Scope.** The provisions of this chapter shall apply to all new and existing residential and nonresidential premises and constitute the minimum requirements and standards for such premises.

**B. Applicability.** The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provisions of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail.

**C. Exclusions;** The height provisions set forth in 96-5A of this Chapter shall not apply to wooded areas, wetland areas, or the growing of domestic grains and agricultural crops for purposes related to agricultural production as defined in the Town Code of the Town of Riverhead.

### **§ 96-3 Applicability of Definitions.**

**A. General.** Unless otherwise expressly stated, the forgoing terms set forth in §96-4 of this chapter shall, for the purposes of this chapter, have the meanings shown herein.

**B. Interchangeability.** Words stated in the present tense include the future; words stated in the masculine gender include the feminine and neuter; the singular number includes the plural and the plural, the singular.

**C. Terms not defined.** Where terms are not defined through the methods authorized by this chapter, such terms shall have ordinarily accepted meanings such as the context implies.

### **§ 96-4 Definitions.**

**CODE ENFORCEMENT OFFICIAL.** The official who is charged with the administration and enforcement of this chapter, or any duly authorized representative of such person, including but not limited to the Building Inspector, Chief Building Inspector, Principal Building Inspector, Senior Building Inspector, Building Permits Coordinator, Zoning Inspector, Electrical Inspector, Plumbing Inspector, Fire Marshal, Fire Marshal I, Fire Marshal II, Chief Fire Marshal, Town Investigator, Senior Town Investigator, Ordinance Enforcement Officer or Ordinance Inspector of the Town of Riverhead, and such person(s) shall be certified as a New York State Code Enforcement Official.

**EXTERIOR PROPERTY.** The open space on the premises and on adjoining property under the control of owners or operators of such premises.

**LAND.** For the purpose of this chapter the term "land" and "property" shall have the same meaning as "premise" as defined herein.

**NUISANCE.** The unlawfully doing of an act, or omitting to perform a duty, which act or omission either annoys, injures or endangers the comfort, repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs or tends to obstruct, or render hazardous for others, or in any way renders other persons insecure in life, or in the use of their property.

**OWNER.** Any person, agent, operator, firm or corporation having a legal or equitable interest in the property; or recorded in the official records of the state, county or municipality as holding title or deed to the property; or otherwise having control of the property, including the guardian of the estate of any such person, and the executor or administrator of the estate of such person if ordered to take possession of real property by a court.

**OCCUPANT.** Any individual or person occupying a premise or building, or having possession of a premise or building.

**PERSON.** An individual, corporation, partnership or any other group acting as a unit.

**PREMISES.** A lot, plot or parcel of land, easement or public way, including any structures thereon.

**PUBLIC WAY.** Any street, alley or similar parcel of land essentially unobstructed from the ground to the sky, which is deeded, dedicated or otherwise permanently appropriated to the public for public use

**GARBAGE/REFUSE.** Any solid or liquid waste material or product or combination of solid or liquid waste materials which result from the handling, preparation, cooking and consumption of food. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "garbage/refuse" as defined herein.

**GRASS.** Any plant of the family "Gramineae" having jointed stems with long narrow leaves which are growing wild or cultivated by seed as upon lawns and pastures.

**LITTER.** Waste material haphazardly deposited upon the ground, including but not limited to paper and plastic bags, paper and plastic cups, foodstuffs, food wrappings, cigar and cigarette butts, newspapers, advertisements, flyers, handbills, cans, bottles or glass, which tends to create a danger to public health, safety and welfare and/or which creates an unsightly condition, whether or not the waste material was generated by the owner of the property, by a lessee of the owner or a customer of the owner or lessee. For the purpose of this definition "waste material" shall mean any form of discarded, unattended, uncontained "litter" as defined herein.

**NOXIOUS PLANTS.** Noxious plants shall include the following Poison Ivy, Poison Sumac, and Poison Oak.

**RESIDENTIAL PREMISE.** A residential premise shall be any parcel of real estate, used or intended for residential purposes, whether platted or un-platted.

**RANK VEGETATION.** Rank vegetation shall mean any plant exceeding ten (10) inches in height. Trees, Shrubberies, flowers and agricultural crops are not to be considered rank vegetation unless they constitute an extreme deviation from the aesthetic appearance of the existing neighborhood in which such vegetation exists.

**RUBBISH.** All combustible and noncombustible "waste materials", for the purpose of this definition "waste material" shall mean any form of discarded, unattended, improperly contained "rubbish" as defined herein, the term rubbish shall include rags, cartons, boxes, wood, excelsior, rubber, leather, metals, mineral matter, glass, crockery fragments of building materials, construction debris or fallen buildings and ruins, the term rubbish shall also include the residue from the burning of any of the aforementioned items, this term shall also include discarded, abandoned or stored refrigerators and or freezers.

**YARD, FRONT** A space unoccupied, except as otherwise herein provided, between the front street line and the nearest point of any building line or structure on the lot and extending from side lot line to side lot line.

**YARD, REAR** A space unoccupied, except by a building or structure or accessory use as herein provided, extending from side lot line to side lot line between the rear lot line and the extreme rear line of the main building.

**YARD, SIDE** A space unoccupied, except by a building or structure or accessory use as herein provided, situated between the line of the principal building and side lines of the lot and extending from the front lot line to the rear lot line.

**YARD WASTE** Any form of discarded plant material or plant matter, including leaves, grass clippings, tree branches, brush, tree stumps, flowers and roots; debris commonly discarded as "waste material" in the course of maintaining yards and gardens, including sod and biodegradable waste approved for the yard waste composting program by the Town Board or the Sanitation Supervisor. For the purpose of this definition "waste material" shall mean any form of discarded, non-thriving "yard waste" as defined herein.

**WEEDS.** A valueless plant with long narrow leaves growing wild, sometimes growing on cultivated ground amongst grass, to the exclusion or injury of the desired crop, the term shall also include any undesirable or troublesome plant growing profusely where it is not wanted.

**WOODED AREAS.** Shall mean an area densely covered with trees, shrubs and plant life.

#### **§ 96-5 Duties of Owners or Occupants.**

**A. Weeds, Grass, Rank Vegetation;** It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow weeds, grass or other rank vegetation as defined in this chapter to exceed a height of ten (10) inches measured above ground level on any premise or public way.

**B. Yard Waste, Rubbish, Litter, Garbage/Refuse.** It shall be unlawful for any owner or occupant of a premise within the Town of Riverhead, County of Suffolk, State of New York, to cause or allow any accumulation of yard waste, rubbish, litter, garbage or refuse as defined in this chapter on any premise or public way.

#### **§ 96-6 Notice of violation; if required.**

**A. Notice.** The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code may notify the owners by notice of violation, such notice of violation shall be served upon such owner of said property in which a violation of the provisions set forth in §96-5 of this chapter exists.

**B. Contents of notice.** The notice shall contain a general description of the property, a statement of the particulars with regard to the condition of the violation existing upon the

premise and an order requiring that the violation, be abated. The notice shall specify a time, not less than (10) days after the service thereof, within which the owner served with such notice shall complete the abatement of the violation existing on such premise as specified in the notice. The notice shall further state that, in the event that the cited condition is not eliminated within the time specified in the notice, the Town shall undertake to enter upon the property, if necessary, to abate the condition of the violation specified in such notice and assess the cost of such removal against said property pursuant to the foregoing provision set forth in §96-8 of this chapter.

**C. Service of notice.** The notice may be served either personally or by certified mail, addressed to the last known address, if any, of the owner as the same may appear on the records of the Receiver of Taxes of the Town; provided, however, that if such service is made by certified mail a copy of such notice shall also be posted on the premise where such violation exists. Service of the notice by mail and posting shall be deemed completed on the day on which both the mailing and the posting will have been accomplished.

**D. Failure to comply.** Upon failure of the owner of the premise in which a violation of set forth in §96-5 of this chapter exists and such owner fails to comply with the notice set forth herein within the time provided therein, the Town shall provide for such labor and materials as are necessary for abating such violation pursuant to the forgoing provisions of §96-8 of this chapter.

#### **96-7. Appearance Tickets.**

**A.** The Code Enforcement Official empowered to enforce this code pursuant to Chapter 3-1 of this code is hereby authorized and empowered to serve the owner and/or occupant of such premise with an appearance ticket for any violations of this chapter. Service of a court appearance ticket shall be served upon such owner or occupant of said property, by personal service.

**B.** No notice of violation shall be required from the town in order to make an owner or occupant guilty of a violation of §96-5 of this chapter should an appearance ticket be issued as set forth in Subsection A.

#### **§ 96-8. Action by town board upon failure to abate violations as specified.**

**A. Failure to comply.** Whenever a notice or notices are served as set forth in §96-6 of this chapter and the owners shall neglect or fail to comply with such notices within the time provided therein, the Town Board shall authorize the work to be done and shall provide for the cost thereof to be paid from general town funds as directed by resolution of the Town Board, pursuant to the authority provided under §§ 64 and 130 of the Town Law.

**B. Authority to remove.** In the event that the owner and/or occupant of such land or premise shall fail to abate any violation as provided described in Subsection A, and in doing so causes such premise to be a nuisance in the town, the town board shall have the authority, as provided for herein, to enter onto such premise were such violation exist, remedy such violation and to charge the cost or expense of such remediation against the owner and establish a lien in the manner herein provided.

**C. Assessment of costs and expenses, liens.** All costs and expenses incurred by the Town in connection with the abatement of a violation of this chapter shall be assessed against the subject premise or lot. An itemization of such costs shall be provided to the Town Board by the Town Engineering Department. The total costs and expenses shall then be determined by the Town Board and shall be reported to the Assessor of the Town as the amount to be liened and assessed against the premise, and the expense so assessed shall constitute a lien and charge on the premise on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

**96-9. Penalties for Offenses.**

**A. Any person, association, firm or corporation, owner or occupant which violates any provision of this chapter or assists in the violation of any provision of this chapter shall be guilty of a violation, punishable:**

**(1) By a fine of not less than \$250 and not exceeding \$1,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense.**

**(2) By a fine of not less than \$1,000 nor more than \$3,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.**

**(3) By a fine of not less than \$2,000 nor more than \$5,000 or by imprisonment for a period not to exceed 15 days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.**

**B. Each week's continued violation shall constitute a separate additional violation**

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 21, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 726

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AMENDMENTS TO CHAPTER 101 OF THE CODE OF THE TOWN OF RIVERHEAD ENTITLED "VEHICLES AND TRAFFIC"**

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 101 entitled "Vehicles and Traffic", §101-3 of the Riverhead Town Code entitled "Stop and yield intersections; railroad crossings; parking fields" to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO    BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at the George Young Community Center, South Jamesport Avenue, Jamesport, New York, on the 18<sup>th</sup> day of August, 2009 on the 18<sup>th</sup> day of August, 2009 at 7:10 o'clock p.m. to consider a local law amending Chapter 101 entitled "Vehicles and Traffic", §101-3 of the Riverhead Town Code entitled "Stop and yield intersections; railroad crossings; parking fields" of the Riverhead Town Code as follows:

CHAPTER 101  
VEHICLES AND TRAFFIC  
ARTICLE III  
Traffic Regulations

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

| <b>Intersection</b>                     | <b>Stop Sign on</b>    | <b>Entrance From</b> |
|---|------------------------|----------------------|
| <u>Riverside Drive and River Avenue</u> | <u>Riverside Drive</u> | <u>East and West</u> |
| <u>Riverside Drive and James Street</u> | <u>Riverside Drive</u> | <u>East and West</u> |

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

Adopted

July 21, 2009

**TOWN OF RIVERHEAD**

Resolution # 727

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR  
PROPANE  
FOR THE TOWN OF RIVERHEAD**

COUNCILMAN DUNLEAVY offered the following resolution,

which was seconded by COUNCILMAN WOOTEN

**WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for PROPANE FOR THE TOWN OF RIVERHEAD and;**

**BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 30, 2009 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

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

✓

**TOWN OF RIVERHEAD  
NOTICE TO BIDDERS**

Sealed bids for the purchase of **PROPANE** for use by the **TOWN OF RIVERHEAD** will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:00 a.m. on AUGUST 10, 2009.**

Bid packets, including Specifications, may be obtained on our website 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 PROPANE 2009-10.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

JULY 21, 2009

Adopted

**TOWN OF RIVERHEAD**

**Resolution # 728**

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR  
HEATING FUEL  
FOR THE TOWN OF RIVERHEAD**

COUNCILMAN WOOTEN offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

**WHEREAS, the Town Clerk is authorized to publish and post a notice to bidders for proposals for HEATING FUEL FOR THE TOWN OF RIVERHEAD and;**

**BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following public notice in the JULY 30<sup>TH</sup>, 2009 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

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 purchase of **#2 HEATING FUEL** for use by the TOWN OF RIVERHEAD will be received by the Town Clerk of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, 11901, until **11:05 a.m. on AUGUST 10, 2009.**

Bid packets, including Specifications, may be obtained on the Town's website 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 FUEL OIL FOR HEATING.**

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

Diane M. Wilhelm, Town Clerk

7/21/09

TOWN OF RIVERHEAD

Adopted

Resolution # 729

**AUTHORIZES THE RELEASE OF SECURITY OF  
MONTGOMERY DISTRIBUTORS LLC  
(American Service Station, Jamesport)**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

**WHEREAS**, Montgomery Distributors LLC has posted M&T Bank Irrevocable Standby Letter of Credit No. SB-912074-0001 in the sum of Ninety Three Thousand Five Hundred Dollars (\$93,500.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #73, dated August 7, 2008, for improvements to be completed at an existing gas station located on the southeast corner of Main Road, (Route 25) and Washington Avenue, Jamesport, New York, further described as Suffolk County Tax Map #0600-68-4-1, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

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

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the release of the aforementioned security in the sum of \$93,500.00; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Montgomery Distributors LLC, 90 Merrick Avenue, Suite 510, East Meadow, New York, 11554, M & T Bank, 25 South Charles Street – 11<sup>th</sup> Floor, MD 21201, Attn: Phyllis Malekiani, V.P.; and be it further

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

**THE VOTE**

Wooten  Yes  No

Dunleavy  Yes  No

Blass  Yes  No

Cardinale  Yes  No

The Resolution Was  Was Not   
Therefore Duly Adopted

July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

**RESOLUTION # 730**

**AUTHORIZES PUBLIC NOTICE OF APPLICATION TO  
NEW YORK DEPARTMENT OF STATE  
FOR BROWNFIELD OPPORTUNITY AREAS FUNDING**

**COUNCILMAN DUNLEAVY**

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

**WHEREAS**, the New York Department of State is soliciting applications from municipalities to participate in the Brownfield Opportunity Areas (BOA) Program for assistance in redeveloping brownfields, abandoned or vacant buildings and areas of economic distress by funding a range of pre-development activity necessary to attract investment to transform underutilized properties for new uses; and

**WHEREAS**, the BOA program is designed to assist communities foster redevelopment of dormant and blighted land into productive and catalytic areas while restoring environmental quality by providing the resources to address redevelopment planning, access to expert environmental and economic analysis, and environmental site assessment for strategic redevelopment parcels; and

**WHEREAS**, creation of a Peconic River/Route 25 Riverhead ECO CORRIDOR will call attention to the value of the Peconic River as a resource, and to educate, organize and motivate the public to realize an enhanced image and reputation of Riverhead, as an environmentally friendly community as well as an eco-recreation destination openly accessible to all that is user friendly and publicly accessible and connects a vibrant downtown riverfront center with nearby BlueWay and Greenbelt trails; and

**WHEREAS**, creation of a Peconic River/Route 25 Riverhead ECO CORRIDOR with BlueWay and Greenbelt trails along with a Peconic River will achieve the goals to foster economic growth, protect environmental resources, enhance public health, and plan for development; and

**WHEREAS**, the natural features, location, historic sensitivity, ecological significance, and ability to augment limited recreational facilities and public access opportunities has made the Peconic River Greenway a priority acquisition on local, county, state and regional acquisition lists [*see* New York State Open Space Conservation Priority Acquisition List (2006 & 2009), the Town of Riverhead Comprehensive Plan (2003), the Town of Riverhead Local Waterfront Revitalization Program (draft 2005), the Town of Riverhead Community Preservation Project Plan (1998-2001), the Town of Riverhead Priority Acquisition List (2004), and the Peconic Estuary Program Critical Lands Protection Strategy (CLPS) of the Comprehensive Conservation and Management Plan (CCMP)].

**WHEREAS**, the Town of Riverhead wishes to submit an application to the BOA program for funding in the amount of \$250,000 to address redevelopment planning, access to expert environmental and economic analysis, and environmental site assessment for strategic redevelopment parcels and wishes to incorporate public input throughout this process.

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Community Development Department to submit an application to the New York State DOS BOA program for funding in the amount of \$250,000; and

**THEREFORE, BE IT FURTHER RESOLVED**, that Riverhead Town Board authorizes a public hearing on the draft BOA application to take place on August 4, 2009, at 2:45 p.m.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby ratifies the publishing and posting of the attached public notice regarding the availability of the draft application for public review in the Thursday, July 30, 2009 issue of the News Review and to post same on the signboard in Town Hall.

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

**WOOTEN** ✓ yes no  
**DUNLEAVY** ✓ yes no      **BLASS** ✓ yes no  
**CARDINALE** ✓ yes no

**THIS RESOLUTION** ✓ is is not  
**DECLARED DULY ADOPTED**

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**Please take notice that** the Town of Riverhead intends to apply for New York Department of State Brownfield Opportunity Area (“BOA”) Program funds; and the draft application will be available for public review and input for a period of 30 days from the date of this notice. A public hearing on the draft application will take place at **2:45 p.m. on August 4, 2009**. In addition, said application will be available for review for a period of 30 days from the date of this notice.

Comments can also be mailed to the Community Development Department at 200 Howell Avenue, Riverhead, New York, 11901, through June 26, 2009.

Dated: July 16, 2009

Diane Wilhelm  
Office of the Town Clerk

**ECONOMIC RECOVERY PROJECTS  
MUNICIPAL/SPONSOR RESOLUTION**

**Adopted**

RESOLUTION NUMBER: 731

Councilman Wooten offered the following resolution, was seconded by Councilwoman Blass;

WHEREAS, The NYS DOT Transportation Enhancement Alternative Transportation Path Economic Recovery Project(s) (hereinafter the "the Projects") in the Town of Riverhead, in Suffolk County, (hereinafter "the Municipality/Sponsor") is (are) eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds and 0% non-federal funds.

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

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

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

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

-OR-

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

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

RESOLVED, that the sum of \$3,158,000 is hereby appropriated from the capital fund and make available to cover the cost of participation in the above phases(s) of the Project(s); and hereby appropriates from this capital fund [or pursuant to N/A] the funds necessary to complete the Project(s) including all phase(s) or portions thereof it is further

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

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

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

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of the

Department of Transportation by attaching it to any necessary Agreement in connection with the Project(s); and it is further

RESOLVED, that this Resolution shall take effect immediately.

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

Clerk of the Town of Riverhead, County of Suffolk

I, hereby certify that I have compared the foregoing copy of a resolution with the original duly adopted by the above mentioned Municipality/Sponsor at a session held on the <sup>21st</sup> day of July 2009 and that the same is a true copy of said original and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed the official seal of the said \_\_\_\_\_, this \_\_\_\_\_ day of July, 2009.

\_\_\_\_\_ 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

Resolution # 732

**AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENT  
EXTENDING BID AWARD CONTRACT**

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

**WHEREAS**, bids were solicited and received for the purchase of traffic line striping for use by the Highway Department; and

**WHEREAS**, the Town Board, by Resolution No. 670 adopted on August 5, 2008, awarded the contract to Seneca Pavement Marking, Inc., which contract expires on August 5, 2009; and

**WHEREAS**, said contract includes a provision authorizing extension of the contract for a period of up to one year upon mutual consent of both parties; and

**WHEREAS**, the Highway Superintendent has a need for this product and service and has recommended an extension of the contract with Seneca Pavement Marking, Inc.;

**NOW, THEREFORE, BE IT RESOLVED** that the Supervisor is hereby authorized to execute the attached Agreement with Seneca Pavement Marking, Inc. for traffic line striping which extends the contract for a period of one year through and including August 5, 2010; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this Resolution to Seneca Pavement Marking, Inc., 23 Hunters Run, Horseheads, New York 14845; and be it further

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

WOOTEN  YES \_\_\_ NO    DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

**AGREEMENT TO EXTEND THE TERMS AND CONDITIONS OF CONTRACT FOR A PERIOD OF ONE YEAR BETWEEN THE TOWN OF RIVERHEAD AND SENECA PAVEMENT MARKING, INC. FOR PAVEMENT MARKING**

This is an agreement between the TOWN OF RIVERHEAD, a municipal corporation, organized under the laws of the State of New York, with offices at 200 Howell Avenue, Riverhead, NY 11901 (hereinafter referred to as "TOWN") and SENECA PAVEMENT MARKING, INC. with offices located at 23 Hunters Run, Horseheads, New York, 14845, (hereinafter referred to as "SENECA PAVEMENT" )

**WITNESSETH**

**WHEREAS**, the Town solicited and received bids for the purchase of traffic line striping for use by the Highway Department; and

**WHEREAS**, the Town Board, by Resolution # 670 adopted on August 5, 2008, awarded the contract to Seneca Pavement Marking, Inc., which contract expires on August 5, 2009; and

**WHEREAS**, said contract includes a provision authorizing extension of the contract for a period of up to one year upon mutual consent of both parties; and

**WHEREAS**, the Highway Superintendent has a need for this product and service and has recommended an extension of the contract with Seneca Pavement Marking, Inc.;

**NOW, THEREFORE, BE IT RESOLVED**, that Seneca Pavement Marking, Inc. will provide traffic line striping under the identical terms and conditions as set forth in bid awarded by Resolution # 670 adopted on August 5, 2008 and shall be extended for a period of one year through and including August 5, 2010.

TOWN OF RIVERHEAD

SENECA PAVEMENT MARKING, INC.

\_\_\_\_\_  
By: Phil Cardinale, Supervisor

\_\_\_\_\_  
By:

July 21, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # 733

**AMENDS RESOLUTION NO. 685 ADOPTED AT THE JULY 7, 2009  
TOWN BOARD MEETING ENTITLED "AWARDS BID FOR SNACK VENDORS"**

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

**WHEREAS**, the Town Board, by Resolution #536 adopted on June 2, 2009, authorized the Town Clerk to publish and post a notice for sealed bids for snack vendors for the Town of Riverhead, and

**WHEREAS**, the bid packet included an error in that it listed Iron Pier Beach in the introductory paragraph and listed only mobile vending for Stotzky Park, Wading River Beach, Police Officer's Memorial Park and Reeves Beach; and

**WHEREAS**, on July 7, 2009, the Town Board adopted Resolution #685 awarding the bid for Snack Vendors to "Karl Freudenberg who will be servicing Wading River Beach and Police Officer's Memorial Park for \$250 and Hines Catering who will be servicing Stotzky Park for \$500 and Iron Pier(Reeves Beach) for \$300, respectively, for the season".

**WHEREAS**, Resolution #685 contained an error in that the Town did not intend to request or award bids for Iron Pier Beach as the Town maintains its own concession stand at said location and instead intended to award Hines Catering mobile vending at Stotzky Park for \$500 and Reeves Beach for \$300, respectively; and

**NOW, THEREFORE, BE IT RESOLVED** that Resolution No. 684 adopted by the Town Board at its July 7, 2009 Town Board meeting is hereby rescinded pursuant to New York State General Municipal Law §103; and be it further

**RESOLVED**, that the bid for snack vendors for the Town of Riverhead be and hereby is awarded to Karl Freudenberg who will be servicing Wading River Beach and Police Officer's Memorial Park for \$250 and Hines Catering who will be servicing Stotzky Park for \$500 and Reeves Beach for \$300, respectively, for the season (July 7, 2009 to November 30, 3009); and be it further

**RESOLVED**, the Town Clerk is hereby directed to forward a copy of this Resolution to Hines Catering, 1130 Middle Road, Riverhead, NY 11901; and be it further

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

WOOTEN  YES \_\_\_ NO    DUNLEAVY  YES \_\_\_ NO

BLASS  YES \_\_\_ NO

CARDINALE  YES \_\_\_ NO

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

7/21/09

Adopted

TOWN OF RIVERHEAD

Resolution # 734

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

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the July 30, 2009 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 108 of the Riverhead Town Code entitled "Zoning", Article LIII of the Riverhead Town Code entitled "Hamlet Center (HC) Zoning Use District", §108-286 of the Riverhead Town Code entitled "Uses" to be posted on the sign board of the Town, and be it further

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO    BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 1<sup>st</sup> day of September, 2009 at 2:05 o'clock p.m. to consider a local law amending Chapter 108 of the Riverhead Town Code entitled "Zoning", Article LIII of the Riverhead Town Code entitled "Hamlet Center (HC) Zoning Use District", §108-286 of the Riverhead Town Code entitled "Uses" as follows:

CHAPTER 108  
ZONING  
ARTICLE LIII  
Hamlet Center (HC) Zoning Use District

**§108-286. Uses.**

In the HC 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) Art galleries and arts and craft shops.
  - (3) Antiques stores and home furnishing stores.
  - (4) Personal services.
  - (5) Specialty food stores, wine shops and bakeries with retail sales on premises.
  - (6) Restaurants, cafes, banquet facilities, and ice cream parlors.
  - (7) Offices.
  - (8) Professional offices.
  - (9) Museums.
  - (10) Libraries.
  - (11) Schools.
  - (12) Places of worship.
  - (13) Apartments on upper floors.
  - (14) One family dwellings upon lots with a minimum area of 80,000 square feet.
- B. Special permit uses:
- (1) Bed-and-breakfast establishments as set forth in and subject to Chapter 108-64.5.
  - (2) Indoor recreation facilities.

C. Accessory uses. Accessory uses shall include those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot.

D. Prohibited uses.

(1) ~~Single and two~~ family dwelling units.

(2) Townhouses.

(3) Single retail stores with a floor area exceeding 10,000 square feet.

(4) Convenience stores.

(5) Gasoline service stations.

(6) Residences on ground floors, except one family dwellings and bed-and-breakfast facilities as an accessory use to a one family dwelling as set forth in §108-286(B)(1).

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

July 21, 2009

Adopted

TOWN OF RIVERHEAD

Resolution # 735

**ADOPTS A LOCAL LAW AMENDING CHAPTER 73 ENTITLED  
"LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE  
(ARTICLE IV Alteration, Demolition or New Construction Affecting  
Landmarks or Historic Districts)**

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

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 73 entitled "Landmarks Preservation" §73-6 entitled "Application Procedure" of the Riverhead Town Code; and

**WHEREAS**, a public hearing was held on the 7<sup>th</sup> day of July, 2009 at 2:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW, THEREFORE, BE IT RESOLVED**, that a local law amending Chapter 73 entitled "Landmarks Preservation", of the Riverhead Town Code be and is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

WOOTEN  YES  NO

DUNLEAVY  YES  NO      BLASS  YES  NO

CARDINALE  YES  NO

THIS RESOLUTION  IS  IS NOT  
DECLARED DULY ADOPTED

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE** that the Town Board of the Town of Riverhead adopted a local law amending Chapter 73 entitled "Landmarks Preservation" of the Riverhead Town Code at its regular meeting held on July 7, 2009. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**CHAPTER 73  
LANDMARKS PRESERVATION  
ARTICLE IV**

**Alteration, Demolition or New Construction Affecting Landmarks or Historic Districts**

**§73-6. Application procedure.**

~~F. Any application which is not recommended for approval may be appealed to the Town Board, which shall hold a public hearing within 45 days of receipt of the appeal, and shall render its decision at the next regularly scheduled Town Board meeting.~~

~~G. F.~~ Any board(s) reviewing an application for the activities herein described shall consider the following criteria in making its recommendations to approve, deny or approve with modifications:

- (1) The Board(s) shall only consider changes made to the exterior of a structure or a building designated as a landmark or any structure or building within an historic district.
- (2) Properties which contribute to the character of the historic district shall be, to the greatest extent practicable, retained with their historic features altered as little as possible.
- (3) Any alteration of existing property shall be compatible with its historic character, as well as the surrounding district, if applicable.
- (4) New construction shall be compatible with the district in which it is located.

~~H. G.~~ In applying the principle of compatibility, the Commission shall consider the following factors:

- (1) The general design, character and appropriateness of the property of the proposed and new construction;
- (2) The scale of the proposed alteration or new construction in relation to the property itself, and surrounding properties;
- (3) The texture, materials and color and their relation to similar features of other properties in the neighborhood;
- (4) Visual compatibility of surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings of the facade, roofline and rhythm of spacing of properties on streets, including setbacks; and
- (5) The importance of historic, architectural or other features to the significance of the property.

H. All ~~decisions~~ recommendations of the Landmarks Preservation Commission and the Architectural Review Board shall be in writing and filed with the ~~Town Clerk~~ Planning Department and the Building Department.

I. Nothing in this article shall be construed to prevent ordinary maintenance or repair, with like materials of similar quality and color, of any place site, structure or building designated as a landmark site, or any property located wholly or partly within the boundaries of an historic district.

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

Dated: Riverhead, New York  
July 21, 2009

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, Town Clerk

# Adopted

| RESOLUTION # <u>736</u> ABSTRACT #09-28 July 16, 2009 (TBM 07/21/09)              |     |  |                     |                     |
|---|-----|--|---------------------|---------------------|
| <u>Councilman Dunleavy</u> offered the following Resolution which was seconded by |     |  |                     |                     |
| <u>Councilman Wooten</u>  |     |  |                     |                     |
| FUND NAME   |     |  | 7/16/09 CHECKRUN    | GRAND TOTALS        |
| GENERAL FUND  | 1   |  | 1,019,411.10        | 1,019,411.10        |
| RECREATION PROGRAM FUND   | 6   |  | 23,288.66           | 23,288.66           |
| CHILD CARE CENTER BUILDING FUN  | 9   |  | 68.65               | 68.65               |
| TOWN BOARD SPECIAL PROGRAM FUN  | 24  |  | 684.00              | 684.00              |
| ECONOMIC DEVELOPMENT ZONE FUND  | 30  |  | 3,208.69            | 3,208.69            |
| HIGHWAY FUND  | 111 |  | 84,528.26           | 84,528.26           |
| WATER DISTRICT  | 112 |  | 139,881.78          | 139,881.78          |
| RIVERHEAD SEWER DISTRICT  | 114 |  | 77,416.45           | 77,416.45           |
| REFUSE & GARBAGE COLLECTION DI  | 115 |  | 349,166.84          | 349,166.84          |
| STREET LIGHTING DISTRICT  | 116 |  | 30,451.78           | 30,451.78           |
| BUSINESS IMPROVEMENT DISTRICT   | 118 |  | 1,730.83            | 1,730.83            |
| AMBULANCE DISTRICT  | 120 |  | 121.41              | 121.41              |
| EAST CREEK DOCKING FACILITY FU  | 122 |  | 618.86              | 618.86              |
| CALVERTON SEWER DISTRICT  | 124 |  | 980.41              | 980.41              |
| RIVERHEAD SCAVANGER WASTE DIST  | 128 |  | 14,550.10           | 14,550.10           |
| WORKERS' COMPENSATION FUND  | 173 |  | 8,250.09            | 8,250.09            |
| UNEMPLOYMENT INSURANCE RESERVE  | 176 |  | 9,026.27            | 9,026.27            |
| CDBG CONSORTIUM ACOUNT  | 181 |  | 1,029.65            | 1,029.65            |
| COMMUNITY DEVELOPMENT AGENCY C  | 405 |  | 1,923.23            | 1,923.23            |
| TOWN HALL CAPITAL PROJECTS  | 406 |  | 64,768.31           | 64,768.31           |
| WATER DISTRICT CAPITAL PROJECT  | 412 |  | 17,052.06           | 17,052.06           |
| SENIORS HELP SENIORS CAP PROJE  | 453 |  | 235.82              | 235.82              |
| TRUST & AGENCY  | 735 |  | 1,044,757.57        | 1,044,757.57        |
| COMMUNITY PRESERVATION FUND   | 737 |  | 1,715.97            | 1,715.97            |
| CALVERTON PARK - C.D.A.   | 914 |  | 24.61               | 24.61               |
| <b>TOTAL ALL FUNDS</b>  |     |  | <b>2,894,891.40</b> | <b>2,894,891.40</b> |
|   |     |  |                     |                     |
|   |     |  |                     |                     |
|   |     |  |                     |                     |
|   |     |  |                     |                     |

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

|   |     |  |                 |              |
|---|-----|--|-----------------|--------------|
| RESOLUTION # <u>736</u> ABSTRACT #09-28 JULY 9, 2009 (TBM 07/21/09)               |     |  |                 |              |
| Councilman <u>Dunleavy</u> offered the following Resolution which was seconded by |     |  |                 |              |
| Councilman <u>Wooten</u>  |     |  |                 |              |
| FUND NAME   |     |  | CHECKRUN TOTALS | GRAND TOTALS |
| GENERAL FUND  | 1   |  | 116,534.33      | 116,534.33   |
| RECREATION PROGRAM FUND   | 6   |  | 6,107.60        | 6,107.60     |
| CHILD CARE CENTER BUILDING FUN  | 9   |  | 213.57          | 213.57       |
| ECONOMIC DEVELOPMENT ZONE FUND  | 30  |  | 34.22           | 34.22        |
| HIGHWAY FUND  | 111 |  | 12,435.61       | 12,435.61    |
| WATER DISTRICT  | 112 |  | 13,026.69       | 13,026.69    |
| RIVERHEAD SEWER DISTRICT  | 114 |  | 2,026.34        | 2,026.34     |
| REFUSE & GARBAGE COLLECTION DI  | 115 |  | 188.22          | 188.22       |
| STREET LIGHTING DISTRICT  | 116 |  | 3,974.07        | 3,974.07     |
| PUBLIC PARKING DISTRICT   | 117 |  | 3,345.26        | 3,345.26     |
| AMBULANCE DISTRICT  | 120 |  | 1,048.19        | 1,048.19     |
| RIVERHEAD SCAVANGER WASTE DIST  | 128 |  | 414.41          | 414.41       |
| WORKERS' COMPENSATION FUND  | 173 |  | 79.96           | 79.96        |
| CDBG CONSORTIUM ACOUNT  | 181 |  | 79.71           | 79.71        |
| GENERAL FUND DEBT SERVICE   | 384 |  | 3,128.12        | 3,128.12     |
| TOWN HALL CAPITAL PROJECTS  | 406 |  | 509,512.73      | 509,512.73   |
| WATER DISTRICT CAPITAL PROJECT  | 412 |  | 43,318.10       | 43,318.10    |
| YOUTH SERVICES CAP PROJECT  | 452 |  | 159.92          | 159.92       |
| TRUST & AGENCY  | 735 |  | 15,220.68       | 15,220.68    |
| TOTAL ALL FUNDS   |     |  | 730,847.73      | 730,847.73   |

07/21/09

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 737

**RESOLUTION AUTHORIZING THE TOWN, ON BEHALF OF THE WATER DISTRICT, TO FILE A LAND DIVISION FOR PROPERTY DESCRIBED AS SCTM# 0600-125-1-4.2**

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

**WHEREAS**, the Town of Riverhead Water District owns a parcel of property located on the south side of Old Country Road described as SCTM# 0600-125-1-4.2 (hereinafter referred to as "subject property"); and

**WHEREAS**, since on or before 1977 to the present, the Town of Riverhead Water District leased a portion of the subject property to the Riverhead Fire District for tournament and training grounds; and

**WHEREAS**, the Fire District has made improvements to that portion of the subject property set forth in the lease limited to training apparatus and public viewing areas; and

**WHEREAS**, the Town of Riverhead, through its Office of the Town Attorney and Code Enforcement, has been responsible for preparation of leases and monitoring use of the subject parcel; and

**WHEREAS**, the Town of Riverhead Water District has determined that the portion of the subject property set forth in the succession of lease agreements between the Town of Riverhead Water District and Town of Riverhead Fire District is not useful to the Water District and desires to transfer that portion of the subject property to the Town of Riverhead; and

**WHEREAS**, the Riverhead Fire District has expressed its desire to continue use of that portion of the subject parcel for tournament and training grounds; and

**WHEREAS**, the Riverhead Fire District owns property located in close proximity to Town Hall and the downtown business area; and

**WHEREAS**, Town of Riverhead and Riverhead Fire District have agreed to consider a possible exchange of lands such that the public interest is best advanced and municipal purpose is best achieved; and

**WHEREAS**, the Town of Riverhead Water District has requested that the Office of TA/Water Dist Property Land Division  
[Type text]

Town file a land division with the Planning Department to divide the subject property, SCTM# 0600-125-1-4.2, into two lots such that the Water District may transfer that portion of the subject property not useful for water district purposes to the Town; and

**NOW THEREFORE BE IT RESOLVED**, that the Office of the Town Attorney is directed to file an application with the Planning Department for a land division dividing SCTM# 0600-125-1-4.2 approximately 32.6 acre parcel into two parcels such that the Town of Riverhead Water District may transfer 3.947 acres to the Town of Riverhead

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

**THE VOTE**

DUNLEAVY  YES  NO      WOOTEN  YES  NO

BLASS  YES  NO

CARDINALE  YES  NO

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

July 21, 2009

Adopted

**TOWN OF RIVERHEAD**

Resolution # 738

**Authorizes Town Clerk to Publish Notice of Scoping Hearing  
on DEIS of Beacon Wireless and NY SMSA (dba Verizon Wireless)**

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

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition pursuant to Article XLI of the Town Code from Beacon Wireless Management, LLC for the construction of a 150ft. monopole with 12 wireless communications panel antennas and related improvements within a leased area of a 98.5ac. parcel zoned Residence B-80; such property more particularly described as SCTM 0600-36-1-2, and

**WHEREAS**, the Riverhead Town Board by resolution #69 of 1/21/09 classified the action as Unlisted, declared themselves lead agency in its review under State Environmental Quality Review law and rendered a positive declaration of significance directing that a Draft Environmental Impact Statement be prepared, and

**WHEREAS**, the applicant has submitted a draft scope of issues respecting the content of the DEIS and the lead agency Town Board desires to hold a public scoping hearing on its adequacy, now

**THEREFORE, BE IT**

**RESOLVED**, that the that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent and to publish and post the following notice of public hearing in the July 30, 2009 issue of the Riverhead News Review.

**THE VOTE**

Wooten  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 hearing will be held before the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York on the 12<sup>th</sup> day of August, 2009 at 3:00 PM to consider the scope and content of the Draft Environmental Impact Statement to be prepared in connection with the special permit petition of Beacon Wireless Management, LLC and New York SMSA, LP (d/b/a Verizon Wireless) for construction of a 150ft. monopole with 12 wireless communications panel antennas and related improvements to be located within a leased area of a 98.5ac. parcel zoned Residence B-80; such property being located on the northeast corner of North Wading River Road and North Side Road, Wading River, New York and more particularly described as Suffolk County Tax Map Parcel Number 0600-36-1-2. Copies of the draft scope of issues will be available at the Town Clerk and Planning Department offices.

Dated: Riverhead, New York  
July 21, 2009

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