

**TOWN BOARD MEETING
AGENDA
PHILIP CARDINALE, Supervisor**

November 16 , 2004

**Edward Densieski, Councilman
George Bartunek, Councilman**

**Barbara Blass, Councilwoman
Rose Sanders, Councilwoman**

**Barbara Grattan, Town Clerk
Dawn Thomas, Town Attorney**

ELECTED OFFICIALS

**Laverne Tennenberg
Madelyn Sendlewski
Paul Leszczynski
Mark Kwasna
Maryann Wowak Heilbrunn
Richard Ehlers
Allen M. Smith**

**Chairwoman Board of Assessors
Board of Assessors
Board of Assessors
Highway Superintendent
Receiver of Taxes
Town Justice
Town Justice**

DEPARTMENT HEADS

**John J. Hansen
Leroy E. Barnes, Jr.
Andrea Lohneiss
Ken Testa
Richard Hanley
Chief David Hegermiller
James Janecek
Judy Doll
John Reeve
Michael Reichel
Gary Pendzick**

**Accounting Department
Building Department
Community Development
Engineering Department
Planning Department
Police Department
Recreation Program Coordinator
Senior Services
Sanitation Department
Sewer District
Water Department**

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
REGULAR TOWN BOARD MEETING:

- Res. #1040 Ambulance District Budget Adjustment**
- Res. #1041 Grangebél Park Dam Project Budget Adoption**
- Res. #1042 Refuse & Garbage District Budget Adjustment**
- Res. #1043 Kujawski Farmland Development rights Budget Adoption**
- Res. #1044 Water District Budget Adjustment**
- Res. #1045 EPCAL Water Ext. Capital Project Budget Adjustment**
- Res. #1046 EPCAL Sewer Improvement Capital Project**
- Res. #1047 High Zone Pump Station @ Wading River Budget Adjustment**
- Res. #1048 Reeves Avenue Golf Resort Water Ext. Budget Adjustment**
- Res. #1049 Twomey Avenue Ext. #67 Water Ext. Budget Adjustment**
- Res. #1050 Middle Road, Osborne & Horton Roundabout Project Budget Adjustment**
- Res. #1051 Highway Fund Budget Adjustment**
- Res. #1052 Business Improvement District Budget Adjustment**
- Res. #1053 Village at Wading River Water Ext. Budget Adjustment**
- Res. #1054 Water Extension #55 Capital Project Budget Adjustment**
- Res. #1055 Water Wading Woods Condos Budget Adjustment**
- Res. #1056 Accepts Cash Security of Robert R. Heller**
- Res. #1057 Accepts Certificate of Deposit Security of Hartill Contracting Inc.**

- Res. #1058** Accepts Performance Bond of Wading River Woods, LLC
(Condominium Project – Route 25A, Wading River)
- Res. #1059** Adopts Town of Riverhead 2005 Annual Budget
- Res. #1060** Amends Resolution #788 of 2004 (Authorizes the Release of
Cash Bond of Douglas and Susan Noble – Northeastern
Christian Book Store)
- Res. #1061** Appoints a P/T Recreation Aide (Teen Center) to the
Riverhead Recreation Department (Donna Sinko)
- Res. #1062** Appoints Temporary Clerks to the Tax Receiver's Office
(Nicholas Solazzo, Cori Koroleski)
- Res. #1063** Approves Temporary Sign Permit of Calendar Club
- Res. #1064** Approves the Town of Riverhead Police Department's
Participation in a Donate-A-Phone Program
- Res. #1065** Authorizes the Chief of Police to Submit a Grant
Application
- Res. #1066** Authorizes the Supervisor to Execute an Agreement with
the Division of Military and Naval Affairs
- Res. #1067** Authorizes Town Clerk to Publish Advertisement for
Dumpster Enclosures
- Res. #1068** Authorizes Town Clerk to Publish and Post Notice to
Bidders for Sealed Bids for Junk/Abandoned Vehicles
- Res. #1069** Authorizes Town Clerk To Publish and Post Notice to
Bidders for Sealed Bids for Junk/Abandoned
Motorcycles/Mopeds
- Res. #1070** Authorizes Town Clerk to Publish and Post Public Notice to
Consider the Purchase of Development Rights of a Parcel
Located in the Town of Riverhead (purported owner: Todd
Wells)

- Res. #1071 Authorizes Town of Riverhead to Remove Rubbish, Debris and the Cutting of Grass and Weeds from Property Pursuant to Chapter 96 Entitled, "Trash, Rubbish and Refuse Disposal" of the Riverhead Town Code**
- Res. #1072 Awards Bid for Annual Asphalt Contract**
- Res. #1073 Awards Bid for Carriage House Interior Renovations**
- Res. #1074 Awards Bid Riverhead Sewer District Elton Street Pump Sewage Pump Station Reconstruction Contract E - Electrical**
- Res. #1075 Awards Bid Riverhead Sewer District Elton Street Pump Sewage Pump Station Reconstruction Contract G - General**
- Res. #1076 Resolution and Consent Approving the Dedication of Highways Known as Cliff Road, Cedar Road, Locust Road, Ravine Road, Oak Road and Dogwood Road**
- Res. #1077 Resolution and Consent Approving the Dedication of Highways known as Sandpiper Drive, Plover Court, Pheasant Court, Kingfish Court, Wigeon Court, Mystic Court, Mallard Court, Pintail Court and (3) Recharge Basins (Sound Meadows)**
- Res. #1078 Appoints Construction Equipment Operators**
- Res. #1079 Authorizes the Supervisor to Execute a Retainer Agreement with Rogers & Taylor, Inc.**
- Res. #1080 Appoints Sledjeski & Tierney, LLP Special Counsel**
- Res. #1081 Authorizes Town Clerk to Publish and Post Notice of Public Hearing – Special Permit of Art Sites, LLC**
- Res. #1082 Approves Sign Permit of Peconic Bay Enterprises, Inc. DBA Kiddie Academy of Riverhead**
- Res. #1083 Adopts a Local Law to Amend Chapter 108 Entitled, "Zoning" of the Riverhead Town Code (Tourism/Resort Campus (TRC) Zoning Use District)**

- Res. #1084** Amends Town of Riverhead Zoning Use District Schedule (Tourism/Resort Campus (TRC) Zoning Uses District)
- Res. #1085** Amends Zoning Map, Town of Riverhead, Suffolk County, New York (Tourism/Resort Campus (TRC) Zoning)
- Res. #1086** Amends Zoning Map, Town of Riverhead, Suffolk County, New York (Business PB Zoning)
- Res. #1087** Approves Stipulation of Settlement
- Res. #1088** Adopts a Local Law to Amend Chapter 18 Entitled, "Code of Ethics" of the Riverhead town Code
- Res. #1089** Amends Zoning Map, Town of Riverhead, Suffolk County, New York
- Res. #1090** Authorizes Town Clerk to Publish and Post a Notice to Bidders for the Court Street Municipal Parking Facility
- Res. #1091** Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled "Zoning" (Riverfront Corridor Zoning Use District)
- Res. #1092** Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled "Zoning"; Town of Riverhead Zoning Use District Map (Residence B-80 and Residence B-40 Zoning Use Districts)
- Res. #1093** Authorizing Additional Payment Pursuant To Section 303 of the New York State Eminent Domain Procedure Law in Connection with the Condemnation of 207 Railroad Street, SCTM 0600-128-03-005; 217 Railroad Street, SCTM 0600-128-03-004; 201 Rail Road Street (SCTM 0600-128-03-006) Riverhead, New York
- Res. #1094** Accepts Irrevocable Letter of Credit of Foxwood Village Clubhouse Addition

Res. #1095 Appoints Fire Marshal I

**Res. #1096 Authorizes Town Clerk to Publish and Post the Attached
Notice to Bidders for Annual Construction Contract**

Res. #1097 Authorization to Pay Bills

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

REFUSE & GARBAGE DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1042

COUNCILMAN DENSIECKI

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|---------------------------|-------------|-----------|
| 115.000000.390599 | APPROPRIATED FUND BALANCE | \$9,400 | |
| 115.081600.547503 | STOP PROGRAM EXP. | | \$9,400 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

KUJAWSKI FARMLAND DEVELOPMENT RIGHTS

BUDGET ADOPTION

RESOLUTION # 1043

COUNCILWOMAN SANDERS

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> |
|-------------------|-------------------------|-------------|-------------|
| 406.019400.494200 | SERIAL BOND PROCEEDS | \$1,241,000 | |
| 406.019400.521000 | LAND DEVELOPMENT RIGHTS | | \$1,221,000 |
| 406.019400.543000 | PROFESSIONAL SERVICES | | 20,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

WATER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1044

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|---------------------------|-------------|-----------|
| 112.000000.390599 | APPROPRIATED FUND BALANCE | \$2,000 | |
| 112.090100.581500 | NYS RETIREMENT | | \$2,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

EPCAL WATER EXT. CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1045

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by COUNCILMAN DENSIESKI.

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|------------------|-------------|-----------|
| 406.092705.421050.30027 | DEVELOPER FEES | \$2,500 | |
| 406.083200.543501.30027 | ENGINEERING FEES | | \$2,500 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

EPCAL SEWER IMPROVEMENT CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1046

COUNCILWOMAN SANDERS offered the following resolution,
which was seconded by COUNCILMAN BARTUNEK

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

| | <u>FROM</u> | <u>TO</u> |
|--|-------------|-----------|
| 406.092705.421050.20017 DEVELOPER FEES | \$7,500 | |
| 406.081300.543504.20017 ENGINEERING FEES | | \$7,500 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

HIGH ZONE PUMP STATION @ WADING RIVER

BUDGET ADJUSTMENT

RESOLUTION # 1047

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

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|------------------|-------------|-----------|
| 406.083200.523002.30012 | WATER MAIN EXP. | \$2,000 | |
| 406.083200.543501.30012 | ENGINEERING EXP. | | \$2,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

REEVES AVE GOLF RESORT WATER EXT.

BUDGET ADJUSTMENT

RESOLUTION # 1048

COUNCILMAN BARTUNEK offered the following resolution,
which was seconded by COUNCILWOMAN SANDERS.

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

| | <u>FROM</u> | <u>TO</u> |
|---|-------------|-----------|
| 406.083200.547900.60078 CONTINGENCY | \$2,100 | |
| 406.083200.543501.60078 ENGINEERING EXPENSES | | \$2,100 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

TWOMEY AVE EXT. #67 WATER EXT.

BUDGET ADJUSTMENT

RESOLUTION # 1049

COUNCILWOMAN SANDERS

_____ offered the following resolution,

which was seconded by **COUNCILMAN DENSIECKI**_____.

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|-------------------------|-------------|-----------|
| 406.092705.421050.30019 | DEVELOPER FEES | \$4,320 | |
| 406.083200.543501.30019 | ENGINEERING EXPENSES | \$2,000 | |
| 406.083200.523002.30019 | WATER MAIN CONSTRUCTION | | \$6,320 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

MIDDLE RD, OSBORNE & HORTON
ROUNDAABOUT PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1050

COUNCILMAN DENSIECKI

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------------|----------------------------|-------------|-----------|
| 406.051100.48400.45088 | TRANSFER FROM HIGHWAY FUND | \$15,000 | |
| 406.051100.487451.45088 | TRANSFER FROM CHIPS | | \$10,000 |
| 406.051100.543502.45088 | ENGINEERING EXPENSES | | \$5,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

HIGHWAY FUND

BUDGET ADJUSTMENT

RESOLUTION # 1051

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|----------------------------|-------------|-----------|
| 111.052300.432000 | SERVICES OTHER DEPARTMENTS | \$90,000 | |
| 111.099500.597000 | TRANSFER TO TH CAP PROJECT | | \$15,000 |
| 111.051100.546303 | GAS, OIL & GREASE EXP. | | 2,000 |
| 111.051420.540000 | SNOW CONTRACTUAL EXP. | | 35,000 |
| 111.051300.541400 | REPAIRS OF EQUIP. | | 32,000 |
| 111.051400.541306 | DRAINAGE | | 6,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

TOWN OF RIVERHEAD

Adopted

HIGHWAY FUND

BUDGET ADJUSTMENT

RESOLUTION # 1051

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by COUNCILMAN BARTUNEK

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|----------------------------|-------------|-----------|
| 111.052300.432000 | SERVICES OTHER DEPARTMENTS | \$90,000 | |
| 111.099500.597000 | TRANSFER TO TH CAP PROJECT | | \$15,000 |
| 111.051100.546303 | GAS, OIL & GREASE EXP. | | 2,000 |
| 111.051420.540000 | SNOW CONTRACTUAL EXP. | | 35,000 |
| 111.051300.541400 | REPAIRS OF EQUIP. | | 32,000 |
| 111.051400.541306 | DRAINAGE | | 6,000 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

BUSINESS IMPROVEMENT DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1052

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

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

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|---------------------------|-------------|-----------|
| 118.064100.544160 | BID PROGRAMS | \$2,325 | |
| 118.064100.542609 | SPECIAL PROJECT PROMOTION | | \$1,500 |
| 118.064100.542100 | OFFICE SUPPLIES | | 825 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

VILLAGE AT WADING RIVER WATER EXTENSION

BUDGET ADJUSTMENT

RESOLUTION # 1053

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

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

| | <u>FROM</u> | <u>TO</u> |
|---|-------------|-----------|
| 406.083200.547900.60032 Contingency | \$900 | |
| 406.083200.543501.60032 Engineering Expense | | \$900 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

WATER EXTENSION #55 CAPITAL PROJECT

BUDGET ADJUSTMENT

RESOLUTION # 1054

COUNCILMAN BARTUNEK

_____ offered the following resolution,
which was seconded by COUNCILMAN DENSIECKI_____.

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

| | <u>FROM</u> | <u>TO</u> |
|---|-------------|-----------|
| 406.083200.523002.60009 Water Construction | \$840 | |
| 406.083200.543501.60009 Engineering Expense | | \$840 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

WATER WADING WOODS CONDOS

BUDGET ADJUSTMENT

RESOLUTION # 1055

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

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

| | <u>FROM</u> | <u>TO</u> |
|---|-------------|-----------|
| 406.083200.547900.60013 Contingency | \$700 | |
| 406.083200.543501.60013 Engineering Expense | | \$700 |

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

Resolution # 1056

ACCEPTS CASH SECURITY OF ROBERT R. HELLER

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

WHEREAS, Robert R. Heller has posted a cash security in the sum of Twenty Four Thousand Six Hundred Ninety Six Dollars (\$24,696.00) representing the 5% site plan security as noted in the approved site plan dated September 7, 2004 Resolution #824 for a Trade Shop located at 1015 East Main Street, Riverhead, New York 11901, Suffolk County Tax Map # 600-111.00-01-014.00, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% cash security in the sum of Twenty Four Thousand Six Hundred Ninety Six Dollars (\$24,696.00); and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, P.O. Box 79, Riverhead, New York 11901, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

Resolution # 1057

ACCEPTS CERTIFICATE OF DEPOSIT SECURITY OF HARTILL CONTRACTING INC.

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Hartill Contracting Inc. has posted a Certificate of Deposit (#000290070756 with Suffolk County National Bank) in the sum of Seventeen Thousand Five Hundred Dollars (\$17,500) representing the 5% site plan security as noted in the approved site plan dated June 15, 2004 Resolution #555 to construct four (4) two story attached residential apartments/townhouses and associated site improvements located at Swezey Avenue, Riverhead, New York, Suffolk County Tax Map # 600-128.-2-11, pursuant to Section 108-133 (I) of the Riverhead Town Code;

WHEREAS, the Town Attorney has reviewed the said certificate of deposit and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts certificate of deposit as security in the sum of Seventeen Thousand Five Hundred Dollars (\$17,500); and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Hartill Contracting Inc. , PO Box 5, 10 Hulse Avenue, Wading River, New York 11792, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

11/16/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1058

**ACCEPTS PERFORMANCE BOND OF WADING RIVER
WOODS, LLC (CONDOMINIUM PROJECT)
(Route 25A, Wading River)**

COUNCILWOMAN SANDERS offered the following resolution, was seconded
by **COUNCILMAN DENSIENKI** :

WHEREAS, by resolution adopted on April 20, 2004, the Riverhead Planning Board conditionally approved the final conditional condominium map approval of Wading River Woods LLC, with one of the conditions of final approval being the submission and filing of a performance bond in the amount of \$480,000.00 covering improvements to be completed within said condominium project; and

WHEREAS, Wading River Woods, LLC has submitted to the Town of Riverhead Performance Bond # 112682 from Nova Casualty Company in the amount of Four Hundred Eighty Thousand and 00/100 (\$480,000.00) Dollars, for improvements to be completed within said condominium project; and

WHEREAS, the Town Attorney has reviewed said performance bond and determines same to be acceptable covering the improvements to be completed in the within condominium project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts Nova Casualty Company Performance Bond # 112682 in the amount of Four Hundred Eighty Thousand and 00/100 (\$480,000.00) Dollars for improvements to be completed in the condominium project of Wading River Woods, LLC; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Charles R. Cuddy, Esq., 445 Griffing Avenue, P.O. Box 1547, Riverhead, New York, 11901; the Planning Department; the Building Department and the Town Attorney's Office.

THE VOTE

Bartunek yes no Sanders yes no
 Bless yes no Densienki yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

NOVEMBER 16, 2004

TOWN OF RIVERHEAD

ADOPTS TOWN OF RIVERHEAD 2005 ANNUAL BUDGET

RESOLUTION # 1059

COUNCILWOMAN BLASS

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

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the adoption of the Town of Riverhead 2005 Annual Budget; and

WHEREAS, a public hearing was held on the 3rd day of November, 2004 at 2:10 p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York; the date, time and place specified in said public notice; and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead 2005 Annual Budget is hereby adopted.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

11/16/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1060

AMENDS RESOLUTION #788 OF 2004
(AUTHORIZES THE RELEASE OF CASH BOND OF DOUGLAS
AND SUSAN NOBLE - NORTHEASTERN CHRISTIAN BOOK STORE)

COUNCILWOMAN SANDERS

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, Resolution #1139 adopted by the Riverhead Town Board on October 21, 2003, authorized the acceptance of a cash bond of Douglas and Susan Noble of the Northeastern Christian Book Store in the amount of \$595.00; and

WHEREAS, Resolution #788 adopted by the Riverhead Town Board on August 31, 2004, authorized the release of the cash bond of Douglas and Susan Noble of the NorthEastern Christian Book in the incorrect amount of \$129.00, which said resolution should have released a cash bond in the correct amount of \$595.00.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby amends Resolution #788 dated August 31, 2004 to reflect the dollar amount of the cash bond to be released to the amount of \$595.00; and be it further

RESOLVED, that all other terms and conditions of Resolution #788 shall remain in full force and effect; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Douglas and Susan Noble, P.O. Box 1261, Riverhead, New York, 11901; the Building Department; the Planning Department; the Accounting Office and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Denieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1061

APPOINTS A P/T RECREATION AIDE (TEEN CENTER) TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILWOMAN SANDERS

offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

RESOLVED, that Donna Sinko is hereby appointed to serve as a P/T Recreation Aide for the Teen Center effective November 17, 2004, to be paid at the rate of \$9.0834 per hour, and to serve as needed on an at will basis and to serve at the pleasure of the Town Board

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department and the Office of Accounting.¹

THE VOTE

| | | | | | | | | | |
|-----------|-------------------------------------|-----|--------------------------|----|-----------|-------------------------------------|-----|--------------------------|----|
| Bartunek | <input checked="" type="checkbox"/> | yes | <input type="checkbox"/> | no | Sanders | <input checked="" type="checkbox"/> | yes | <input type="checkbox"/> | no |
| Blass | <input checked="" type="checkbox"/> | yes | <input type="checkbox"/> | no | Densieski | <input checked="" type="checkbox"/> | yes | <input type="checkbox"/> | no |
| Cardinale | <input checked="" type="checkbox"/> | yes | <input type="checkbox"/> | no | | | | | |

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen /Res. Donna SinkoTC

11/16/04

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1062

APPOINTS TEMPORARY CLERKS TO THE TAX RECEIVER'S OFFICE

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

WHEREAS, this Town Board recognizes the need to provide additional clerical personnel to the Office of the Receiver of Taxes to assist in the processing of tax money.

NOW, THEREFORE, BE IT RESOLVED, that Nicholas Solazzo and Cori Koroleski be and are hereby appointed as temporary clerks effective November 30, 2004 at an hourly rate of compensation of

| | |
|------------------|-----------------|
| Nicholas Solazzo | \$9.75 per hour |
| Cori Koroleski | \$9.75 per hour |

and

BE IT FURTHER RESOLVED that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Cori Koroleski; Nicholas Solazzo; Maryann Wowak Heilbrunn, Receiver of Taxes; and the Office of Accounting.

THE VOTE

| | | | | | |
|-----------|---|-----------------------------|-----------|---|-----------------------------|
| Bartunek | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Sanders | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Blass | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Densieski | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Cardinale | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | | | |

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

November 16, 2004

Adopted

TOWN OF RIVERHEAD
Resolution # 1063

APPROVES TEMPORARY SIGN PERMIT OF CALENDAR CLUB

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, a temporary sign permit and sketch were submitted by Richard Searles for property located at Calendar Club, Suite 1308, Tanger II, 1947 Old Country Road, Riverhead, New York also known as SCTM# 119.00-01-038.01; and

WHEREAS, pursuant to Section 108-56 C (5) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

WHEREAS, sketch has been approved the three (3) Town Board members;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Calendar Club submitted by Richard Searles and be it

RESOLVED, that said temporary sign permit shall expire on February 16, 2005 and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Calendar Club, 6411 Burleson Road, Austin TX 78744, the Planning Department and the Building Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

November 16, 2004

TOWN OF RIVERHEAD

Resolution # 1065

AUTHORIZES THE CHIEF OF POLICE TO SUBMIT A GRANT APPLICATION

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by COUNCILWOMAN SANDERS.

WHEREAS, the New York State Division of Criminal Justice Services has released a Request for Proposals for funding under the Federal Title II Formula Grant Program to support juvenile justice and delinquency prevention programs; and

WHEREAS, Chief David J. Hegermiller has requested authorization from the Town Board to act as the main contact person and submit the grant application on behalf of the Town and the Riverhead Police Department.

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby designates Chief David J. Hegermiller as the contact person for the grant and authorizes him to complete and submit the grant application to the New York State Division of Criminal Justice Services.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Police Chief David J. Hegermiller, Grants Coordinator Jennifer Mesiano and the Office of Accounting.

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1066

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH THE DIVISION OF MILITARY AND NAVAL AFFAIRS

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

WHEREAS, the Division of Military and Naval Affairs ("DMNA") is charged with the responsibility for the care and maintenance of the armories throughout the State; and

WHEREAS, the Town of Riverhead wishes to enter into a Lease Agreement for the use of the Riverhead Armory at 1405 Old Country Road, Riverhead, New York to host teen activities and programs for Riverhead Town school age children; and

WHEREAS, the DMNA has forwarded the Town a Lease Agreement for the use of the armory by the Town;

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute the attached Lease Agreement with the DNMA for the use of the armory for Town sponsored teen activities and programs from January 3, 2005 through December 23, 2005; and be it further

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

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Denisieski yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

AGREEMENT FOR LEASE OF ARMORY

cy

THIS LEASE AGREEMENT, made this 7 day of NOV 2004 between the People of the State of New York acting by and through the Division of Military and Naval Affairs (hereinafter referred to as "Lessor" or DMNA) and

Riverhead Recreation Dept. 200Howell Ave. Riverhead NY 11901, 11-60001935 (631) 727-5744

NAME ADDRESS FED ID TELEPHONE

(hereinafter referred to as "Lessee").

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

WHEREAS, the Lessee desires to use one of these facilities, specifically Riverhead Armory 1405 Old Country Rd. for the purpose of

Teen Activities & Programs for Riverhead Town School Children, Supervised By Town Employees.

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

- 1. This lease agreement is subject to all terms and conditions contained in Section 183 of the Military Law of the State of New York and DMNA Regulation 210-1, as amended.
2. DMNA agrees to the use by the Lessee of the facility named above with respect to a particular area of that facility for a specific date and time. This specific area, date and time are set forth in sub-paragraphs a. and b. below:
a. Area of Facility To Be Used: Armory Drill Hall And First Floor Bathrooms.
b. Date(s)/Time(s) of Use:
From the 3rd day of January 2005, at 1700 o'clock P.m. To the 23 day of December 2005 at 2100 Pm.
3. Lessee further agrees to be liable for any and all additional charges arising out of this lease including, but not limited to, longer use of the armory than specified in paragraph 2 and/or additional personal or non-personal services supplied by Lessor.

4. As of the date of execution of this agreement, Lessee agrees to pay DMNA as rental charges hereunder the sum of Fourteen Thousand Three Hundred & Seventy Six Dollars & 80¢ (\$14,376.80) dollars as reflected on the Form 99 (Work Sheet for Computation of Rental Charges) attached hereto and made a part of this agreement. Lessee agrees to pay these rental charges to the "New York State Division of Military and Naval Affairs" by certified check or from some other source of guaranteed funds. No cash payments are authorized and payment in full will be received by DMNA no later than the starting date under this agreement or it shall be cancelled.

5. Lessee further agrees that, if proof of insurance and full payment of the rental charges set forth in paragraph 3 above are not provided at lease 31 days prior to the starting date under this agreement, all deposits made by Lessee under this agreement will be forfeited, and Lessee shall also lose the right to conduct the event.

6. Appendix A (Standard Clauses for all New York State Contracts) is attached hereto and made a part of this agreement.

7. Appendix B (Standard Clauses for all DMNA Armory Leases) is attached hereto and made a part of this agreement.

8. Entire Lease: This lease form, the Form 99, Appendix A and Appendix B constitute the entire agreement between the parties thereto and no statement, promise, condition, understanding, inducement, oral or written, expressed or implied, which is not contained herein, shall be binding or valid and this agreement shall not be changed, modified, or altered in any manner except by instrument in writing executed by both parties.

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

LESSEE
BY: (NAME & TITLE TYPED OR PRINTED)

Ronald Zarano FACILITY MANAGER
Thomas Nay OFFICER IN CHARGE & CONTROL/ ASS'T OFFICER IN CHARGE & CONTROL

FOR USE IF LESSEE SIGNS AS AN INDIVIDUAL: STATE OF NEW YORK) COUNTY OF) SS.
On the ___ day of ___, ___, before me personally came

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

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

to me known who, being by me duly sworn, did depose and say that ___ he resides at No.

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

APPENDIX C
to
Agreement for Use of Armory

New York State Division of Military and Naval Affairs

1. The primary function of an armory is to provide adequate space for training, administration, supply activities, and mobilization of military units and soldiers stationed at said armory. The armory may also be required for use during the activation and mobilization of other military units not necessarily stationed at that particular armory.
2. In the event the use of the armory space being rented under this agreement: (a) is required to support military purposes; (b) is required by higher military authority; (c) is required for the purpose of any Federal, State, or local municipal emergency; or (d) is required to be closed to public access due to heightened Force Protection implementation, this Agreement for Use of Armory will be cancelled without advance notice.
3. Upon cancellation of this Agreement under the condition(s) listed above, coordination and arrangements will be made to enable the Lessee and the Lessee's agents, workers, exhibitors and affiliated personnel to vacate the premises and to remove any and all equipment and merchandise as quickly as possible.
4. Upon termination of this Agreement under the conditions above, the Division of Military and Naval Affairs will take steps to initiate a refund of the rent and expense charges for days not already used by the Lessee under this Agreement.
5. Lessee acknowledges, by signature below, that the above terms and conditions are fully understood and agreed to.

X

Lessee Signature and date

X

Witness Signature and Date

ADDENDUM TO NONMILITARY USE AGREEMENT

SECURITY STANDARDS AND REQUIREMENTS

PUBLIC EVENTS

The following security standards and requirements are applicable to all public nonmilitary use events at all Division of Military and Naval Affairs (DMNA) controlled facilities.

1. Lessee fully understands that this Non-Military Use Agreement may be cancelled without notice if use of the armory is required for military emergency purposes or Force Protection (previously known as THREATCON) levels are increased to the point where non-military uses cannot be accommodated. Any such cancellation is not subject to negotiation and the decision of the Division of Military and Naval Affairs is final.
2. Access to the facility will be limited to one entry point. All outside doors must be clearly marked with signs, (no less than 24 inches by 24 inches), indicating that "Entrance or exit through front door (or other appropriate entrance) only." If signs are not already in place, the lessee shall be responsible for providing the signs prior to the start of the event move-in. If access is required through a back door or overhead door, i.e., to bring equipment or merchandise into the armory, the front entrance must be closed, locked, and secure while the alternate entrance is in use. AT NO TIME shall more than one door to the facility be open, except in cases where military units are utilizing an alternate door while a nonmilitary use activity is using the main entrance.
3. The lessee must advise customers, guests, vendors, sports participants, spectators, and any other persons attending the event at the armory that any backpacks, bags, packages, purses, gym bags, and any other items brought into the armory will be subject to search by security personnel. It is strongly suggested materials being brought into the facility by the attendees be kept to a minimum.
4. **Armory staff security.** The armory superintendent shall schedule a sufficient number of state personnel, full time or temporary service, to safeguard the facility and its contents during the entire event. There must be a state employee assigned to the main entrance at all times. Security must be adequate enough to ensure that all participants are limited to accessing only those areas of the armory for which the rental is in effect. If any rear doors are to be used, even temporarily, a DMNA door guard will be posted at that door. Armory security personnel will perform security duties only. Any janitorial services required will be provided by other personnel hired to perform janitorial services.

5. Additional security personnel.

For publicly attended events, the lessee must hire licensed, bonded security guards at a rate of 2 guards per 50 attendees. The number of attendees will be determined by the maximum rated occupancy level of the space. The guards, while hired and paid for directly by the lessee, shall be directed and controlled by the armory superintendent. In lieu of private company security guards, the lessee may hire off duty police or sheriffs to perform the security functions. In cases where the armory superintendent expects that the attendance level will be much lower than the maximum number allowable, a reduction in security force numbers MAY be permitted. Any reduction in security must be approved, in advance, by the Joint Chief of Staff, Division of Military and Naval Affairs.

6. Main entrance security:

a. The main entrance will be attended at all times by an armory employee, at least one security guard, and a representative of the lessee.

b. While Force Protection B is in force, random checks of photo identification of at least every fourth person gaining access will be performed and spot checks will be made of bags, packages and materials being brought in to the facility. While Force Protection C is in force, checks of photo identification of every person gaining access will be performed and checks will be made of all bags, packages and materials being brought in to the facility. Young children without identification must be accompanied by an adult. To ensure no foreign material or contraband is being smuggled into the venue, security guards may require personnel to remove their coats for inspection.

c. **Exit and re-entering.** Attendees and lessee personnel may wish to leave the building temporarily and gain re-entry. This is permissible, but individuals will be subject to the same security checks as during initial entry.

d. At the conclusion of the event, after participants, guests and vendor personnel have exited the building, the security personnel will lock the building and carefully inspect the building to ensure all persons who have entered the building have left.

7. Vendor security.

a. Lessee will provide to the armory superintendent, in advance of the start date of the non-military use event, an alphabetical list of all vendors, caterers, dealers, entertainment personnel, decorators, and similar activity support personnel who will require access to the facility. Each vendor will provide an alphabetical list of all employees scheduled to work the event. As the vendor's employees gain access to the facility to perform their job functions, their

DMNA Customer Utilization Form

Date

11 / 07 / 04

Armory Riverhead, 1405 Old Country Rd.

Information on lessee:

Name of organization/person

Riverhead Town Recreation Dept.

Contact Person

Jim Janecek

Address

Town Hall 200 Howell Ave.

Riverhead Recreation Dept.

Riverhead, New York 11901

Telephone

(631) 727-5744

Fax

Nine Digit FED ID# or SS#

11-60001935

Purpose of Using Facility

Recreation Programs For Teens in
Riverhead Schools

Will there be admission charge?

Yes
No

Amount \$ _____

Have you done business with us or any other New York State armory previously?

yes

YES

no

Facility Request

Areas

Drill Hall and First Floor Bathroom

requested

Monday, Wednesday, Thursday, & Friday Nights

Time/dates

Time/date

January 3, 2005 thru December

Event

23, 2005 Except for the months of

June, July & August, 2005

Alcohol Use or Sale

Will there be the use or sale of spirituous or malt liquor on the premises?

Yes

No

NO

Potential Construction

Will construction, such as temporary walls, bleachers, platforms, stage, booths, or the like, be required?

Yes
No

Customers' Amount \$ _____

* all construction must be approved by MNFE-CE

Will temporary electricity, not in place, be required? Yes

No NO

** Discrimination due to the race, sex, creed or religion of a lessee, or by the lessee, is prohibited. All armory uses must be in accordance with the nondiscriminatory assurance contained in Title VI of the Civil Rights Act of 1964. Violation can be cause for potential monetary penalty.

X

Signature of Requestor

photo identification will be checked. Each vendor or lessee must be present to verify their status as employees. The lessee will provide temporary identification badges to all vendors and work personnel at large events. These badges **will** not replace the need for each person to have a personal photo ID.

b. The armory superintendent and security personnel will ensure all supplies, equipment and other materials brought into the armory are what they purport to be, such as food, beverages, audio equipment, craft items, etc. They will also check to ensure prohibited materials are not brought into the facility.

c. Vendors will not be permitted to begin moving equipment, supplies, decorations and other materials out of a facility until all guests, patrons or customers have left the building and the main entrance door is locked secured. Only then will an alternate door be opened for moving out. If the main entrance is to be used for move out, all guests, patrons or customers must have departed the facility before the vendor(s) begin to move out.

8. Materials in the facility.

a. Pyrotechnic supplies and materials, artificial smoke, fireworks, and similar items are not permitted in the facility.

b. Security guards will continuously move about during the event, checking dealer booths, tables and other areas to ensure packages and goods are in plain sight and use. Any suspicious materials, boxes or hidden items will promptly be inspected and, if necessary, removed from the premises.

c. After the event, security guards will carefully inspect the facility to ensure all items have been removed. Any unidentified boxes or materials remaining will be left in place and the local police will be notified immediately. This will be handled the same way as any other unattended briefcase or package at a facility.

d. Boxes or material left deliberately in order to be picked up by the lessee or vendor at a later date must be inspected by a security guard prior to the box or package being sealed. Any such items must be placed in a secure location within the armory and will not be accessed by anyone without a security guard in attendance until they are picked up for removal.

X

Lessee Signature and date

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1067

AUTHORIZES TOWN CLERK TO PUBLISH
ADVERTISEMENT FOR DUMPSTER ENCLOSURES

COUNCILMAN DENSIESKI

offered the following resolution,
COUNCILMAN BARTUNEK

which was seconded by _____.

WHEREAS; the Town Clerk is authorized to publish and post a notice to bidders for DUMPSTER ENCLOSURES and;

BE IT RESOLVED, the Town Clerk is hereby authorized to publish and post the following in the November 25, 2004 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 Town Board and the Purchasing Department.

THE VOTE

Sanders ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Bartunek ~~Yes~~ No

Cardinale ~~Yes~~ No

Z:herd.dumpsters

**LEGAL NOTICE
TOWN OF RIVERHEAD
NOTICE TO BIDDERS
CONTRACT 0436 –DUMPSTER ENCLOSURES
TOWN OF RIVERHEAD**

Sealed bids for the construction of dumpster enclosures within the Riverhead Parking District including any and all related work in accordance with Specification No 0436 and accompanying drawings shall be received by the Town of Riverhead 200 Howell Avenue, Riverhead, NY 11901 until Wednesday, January 19, 2005 at 9:30 AM at which time they will publicly opened and read.

Contractors are herewith advised that plans and specifications may be obtained at the following location on or about Tuesday, November 30, 2004:

**TOWN OF RIVERHEAD
Town Clerks Office
200 Howell Ave
Riverhead, NY 11901
(631) 727-3200**

A refundable fee of Fifty Dollars (\$50.00) via check shall be required for each set of bid documents obtained. Documents returned for refund must be in good condition and must be returned to the Architects office within thirty (30) calendar days after the bid award date. Additional drawings prints may be obtained for two dollars per page (\$2.00/pg.) and additional specifications may be obtained for ten cents per page (\$.10/pg.). Additional plan and specification copies are nonrefundable. Checks shall be made payable to the Martin F. Sendlewski, AIA. Deposit will not be returned if a bid is not submitted.

The work shall be bid and awarded as One (1) prime contract as follows:

1. Bid 0436 – Dumpster Enclosures

A bid security is not required.

A material payment bond will not be required for this project.

November 16, 2004

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed bids for the purchase of **DUMPSTER ENCLOSURES** 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 9:30 a.m. on January 19, 2005.

Plans and specifications may be examined and obtained November 30, 2004, 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.

A refundable fee of \$50.00 via check made payable to the Town of Riverhead, or cash will be required for each copy of the contract documents.

The Town Board reserves the right and responsibility to reject any or all bids or to waive any formality if it believes such actions 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 DUMPSTER ENCLOSURES.**

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Z:herd.dumpsters

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1068

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR SEALED BIDS FOR JUNK/ABANDONED VEHICLES

Councilperson COUNCILWOMAN SANDERS offered the following resolution which was seconded by Councilperson COUNCILWOMAN BLASS

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to advertise for sealed bids for junk/abandoned vehicles.

BE IT FURTHER RESOLVED, sealed bids are to be opened and read aloud publicly on December 6, 2004, at 11:00 a.m. A report of said bid opening will be made to the Town Board, by the Town Clerk, the morning following the opening of the bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD,

Barbara Grattan, Town Clerk

Dated: November 16, 2004
Riverhead, New York

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

NOTICE TO BIDDERS

TAKE NOTICE, that sealed bids will be received from licensed junk dealers only, by the Town Clerk, Town of Riverhead, 200 Howell Avenue, Riverhead, New York, until 11:00 a.m. on December 6, 2004, for a per vehicle bid on junk/abandoned vehicles, in possession of the Town of Riverhead, pursuant to Section 1224 of the Vehicle and Traffic Law of the State of New York, at which time and place they will be publicly opened and read aloud.

A Certificate of Non-collusion must accompany each bid. The Town of Riverhead reserves the right to reject any and all bids.

Bidders are required to enclose a valid, current Dismantelers License with sealed bid.

Conditions and Specifications may be obtained from the Town Clerk's Office, Town of Riverhead, 200 Howell Avenue, Riverhead, New York.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD,

BARBARA GRATTAN
TOWN CLERK

RIVERHEAD TOWN POLICE DEPARTMENT

JUNK/ABANDONED VEHICLE BID

GENERAL CONDITIONS & SPECIFICATIONS:

1. Such sealed bid will be to enter into a contract between the Town of Riverhead and the successful bidder to purchase vehicles identified by the Town of Riverhead as junk/abandoned vehicles, pursuant to Section 1224 of the N.Y.S. Vehicle and Traffic Law.
 - a. The Town of Riverhead estimates one hundred fifty (150) to two hundred fifty (250) vehicles during the term of the contract.
2. The bid will be a bid per vehicle, individually, for each of the junked or abandoned vehicles which the Police Department has deemed junk/abandoned, pursuant to the N.Y.S. Vehicle and Traffic Law, Section 1224. Each bidder must be a licensed N.Y.S. Vehicular Dismanteler or Scrap Processor registered and certified pursuant to applicable provisions of Article 16, N.Y.S. Vehicle & Traffic Law. Each bidder will enclose a copy of the current license with the sealed bid and be able to produce a current valid license, during the contract period, upon demand.
3. The contract period will be from January 1, 2005, to December 31, 2006. However, the bid award may be extended upon mutual agreement of both parties provided there is no change to the original bid award.
4. All vehicles bid upon will be valued at or under \$1,250.00, as determined by the Riverhead Town Police Department, pursuant to Section 1224 of the N.Y.S. Vehicle and Traffic Law.
5. The successful bidder for the period 2005 - 2006 will meet the following conditions:
 - a. Upon notification, the successful bidder will pick up, tow away, or cause to be removed and take possession of vehicles designated and identified as junk/abandoned by the Police Department.
 1. Such notification and notice will be for lots of no less than three vehicles.

GENERAL CONDITIONS & SPECIFICATIONS:

Page 2

- b. At the time of such removal, the successful bidder will be required to present a certified check in full payment for those vehicles purchased, made payable to the Town of Riverhead.
- c. The successful bidder must agree to take the vehicles in an "as is" condition, as set by the Police Department.
- d. The successful bidder must agree to remove said vehicles within 72 hours of notification by the Police Department of the Town of Riverhead.
- e. The successful bidder must agree to the removal of said vehicles during normal business hours; i.e., Monday through Friday, 8:00 a.m. to 3:30 p.m.
- f. All necessary paperwork must be completed prior to removal of any vehicle or vehicles.

TOWN OF RIVERHEAD
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901

The bid on individual Junk/Abandoned Vehicles as set forth on a list provided by the Town of Riverhead is:

\$ _____ each

_____ Dollars each

I/We fully understand that this bid is subject to the provisions of Section 103-A and 103-B of the General Municipal Law.

Date

Dealer/Agent

Address

City

State

Zip

The bid must be sealed and marked "Bid on Junk/Abandoned Vehicles" and delivered to the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, no later than 11:00 a.m. on December 6, 2004.

**TOWN OF RIVERHEAD
TOWN HALL
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901**

CERTIFICATE OF NON-COLLUSION

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:
TOWN OF RIVERHEAD)

_____ being duly sworn, deposes and says:

1. This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor;
2. This bid or proposal has not been knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor, or potential competitor;
3. No attempt has been or will be made to induce any other person, partnership, or corporation to submit or not to submit a bid or proposal;
4. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf; and
5. That attached hereto (if a corporate bidder) is a certified copy of a resolution authorizing the execution of this certificate by the signatory of this bid or proposal on behalf of the corporate bidder.

BY: _____

Sworn to before me this _____

day of _____, 200_____

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1069

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR SEALED BIDS FOR JUNK/ABANDONED MOTORCYCLES/MOPEDS

COUNCILWOMAN BLASS
Councilperson _____ offered the following resolution which was seconded by Councilperson COUNCILMAN BARTUNEK

RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to advertise for sealed bids for junk/abandoned motorcycles/mopeds.

BE IT FURTHER RESOLVED, said bids are to be opened and read aloud publicly on December 6, 2004 at 11:05 a.m. A report of said bid opening will be made to the Town Board, by the Town Clerk, the morning following the opening of the bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD,

Barbara Grattan, Town Clerk

Dated: November 16, 2004
Riverhead, New York

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

NOTICE TO BIDDERS

TAKE NOTICE, that sealed bids will be received from licensed junk dealers only, by the Town Clerk, Town of Riverhead, 200 Howell Avenue, Riverhead, New York, until 11:05 a.m. on December 6, 2004, for a per motorcycle/moped bid on junk/abandoned motorcycles/mopeds, in possession of the Town of Riverhead, pursuant to Section 1224 of the Vehicle and Traffic Law of the State of New York, at which time and place they will be publicly opened and read aloud.

A Certificate of Non-collusion must accompany each bid. The Town of Riverhead reserves the right to reject any and all bids.

Bidders are required to enclose a valid, current Dismantelers License with sealed bid.

Conditions and Specifications may be obtained from the Town Clerk's Office, Town of Riverhead, 200 Howell Avenue, Riverhead, New York.

BY ORDER OF THE TOWN BOARD
TOWN OF RIVERHEAD,

BARBARA GRATTAN
TOWN CLERK

RIVERHEAD TOWN POLICE DEPARTMENT

JUNK/ABANDONED MOTORCYCLE/MOPED BID

GENERAL CONDITIONS & SPECIFICATIONS:

1. Such sealed bid will be to enter into a contract between the Town of Riverhead and the successful bidder to purchase any motorcycles/mopeds identified by the Town of Riverhead as junk/abandoned motorcycles/mopeds, pursuant to Section 1224 of the N.Y.S. Vehicle and Traffic Law.
 - a. The Town of Riverhead will receive one-time bids for the purchase of junk/abandoned motorcycles/mopeds in its possession for the calendar year 2005 and 2006.
2. The bid will be a bid per item, individually, for each of the junk or abandoned motorcycles/mopeds which the Police Department has deemed junk/abandoned, pursuant to the N.Y.S. Vehicle and Traffic Law, Section 1224. Each bidder must be a licensed N.Y.S. Vehicular Dismanteler or Scrap Processor registered and certified pursuant to applicable provisions of Article 16, N.Y.S. Vehicle & Traffic Law. Each bidder will enclose a copy of the current license with the sealed bid.
3. This contract, when awarded will be for the purchase of junk/abandoned motorcycles/mopeds as designated by the Town of Riverhead.
4. All Motorcycles/mopeds bid upon will be valued at or under \$1,250.00, as determined by the Riverhead Town Police Department, pursuant to Section 1224 of the N.Y.S. Vehicle and Traffic Law.
5. The successful bidder for this sale will meet the following conditions:
 - a. Upon notification, the successful bidder will pick up, tow away, or cause to be removed and take possession of motorcycles/mopeds designated and identified as junk/abandoned by the Police Department.
 1. Such notification and notice will be for the amount of motorcycles/mopeds specified.

GENERAL CONDITIONS & SPECIFICATIONS:

Page 2

- b. At the time of such removal, the successful bidder will be required to present a certified check in full payment for those motorcycles/mopeds purchased, made payable to the Town of Riverhead.
- c. The successful bidder must agree to take the motorcycles/mopeds in an "as is" condition, as set by the Police Department.
- d. The successful bidder must agree to remove said motorcycles/mopeds within 72 hours of notification by the Police Department of the Town of Riverhead.
- e. The successful bidder must agree to the removal of said motorcycles/mopeds during normal business hours; i.e., Monday through Friday, 8:00 a.m. to 3:30 p.m.
- f. All necessary paperwork must be completed prior to removal of any motorcycles/mopeds.

TOWN OF RIVERHEAD
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901

The bid on individual Junk/Abandoned motorcycles/mopeds as set forth on a list provided by the Town of Riverhead is:

\$ _____ each

_____ Dollars each

I/We fully understand that this bid is subject to the provisions of Section 103-A and 103-B of the General Municipal Law.

Date

Dealer/Agent

Address

City

State

Zip

The bid must be sealed and marked "Bid on Junk/Abandoned Motorcycles/Mopeds" and delivered to the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, no later than 11:05 a.m. on December 6, 2004.

TOWN OF RIVERHEAD
TOWN HALL
200 HOWELL AVENUE
RIVERHEAD, NEW YORK 11901

CERTIFICATE OF NON-COLLUSION

STATE OF NEW YORK)
COUNTY OF SUFFOLK) ss:
TOWN OF RIVERHEAD)

_____ being duly sworn, deposes and says:

1. This bid or proposal has been independently arrived at without collusion with any other bidder or with any competitor or potential competitor.
2. This bid or proposal has not been knowingly disclosed, prior to the opening of bids or proposals for this project, to any other bidder, competitor, or potential competitor;
3. No attempt has been or will be made to induce any other person, partnership, or corporation to submit or not to submit a bid or proposal;
4. The person signing this bid or proposal certifies that he has fully informed himself regarding the accuracy of the statements contained in this certification, and under the penalties of perjury, affirms the truth thereof, such penalties being applicable to the bidder as well as to the person signing in its behalf; and
5. That attached hereto (if a corporate bidder) is a certified copy of a resolution authorizing the execution of this certificate by the signatory of this bid or proposal on behalf of the corporate bidder.

BY: _____

Sworn to before me this _____

day of _____, 200 _____

Adopted

November 16, 2004

TOWN OF RIVERHEAD

Resolution # 1070

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE OF DEVELOPMENT RIGHTS OF A PARCEL LOCATED IN THE TOWN OF RIVERHEAD (purported owner: Todd Wells)

COUNCILMAN BARTUNEK

offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, pursuant to the provisions of §247 of the New York State General Municipal Law, fee simple owners of agricultural lands may elect to sell and the Town of Riverhead may elect to purchase development rights associated with said lands; and

WHEREAS, Todd Wells has expressed a desire to sell the development rights on approximately 52 acres of his agricultural lands located on the northerly side of Sound Avenue (northeast of Phillips Lane) Riverhead, New York, at \$38,535.00 per acre, further described as Suffolk County Tax Map #0600-20-3- p/o 6.1, to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of development rights of agricultural lands owned by Todd Wells, once in the November 25, 2004, issue of the News Review the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase of development rights to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Shephard Scheinberg, Esq., PO Box 1765, 10 Old Fields Lane, Quogue, New York, 11959; the Farmland Preservation Committee; Peconic Land Trust, Attn: Julie T. Wesnofske, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 21st day of December, 2004 at 2:05 PM o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of development rights on 51.9 +/- acres of agricultural lands owned by Todd Wells located on the northerly side of Sound Avenue (northeast of Philips Lane) Riverhead, New York, at \$38,535.00 per acre, further described as Suffolk County Tax Map #0600-20-3- p/o 6.1, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 44 of the Riverhead Town Code.

Dated: Riverhead, New York
November 16, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

November 16, 2004

TOWN OF RIVERHEAD

Resolution # 1071

Adopted

AUTHORIZES TOWN OF RIVERHEAD TO REMOVE RUBBISH, DEBRIS AND THE CUTTING OF GRASS AND WEEDS FROM PROPERTY PURSUANT TO CHAPTER 96 ENTITLED, "TRASH, RUBBISH AND REFUSE DISPOSAL" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN SANDERS offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, Section 96-2. B. of the Riverhead Town Code provides that the Town Board may require the removal of rubbish and debris and the cutting of grass and weeds; and

WHEREAS, property located at 434 Pulaski Street, Riverhead also known as Suffolk County Tax Map Number 0600-126.00-01-009.00, is not in compliance with the requirements of Chapter 96 of the Riverhead Town Code; and

WHEREAS, the Town Board of the Town of Riverhead desires to require the removal of the rubbish and debris and the cutting of the grass at subject property;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the Town Clerk to serve notice upon Jenny Joe Realty Corp, 710 Rte. 25A, Rocky Point, New York, 11778 by certified mail, returned receipt requested and by regular mail in a plain unmarked wrapper. Such notice is to consist of a certified copy of this resolution and the attached public notice to property owner; and be it further

RESOLVED, that pursuant to Chapter 96, Section 96-2E., the administration fees of \$740.00 and all actual expenses incurred by the Town of Riverhead to remove the rubbish/debris, grass and weeds shall be assessed against the owner; and be it further;

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to; Jenny Joe Realty Corp, 710 Rte. 25A, Rocky Point, New York 11778 , Fire Protection and Code Enforcement Division, Kenneth Testa, P.E., the Tax Receiver's Office and the Office of the Town Attorney.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that pursuant to Riverhead Town Code, Section 96 of the Town of Riverhead, hereby requires that you cause the property located at 434 Pulaski Street, Riverhead, New York, further described as Suffolk County Tax Map # **600-126.00-01-009.00**, to be cleaned of all rubbish, refuse and other debris, and that the weeds and grass be mowed within ten (10) days from the date of this notice.

Dated : November 16, 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

November 16, 2004

Adopted

TOWN OF RIVERHEAD
RESOLUTION # 1072

AWARDS BID FOR ANNUAL ASPHALT CONTRACT

COUNCILMAN BARTUNEK

offered the following resolution which was

COUNCILMAN DENSIECKI

seconded by _____

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Annual Asphalt Contract; and

WHEREAS, seven (7) bids were received, opened and read aloud on the 26th day of August, 2004 in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Annual Asphalt Contract be awarded as follows:

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|---------------|-------------|---------------|---------------------|--------------------|
| 80 | RECYCLED BASE | SQUARE YARD | 1-1,999 SY | 5.00 CORRAZZINI | 1,000 |
| 80A | RECYCLED BASE | SQUARE YARD | OVER 1,999 SY | 5.00 CORRAZZINI | 2,000 |
| 80B | EXCAVATION | CUBIC YARD | 1-100 CY | 14.00 CORRAZZINI | 100 |
| 80C | 2" NYS TYPE 6 | TON | 1-259 TON | 65.00 CORRAZZINI | 200 |
| 80D | 2" NYS TYPE 6 | TON | OVER 250 TON | 51.00 CORRAZZINI | 250 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|---------------|-------|------------|------------------|--------------------|
| 90 | CRACK SEALANT | POUND | 1-1,000 LB | 6.10 KJB IND. | 100 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|------------------|-------------|------------|--------------------|--------------------|
| 100 | EMULSION & STONE | SQUARE YARD | 1-1,999 SY | 1.40 CORRAZZINI | 1,000 |
| 100A | EMULSION & | SQUARE | OVER 1,999 | 1.40 | 2,000 |

THE VOTE

Bartunek yes no Sanders yes no
 Blass yes no Densieski yes no
 Cardinale yes no

THE RESOLUTION WAS WAS NOT

THEREFORE DULY ADOPTED

| | | | | | |
|--|-------|------|----|------------|--|
| | STONE | YARD | SY | CORRAZZINI | |
|--|-------|------|----|------------|--|

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-------------|-------------|---------------|--------------------|--------------------|
| 105 | OIL & STONE | SQUARE YARD | 1-3,999 SY | 1.40 CORRAZZINI | 1,000 |
| 105A | OIL & STONE | SQUARE YARD | OVER 3,999 SY | 1.40 CORRAZZINI | 4,000 |

ITEMS 110 THROUGH 114C ARE SEPARATE ITEMS AND MAY BE AWARDED SEPERATELY

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-------------|------|------------|---------------------|--------------------|
| 110 | ASPHALT TOP | TON | 1-250 | 90.40 ROSEMAR | 10 |
| 110A | ASPHALT TOP | TON | 250-500 | 60.00 CORRAZZINI | 100 |
| 110B | ASPHALT TOP | TON | 500-1,000 | 41.97 CORRAZZINI | 1,000 |
| 110C | ASPHALT TOP | TON | OVER 1,000 | 41.97 CORRAZZINI | 1,000 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATE QUANTITY | TOTAL PRICE |
|--------|--------------------------|------|------------|---------------------|-------------------|-------------|
| 112 | SAND ASPHALT BASE COURSE | TON | 0-250 | 68.00 ROSEMAR | 24 | |
| 112A | SAND ASPHALT BASE COURSE | TON | 250-500 | 57.00 MONTECALVO | 100 | |
| 112B | SAND ASPHALT BASE COURSE | TON | 500-1,000 | 41.97 CORRAZZINI | 500 | |
| 112C | SAND ASPHALT BASE COURSE | TON | OVER 1,000 | 41.97 CORRAZZINI | 1,000 | |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-----------------------------|------|---------|---------------------|--------------------|
| 113 | TYPE 1B BASE COURSE ASPHALT | TON | 0-250 | 68.00 ROSEMAR | 25 |
| 113A | TYPE 1B BASE COURSE ASPHALT | TON | 250-500 | 58.00 MONTECALVO | 100 |

| | | | | | |
|------|-----------------------------------|-----|---------------|---------------------|-------|
| 113B | TYPE 1B BASE COURSE ASPHALT | TON | 500-1,000 | 41.97 CORRAZZINI | 500 |
| 113C | TYPE 1B BASE COURSE ASPHALT | TON | OVER 1,000 | 41.97 CORRAZZINI | 1,000 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|------------------------|------|---------------|---------------------|--------------------|
| 114 | TYPE 1AC ARMOR COAT | TON | 0-250 | 95.00 CORRAZZINI | 25 |
| 114A | TYPE 1AC ARMOR COAT | TON | 250-500 | 60.00 CORRAZZINI | 100 |
| 114B | TYPE 1AC ARMOR COAT | TON | 500-1,000 | 41.97 CORRAZZINI | 500 |
| 114C | TYPE 1AC ARMOR COAT | TON | OVER 1,000 | 41.97 CORRAZZINI | 1,000 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|----------------------|---------------|------------|----------------------|--------------------|
| 120 | 2" TOP | TON | 1-99 TON | 109.00 CORRAZZINI | 10 |
| 120 | 4" AGGREGATE BASE | CUBIC YARD | 2-2,000 CY | 22.00 CORRAZZINI | 20 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|----------------------|------------|-------------|---------------------|--------------------|
| 120A | 2" TOP | TON | 100-500 TON | 64.00 CORRAZZINI | 100 |
| 120A | 4" AGGREGATE BASE | CUBIC YARD | 2-200 CY | 18.00 CORRAZZINI | 20 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|----------------------|------------|------------------|---------------------|--------------------|
| 120B | 2" TOP | TON | OVER 500 TON | 57.00 MONTECALVO | 1,000 |
| 120B | 4" AGGREGATE BASE | CUBIC YARD | OVER 1,000 CY | 11.00 MONTECALVO | 2,000 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-------------|------|----------|----------------------|--------------------|
| 130 | 2" TOP | TON | 1-99 TON | 110.00 CORRAZZINI | 10 |
| 130 | 2" BINDER | TON | 1-99 TON | 110.00 | 10 |

| | | | | | |
|-----|----------------------|------------|----------|---------------------|----|
| | | | | CORRAZZINI | |
| 130 | 5" AGGREGATE BASE | CUBIC YARD | 1-249 CY | 26.00 CORRAZZINI | 25 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|----------------------|------------|--------------|---------------------|--------------------|
| 130A | 2" TOP | TON | 100-500 TON | 60.00 CORRAZZINI | 100 |
| 130A | 2" BINDER | TON | 100-500 | 60.00 CORRAZZINI | 100 |
| 130A | 5" AGGREGATE BASE | CUBIC YARD | 250-1,250 CY | 18.00 CORRAZZINI | 250 |

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|----------------------|------------|------------------|---------------------|--------------------|
| 130B | 2" TOP | TON | OVER 500 TON | 57.00 MONTECALVO | 1,000 |
| 130B | 2" BINDER | TON | OVER 500 TON | 55.00 MONTECALVO | 1,000 |
| 130B | 5" AGGREGATE BASE | CUBIC YARD | OVER 1,250 CY | 9.00 MONTECALVO | 2,500 |

ITEMS 140 THROUGH 150 ARE SEPARATE BID ITEMS AND MAY BE AWARDED SEPARATELY.

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-----------------------|-------|------------|------------|--------------------|
| 140 | EMULSION SLURRY SQ YD | SQ YD | 1-1,000 SY | NO BID | 100 |
| 150 | SURFACE TREATMENT | SQ YD | 1-1,000 SY | NO BID | 100 |

ITEMS 200 THROUGH 250 ARE SEPARATE BID ITEMS AND MAY BE AWARDED SEPARATELY

THE FOLLOWING ITEMS ARE FOR PICK UP BY TOWN TRUCKS. CONTRACTOR TO LOAD TOWN TRUCKS AT SUPPLIERS PLANT.

| ITEM # | DESCRIPTION | UNIT | VOLUME | UNIT PRICE | ESTIMATED QUANTITY |
|--------|-------------------|----------|---------|--------------------|--------------------|
| 200 | NYS TYPE 1 | TON | 1-1,000 | 41.50 GL PAVING | 100 |
| 210 | NYS TYPE 3 BINDER | TON | 1-1,000 | 41.50 GL PAVING | 100 |
| 230 | NYS TYPE 6 BINDER | TON | 1-1,000 | 43.00 GL PAVING | 100 |
| 240 | NYS COLD PATCH | TON | 1-1,000 | 80.00 GL PAVING | 100 |
| 250 | AGGREGATE | CUBIC YD | 1-1,000 | 6.00 MONTECALVO | 100 |

NOTE: All estimated quantities listed are solely for bidding purposes. The Town of Riverhead reserves the right to increase or decrease quantities as deemed necessary.

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

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Corrazzini Asphalt, Rosemar Construction, Montecalvo, KJB Industries, Inc., GL Paving, Kenneth Testa, P.E., Mark Kwasna, Michael Reichel, Gary Pendzick and the Office of Accounting

November 16, 2004

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1073

AWARDS BID FOR CARRIAGE HOUSE INTERIOR RENOVATIONS

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

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the Carriage House Interior Renovations; and

WHEREAS, bids were received, opened and read aloud on the 8th day of September, 2004 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the Carriage House Interior Renovations be and is hereby awarded as follows:

General Construction: Construction Consultants in the amount of \$98,000.00 plus Alternate #2 (Provide two new sets of double swing entry doors) at \$11,500.00 for a total of \$109,500.00; and

HVAC: Best Climate Control in the amount of \$12,800.00; and

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

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Construction Consultants, 36 East 2nd Street, Riverhead, NY 11901, Best Climate Control, 75 Orville Drive, Bohemia, NY 11716, Kenneth Testa, P.E., Andrea Lohneiss and the Office of Accounting.

THE VOTE

Bartunek yes no Sanders yes no
Blass yes no Densiński yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

Adopted

11/16/04

RESOLUTION #1074

AWARDS BID
RIVERHEAD SEWER DISTRICT
ELTON STREET PUMP SEWAGE PUMP STATION RECONSTRUCTION
CONTRACT E - ELECTRICAL

Adopted _____

COUNCILMAN DEHSIECKI

_____ offered the following resolution

which was seconded by **COUNCILWOMAN SANDERS**,

WHEREAS, this Town Board did authorize the advertisement for bids for the Elton Street Pump Sewage Pump Station Reconstruction Contract E, for the Riverhead Sewer District, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letters dated November 1 and November 9, 2004, H2M, consulting engineers to the Riverhead Sewer District, did recommend that the bid be awarded as follows:

Electrical
To: Roland's Electric
\$290,000

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Elton Street Pump Sewage Pump Station Reconstruction, Contract E, Electrical Construction, be and is hereby awarded as follows:

Electrical
To: Roland's Electric
\$290,000

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Sewer District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid

security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

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

Adopted

11/16/04

RESOLUTION #1075

AWARDS BID
RIVERHEAD SEWER DISTRICT
ELTON STREET PUMP SEWAGE PUMP STATION RECONSTRUCTION
CONTRACT G - GENERAL

Adopted _____

COUNCILMAN BARTUNEK

_____ offered the following resolution

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

WHEREAS, this Town Board did authorize the advertisement for bids for the Elton Street Pump Sewage Pump Station Reconstruction, Contract G, for the Riverhead Sewer District, and

WHEREAS, the Town Clerk was authorized to advertise for such bids, and

WHEREAS, all bids received were opened and read aloud on the date and time advertised in the notice, and

WHEREAS, by letter dated November 1, 2004, H2M, consulting engineers to the Riverhead Sewer District, did recommend that the bid be awarded as follows:

General and Mechanical Construction
To: McLean Contracting, LLC.
\$322,000

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the Elton Street Pump Sewage Pump Station Reconstruction, Contract G, General and Mechanical Construction, be and is hereby awarded as follows:

General & Mechanical
To: McLean Contracting, LLC.
\$322,000

and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq.; H2M, Riverhead Sewer District, and the Accounting Department, be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid

security and it is further

RESOLVED, that upon completion of fully executed contracts and the filing of said contract with the Town Clerk, the Town Clerk is hereby authorized to release to the successful bidder the bidder's bid security.

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1076

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF
HIGHWAYS KNOWN AS CLIFF ROAD, CEDAR ROAD, LOCUST ROAD,
RAVINE ROAD, OAK ROAD AND DOGWOOD ROAD**

* :
COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded

by **COUNCILMAN DENSIECKI** :

At a regular meeting of the
Town Board of the Town of
Riverhead, in the County of
Suffolk, State of New York,
held at 200 Howell Avenue,
Riverhead, New York on the
16th day of November, 2004.

P R E S E N T :

Hon. Philip Cardinale, Supervisor
Edward Densieski, Councilman
George Bartunek, Councilman
Barbara Blass, Councilwoman
Rose Sanders, Councilwoman

_____ X

In the Matter of the Dedication of
Certain Highways in the Town of
Riverhead, County of Suffolk and
State of New York, Known as

**RESOLUTION
AND CONSENT**

**CLIFF ROAD, CEDAR ROAD, LOCUST
ROAD, RAVINE ROAD OAK ROAD AND
DOGWOOD ROAD**

_____ X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the
County of Suffolk, known as "Map of Wildwood Hills for J. Alonzo Hulse, Wading River,
Town of Riverhead, Suffolk County, NY", filed on July 29, 1936 as File Map #1210 and
"Map of Wildwood Hill, Section 2, Wading River, Town of Riverhead, Suffolk County,
NY" made by Alden W. Young, C.E., Riverhead, New York, dated September 16, 1950

and filed in the Office of the Clerk of Suffolk County on January 22, 1951 as Map No. 1814; and

WHEREAS, a copy of the letter from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from Commonwealth Land Title Insurance Company under Title No. RH-80031120, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the **Highway Law** of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out certain roads known as **CLIFF ROAD, CEDAR ROAD, LOCUST ROAD, RAVINE ROAD, OAK ROAD AND DOGWOOD ROAD**, the said Town roads to consist of the land described in the deed of dedication dated the 31st day of May, 2004 and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deeds of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Linda M. Dieterich, Esq., 805 Roanoke Avenue, Riverhead, New York, 11901; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
November 16, 2004

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHILIP CARDINALE

EDWARD DENSIESKI

BARBARA BLASS

ROSE SANDERS

GEORGE BARTUNEK

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

11/16/04

TOWN OF RIVERHEAD

Adopted

Resolution # 1077

RESOLUTION AND CONSENT APPROVING THE DEDICATION OF HIGHWAYS KNOWN AS SANDPIPER DRIVE, PLOVER COURT, PHEASANT COURT, KINGFISH COURT, WIGEON COURT, MYSTIC COURT, MALLARD COURT, PINTAIL COURT AND (3) RECHARGE BASINS (SOUND MEADOWS)

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded

by **COUNCILMAN BARTUNEK** _____

At a regular meeting of the Town Board of the Town of Riverhead, in the County of Suffolk, State of New York, held at 200 Howell Avenue, Riverhead, New York on the 16th day of November, 2004.

P R E S E N T :

- Hon. Philip J. Cardinale, Supervisor
- Edward Densieski, Councilperson
- George Bartunek, Councilperson
- Barbara Blass, Councilperson
- Rose Sanders, Councilperson

X

In the Matter of the Dedication of Certain Highways in the Town of Riverhead, County of Suffolk and State of New York, Known as

SANDPIPER DRIVE, PLOVER COURT, PHEASANT COURT, KINGFISH COURT, WIGEON COURT, MYSTIC COURT, MALLARD COURT, PINTAIL COURT and (3) RECHARGE BASINS

X

RESOLUTION AND CONSENT

THE VOTE

| | | | | | |
|-----------|---|-----------------------------|-----------|---|-----------------------------|
| Bartunek | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Sanders | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Blass | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Densieski | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Cardinale | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | | | |

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the County of Suffolk, known as "Final Subdivision Map of Sound Meadows situated t Roanoke", Town of Riverhead, County of Suffolk, State of New York, filed on April 8, 2002 as File No. 10757 in the Office of the Clerk of Suffolk County, Riverhead, New York; further described as Suffolk County Tax Map #0600-4-4-19; 17-6-29, 30 & 31; 18-1-2.11 & 18-2-2.12; and

WHEREAS, plans for the construction of various improvements to said road known and designated as **SANDPIPER DRIVE, PLOVER COURT, PHEASANT COURT, KINGFISH COURT, WIGEON COURT, MYSTIC COURT, MALLARD COURT, PINTAIL COURT and (3) RECHARGE BASINS** were submitted to the Planning Board of the Town of Riverhead; and

WHEREAS, the Town Board of the Town of Riverhead did approve a performance bond as to form, sufficiency, manner of execution and surety; and

WHEREAS, said roads, drainage systems, sumps and other improvements have been completed in accordance with the plans and specifications of the Town of Riverhead Planning Board; and

WHEREAS, the construction of the said roads, drainage systems, sumps and other improvements have met with the approval of the Superintendent of Highways of the Town of Riverhead; and

WHEREAS, a copy of the Order Laying Out Road Upon Consent of Owner(s) from the Superintendent of Highways indicating his consent is annexed hereto and made a part hereof; and

WHEREAS, a special search street dedication from North Star Title Agency, Inc., Title Number NST-04-151-B dated April 13, 2004, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out a certain roads known as **SANDPIPER DRIVE, PLOVER COURT, PHEASANT COURT, KINGFISH COURT, WIGEON COURT, MYSTIC COURT, MALLARD COURT, PINTAIL COURT and (3) RECHARGE BASINS**, the said Town roads to consist of the land described in the deed of dedication dated the 23rd day of August, 2004 and to extend same as delineated therein; and be it further

RESOLVED, that the Town Clerk of the Town of Riverhead be and is hereby directed to forthwith cause such deeds of dedication to be recorded in the Office of the Clerk of the County of Suffolk, and upon its return, to attach it hereto; and be it further

RESOLVED, that the maintenance bond received has been reviewed and approved by the Town Attorney as to form and that the Town Clerk is hereby directed to release any previously submitted performance bonds upon adoption of this resolution by the Town Board; and be it further

RESOLVED, that this resolution shall take effect immediately; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Schembri Homes, Inc., 102 Sandpiper Drive, Riverhead, New York, 11901; Vincent Gaudiello, P.E., the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
November 16, 2004

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHIL CARDINALE

EDWARD DENSIESKI

GEORGE BARTUNEK

BARBARA BLASS

ROSE SANDERS

X

In the Matter of the Laying Out of Certain
Highways in the Town of Riverhead,
County of Suffolk and State of New York,
known as

**ORDER LAYING OUT
ROAD UPON CONSENT
OF OWNER(S)**

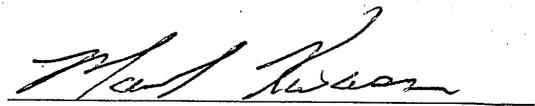
**SANDPIPER DRIVE, PLOVER COURT,
PHEASANT COURT, KINGFISH COURT,
WIGEON COURT, MYSTIC COURT,
MALLARD COURT, PINTAIL COURT
and RECHARGE BASIN 1, RECHARGE
BASIN 2 AND RECHARGE BASIN 3**

X

WHEREAS, application having been duly made for the laying out of certain Town highways in the Town of Riverhead, County of Suffolk, State of New York, known as **SANDPIPER DRIVE, PLOVER COURT, PHEASANT COURT, KINGFISH COURT, WIGEON COURT, MYSTIC COURT, MALLARD COURT, PINTAIL COURT and RECHARGE BASIN 1, RECHARGE BASIN 2 AND RECHARGE BASIN 3** and a dedication and release from the owner(s) of and other persons interested in the lands through which the highways are proposed to be opened, having been given and the Town Board of the Town of Riverhead having given its consent.

NOW THEREFORE, I, the Superintendent of Highways of the Town of Riverhead, County of Suffolk, State of New York, do hereby determine and order that Town highways shall be and the same are hereby laid out in said Town as more particularly described on SCHEDULE "A" annexed hereto.

Dated: Riverhead, New York
August 26, 2004


MARK KWASNA, Superintendent
Town of Riverhead Highway Department

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS CONSTRUCTION EQUIPMENT OPERATORS

RESOLUTION # 1078

COUNCILMAN DENSIECKI

_____ offered the following resolution,

which was seconded by _____

COUNCILMAN BARTUNEK

WHEREAS, two Construction Equipment Operator vacancies exist in the Highway Department; and

WHEREAS, the positions was duly posted (Posting #14); and

WHEREAS, all applicants wee granted interviews; and

WHEREAS, the Highway Superintendent and the Personal Committee have recommended that two current employees of the Highway Department be promoted to the position of Construction Equipment Operators.

NOW, THEREFORE, BE IT RESOLVED, that Jeffrey Davis be promoted to the position of Construction Equipment Operator, Group 9, Step 12A of the Salary Administration Schedule and Michael Zaleski be promoted to the position of Construction Equipment Operator; Group 9, Step 8A of the Salary Administration Schedule effective 11/22/04.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, authorized to forward a Certified Copy of this Resolution to Jeffrey Davis, Michael Zaleski, the Highway Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

11/16/04

Adopted

Resolution # 1079

AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT WITH ROGERS & TAYLOR, INC.

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

WHEREAS, Tanger Properties LP has commenced Article 7 assessment review proceedings in the New York State Supreme Court, Suffolk County against the Town of Riverhead and the Board of Assessors alleging overvaluation for the 2000/2001 to 2004/05 tax years for the properties known as the Tanger Outlet Shopping Center, and

WHEREAS, the Town has been unable to resolve this litigation on terms acceptable to the Town, and

WHEREAS, Tanger Properties LP has filed a demand to file appraisals pursuant to the Real Property Tax Law which requires each party to file a trial ready appraisal with the court within four months of service of the demand unless otherwise agreed to between the parties, and

WHEREAS, the Town has solicited fee proposals from three appraisal firms to prepare a trial ready appraisal to value the tax years under review, and

WHEREAS, the Town has reviewed the proposals and the credentials and experience of each appraisal firm.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute a retainer agreement with Rogers & Taylor Appraisers, Inc. to provide the necessary appraisal services required by the Town in connection with the above referenced assessment review litigation., and

ABD **BE IT FURTHWER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Phil Cardianle {Supervisor}, Dawn Thomas, Esq. { Twon Attorney }, Jack Hansen (Accounting Department Administrator}, Paul Leszczynski, Madelyn Sendlewski, Laverne Tennenberg, (Board of Assessors } and Scott DeSimone, Esq., Special Counsel.

THE VOTE
Bartunek yes no Sanders yes no
Blass yes no Densieski yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

11/16/04

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1080

APPOINTS SLEDJESKI & TIERNEY. LLP SPECIAL COUNSEL

COUNCILMAN BARTUNEK

_____ offered the following resolution,
which was seconded by _____

COUNCILWOMAN SANDERS

WHEREAS, the Law Offices of Michael Clifford and Associates which handles all Town personal injury and tort matters is restructuring their firm, and

WHEREAS, effective December 1, 2004, the firm will be known as Sledjeski & Tierney, LLP and,

WHEREAS, the Town Board wishes to continue to retain the firm to handle its personal injury and tort matters.

RESOLVED, that the Town Board hereby appoints Sledjeski & Tierney, LLP as outside counsel to handle the personal injury and tort matters for the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Sledjeski & Tierney, LLP, the Office of Accounting.

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

November 16, 2004

Adoptec

TOWN OF RIVERHEAD

Resolution # 1081

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING – SPECIAL PERMIT OF ART SITES, LLC

COUNCILWOMAN SANDERS offered the following resolution which was seconded by COUNCILWOMAN BLASS

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Glynis M. Berry, Art Sites, LLC pursuant to Section 108-42 B(9) and Article XXVIA of the Riverhead Town Code to renovate and add 964 square feet to an existing building and place related site improvements for operation as an art gallery and architect's office on a parcel located at West Main Street, Riverhead, New York; such property more particularly described as Suffolk County Tax Map Number 0600-124-4-35.2, and

WHEREAS, the Riverhead Town Board by resolution #1336 of 2003 declared themselves Lead Agency, and

WHEREAS, the Town Board has referred the application to the Riverhead Planning Board for its report and recommendation; such Planning Board recommending the granting of the petition without conditions, and

WHEREAS, the Town Board desires to hold a public hearing on the petition pursuant to Chapter 108, Section 108-133.1 of the Zoning Ordinance, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the official newspaper of the Town of Riverhead.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of December, 2004 at 7:15 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the special permit petition of Art Sites, LLC to allow for an office and gallery use upon real property located at West Main Street, Riverhead, New York; such real property more particularly described as Suffolk County Tax Map Parcel Number 0600-124-4-35.2.

DATED: November 16, 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

November 16, 2004

Adopted

TOWN OF RIVERHEAD
Resolution # 1082

APPROVES SIGN PERMIT OF PECONIC BAY ENTERPRISES, INC
DBA KIDDIE ACADEMY OF RIVERHEAD

COUNCILMAN DENESIECKI

_____ offered the following resolution, which was seconded by

COUNCILWOMAN BLASS

WHEREAS, an off premise sign permit and sketch were submitted by Tom DeNicola, Kiddie Academy, for property located at southwest corner of Old Country Road and Kroemer Avenue, Riverhead, New York also known as SCTM# 119.00-01-036.00; and

WHEREAS, pursuant to Section 108-56 P (1) of the Code of the Town of Riverhead, the application does not require the recommendation of the Architectural Review Board; and

WHEREAS, sketch has been approved the three (3) Town Board members;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the off premise sign permit application for Kiddie Academy submitted by Tom DeNicola and be it

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Kiddie Academy, Att: Tom DeNicola, 144 Kroemer Avenue, Riverhead, New York 11901, the Planning Department and the Building Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

1 1/2 CNOCES

12" x 48" wood sign
3/4" plywood.

48"

Planning Department Town of Riverhead
Plans & Specifications Administration
Building-Zoning Permit No. _____
APPROVED BY _____
Date _____ Inspector _____



Riverhead
Town
Blue

Helvetica Medium Lettering - 4" line #1
2 1/2" line #2

posts 4x4 cca

OCT 26 2004

C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2004 BY 11032
FBI/DOJ
X: 631-924-8772

11/16/04

TOWN OF RIVERHEAD

Adopted

Resolution # 1083

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING"
OF THE RIVERHEAD TOWN CODE
(TOURISM/RESORT CAMPUS (TRC) ZONING USE DISTRICT)

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded

by COUNCILMAN BARTUNEK :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law to amend Chapter 108 entitled, "Zoning" (Tourism/Resort Campus (TRC) Zoning Use District) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 13th day of September, 2004 at 1:50 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; and

WHEREAS, the proposed local law was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m.

NOW THEREFORE BE IT RESOLVED, that the proposed Local Law is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a

certified copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department; the Riverhead Building Department and the Office of the Town Attorney.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Deisieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" (Tourism/Resort Campus (TRC) Zoning Use District) of the Riverhead Town Code at its special meeting held on November 16, 2004 as follows:

§ 108. __ Tourism/Resort Campus (TRC) Zoning Use District

(1) Purpose and Intent.

The intent of the Tourism/Resort Campus (TRC) Zoning Use District is to provide opportunities for overnight accommodations and recreational amenities in a campus setting with significant open space preserves.

(2) Uses.

In the TRC 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) Bed and breakfast establishments
- (2) Country inn
- (3) Country club
- (4) Recreational / sporting club with or without clubhouse

B. Special Permit Uses

- (1) Resorts on parcels of at least fifty (50) acres in size and which shall include:
 - a. Health spas
 - b. Hotels with or without docking 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. Specifically permitted are the following:

- (1) Art galleries
- (2) Retail stores and personal service shops, as accessory to a hotel use and enclosed within the hotel building, and intended to serve guests only. Such accessory shall not exceed ten (10) percent of the total floor area of rooms provided.
- (3) Recreational facilities, including equestrian facilities, accessory to and restricted to resort guests
- (4) Catering halls and restaurants, when accessory to a hotel, not to exceed a total of three-hundred (300) seats.
- (5) Tavern, not to exceed fifty (50) seats.

D. Prohibited uses

- (1) Motels
- (2) Golf courses
- (3) Hotel units converted to condominiums

(3) Lot, yard, bulk, & height requirements.

- A. 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.
- B. In order to foster environmental conservation as well as preservation of the Town's scenic and rural quality, all properties shall provide a contiguous open space area equal to at least seventy (70) percent of the lot area, to be designed as follows:
 - (1) At least fifty (50) percent of such open space areas shall be planted with native species or left in its undisturbed natural form in order to enhance the appearance and function of the tidal wetlands and other native habitats.
 - (2) The remaining open space portion on the property shall be attractively landscaped with lawns, shrubs, flowerbeds, or non-impervious recreation areas.
 - (3) In conformance with the Best Management Practices of the Comprehensive Conservation and Management Plan (CCMP) of the Peconic Estuary Program.

(4) Supplementary requirements

The following design and parking requirements shall apply:

- A. Design Standards.
 - (1) Driveway openings and curb cuts shall be aligned with the existing curb cuts along major arterial roads, in order to reduce the potential addition of traffic lights and conflicting turning movements.
 - (2) In order to protect the health of the waterways, the use of lawns and other plantings which rely on fertilizers and herbicides is strongly discouraged along areas bordering waterfronts.

- a. Resort projects shall be set back at least one-hundred (100) feet from all property lines and waterfront areas

B. Buffering and Transitions.

- (1) Trash / dumpster areas shall be screened from view of streets, sidewalks, pedestrian pathways, and windows of residential buildings, pursuant to §98-8.
- (2) Resort developments shall provide dense natural or landscaped buffers a minimum of one-hundred (100) feet along borders with other properties, railroad easements, and roadways. Buffer planting is not required along waterfront borders.

C. Parking Standards,

- (1) The number of off-street parking spaces in the Tourism / Resort Campus District shall be provided in accordance with §108-60, the Riverhead Parking Schedule.
- (2) Curb cuts to parking lots shall be minimized by sharing driveways and consolidating entrances for access to adjacent parking lots.
- (3) Planted berms shall be used to screen the view of automobiles from public roadways.
- (4) Off-street parking is prohibited within fifty (50) feet of all property lines for resort developments.
- (5) Driveways shall be set back at least thirty (30) feet from side property lines for resort developments.
- (6) In order to soften the appearance of parking lots, parking lots shall be landscaped with ground cover, grasses, or low shrubs for at least 15 percent of their land area. This landscaping requirement is in addition to the 70 percent parcelwide landscaping mentioned above.
- (7) Parking lots with twenty-one (21) or more spaces shall have "orchard" planting for shade: 1 tree per 10 off-street spaces. Such trees shall be spread throughout the parking lot, rather than clustered only along the edges.
- (8) In order to provide groundwater recharge and minimize runoff, at least one of the following stormwater management techniques shall be used in parking lots where underlying soils support infiltration of precipitation to the groundwater:
 - a. Entire parking areas shall be surfaced with gravel, rather than pavement.
 - b. Where sanding and salting are not used in the winter, low-traffic or seasonal parking-overflow areas of the parking lot shall be surfaced with porous pavement or gravel.

- c. Landscaped areas of the parking lot shall be sited, planted, and graded in a manner to provide infiltration and detention of runoff from paved areas.
- (9) Large areas of surface parking shall be broken up by landscaped walkways connecting sidewalks and parking areas to business entrances, in order to create "parking fields" of no more than 250 spaces each.

Dated: Riverhead, New York
November 16, 2004

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

BARBARA GRATTAN, Town Clerk

11/16/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1084

AMENDS TOWN OF RIVERHEAD ZONING USE DISTRICT SCHEDULE (TOURISM/RESORT CAMPUS (TRC) ZONING USE DISTRICT)

COUNCILMAN BARTUNEK

offered the following resolution, was seconded

by **COUNCILWOMAN BLASS** :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider amending Chapter 108 which amendment would implement the commercial components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; such local law entitled Tourism/Resort Campus (TRC) Zoning Use District, and

WHEREAS, the requisite public hearing necessary to adopt the aforementioned district as well as the amended bulk schedule was held on September 13, 2004, at Riverhead Town Hall, located at 200 Howell Avenue, Riverhead, NY, and all interested persons were heard; and

WHEREAS, the Town Board has adopted an amendment to Chapter 108 entitled "Zoning" to create the Tourism/Resort (TRC) Zoning Use District, and

WHEREAS, the amended zoning use district with its respective performance criteria should be reflected in the Zoning Use District Schedule.

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead Zoning Use District Schedule shall be amended as specified in the attached notice of adoption; and be it further

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

| | | | | | |
|-----------------|---|-----------------------------|-----------|---|-----------------------------|
| THE VOTE | | | | | |
| Bartunek | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Sanders | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Blass | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Densieski | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| | | | Cardinale | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Use District Schedule, Town of Riverhead, Suffolk County at its special meeting held on November 16, 2004 as follows:

ZONING
108 Attachment -

Town of Riverhead
Commercial Districts Schedule of Dimensional Regulations
Adopted 11-16-2004 by L.L. No. - 2004

| Zoning Use District | Building lot coverage (footprint) | | | Floor area ratio (FAR) | | | Side yards, interior lots | | | |
|-----------------------------|---------------------------------------|---------------------------|------------------------|------------------------------------|-----------------------|--------------------|---|---------------------------------|---|--------------------------------|
| | Min. lot width at front street (feet) | Maximum without sewer (%) | Maximum with sewer (%) | Maximum height of buildings (feet) | Maximum without sewer | Maximum with sewer | Maximum Transfer of Develop. Rights (%) | Min. depth for each side (feet) | Min. depth, corner lots facing side street (feet) | Minimum rear yard depth (feet) |
| Tourism/Resort Campus (TRC) | 200 | 8 | NA | 35 (NI) | 0.15 | NA | NA | 30 | 100 | 100 |

NOTES:
NI: Not to exceed two (2) stories

Dated: Riverhead, New York
November 16, 2004

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

BARBARA GRATTAN, Town Clerk

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1085

AMENDS ZONING MAP, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

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

WHEREAS, the Town Clerk was authorized to publish and post public notices to hear all interested persons to consider amending Chapter 108 which amendments would implement the commercial components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; and

WHEREAS, the map was published in conjunction with the proposed amendments to the text of Chapter 108 for the Tourism/Resort Campus (TRC) Zoning Use District, which was held on the 13th day of September, 2004 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notices, and all persons wishing to be heard were heard, and

WHEREAS, that the amended map was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m,

NOW THEREFORE BE IT RESOLVED, that the adoption of the amendment to the Zoning Map is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that the attached Zoning Map, Town of Riverhead, Suffolk County, New York be and is hereby adopted as specified in the attached notice of adoption; and be it further

THE VOTE

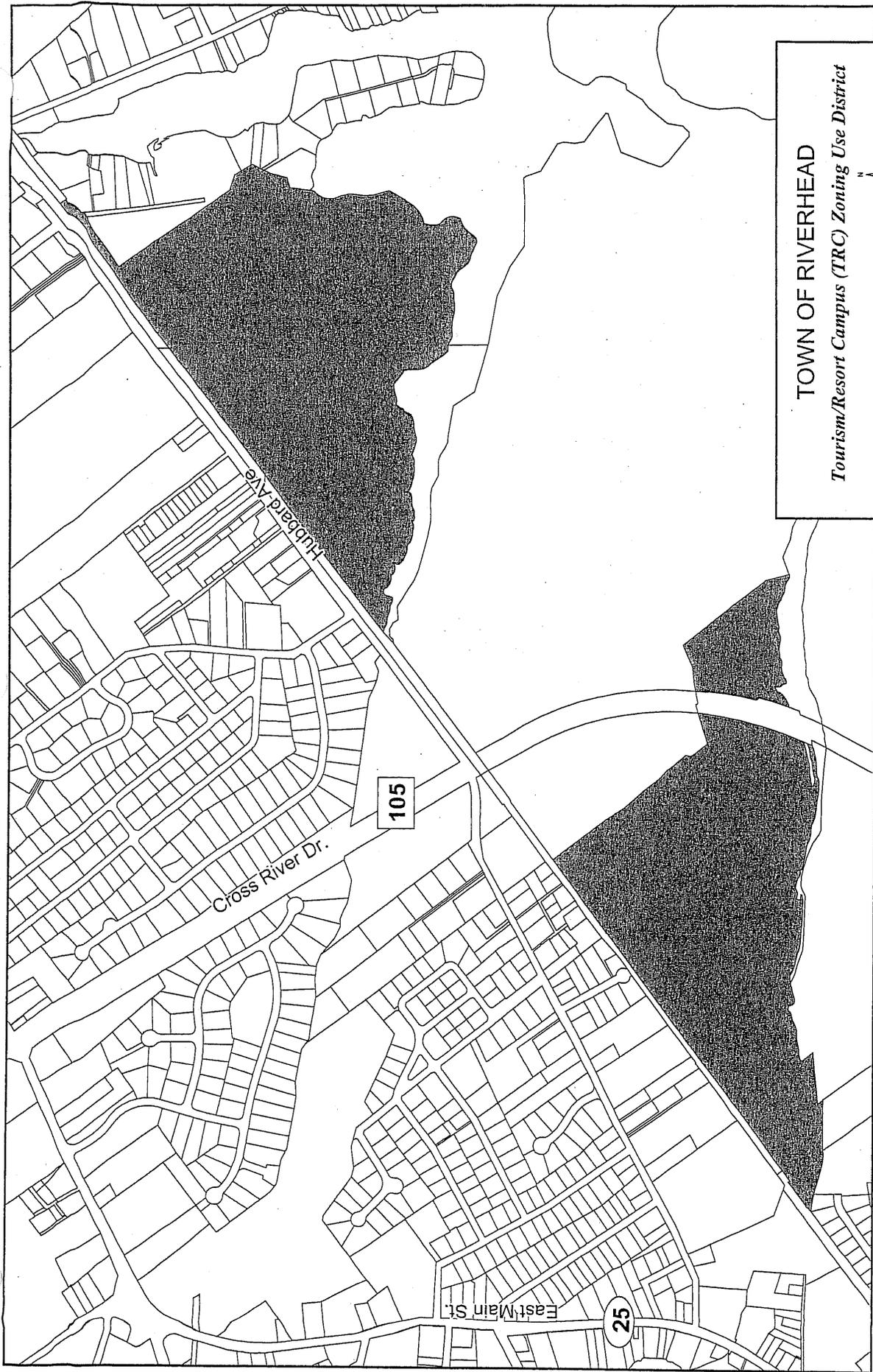
Z:\Master Plan\Zoning_Implementation\Commercial\Resolutions\TRC_AmendsMap Resolution.doc
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

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

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

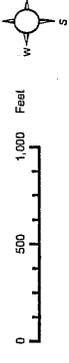
**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Map, Town of Riverhead, Suffolk County at its special meeting held on November 16, 2004 as follows:



TOWN OF RIVERHEAD

Tourism/Resort Campus (TRC) Zoning Use District



1 inch equals 1,000 feet

Source: Town of Riverhead Planning Department, 16 November 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

 Tourism/Resort Campus (TRC) Zoning Use District

Dated: Riverhead, New York
November 16, 2004

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

BARBARA GRATTAN, Town Clerk

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1086

AMENDS ZONING MAP, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

COUNCILMAN BARTUNEK

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

WHEREAS, the Town Clerk was authorized to publish and post public notices to hear all interested persons to consider amending Chapter 108 which amendments would implement the commercial components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; and

WHEREAS, the map was published in conjunction with the proposed amendments to the text of Chapter 108 for the Business PB (Professional Service Building) Zoning Use District, which was held on the 12th day of October, 2004 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notices, and all persons wishing to be heard were heard, and

WHEREAS, that the amended map was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m,

NOW THEREFORE BE IT RESOLVED, that the adoption of the amendment to the Zoning Map is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that the attached Zoning Map, Town of Riverhead, Suffolk County, New York be and is hereby adopted as specified in the attached notice of adoption; and be it further

THE VOTE

Bartunek yes ___ no ___ Sanders yes ___ no ___
Blas yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___

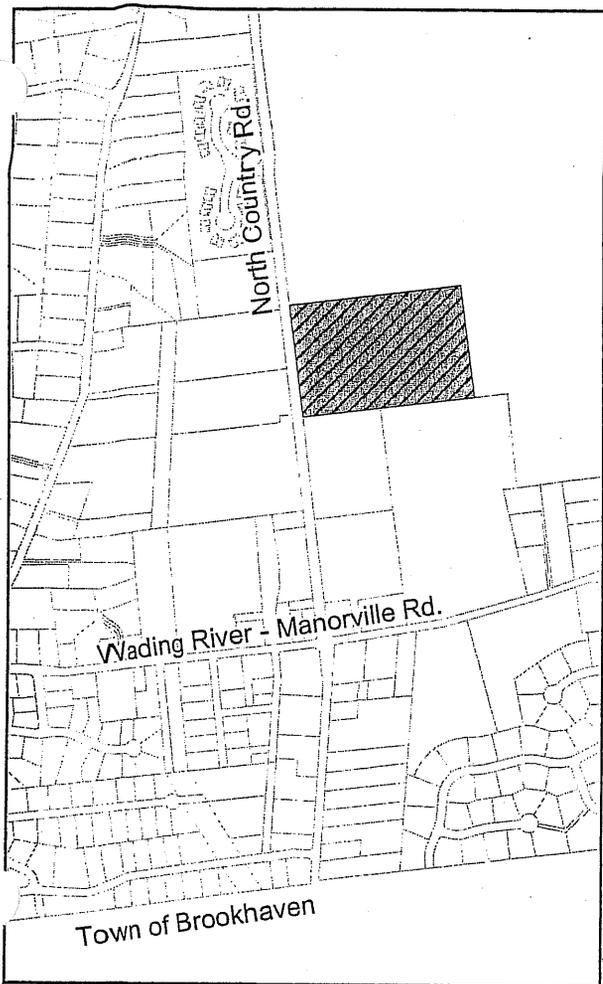
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

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

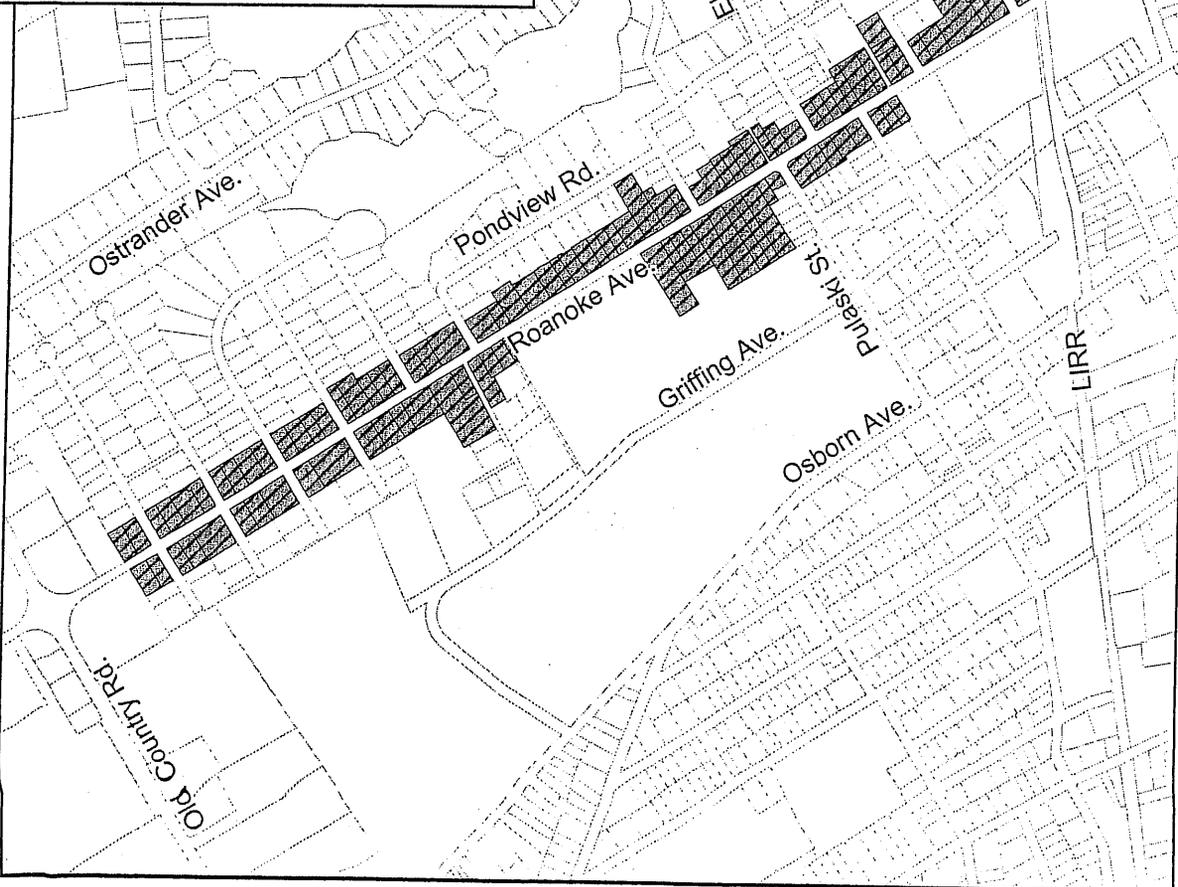
RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to the Riverhead Planning Board; the Riverhead Planning Department and the Riverhead Building Department and the Office of the Town Attorney.

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Map, Town of Riverhead, Suffolk County at its special meeting held on November 16, 2004 as follows:



Town of Brookhaven



Business PB Zoning Use District (Professional Service Building)

TOWN OF RIVERHEAD
Business PB Zoning Use District
(Professional Service Building)



Source: Town of Riverhead Planning Department, 16 November 2004;
 Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

Dated: Riverhead, New York
November 16, 2004

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

BARBARA GRATTAN, Town Clerk

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

APPROVES STIPULATION OF SETTLEMENT

RESOLUTION # 1087

COUNCILMAN DENSIESKI offered the following resolution ,
which was seconded by COUNCILWOMAN SANDERS.

WHEREAS, a stipulation of settlement dated November 15, 2004, has been conditionally agreed to by an employee, the CSEA and the Town.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby ratifies this stipulation of settlement and reinstates employee to the payroll upon successful completion of all conditions as specified.

BE IT FURTHER RESOLVED, that the Town Clerk be, and is hereby, directed to forward a Certified Copy of this Resolution to the Office of Accounting.

THE VOTE

| | |
|---|---|
| Bartunek <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Blass <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Sanders <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Densieski <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Cardinale <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

11/16/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1088

ADOPTS A LOCAL LAW TO AMEND CHAPTER 18 ENTITLED, "CODE OF ETHICS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 18 of the Riverhead Town Code entitled, "Code of Ethics", once in the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and

WHEREAS, a public hearing was held on the 7th day of September, 2004 at 7:40 o'clock p.m. at the Wading River Congregational Church, North Country Road, Wading River, 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 18 entitled, "Code of Ethics" 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 and to post same on the signboard at Town Hall; and be it further

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

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densieski yes ___ no
 Cardinale yes ___ no

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 18 entitled, "Code of Ethics" of the Riverhead Town Code at its regular meeting held on November 16, 2004.

A copy of the entire text of the proposed local law may be reviewed at the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday.

Dated: Riverhead, New York
November 16, 2004

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

BARBARA GRATTAN, Town Clerk

CODE OF ETHICS

Chapter 18

- § 18-1. Findings.
- § 18-2. Definitions.
- § 18-3. Copies of all Documentation.
- § 18-4. Standards of Conduct.
- § 18-5. Disclosure of Interest in Contract, Transaction, or Legislation.
- § 18-6. Void Contracts.
- § 18-7. Exclusions from the Standards of Conduct and Transactional Disclosure.
- § 18-8. Inducement of Violations.
- § 18-9. Appearance by Outside Employers and Businesses of Town Officers and Employees.
- § 18-10. Annual Financial Disclosure Statement.
- § 18-11. Applicant Disclosure; Generally.
- § 18-12. Applicant Disclosure; Land Use Applications.
- § 18-13. Penalties; Hearings; Initiation of Actions or Proceedings.
- § 18-14. Debarment.
- § 18-15. Injunctive Relief.
- § 18-16. Designation of Town Officers and Employees Required to File Annual Financial Disclosure Statements.
- § 18-17. Maintenance of Disclosure Statements, Records.
- § 18-18. Ethics Board; Establishment; Qualifications of Members; Appointment of Members; Term of Office.
- § 18-19. Ethics Board; Vacancies.
- § 18-20. Ethics Board; Removal of Members.
- § 18-21. Ethics Board; Chair, Meetings.
- § 18-22. Ethics Board; Powers and Duties.
- § 18-23. Review of Lists and Disclosure Statements.
- § 18-24. Investigations.
- § 18-25. Waivers.
- § 18-26. Advisory Opinions.
- § 18-27. Judicial Review.
- § 18-28. Public Inspection of Records; Public Access to Meetings; Confidentiality of Records and Witness Statements.
- § 18-29. Completion of Present Term for Town Officer or Employee.
- § 18-30. Miscellaneous Provisions.
- § 18-31. Distribution and Posting.
- § 18-32. Severability
- § 18-33. Effective Date

§18-1. Findings.

A. The proper administration of government requires Town officers and employees, whether elected or appointed, paid or unpaid and/or serving as a member of any administrative board, commission or other agency, to act fairly, impartially and without taint of conflict of interest in fulfilling their public responsibilities. It is the purpose of this chapter to provide standards of conduct, in addition to those set forth in Article 18 of the General Municipal Law, to assist Town officers and employees in discharging their duties in a proper and ethical manner and to provide for annual disclosure and/or transactional disclosure by elected officials and applicants in order to ensure impartiality and fairness in the administration of local government.

B. Purposes.

Specifically, the purposes of this local law are:

- (1) To enable and require the officers and employees of the Town to act fairly, impartially, without taint of conflict of interest and without any appearance of conflict of interest in fulfilling their public responsibilities;
- (2) To set high standards for ethical conduct by officers and employees of the Town;
- (3) To afford officers and employees of the Town clear guidance concerning such standards, including specific guidance in the form of Advisory Opinions;
- (4) To promote public confidence in the integrity of the government and administration of the Town and its agencies and administrative offices;
- (5) To facilitate consideration of potential ethical problems before they arise, minimize unwarranted suspicion, and enhance the accountability of government to the people;
- (6) To provide fair and speedy resolution of questions and complaints concerning the conduct of officers and employees of the Town;
- (7) To protect the public from unethical conduct and to protect the officers and employees of the Town from frivolous claims;
- (8) To educate the public, officers and employees of the Town regarding this Code of Ethics.

C. Construction with other Provisions.

Any requirements or standards set forth in this chapter are in addition to other requirements, prohibitions or rules governing ethical conduct set forth in Article 18 of the

General Municipal Law or any other general or special law relative to ethical conduct and interests in municipal contracts.

§18-2. Definitions.

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

ADMINISTRATIVE OFFICER – An employee with administrative responsibilities that may include rendering ministerial acts or ministerial decisions.

AGENCY – Any Town authority, agency, board, bureau, commission, committee or council created by law or appointed by the Town Board or Town Supervisor, except for an advisory committee.

APPEAR and APPEAR BEFORE - Communicating in any form, including without limitation, personally, through another person, by letter, by telephone or by electronic communication, with or without compensation.

BENEFIT - Any gain or advantage to the beneficiary, and includes any gain or advantage to a third person pursuant to the desire or consent of the beneficiary, and any promise thereof. The term "benefit" does not include campaign contributions authorized by law.

CONSULTANT - Any individual, association, partnership or corporation or any employee or agent thereof who has been retained to assist any board or agency in the discharge of its duties. Consultant shall also include any business partner, employer or members of consultant's firm or company.

CONTRACT – As defined in Article 18 of General Municipal Law, any claim, account or demand against or agreement with the Town, express or implied.

CLIENT or CUSTOMER

- (a) any person to whom a Town officer or employee has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000; or
- (b) any person to whom a Town officer's or employee's outside employer or business has supplied goods or services during the previous twenty-four months having, in the aggregate, a value greater than \$1,000 but only if the officer or employee knows or has reason to know the outside employer or business supplied the goods or services.

FORMER TOWN OFFICER OR EMPLOYEE – Any person who held at any time in the past any position described in the definition of a “Town officer or employee.”

ETHICS BOARD –The Ethics Board of the Town of Riverhead established pursuant to Section 18-19 of this chapter.

INTEREST – As defined in Article 18 of General Municipal Law, a direct or indirect pecuniary or material benefit accruing to a Town officer or employee as the result of a contract with the

Town which such officer or employee serves. For purposes of this chapter, a Town officer or employee shall be deemed to have an interest in the contract of:

- (a.) His or her spouse or relative as defined herein, except a contract of employment with the Town which such Town officer or employee serves.
- (b.) A firm, partnership or association of which such Town officer or employee is an officer, member or employee.
- (c.) A corporation of which such Town officer or employee is an officer, director, or employee.
- (d.) A corporation of which any stock is owned or controlled directly or indirectly by such Town officer or employee.

MINISTERIAL ACT or MINISTERIAL DECISION or MINISTERIAL MATTER - An administrative action performed in a prescribed manner not allowing for substantial personal discretion.

OUTSIDE EMPLOYER OR BUSINESS OF A TOWN OFFICER OR EMPLOYEE –

- (a.) any activity, other than service to the Town, from which the Town officer or employee receives compensation, or anticipates or has reason to anticipate receiving compensation, for services rendered or goods sold or produced; or
- (b.) any person, from whom or from which the Town officer or employee receives compensation, or anticipates or has reason to anticipate receiving compensation, for services rendered or goods sold or produced; or
- (c.) any entity, other than the Town, of which the Town officer or employee is a member, officer, director, or employee, or with which the Town officer or employee anticipates or has reason to anticipate becoming a member, officer, director, or employee within the next twenty-four (24) months; or
- (d.) any entity in which the Town officer or employee has an ownership interest, unless the Town officer or employee owns less than five percent (5%) of such entity, and such interest is worth less than \$10,000; or
- (e.) any entity in which the Town officer or employee anticipates or has reason to anticipate obtaining or receiving an ownership interest, unless the ownership interest in question constitutes less than five percent of such entity, and such interest is worth less than \$10,000; or
- (f.) any activity, person or entity described in paragraphs (a.) through (e.) above with which the Town officer or employee ceased to have any involvement or participation, or ceased to hold any position, or from which the Town officer or employee ceased to receive any compensation within a period of less than twenty-four (24) months from the date when the Town officer or employee disclosed the termination of the outside employer or business relationship to the Board of Ethics pursuant to §18-10.

PARTICULAR MATTER - Any case, proceeding, application, request for a ruling or benefit, determination, contract limited to the duration of the contract as specified therein, investigation, charge, accusation, arrest or other similar action which involves a specific party or parties, including actions leading up to a particular matter, provided that a particular matter shall not be

construed to include the proposal, consideration or enactment of local laws or resolutions by the Town Board, or any action on the budget.

PERSON - A human being, a public or private corporation, an unincorporated association, a partnership, a government or a governmental instrumentality.

POLITICAL PARTY COMMITTEE - Any corporation or committee which operates to aid or promote the success or defeat of a political party and/or the election or defeat of any candidate, within the Town of Riverhead.

RELATIVE - A spouse, former spouse, child, step-child, step-parent, or any person who is a direct descendant of the grandparents of the reporting individual or of the reporting individual's spouse, as well as any person claimed as a dependent on the reporting individual's most recently-filed state personal income tax return.

SPOUSE OF A TOWN OFFICER OR EMPLOYEE – As defined in Article 18 of General Municipal Law, the husband or wife of the Town officer or employee unless living separate and apart with the intention of terminating the marriage or providing for permanent separation or unless separated pursuant to: (a.) a judicial order, decree or judgment; or (b.) a legally binding separation agreement.

SUBORDINATE OF A TOWN OFFICER OR EMPLOYEE - Any other Town officer or employee over whose activities he or she has direction or control, either directly or indirectly.

SUPERVISOR OF A TOWN OFFICER OR EMPLOYEE - Any other Town officer or employee who has direction or control, either directly or indirectly, over the activities of that Town officer or employee.

TOWN - The Town of Riverhead, but shall not be construed to include a Town Judge, Town Justice or officer of the Unified Court System.

TOWN OFFICER OR EMPLOYEE – An officer or employee of the Town of Riverhead, whether paid or unpaid, elected or appointed, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a "Town officer or employee" solely by reason of being a volunteer fireman or civil defense volunteer. A "Town officer or employee" shall not include a Judge, justice or officer of the Unified Court System.

UNEMANICIPATED CHILD OF A TOWN OFFICER OR EMPLOYEE – As defined in Article 18 of General Municipal Law, any son, daughter, stepson or stepdaughter who is under age eighteen years, unmarried and living in the household of the Town officer or employee.

§18-3. Copies of all Documentation.

Whenever this chapter requires any person to file documents or information with the Town Clerk, such filing shall be made in duplicate. The Town Clerk shall stamp both copies with the date received, retain one copy, and forward the second copy immediately to the Board of Ethics.

§18-4. Standards of Conduct.

A. Ethical Conduct.

In fulfilling their public responsibilities, Town officers and employees shall act fairly, impartially, without taint of conflict of interest and without any appearance of conflict of interest.

B. General Prohibitions.

- (1) Except as provided for in paragraph (3) below, a Town officer or employee shall not use his or her official position or office, or take or fail to take any action, in a manner which he or she knows or has reason to know may result in a benefit to any of the following persons:
 - (a) the Town officer or employee who shall have taken or failed to take said action; or
 - (b) the outside employer or business of the Town officer or employee; or
 - (c) any person who shares the residence of the Town officer or employee; or
 - (d) a customer or client of the Town officer or employee; or
 - (e) a relative of the Town officer or employee; or
 - (f) a person from whom the Town officer or employee has received election campaign contributions to his or her individual campaign committee aggregating more than \$1,000 during either the officer's most recent or current campaign for public office.
- (2) A Town officer or employee shall not use his or her official position or office, or induce any of the persons listed above, to impose financial detriment or harm upon any person without reasonable justification.
- (3) Recusal. A Town officer or employee shall promptly recuse himself or herself from acting on a matter before the Town when acting on the matter, or failing to act on the matter, may benefit any of the persons listed in paragraph (a.) above. Recusal is not required by an elected Town Official so long as any relationship described in paragraph (a) above is disclosed as part of the public record, in accordance with the provisions of this chapter.

C. Gifts.

- (1) In accordance with Section 805-a of Article 18 of General Municipal Law, a Town officer or employee shall not directly or indirectly solicit any gift, nor

accept any gift having a value of seventy-five dollars (\$ 75) or more from any person, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could be reasonably be inferred that the gift was intended to influence him or her or could reasonably be expected to influence him or her in the performance of official duties or was intended as a reward for any official action on his or her part.

- (2) In particular, it is a conflict of interest for a Town Officer or employee to accept anything worth more than seventy-five dollars (\$ 75) from any of the following:
- (a) A person who is currently seeking a benefit from the Town; or
 - (b) A person who the Town officer or employee knows, or has reason to know, will seek a benefit from the Town within the twelve (12) months following the solicitation or acceptance; or
 - (c) A person who the Town officer or employee knows or has reason to know has received or sought a benefit from the Town within the twelve (12) months preceding the solicitation or acceptance.

D. Confidential Information

- (1) In accordance with Section 805-a of Article 18 of General Municipal Law, a Town officer or employee, and a former Town officer or employee, shall not disclose any confidential or privileged information that he or she has acquired in the course of his or her official duties, except as provided for in paragraph (3) of this subsection;
- (2) A Town officer or employee, and a former Town officer or employee, shall not use any confidential or privileged information that he or she has acquired in the course of his or her official duties to further or to harm the interests of any person or further his or her personal interests.
- (3) A Town officer or employee may disclose confidential or privileged information in the following situations:
 - (a) If the Town officer or employee is acting in furtherance of his or her official duties; or
 - (b) Pursuant to the order of a court of competent jurisdiction; or
 - (c) When authorized to do so pursuant to an Advisory Opinion of the Board of Ethics.

E. Representation, Appearances.

- (1) To supplement the provisions of Section 805-a of Article 18 of General Municipal Law, which prohibits representation before a Town agency over which the Town

Officer or employee has jurisdiction and also prohibits representation before any Town agency on any matter for a contingent fee, a Town officer or employee shall not:

- (a) Represent any other person in any matter before any Town agency in which the Town officer or employee is, or may be, called upon to render any decision on behalf of the Town; or
- (b) Represent any other person in any matter against the interest of the Town; or
- (c) Appear before any agency of the Town, except on behalf of the Town, or on his or her own behalf.

F. Investment in Conflict with Official Duties.

Whenever a Town officer or employee holds an investment directly or indirectly, in any financial, business, commercial or other private transaction which creates a conflict with his or her official duties, he or she shall provide public disclosure in accordance with Section 18-5 D. and shall refrain from involvement in the matter which creates such conflict with his or her official duties.

G. Private Employment.

A Town officer or employee shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his or her official duties. This shall not be construed to apply to private employment outside of the jurisdictional limits of the Town, or whenever a Town officer or employee has provided public disclosure in accordance with Section 18-5 B. and has acted in accordance with Section 18-5 D.

H. Political Solicitation.

No Town officer or employee shall, with undue influence, individually request, or knowingly authorize anyone else to individually request, any other Town officer or employee to participate in an election campaign or contribute to a political party committee. This shall not be construed to prevent requests which are mailed and are in form and substance the same as those mailed to non-employees.

I. Revolving Door.

- (1) For a period of six (6) months following service on a Town agency, a former Town officer or employee shall not appear or practice before his or her former Town Agency, except on his or her own behalf; provided, however, that nothing contained herein shall be deemed to prohibit a former Town officer or employee from making communications with the agency served by the Town officer or employee which are incidental to an otherwise permitted appearance in an adjudicative proceeding before another agency or body or a court, unless the

proceeding was pending in the agency served during the period of the Town officer or employee's service with that agency.

- (2) No former Town officer or employee shall, at any time, appear before any Town agency, or perform any work, whether paid or unpaid, for any person, in connection with any particular matter on which the Town officer or employee personally participated in and substantially worked on during the period of his or her employment with the Town or which was under his or her active consideration.
- (3) No former Town officer or employee shall, after leaving Town service, disclose or use for private advantage any confidential information gained from public service which is not otherwise made available to the public, provided, however, that this shall not prohibit any former Town officer or employee from disclosing any information concerning conduct which he or she knows or reasonably believes to involve waste, inefficiency, corruption, criminal activity or conflict of interest.
- (4) The prohibitions on appearances and practice after leaving Town employment, as described in paragraphs (1) and (2.) above, shall not apply to positions with or representation on behalf of any local, county, state or federal agency.
- (5) Nothing contained in this subsection shall prohibit a former Town officer or employee from being associated with or having a position in a firm which appears before a Town Agency on any matter or from acting in a ministerial manner on any matter regarding business dealings with the Town.

J. Consultants.

- (1) Except as provided in paragraphs (2), (3) and (4) below, to avoid potential conflicts of interest, a Town consultant shall not appear on behalf of any other client before the Town or any agency thereof during the period of service to the Town by the consultant. The Town shall specify the restriction in any written contracts entered into between the Town and consultants. However, failure of the contract to state the restriction shall not affect the enforcement of this section of the Town's Ethics Code.
- (2) The restrictions contained in this chapter shall not apply to consultants which:
 - (a) Operate a business located within the Town and have been retained by the Town to perform a contract valued at \$25,000 or less; or
 - (b) Have a written contract with the Town in which the Town Board has expressly authorized an exemption for the consultant from the provisions of the Town's Ethics Code; or

- (c) Have received a Special Waiver from the Town's Ethics Board pursuant to paragraph (4) of this section.
- (3) Nothing in this subsection shall be construed to prohibit a consultant from:
 - (a) Appearing on his own behalf, or on behalf of the Town, before a Town agency.
 - (b) Seeking or obtaining a ministerial act from an administrative officer; or
 - (c) Receiving a Town service or benefit, or using a Town facility, on the same terms on which such service, benefit or facility is available to the public.
- (4) Special Waiver. A consultant may make appearances before Town agencies otherwise prohibited by this section, upon written approval of the Ethics Board and the consent of the involved Town agencies. The Ethics Board shall consider such approval on a case-by-case basis taking into account for such findings the following criteria:
 - (a) The general expertise of the Consultant.
 - (b) The expertise of the Consultant relative to the particular matter.
 - (c) The extent of the Consultant's involvement both for the Town and for the private client(s).
 - (d) The extent of the fees, past or future, to be paid to the Consultant by the Town.
 - (e) The impact such appearances may have on the public trust.
 - (f) The statement of necessity from the involved Town agency.
 - (g) The standard for this waiver is intended to be less stringent than that contained in Sections 18-27 of this Code. Such findings shall be detailed in writing by the Ethics Board and filed with the Office of the Town Clerk.

K. Avoidance of Conflicts.

- (1) A Town officer or employee shall not knowingly acquire, solicit, negotiate for, or accept any benefit, interest, employment, or other thing of value that would put him or her in violation of this Code of Ethics.
- (2) No person who, by appointment or election, shall serve as an executive board member of a town, county, state or national committee of a Political Party

Committee or any subdivision thereof shall hold appointive office on the Planning Board, Zoning Board of Appeals, Architectural Review Board, Board of Assessment Review or Conservation Advisory Council.

(a) Any person who is a member of the executive board of one of the aforementioned Political Party Committees shall deliver to the Town Clerk, within five (5) days of his or her appointment to one of the Town Boards listed above, evidence of his or her resignation from the executive board of said political party committee.

(b) Any person who is currently a member of any aforementioned appointive Board and currently is a member of an aforementioned executive board of political party committee shall deliver to the Town Clerk such documentation establishing compliance with this Subsection K(2) within twenty (20) days of the date of enactment of this local law.

§18-5. Disclosure of Interest in Contract, Transaction, or Legislation.

A. Prohibited Interests in Contracts.

No Town officer or employee shall have an interest in a contract with the Town, or an interest in a bank or trust company, as prohibited by Section 801 of Article 18 of General Municipal Law of the State of New York. Any contract willfully entered into by or with the Town in which there is an interest prohibited by that section shall be null, void, and wholly unenforceable, to the extent provided by Section 805-a (2) of Article 18 of General Municipal Law.

B. Disclosable Interests in Contracts or Legislation.

- (1) In accordance with Section 803 of the General Municipal Law, whenever a Town officer or employee has, will have, or later acquires an interest in any actual or proposed contract with the Town, he or she shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
- (2) To the extent that the Town officer or employee knows thereof, that a relative of the Town officer or employee has an interest in any actual or proposed contract with the Town, the Town officer or employee shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.

- (3) To the extent that the Town officer or employee knows thereof, that any relative of the Town officer or employee has an interest gained by the sale of a service or property to the Town, the Town officer or employee shall publicly disclose the nature and extent of such interest in writing to the relevant Town agency as soon as he or she has knowledge of such actual or prospective interest. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
- (4) To the extent that the Town officer or employee knows thereof, the Town officer or employee, whether paid or unpaid, shall publicly disclose the nature and extent of any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation in writing to the relevant Town agency. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
- (5) To the extent that the Town officer or employee knows thereof that any relative of the Town officer or employee has any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation before any Town agency, the Town officer or employee shall publicly disclose the nature and extent of any direct or indirect financial or other private interest in any matter, application, petition, or pending legislation in writing to the relevant Town agency. Such written disclosure shall be made part of and set forth in the official record of the proceedings of such Town agency.
- (6) The Town Clerk shall cause a copy of that written disclosure to be filed promptly with the Ethics Board.

C. Violations.

Any Town officer or employee who willfully and knowingly violates any provision of Section 18-5 A. (Prohibited Interests in Contracts.) shall be guilty of a misdemeanor pursuant to Section 805 of Article 18 of General Municipal Law.

D. Whenever a Town officer or employee makes a public disclosure pursuant to Section 18-5B, or is otherwise required to recuse himself or herself pursuant to paragraph (3) of Section 18-4B, of this chapter, he or she shall immediately:

- (1) Refrain from any further involvement in the matter, and
- (2) Inform his or her immediate supervisor, if any; and, shall immediately disclose in writing to the Town Clerk and orally on the record the reason for said recusal.
- (3) A Town officer or employee shall not be required to file a public disclosure statement pursuant to this section if he or she, with respect to the same matter, has filed with the Town Clerk an Annual Disclosure Statement complying with requirements of Section 18-10 of this chapter.

§ 18-6. Void Contracts.

When any Town officer or employee, or any contracting party, has been found to have violated Sections 18-4; 18-5 or 18-10 of this chapter in connection with any contract or agreement entered into by or with the Town, such contract shall be void unless ratified by the Town Board after full disclosure of the facts and circumstances of all violations. No vote to ratify any contract pursuant to this section shall be taken without a report and recommendation of the Ethics Board pursuant to Section 18-24D. However, any contract that violates Section 801 of Article 18 of General Municipal Law cannot be ratified and is void.

§18-7. Exclusions from the Standards of Conduct and Transactional Disclosure.

A. The provisions of Sections 18-4 and 18-5 of this chapter shall not prohibit, or require recusal or transactional disclosure as a result of:

- (1) An action specifically authorized by statute, rule, or regulation of the United States or by State of New York; or
- (2) A ministerial act; or
- (3) Gifts to the Town officer or employee which are:
 - (a) Received from his or her parent, spouse, or child; or
 - (b) Valued less than seventy-five dollars (\$ 75) in aggregate from any person during any twelve (12) month period; or
 - (c) Accepted on behalf of the Town and transferred to the Town; or
 - (d) Benefits having a value of seventy-five dollars (\$ 75) or less that are received by a Town officer or employee listed in Section 11 of the Domestic Relations Law of the State of New York for the solemnization of a marriage by the Town officer or employee at a place other than his or her normal public place of business or at a time other than his or her normal hours of business.
- (4) Receipt of Town services or benefits, or use of Town facilities, on the same terms and conditions as such services or benefits are available to residents or a class of residents in the Town; or
- (5) Representation of constituents by elected Town officials without compensation in matters of public advocacy.

§18-8. Inducement of Violations.

A. No person, whether or not a Town officer or employee, shall solicit, importune, direct, induce, attempt to induce, aid or abet a Town officer or employee to violate any provisions of this chapter.

B. This section applies to all persons, whether or not a Town officer or employee. Pursuant to this chapter, any person found to have violated this section shall be subject to the imposition by the Town Board of civil fines pursuant to paragraph B. of Section 18-13 of this chapter and subject to debarment pursuant to Section 18-14 of this chapter. Any person found to have violated this section may be further subject to additional sanctions, penalties, forfeitures and damages as provided by this chapter and any other applicable law.

§ 18-9. Appearance by Outside Employers and Businesses of Town Officers and Employees.

A. Except as provided in subsection C. below, the outside employer or business of a Town officer or employee shall not appear before the Town agency in which the Town officer or employee serves or by which the Town officer or employee is employed.

B. Except as provided in subsection C. below, the outside employer or business of a Town officer or employee shall not appear before any Town agency if the Town officer or employee has the authority to appoint any officer, employee or member of the agency or to review, approve, audit or authorize any budget, bill, payment or claim of the agency.

C. Nothing in this section shall be construed to prohibit the outside employer or business of a Town officer or employee from:

- (1) Appearing on its own behalf, or on behalf of the Town, before a Town Agency; or
- (2) Seeking or obtaining a ministerial act; or
- (3) Receiving a Town service or benefit, or using a Town facility, on the same terms on which such service, benefit or facility is available to the public.

§ 18-10. Annual Financial Disclosure Statement

A. Town officers and employees required to file an Annual Financial Disclosure Statement:

All elected officials, all Town Department Heads, Planning Board Members, Zoning Board of Appeals Members, Deputy Town Supervisor, Town Attorney, Deputy Town Attorneys, persons who are certified as Code Enforcement Officials as provided by Title 19 of the New York Code of Rules and Regulations Part 434, and certain Town officers and employees, as determined by the Town Board by resolution, are required to file a signed Annual Financial Disclosure Statement, which must be signed by the individual Town officer or employee.

B. Time and place for filing.

- (1) Annual Financial Disclosure Statements shall be filed with the Town Clerk on or before July 15th of each year;

- (2) Newly elected officials, Town agency appointees and applicable Town officers and employees shall file their first Annual Financial Disclosure Statement with the Town Clerk within thirty (30) days after appointment and on or before each subsequent July 15th thereafter.
- (3) Additional time to file. Town officials and employees who are required to file an Annual Financial Disclosure Statement may request from the Ethics Board an extension of time to file upon a showing of justifiable cause or hardship; provided, however, that such extension may not exceed sixty (60) days.
- (4) Public Inspection. Annual Financial Disclosure Statements required to be filed pursuant to this chapter shall be available for public inspection in the Office of the Town Clerk.

C. Contents of the Annual Financial Disclosure Statement.

The Annual Financial Disclosure Statement shall be upon the form established by the Riverhead Town Board as attached hereto that requires a sworn statement by the Town officers and employees required to file said statement as provided herein:

D. Amendments, Corrections and Update.

- (1) A Town officer or employee who becomes aware of any changes necessary, misstatement or a deficiency in his or her Annual Financial Disclosure Statement shall file an amendment or correction thereof within thirty (30) days of the date when he or she learns of the misstatement or deficiency. Timely filing of an amendment or correction pursuant to this paragraph shall include disclosure of a possible misstatement or deficiency in connection with a request for an Advisory Opinion pursuant to Section 18-26, and shall be deemed a complete defense to any allegation of unethical conduct in connection with the initial misstatement or deficiency.
- (2) Within thirty (30) days of any change in information disclosed pursuant to paragraph C of this section, the Town officer or employee shall file an updated Annual Financial Disclosure Statement. This paragraph may be satisfied by a letter specifying the specific change or changes, filed with the Town Clerk pursuant to Section 18-3.

E. Failure to Disclose.

If a person required to file an Annual Financial Disclosure Statement has failed to file a disclosure statement or has filed a deficient statement, the Ethics Board shall notify the reporting person in writing, state the failure to file or detail the deficiency, provide the person with a fifteen (15) day period to make such filing or cure such deficiency and advise the person of the penalties for failure to comply with the reporting requirements. Such notice shall be confidential. If the person fails to make such filing or fails to cure the deficiency within the specified time

period, the Ethics Board shall send a notice of delinquency to the reporting person and to the Town Board. Any officer or employee who is required to file Annual Financial Disclosure Statements and fails to do so following the notification and cure period set forth in this section may be fined an amount not to exceed \$1,000.

A finding and the imposition of a fine may only be made by the Town Board upon a referral to and recommendation from the Ethics Board.

§ 18-11. Applicant Disclosure; Generally.

This section applies to applicants seeking approvals from Town agencies or ministerial acts.

A. Where a person requests the Town or a Town officer or employee to take or refrain from taking any action (other than a ministerial act) that may result in a benefit to the applicant and to any officer or employee of the Town or any other person listed in Section 18-4 B., the applicant shall disclose the names of any such persons, to the extent known to the applicant at the time of the request.

B. If the request is made in writing, the disclosure shall accompany the request. If the request is oral and made at a meeting of a public body, the disclosure shall be set forth in the public record. If the request is not made at a meeting of a public body, the Town officer or employee to whom it is directed shall take no action upon the request until it has been submitted in writing, together with the necessary disclosure and filed with the Town Clerk.

§18-12. Applicant Disclosure; Land Use Applications.

This section applies to applicants seeking approvals from Town agencies or ministerial acts.

A. Every application, petition or request submitted for a variance, amendment, change of zoning, approval of a subdivision map, site plan, special exception use, request for exemption from a subdivision map or official map, license or permit or grant requiring approval from the Town Board or a Town agency, pursuant to the provisions of any ordinance, local law, rule or regulation constituting the zoning and planning regulations of the Town shall state the name, residence and the nature and extent of the interest of any state officer, any officer or employee of the Town or of a municipality of which the Town is a part, or any executive board member of any Political Party Committee in the person, partnership or association making such application, petition or request (hereinafter called the applicant) to the extent known to such applicant as is required by Section 809 of the General Municipal Law of the State of New York.

B. For the purpose of this section, an officer or employee shall be deemed to have an interest in the applicant when he, his spouse or their brothers, sisters, parents, children, grandchildren or the spouse of any of them:

§18-13. Penalties; Hearings; Initiation of Actions or Proceedings.

A. Disciplinary Action.

- (1) Any Town officer or employee who engages in any action that violates any provision of this chapter may be warned, reprimanded, suspended, removed from office or employment, and may be subject to any other sanction authorized by law or collective bargaining agreement, by the appointing authority or person or body authorized by law to impose such sanctions. A warning, reprimand, suspension, removal, or other authorized sanction may be imposed in addition to any other penalty contained in this chapter or in any other provision of law.
- (2) In its discretion, after a hearing providing for the due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend disciplinary action pursuant to this section. The recommendation of the Ethics Board shall be made to the Town Board, which is authorized by law to impose such sanctions. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board waives its opportunity to make a recommendation and instead refers the matter in writing to the Town Board. If such a referral is made, the Ethics Board shall close the matter.

B. Civil Fine.

- (1) Any person who violates any provision of this chapter may be subject to a civil fine not to exceed \$1,500 for each violation. A civil fine may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Section 18-14 D. A fine may only be imposed by the Town Board or appropriate court of law. A civil fine may not be imposed for a violation of Section 18-5 A.
- (2) In its discretion, after a hearing providing for the due process procedural mechanisms and subject to any applicable provisions of law and collective bargaining agreements, the Ethics Board may recommend a civil fine not to exceed \$1,500 for each violation upon any person found by the Ethics Board to have violated this chapter. The recommendation of the Ethics Board shall be made to the Town Board and shall be public. The Ethics Board shall conduct and complete the hearing with reasonable promptness, unless in its discretion the Ethics Board, without recommendation, refers the matter to the appropriate appointing authority, person or body for such action as the Town Board deems appropriate. If such a referral is made, the Ethics Board shall close the matter. The Town Board, in its discretion, is authorized to impose such fine subject to a hearing and any applicable provisions of law and collective bargaining agreements.

C. Damages.

- (1) Any person who violates any provision of this chapter shall be liable in damages to the Town for any losses or increased costs incurred by the Town as a result of the violation. Such damages may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil forfeiture pursuant to Section 18-13D.
- (2) A finding of damages may only be made by the Town Board or an appropriate court of law.

D. Civil Forfeiture

- ~~(1) Any person who intentionally or knowingly violates any provision of this chapter may be subject to a civil forfeiture to the Town of a sum equal to three times the value of any financial benefit he or she received as a result of the conduct that constituted the violation. A civil forfeiture may be imposed in addition to any other penalty contained in any other provision of law or in this chapter, other than a civil fine pursuant to Section 18-13B. or damages pursuant to Section 18-13C. Civil forfeiture shall not be available for a violation of Section 18-5A. Treble damages and/or civil forfeiture may only be imposed by a court of competent jurisdiction.~~
- (2) The Town Board may initiate an action or special proceeding, as appropriate, in a court of competent jurisdiction to obtain civil forfeiture, pursuant to this section.

E. Misdemeanor

Any person, whether or not a Town officer or employer, who intentionally violates any provision of this chapter shall be guilty of a class A misdemeanor and, upon conviction thereof, if a Town officer or employee, shall forfeit his or her Town office or employment, subject to any applicable provisions of law and collective bargaining agreements. This subsection shall not apply to a violation of Section 18-5A.

F. Prosecutions.

The Ethics Board may refer any information that it receives concerning a possible criminal violation to the appropriate prosecutor or other law enforcement agency. Nothing contained in this chapter shall be construed to restrict the authority of any prosecutor to prosecute any violation of this chapter or of any other law.

G. Limit on Ethics Board.

Nothing in this section shall be construed to permit the Ethics Board to take any action with respect to any alleged violation of this chapter, or of any other law, by the Ethics Board or by any member or staff member thereof.

H. Town Board Response to the Ethics Board.

The Town Board shall, within forty-five (45) days of receipt of a written referral pursuant to this section from the Ethics Board, respond in writing and state in sum and substance the Town Board's intention with respect to the referral.

§18-14. Debarment.

A. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited from entering into any contract with the Town for a minimum period of six (6) months but not to exceed three (3) years.

B. No person, whether or not a Town officer or employee, shall enter into a contract in violation of a bar imposed pursuant to Section 18-14A.

C. Nothing in subsections A. or B. above shall be construed to prohibit any person from receiving a service or benefit, or from using a facility, that is generally available to the public.

D. Any person, whether or not a Town officer or employee, who intentionally or knowingly violates any provision of this chapter shall be prohibited for a minimum period of six (6) months but not to exceed three (3) years from applying to the Town for any benefit except for benefits granted by ministerial act of Town officers or employees upon proof of residence.

E. Under this section, a corporation, partnership, or other entity shall not be held vicariously liable for the actions of an employee. A corporation, partnership, or other entity shall not be debarred because of the actions of an employee unless the employee acted in the execution of company policy or custom. A store, region, division, or other unit of an entity shall not be debarred because of the actions of an employee of that unit unless the employee acted at the direction, or with the actual knowledge or approval, of the manager of the unit.

F. In its discretion and after a hearing providing for due process procedural mechanisms and subject to any applicable provisions of law, the Ethics Board may recommend that the Town Board issue an order of debarment, pursuant to this section.

§18-15. Injunctive Relief.

A. Any resident, officer, or employee of the Town may initiate an action or special proceeding, as appropriate, in the court of competent jurisdiction for injunctive relief to enjoin an officer or employee of the Town from violating this chapter or to compel an officer or employee of the Town to comply with the provisions of this chapter. In lieu of, or in addition to, injunctive relief, the action or special proceeding, as appropriate, may seek a declaratory judgment.

B. No action or special proceeding shall be prosecuted or maintained pursuant to Section 18-15A, unless:

(1) The plaintiff or petitioner shall have filed with the Ethics Board a sworn complaint alleging the violation by the Town officer or employee; and

(2) It shall appear by and as an allegation in the complaint or petition filed with the court that at least six (6) months have elapsed since the filing of the complaint with the Ethics Board and that the Ethics Board has failed to file a determination in the matter; and

(3) The action or special proceeding shall be commenced within ten (10) months after the alleged violation occurred.

§18-16. Designation of Town Officers and Employees Required to File Annual Financial Disclosure Statements.

Within ninety (90) days after the effective date of this Local Law, and during the month of June each year thereafter, the Town Supervisor shall:

A. Cause to be filed with the Ethics Board a list of the names and offices or positions of all Town officers and employees required to file Annual Financial Disclosure Statements pursuant to Section 18-10 of this chapter; and

B. Notify all such officers and employees of their obligation to file an Annual Financial Disclosure Statement.

C. Notify all new officers and employees, subject to Section 18-10, within ten (10) days of appointment of their obligation to file an Annual Financial Disclosure Statement within thirty (30) days and on or before July 15 of each year thereafter.

§18-17. Maintenance of Disclosure Statements, Records.

A. The Ethics Board shall index and maintain on file for at least seven (7) years all disclosure statements and records filed with the Ethics Board pursuant to this chapter. The records must be stored in a Town-owned and operated facility within the Town of Riverhead.

§18-18. Ethics Board; Establishment; Qualifications of Members; Appointment of Members; Term of Office.

A. There is hereby established an Ethics Board consisting of five (5) members. The Town Board shall appoint the members of the Ethics Board.

B. Of the total membership of the Ethics Board, no more than two, shall be registered to vote in the same New York State recognized political party, nor shall more than two be non-affiliated voters or unregistered voters. An Ethics Board member may make campaign contributions and attend benefits, but may not participate in activities such as

passing out literature, petitions, or wearing pins for an election. An individual who has served as a campaign manager or treasurer for a political party committee or individual election campaign committee shall be ineligible to serve on the Ethics Board for the two (2) year period immediately following the completion of his other service for the campaign or political committee. Ethics Board members who opt to enter campaign races for public office shall promptly resign from the Town's Ethics Board.

C. No person may be appointed as a member of the Ethics Board who is:

- (1) An officer or committee person of any local, county or state political party, association, club or independent political committee subject to the various regulations and reporting requirements of the State Election Law; or
- (2) A campaign manager or treasurer for a political party committee or individual election campaign committee; or
- (3) Currently serving as an elected Town officer; or
- (4) Currently a relative of an elected Town officer; or
- (5) Currently having business dealings with the Town or any Town agency, directly or indirectly, either personally or through some firm, association or corporation in which he or she acts in an official capacity.

D. One, but not more than one, member of the Ethics Board shall be an appointed Town officer or employee or former Town officer or employee.

E. The terms of office of the Ethics Board members shall be two (2) years. Terms shall run from January 1 through December 31. The members first appointed following the effective date of this local law shall be appointed as follows: three (3) to serve a two (2) year term, two to serve a one (1) year term. Subsequent terms shall be staggered two (2) year terms.

F. When the term of an Ethics Board member has expired, he or she shall serve as a holdover until his or her successor has been appointed.

G. The members of the Ethics Board shall not receive compensation but may be reimbursed for reasonable expenses incurred in the performance of their official duties, pending Town Board approval by resolution.

H. Members of the Ethics Board shall be provided with legal defense and indemnification in accordance with the requirements of Chapter 15, Defense and Indemnification, of the Town Code of the Town of Riverhead.

§18-19. Ethics Board; Vacancies.

When a vacancy occurs in the membership of the Ethics Board, the vacancy shall, within forty-five (45) days, be filled for the unexpired portion of the term in the same manner as the original

appointment. Any person appointed to fill a vacancy on the Ethics Board shall meet the qualifications set forth in Section 18-18 of this chapter.

§18-20. Ethics Board; Removal of Members.

An Ethics Board member may be removed from office upon any of the following grounds:

1. Failure to meet the qualifications set forth in Section 18-18 of this chapter;
or
2. Substantial neglect of duty; or
3. Gross misconduct in office; or
4. Inability to discharge the powers or duties of office; or,
5. A violation of this chapter.

A member whose removal is under consideration by the Town Board shall be given written notice of the allegations against him or her, and provided a reasonable opportunity to reply. A member whose removal is under consideration by the Town Board shall, at the member's option, continue to serve as a member of the Ethics Board unless and until the Town Board has voted to remove him or her. A member whose removal is under consideration by the Town Board shall, at the member's option, be afforded a public hearing before the Town Board, at which such member may be represented by counsel, call witnesses in his or her own behalf, and cross-examine witnesses who testify against the member.

§18-21. Ethics Board; Chair, Meetings.

At its first meeting each year, the Ethics Board shall elect a chair from among its members. Any action of the Ethics Board must be approved by a majority thereof. The chair or a majority of the Ethics Board may call a meeting of the Ethics Board.

§18-22. Ethics Board; Powers and Duties.

A. The termination of a Town officer's or employee's term of office or employment with the Town shall not affect the jurisdiction of the Ethics Board with respect to the requirements imposed on him or her by this chapter.

B. The Ethics Board shall have the following powers and duties:

- (1) to prescribe and promulgate rules and regulations governing its own internal organization and procedures in a manner consistent with this chapter;
- (2) as necessary to carry out its duties under this chapter, the Ethics Board may request the Town Board to designate certain Town staff to provide such clerical services. The Ethics Board may retain outside counsel, subject to approval by the Town Board for rates of compensation and total annual budget allocation.

- (3) to review, index, and maintain on file lists of Town officers and employees, and disclosure statements filed with the Ethics Board, pursuant to the applicable provisions of this chapter;
- (4) to review, index, maintain on file, and dispose of sworn complaints alleging violations of this chapter and to make notifications and conduct investigations pursuant to Section 18-24;
- (5) to conduct hearings, make recommendations for disciplinary actions and penalties, make referrals, and initiate appropriate actions and proceedings pursuant to Section 18-13;
- (6) to grant waivers pursuant to Section 18-25;
- (7) to render, index and maintain on file advisory opinions pursuant to Section 18-26;
- (8) to provide training and education to Town officers and employees and to make information concerning this chapter and Article 18 of General Municipal Law available, to the public and to persons interested in doing business with the Town;
- (9) to develop educational materials and an education program for Town officers and employees concerning the provisions of this chapter and Article 18 of General Municipal Law.
- (10) to prepare an Annual Report to the Town Supervisor and Town Board, summarizing the activities of the Ethics Board. The report may also recommend changes to the text or administration of this chapter. The Ethics Board shall periodically review this chapter and the Board's rules, regulations, and administrative procedures to determine whether they promote integrity, public confidence, and participation in Town government and whether they set forth clear and enforceable, common sense standards of conduct;
- (11) To publish:
 - (a) Its Advisory Opinions in a form that removes personal identifying information concerning all persons who are the subjects of such Advisory Opinions and decisions provided, that each such person approves the form in which the Advisory Opinion is published; and
 - (b) Its final decisions and referrals and recommendations for disciplinary actions and penalties. Any report and recommendation presented to the Town Board pursuant to this chapter; and
 - (c) Its decisions disposing of complaints in which it reached a determination that no violation of this chapter occurred, provided that the published version of any such decision shall be in a form that removes

personal identifying information concerning all persons who are the subjects of the complaint and that each such person approves the form in which the Advisory Opinion is published; and

(12) To provide for public inspection of certain records pursuant to Section 18-28.

§18-23. Review of Lists and Disclosure Statements.

A. The Ethics Board shall review:

- (1) The lists of Town officers and employees, prepared pursuant to Section 18-16 of this chapter, to determine whether the lists are complete and accurate. The Ethics Board shall recommend to the Town Board the name of any other officer or employee who the Ethics Board determines should appear on the list pursuant to Section 18-10.
- (2) All Annual Financial Disclosure Statements to ensure compliance with the standards as set forth in this chapter and to determine whether any person required to file such a statement has failed to file it, has filed a deficient statement, or has filed a statement that reveals a possible or potential violation of this chapter.
- (3) All transactional disclosure statements.

B. If the Ethics Board determines that an Annual Financial Disclosure Statement or a transactional disclosure statement is deficient or reveals a possible or potential violation of this chapter, the Ethics Board shall notify the person in writing of the deficiency or possible or potential violation and of the penalties for failure to comply with this chapter.

§18-24. Investigations.

A. Upon receipt of a written complaint by any person alleging a violation of this chapter or upon determining on its own initiative that a violation of the chapter may exist, the Ethics Board shall have the power and duty to conduct with reasonable promptness any investigation necessary to carry out the provisions of this chapter. Written complaints must be signed by the individual complainant, notarized and must include his/her address. In conducting any such investigation, the Ethics Board may administer oaths or affirmations, compel attendance of witnesses, and require the production of any books or records that it may deem relevant and material. The Ethics Board shall make a reasonable effort to obtain voluntary cooperation prior to exercising or enforcing their right to compel testimony. Further, the Ethics Board shall take steps to ensure that every individual's right to due process is protected.

B. The Ethics Board shall state in writing the disposition of every sworn written complaint it receives and shall set forth the reasons for the disposition. All such statements and all sworn complaints shall be indexed and maintained on file by the Board.

C. Any person filing a sworn complaint with the Ethics Board, and every person who is named in such a complaint, shall be notified in writing of the disposition of the complaint.

D. Upon the written request of the Town Board, of a Town officer or employee, or of any contracting party, the Ethics Board shall investigate and provide to the Town Board a written report and recommendation concerning any Town contract or agreement that may be void pursuant to Section 18-6. Additionally, the Ethics Board may, in its discretion, undertake such an investigation upon its own initiative, in which case it may present a report and recommendation to the Town Board.

E. Nothing in this section shall be construed to permit the Ethics Board to conduct an investigation of itself or of any of its members or staff. If the Ethics Board receives a complaint alleging that the Ethics Board or any of its members or staff has violated any provision of this chapter, or any other law, the Ethics Board shall promptly transmit to Town Board a copy of the complaint.

§18-25. Waivers.

A. Upon written application and upon a showing of compelling need by the applicant, the Ethics Board may in exceptional circumstances grant the applicant a waiver of any of the provisions of Section 18-4, Section 18-5, Section 18-9, Section 18-10, or Section 18-11 of this chapter, provided, however, that no such waiver shall permit conduct otherwise prohibited by Article 18 of General Municipal Law of the State of New York.

B. Waivers shall be in writing and shall state the grounds upon which they are granted. Within ten (10) days after granting a waiver, the Ethics Board shall file with the Town Clerk a statement setting forth the name of the person requesting the waiver and a general description of the nature of the waiver. All applications, decisions, and other records and proceeding relating to waivers shall be indexed and maintained on file by the Ethics Board.

§18-26. Advisory Opinions.

A. Upon the written request of any Town officer or employee or former Town officer or employee, the Ethics Board shall render a written Advisory Opinion with respect to the interpretation or application of this chapter or of Article 18 of General Municipal Law of the State of New York, under such rules and regulations as the Ethics Board may deem advisable, and said Advisory Opinion shall be reviewed by either the Town Attorney, or by legal counsel retained by the Ethics Board. Any other person may similarly request an Advisory Opinion from the Ethics Board but only with respect to whether his or her own action might violate a provision of this chapter or Article 18 of General Municipal Law.

B. Advisory Opinions and requests for Advisory Opinions shall be indexed and maintained on file by the Ethics Board in a place of their choosing, however, the records must be stored in a Town-owned and operated facility within the Town of Riverhead.

C. Any person who has submitted to the Ethics Board a written request for an Advisory Opinion may bring a special proceeding pursuant to Article 78 of the Civil Practice Law and Rules for an order compelling the Ethics Board to issue the Advisory Opinion. In addition to, or in lieu of, such injunctive relief, the person may seek a judgment in accordance with Section 3001 of the Civil Practice Law and Rules determining the question posed in the request for the Advisory Opinion. No action or special proceeding shall be prosecuted or maintained pursuant to this section unless:

- (1) it shall appear by and as an allegation in the petition or complaint that at least six (6) months have elapsed since the filing of the request and that the Ethics Board has failed to file any determination in the matter; and
- (2) the action or special proceeding shall be commenced within ten (10) months after the submission of the request for the Advisory Opinion.

D. No Town officer or employee shall be subject to discipline by the Town or the Town Agency that employs him or her for acting, or declining to act concerning a matter, assignment, decision or task of his or her Town office or employment, if he or she acts, or declines to take action:

- (1) In full compliance with an Advisory Opinion issued pursuant to this chapter concerning a specific action to be taken or refused; or
- (2) Pending issuance by the Ethics Board of an Advisory Opinion concerning the specific action to be taken or refused; or
- (3) After placing his or her immediate supervisor on written notice, with two copies thereof filed with the Town Clerk, that his action or refusal to act is based on good faith reliance upon a specific part of this chapter.

§18-27. Judicial Review.

Any person aggrieved by a decision of the Town Board pursuant to this Chapter may seek judicial review and relief pursuant to Article 78 of the Civil Practice Law and Rules of the State of New York.

§18-28. Public Inspection of Records; Public Access to Meetings; Confidentiality of Records and Witness Statements.

A. The only records of the Ethics Board that shall be available for public inspection are those whose disclosure is required by Article 6 or Article 7 of the Public Officers Law of the State of New York or by some other State or federal law or regulation.

B. No meeting or proceeding of the Ethics Board concerning misconduct, malfeasance, or neglect in office by a Town officer or employee shall be open to the public, except upon the request of the officer or employee or as required by the provisions of Article 7 of the Public Officers Law or by some other State or Federal law or regulation.

C. Except as otherwise provided by Article 6 and Article 7 of the New York State Public Officers Law, all requests for Advisory Opinions, all sworn written complaints, all Advisory Opinions, all decisions disposing of complaints, all investigative records and files, and all witness statements taken by the Ethics Board or by any person acting on its behalf shall be held in confidence by the Ethics Board, and shall not be disclosed by any member of the Ethics Board to any person, except as follows:

- (1) any information deemed by the Ethics Board to concern a possible criminal violation shall not be confidential for the purpose of disclosing it to the appropriate prosecutor or other law enforcement agency; or
- (2) a sworn written complaint shall not be confidential for the purpose of disclosing it to any person named therein and for the purpose of notifying all such persons of the disposition thereof; or
- (3) a decision disposing of a complaint shall not be deemed confidential for the purpose of disclosing it to the person who made the complaint; or
- (4) a publication made by the Ethics Board pursuant to this chapter; or
- (5) upon a recommendation to the Town Board for further investigation or upon recommendations of disciplinary action or a civil fine pursuant to Sections 18-13A or 18-13 B, the Ethics Board shall turn over all related information, including testimony, to the Town Board. The Town Board shall then be constrained by the same confidentiality standards as those set forth above for the Ethics Board.

§18-29. Completion of Present Term by Town Officer or Employee.

Any Town officer or employee who is in compliance with the 1969 Ethics Code but is in violation of this Local Law at the time of its enactment shall have sixty (60) days to resolve the conflict.

§18-30. Miscellaneous Provisions.

A. No existing right or remedy shall be lost, impaired, or affected by reason of this chapter.

B. Nothing in this chapter shall be deemed to bar or prevent a present or former Town officer or employee from timely filing any claim, account, demand, or suit against the Town on behalf of himself or herself or any member of his or her family arising out of personal injury or property damage or any lawful benefit authorized or permitted by law.

C. If any provision of this chapter is held by a court of competent jurisdiction to be invalid, that decision shall not affect the validity and effectiveness of the remaining provisions of this chapter.

§18-31. Distribution and Posting.

A. Within thirty (30) days after the effective date of this chapter, and thereafter as appropriate, the Town Supervisor shall cause a copy of this chapter to be distributed to each Town officer and employee. Every Town officer or employee elected or appointed thereafter shall be furnished a copy of this chapter within ten days after entering upon the duties of his or her position.

B. Failure of the Town to comply with the provisions of this section or failure of any Town officer or employee to receive a copy of the provisions of this chapter shall have no effect on the duty of compliance with this chapter or on the enforcement of its provisions.

C. Posting. In accordance with §807 of General Municipal Law, the Town Supervisor shall cause a copy of Article 18 of said law to be kept posted in each public building under the jurisdiction of the Town in a place conspicuous to its officers and employees. Failure to post any such copy shall have no effect on the duty of compliance with said law nor with the enforcement of the provisions thereof.

§18-32 Severability.

If any clause, sentence, paragraph, section or part of this local law, now or through supplementation, shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy in which such judgment shall have been rendered.

§18-33 Effective Date

This Article shall take effect upon filing with the Secretary of State and Office of the State Comptroller pursuant to the Municipal Home Rule Law. The specific provisions of Section 18-4(I) (Revolving Door) shall apply only to those Town officers or employees employed by the Town on or after January 1, 2005.

ANNUAL FINANCIAL DISCLOSURE STATEMENT FOR RIVERHEAD ELECTED OFFICIALS AND CERTAIN OTHER EMPLOYEES FOR CALENDAR YEAR _____

1. Name: _____

Please answer each of the following questions completely. If a question is not applicable, please write N.A. If additional space is needed, please attach additional pages.

2. a. Title of position: _____
 b. Department, Agency or Board: _____
 c. Date first elected/appointed to said position _____
 d. Daytime telephone number: _____
 e. Home telephone number _____

3. a. Marital status. If married, please give spouses's full name including birth name where applicable.

b. List names of all unemancipated (under 18) children:

4. Real estate ownership. List the address, Tax Map Number (section, block, lot) and use of each piece of property that you, your spouses and/or your ^{UN}emancipated (under 18) children own in which such person has a financial interest including corporate or partnership interest.

| Tax Map Number and Street Address | Owner(s), (Self, Spouse, Child) | State Use: | | Acreage |
|-----------------------------------|---------------------------------|--|-------|---------|
| | | (Vacant/Commercial Residential/Industrial/Other) | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |

Attach separate list, if necessary.

4.1 If you or anyone who is your tenant receives a subsidy from or through the Town of Riverhead, such as but not limited to the HUD Section 8 Rental Assistance Program, Community Development Home Improvement Program or New York State Affordable Housing Corporation Programs on any of the property mentioned in 4 above, please provide the following information.

Tax Map Number and
Street Address

Title of
Subsidized Program

Name of
Program Participant

5. Employment. List the name, address and description of any occupation, employment, trade, business or profession engaged in by you or your spouse. Include town position and self-employment from which you and your spouse have earned gross income in excess of \$2,000.00 during the calendar year.

Name and Address
a. of Employment

Your
Position

Description

Name and Address
b. of Employment

Spouse's
Position

Description

6. List any office, trusteeship, directorship, partnership or position of any nature, including honorary positions, whether compensated or not, held by you or your spouse in any corporation, association, partnership, proprietary or not-for-profit organization. Do not include membership positions in any of the above.

a. Position

Organization

Address

| Spouse's b. Position | Organization | Address |
|-------------------------|--------------|---------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |

7. Business interests. List the name, principal address and general description of the nature of any business activity of a limited partnership, corporation or other business in which you or your spouse individually or jointly owns or controls more than a five-percent interest.

| | Name of Business | Address | Nature of Business |
|-----------------------|---------------------|---------|-----------------------|
| a. Your ownership: | _____ | _____ | _____ |
| | _____ | _____ | _____ |

8. Other business relationships. List the name, principal address and general description or the nature of the business activity of any entity in which you or your spouse has an investment in excess of \$1,000, excluding investments in securities and mutual funds.

| | Entity | Address | Nature of Business |
|---------------------------|--------|---------|-----------------------|
| a. Your ownership: | _____ | _____ | _____ |
| | _____ | _____ | _____ |
| b. Spouse's ownership: | _____ | _____ | _____ |
| | _____ | _____ | _____ |

9. Financial interest in contracts. List any contract(s) made between the town and one (1) or more of the following: you; your spouse; your child; any partnership in which you, your spouse or your child is a member; and/or any corporation in which five percent (5%) or more of the stock is owned or controlled by you, your spouse or your child. Indicate if you, your spouse or your child receive any direct or indirect pecuniary or material benefit from such contract(s).

| Self/Spouse Child or Partnership/ | Entity in Which Interest is Held (Self/Spouse/Child/ Partnership or Corporation | Relationship To Entity | Interest in Contract Corporation (Yes or No) |
|---|---|---------------------------|---|
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ |

10. Licensed professionals. If you or your spouse practice law or are licensed by the Department of State as a real estate broker or agent or practice a professions licensed by the Department of

Education*, provide a general description of the principal subject areas of your practice. If you or your spouse practice with a firm or corporation and you are a partner or shareholder of the firm or corporation, provide a general description of the principal subject areas of matter undertaken by such firm or corporation. Do not list the name of the individual clients, customers or patients.

a. Your position Description of Principal Subject Areas

b. Spouse's Position Description of Principal Subject Area

* The following professions are licensed by the Department of Education: Medicine; Physical Therapy and Physical Therapist Assistants; Physician's Assistants and Special Assistants; Chiropractic; Dentistry and Dental Hygiene; Veterinary Medicine and Animal Health Technology; Pharmacy; Nursing; Podiatry; Ophthalmic Dispensing; Engineering and Land Surveys; Architecture; Landscape Architecture; Public Accountancy; Shorthand Reporting; Psychology; Social Work, Massage; Occupational Therapy; and Speech-Language Pathologists and Audiologists; describe in general terms the principal subject areas of your practice.

11.a. If you are a member of the Town Board, Zoning Board of Appeals, or Planning Board, please list the names of any clients or customers who have applications currently pending before your board or who have had applications pending before your board within the last twelve (12) months.

b. With regard to the persons listed in 11.a., please describe the services rendered by you to said persons.

12. List any appearance you or your spouse made before a town agency or Board, representing a private interest, or any appearance made by you in any litigation brought against the town in the past year.

a. List for yourself:

| Name of Board, Agency or Court Appeared Before | Name of Litigation, Application or Topic Regarding Your Appearance | Type of Work Performed |
|--|---|---------------------------|
| | | |
| | | |
| | | |

b. List for your spouse:

| Name of Board, Agency or Court Appeared Before | Name of Litigation, Application or Topic Regarding Your Appearance | Type of Work Performed |
|--|---|---------------------------|
| | | |
| | | |
| | | |

13. List any financial interest of yours or your spouse's in the sale of a service or the sale of personal property or real property to the town.

a. List for yourself:

| Name of Service or Property (list map number if applicable) | Description of Transaction |
|--|----------------------------|
| | |
| | |
| | |

I have read the foregoing and swear under penalty of perjury that, to the best of my knowledge and belief, the information I have given and the conditions to which I have agreed are true.

Signature

Please Print Name

Sworn to before me this day
of _____, 199 .

Adopted

11/16/04

TOWN OF RIVERHEAD

Resolution # 1089

AMENDS ZONING MAP, TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded

COUNCILWOMAN SANDERS

by _____ :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider amending Chapter 108 which amendments would implement the residential components of the Town of Riverhead Comprehensive Plan adopted on November 3, 2003; and

WHEREAS, the map was published in conjunction with the proposed amendments to the text of Chapter 108 which map and amendments were considered at a public hearing held on the 26th day of April, 2004 at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notices, and all persons wishing to be heard were heard, and

WHEREAS, that the amended map was referred to the Suffolk County Planning Commission in accordance with General Municipal Law §239-m,

WHEREAS, that the amended map was consistent with the Generic Environment Impact Statement with the exception of the commercial node located at the intersection of Roanoke Avenue and Sound Avenue, and

WHEREAS, the Comprehensive Plan had conflicting statements with regard to the development of the aforementioned area, to wit: § 6.2 "Most of Riverhead's other business zoned areas – Wading River East, *Roanoke*, Laurel and Route 25 in Calverton – are composed mostly of vacant sites, agricultural land, or open space. The few free standing commercial establishments that have been built are few and far between. These areas do not have enough businesses or demand potential to function or grow into whole districts. While existing businesses should be allowed to stay, these districts would preferably eliminated in order to prevent commercial sprawl..." Later, however, in §6.36 the Comprehensive Plan states " A small commercially zoned node is located at

X:\Common\Dawn Thomas\zoning adopt resos\amends zoning map roanoke.doc

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT

THEREFORE DULY ADOPTED

the intersection of Sound Avenue and Park Road, just west of the Roanoke Avenue intersection. A restaurant and a country store are found in this location, and all the remaining land is vacant. Farms and open space surround the commercial node, and small residential neighborhoods are found on the north side of Sound Avenue. Competition from nearby Route 58 has curtailed market demand for development there. As this area is the only commercially zoned area along the length of the Sound Avenue corridor, the existing commercial zoning should be retained.”

WHEREAS, the Generic Environmental Impact statement clearly supports the Comprehensive Plan’s recommendation to rezone the area for residential use rather than commercial. Specifically, the GEIS states “[t]he Proposed Action would eliminate commercial zoning in Wading River East, *Roanoke*, Laurel and north of downtown, and Route 25 in Calverton, and replace it with residential or agricultural zoning, consistent with surrounding land uses and zoning. Under the future baseline, the development of these existing inappropriately located districts would create adverse effects as described in Chapter 6 of the Plan, and

WHEREAS, in light of the conflicting statements set forth in the Comprehensive Plan the application of residential zoning in the Roanoke commercial node area has not yet been implemented, allowing the Town Board an opportunity for further study and reflection on the matter, and

WHEREAS, the Town Board has now reviewed the matter carefully and fully examined the conflicting statements in the Comprehensive Plan and the clear statement in the Generic Environmental Impact Statement and has determined that it desires to implement the residential zoning recommendations set forth in the Comprehensive Plan and supported by the GEIS for the Roanoke commercial node areas, and

WHEREAS, a public hearing to consider the amendment of the official zoning map as described above was held on the 19th day October , 2004 at Town Hall, 200 Howell Avenue, Riverhead, New York at 7:25 p.m., and all persons wishing to be heard were heard,

NOW THEREFORE BE IT RESOLVED, that the adoption of the amendment to the Zoning Map is a Type I action pursuant to 6 NYCRR §617.4(b)(2) but that no further State Environmental Quality Review compliance is required because the adoption of the subject Local Law is being carried out in conformance with the conditions and thresholds established for such action in the Generic Environmental Impact Statement prepared and accepted for the Town of Riverhead Comprehensive Plan and its Findings Statement on November 3, 2003, and be it further

RESOLVED, that the attached Zoning Map, Town of Riverhead, Suffolk County, New York 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 and to post same on the signboard at Town Hall; and be it further

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

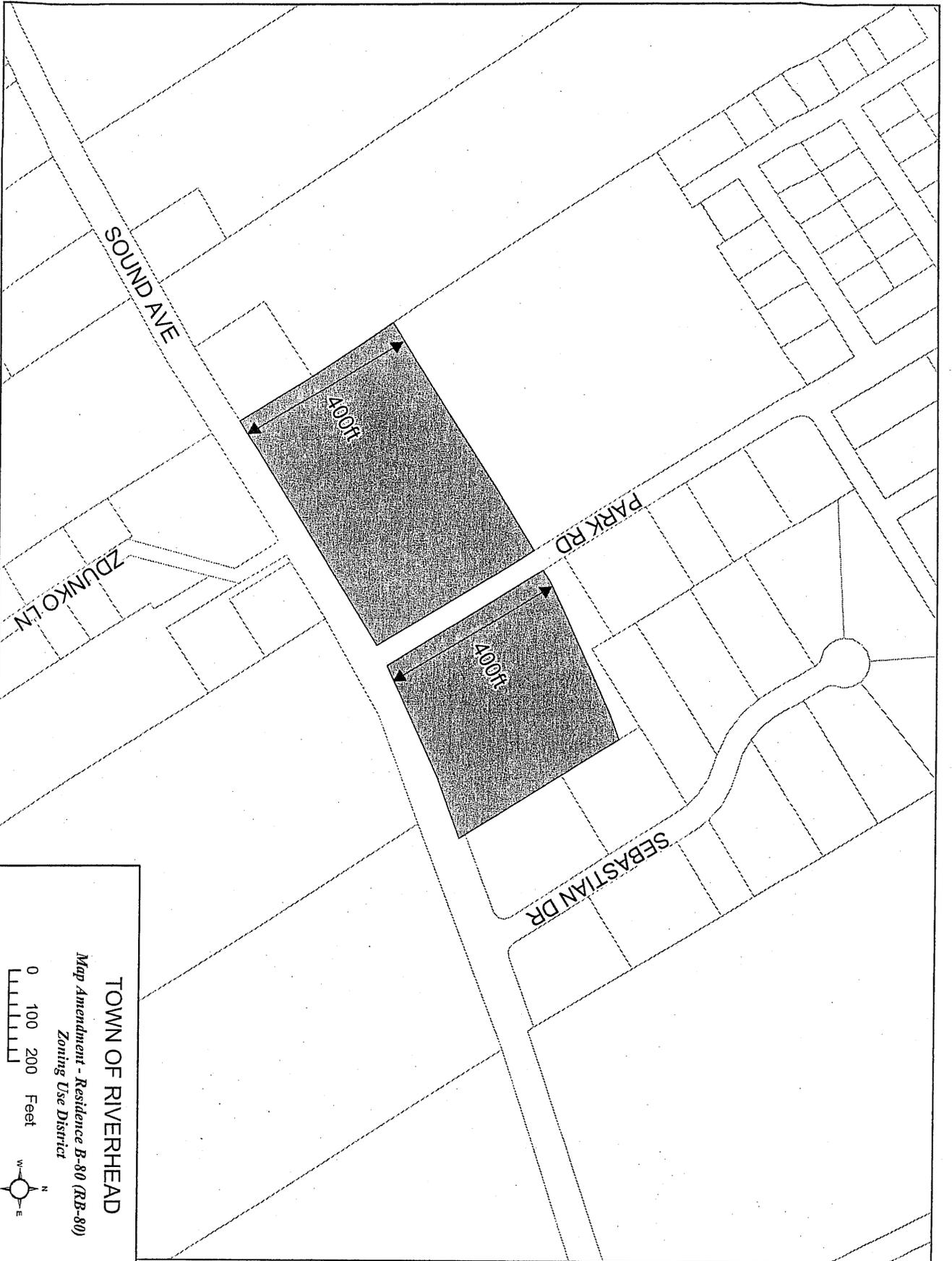
**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted an amended Zoning Map, Town of Riverhead, Suffolk County at its regular meeting held on November 16, 2004 as follows:

Dated: Riverhead, New York
November 16, 2004

**BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
BARBARA GRATTAN, Town Clerk**

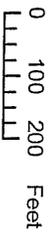
Residence B-80 (RB-80) Zoning Use District



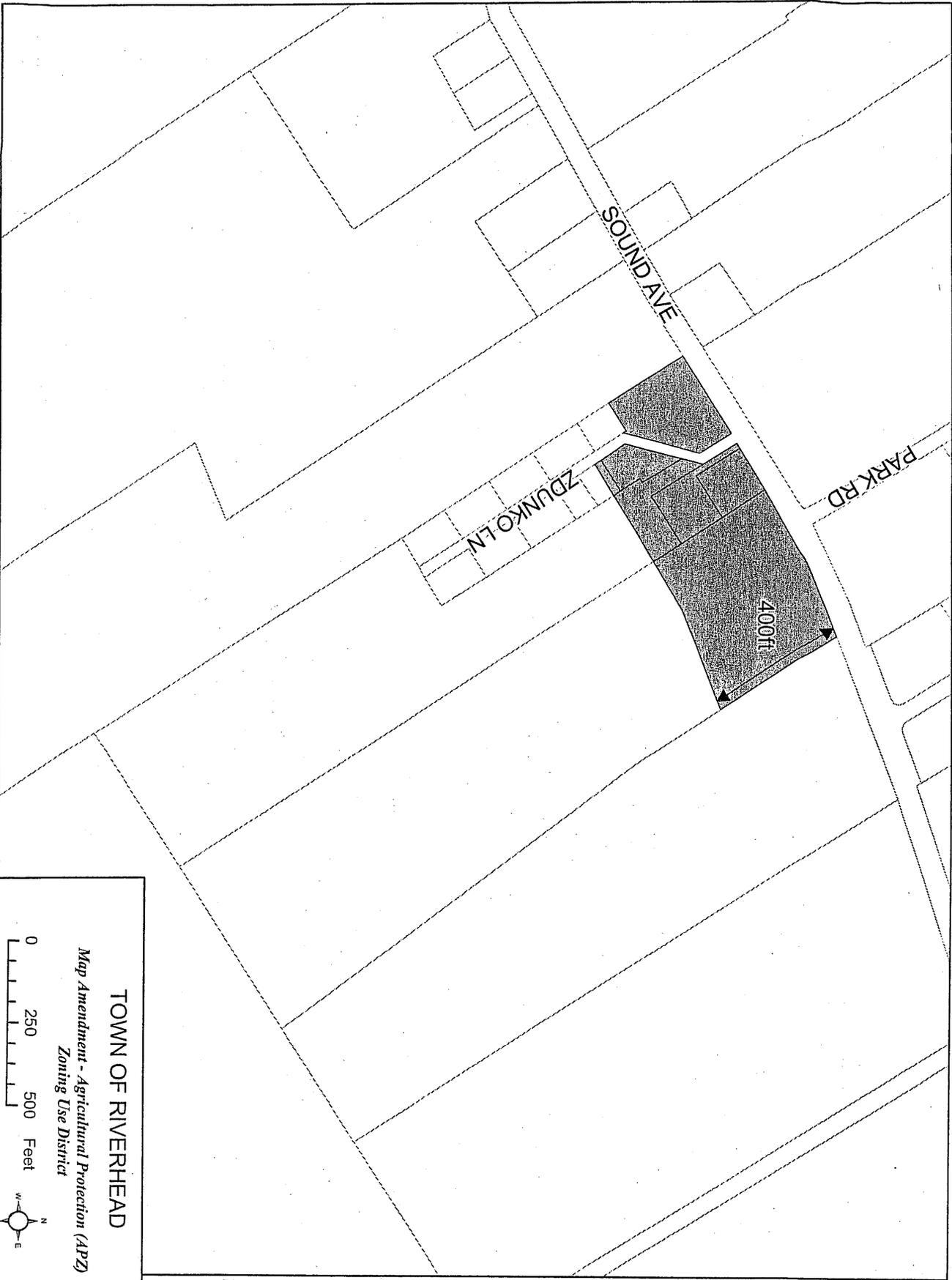
TOWN OF RIVERHEAD

Map Amendment - Residence B-80 (RB-80)

Zoning Use District



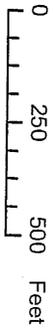
Source: Town of Riverhead Planning Department, 21 September 2004;
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY



Agricultural Protection (APZ) Zoning Use District

TOWN OF RIVERHEAD

*Map Amendment - Agricultural Protection (APZ)
Zoning Use District*



Source: Town of Riverhead Planning Department, 20 September 2004.
Suffolk County Real Property Tax Service Agency, Copyright 2003, County of Suffolk, NY

11/16/04

Town of Riverhead
Resolution 1090

Adopted

Authorizes Town Clerk to Publish and Post a Notice to Bidders for the
Court Street Municipal Parking Facility

COUNCILWOMAN SANDERS

_____ offered the following resolution, which was

seconded by **COUNCILMAN DENSIESKI**

WHEREAS, the Town of Riverhead has received an award of funds from the federal Department of Transportation administered by the NYS DOT; and

WHEREAS, the Town Board has retained Cashin Associates, P.C. for the engineering and design of a surface parking lot to accommodate approximately 250 vehicles principally to be associated with the State and County court facilities on Griffing Avenue currently undergoing a renovation and expansion project; and

WHEREAS, the Town has committed to providing the permanent parking facilities as expeditiously as possible to minimize the use of temporary parking and shuttle transportation services for court employees and jurors during the construction phase.

THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes the Town Clerk to publish and post the attached Notice to Bidders in the News Review on November 24, 2004; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Andrea Lohneiss, CD Director, Ken Testa, Town Engineer and Mark Kwasna, Highway Department.

THE VOTE

| | | | | | |
|-----------|---|-----------------------------|-----------|---|-----------------------------|
| Bartunek | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Sanders | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Blass | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | Densieski | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no |
| Cardinale | <input checked="" type="checkbox"/> yes | <input type="checkbox"/> no | | | |

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

**Town of Riverhead
Notice to Bidders**

Sealed proposals for the Court Street Municipal Parking Facility Contract will be received by the Town of Riverhead at the office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on Monday, December 20, 2004 at which time they will be publicly opened and read aloud.

The Bidder is advised that this project is a federally funded project. The contract documents contain questionnaires, forms, and other procedures that must be followed during the bidding and construction phases of the project. The bidder's attention is directed to appendices B and C for additional contract requirements due to the use of federal aid on this project. The Bidder is also advised that there is a Disadvantaged Business Enterprise Utilization Goal of 8% that has been established for this project. The bidder's attention is directed to Appendix B-2.3 regarding contract requirements for meeting this goal.

Each bidder is required to attach a non-collusion statement pursuant to Section 103 of the General Municipal Law. Specifications may be picked up at the office of the Town at the Town Hall on or after Wednesday, November 24, 2004 between 8:30 am and 4:30 pm, Monday through Friday. There is a non-refundable fee of \$50.00 for the Contract Documents. All bids must be submitted on the prescribed forms as bound herein and returned intact with the complete Contract Documents. Each bid must be accompanied by a certified check, bank check or bid bond payable to the Town of Riverhead in the amount of not less than 5% of the total bid unless otherwise specified by Addendum.

No proposal will be considered unless it is delivered to the Town Hall in a sealed envelope, plainly marked "Court Street Municipal Parking Facility Contract".

Each proposal must contain the full name or names of the party or parties making the same, and of all persons interested therein.

Proposals will be considered only from bidders who, for themselves or for intended and stated subcontractors, can show recent experience in the performance of similar work of equal difficulty and magnitude. Bidders must use the forms furnished by the Town of Riverhead.

PLEASE TAKE FURTHER NOTICE THAT the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lower bidder.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, New York 11901

Dated November 16, 2004

Adopted

November 16, 2004

TOWN OF RIVERHEAD

Resolution # 1091

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING" (RIVERFRONT CORRIDOR ZONING USE DISTRICT)

COUNCILMAN DENSIECKI

offered the following resolution which

COUNCILWOMAN SANDERS

was seconded by _____

BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing notice to consider a local law to amend Chapter 108 of the Riverhead Code entitled "Zoning" (Riverfront Corridor Zoning Use District) once in the November 24th edition 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 signboard of the Town, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Planning Department, the Building Department and the Town Attorney.

RH/PLANNING

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of December, 2004 at 7:20 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider a Local Law to amend Chapter 108 of the Riverhead Town Code entitled "Zoning" to provide for the Riverfront Corridor Zoning Use District. The text and map of the proposed Riverfront Corridor Zoning Use District shall be available for public inspection at the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York on the 24th day of November, 2004 from 8:30 AM to 4:30 PM.

DATED: November 16, 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

November 16, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1092

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "ZONING"; TOWN OF RIVERHEAD ZONING USE DISTRICT MAP (RESIDENCE B-80 AND RESIDENCE B-40 ZONING USE DISTRICTS

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

BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing notice to consider a local law to amend Chapter 108 of the Riverhead Code entitled "Zoning"; Town of Riverhead Zoning Use district Map (Residence B-80 and Residence B-40 Zoning Use Districts once in the November 24th edition 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 signboard of the Town, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Planning Department, the Building Department and the Town Attorney.

RH/PLANNING

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 7th day of December, 2004 at 7:10 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider a Local Law to amend Chapter 108 of the Riverhead Town Code entitled "Zoning" to amend the Zoning Use District Map of the Town of Riverhead to provide for the Residence B-80 and Residence B-40 Zoning Use Districts. The map of the proposed Residence B-80 and Residence B-40 Zoning Use Districts shall be available for public inspection at the office of the Town Clerk, 200 Howell Avenue, Riverhead, New York on the 24th day of November, 2004 from 8:30 AM to 4:30 PM.

DATED: November 16, 2004
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

Adopted

/ /04

TOWN OF RIVERHEAD

Resolution # 1093

AUTHORIZING ADDITIONAL PAYMENT PURSUANT TO SECTION 303 OF THE
NEW YORK STATE EMINENT DOMAIN PROCEDURE LAW IN CONNECTION
WITH THE CONDEMNATION OF 207 RAILROAD STREET, SCTM 0600-128-03-
005; 217 RAILROAD STREET, SCTM 0600-128-03-004;
201 RAIL ROAD STREET (SCTM 0600-128-03-006) RIVERHEAD, NEW YORK

COUNCILWOMAN SANDERS

offered the following resolution, was seconded

by COUNCILMAN DENSIESKI

WHEREAS, the Town has acquired title through eminent domain to the following parcels:

207 Rail Road Street
(Kevin & Daniel Conlan)
0600-128-03-005

217 Rail Road Street (Kevin Conlan)
0600-128-03-004;

201 Rail Road Street
(MRH Realty)
0600-128-03-006

and

WHEREAS, advance payments have been made to the former owners of these parcels; and

WHEREAS, the appraisals of these properties have been updated to establish their value as of the date title vested in the Town; and

NOW BE IT RESOLVED, that the Town Board hereby authorizes that the following additional payments be made to the former owners, together with interest from November 22, 2002:

207 Rail Road Street
(Kevin & Daniel Conlan)
0600-128-03-005

\$ 27,000.00

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

217 Rail Road Street (Kevin Conlan)
0600-128-03-004

\$ 30,000.00

201 Rail Road Street (MRH Realty)
0600-128-03-006

\$ 30,000.00

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP.; the Town Attorney; John H. Hansen, and Andrea Lohneiss.

THIS RESOLUTION WAS PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD TOWN BOARD.

TOWN OF RIVERHEAD

Adopted

Resolution # 1094

ACCEPTS IRREVOCABLE LETTER OF CREDIT OF FOXWOOD VILLAGE CLUBHOUSE ADDITION

COUNCILWOMAN SANDERS

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, Foxwood Village has posted an Irrevocable Letter of Credit (#041029) in the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) representing the 5% site plan bond as noted in the approved site plan dated July 20, 2004 Resolution #656 for Clubhouse Addition located at Middle Road, Calverton, New York 11933- Suffolk County Tax Map # 600-101.00-01-006.03 pursuant to Section 108-133 (I) of the Riverhead Town Code; and

WHEREAS, the Town Attorney has reviewed said letter of credit and deems it to be sufficient in its form.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the Letter of Credit in the sum of Twelve Thousand Five Hundred Dollars (\$12,500.00) issued to the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Foxwood Village, 1407 Middle Road, Calverton, New York 11933, the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No *abstain*

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

NOVEMBER 16, 2004

Adopted

TOWN OF RIVERHEAD

APPOINTS FIRE MARSHAL I

RESOLUTION# 1095

COUNCILMAN BARTUNEK

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

WHEREAS, a vacancy exists in the Code Enforcement Department for the position of Fire Marshal I, and

WHEREAS, the Suffolk County Department of Civil Service established list # 04N-238 which was canvassed, and interviews were conducted, and

WHEREAS, it is the recommendation of the Personnel Committee and the Head of the Code Enforcement Department that David Andruszkiewicz be appointed to the position of Fire Marshal I, with no increase in salary; and

NOW, THEREFORE, BE IT RESOLVED, that effective November 22, 2004, the Town Board hereby appoints David Andruszkiewicz to the position of Fire Marshal I on Group 6 Step 7 of the Administrative Salary Structure of the CSEA Contract.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to David Andruszkiewicz, the Code Enforcement Department and the Office of Accounting.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

November 16, 2004

TOWN OF RIVERHEAD

RESOLUTION # 1096

AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE
TO BIDDERS FOR ANNUAL CONSTRUCTION CONTRACT

COUNCILMAN DENSIECKI offered the following resolution which was
seconded by COUNCILMAN BARTUNEK.

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the
attached Notice to Bidders in the November 24, 2004 issue of the official Town
newspaper for the Annual Construction Contract; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to
forward a certified copy of this resolution to Kenneth Testa, P.E., Mark Kwasna, Michael
Reichel, Gary Pendzick and the Office of Accounting.

THE VOTE
Bartunek yes ___ no Sanders yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE TO BIDDERS**

Sealed proposals for the Annual Construction Contract, Riverhead, New York will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 am December 8, 2004 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and obtained on or about November 26, 2004 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holiday.

A fee of \$50.00 will be required for each copy of the contract documents. Deposits shall be made by certified check, bank money order or postal money order made payable to the Town of Riverhead for each set furnished.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Annual Construction Contract and must be accompanied by a bid surety as stated in the Instruction to Bidders.

The Town of Riverhead reserves the right to reject any and all bids.

BY ORDER OF THE RIVERHEAD TOWN BOARD
Barbara A. Grattan, Town Clerk
Riverhead, New York 11901

Dated: November 16, 2004

11.16.04

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1097

PAYS BILLS

THE VOTE

5 Yes's

The Resolution Was Thereupon Duly Declared Adopted