

## RESOLUTION LIST

AUGUST 5, 2014

- Res. #543 Capital Project #20040 Roof Replacement Budget Adjustment
- Res. #544 2014 Parking at 406-414 Roanoke Avenue Capital Project #10023 Closure
- Res. #545 Worker's Compensation Fund Budget Adjustment
- Res. #546 Suffolk County District Attorney's Forfeited Asset Sharing Program East End Prevention and Awareness Committee Budget Adoption
- Res. #547 Increases the Rate of Pay of a Part-Time Police Officer
- Res. #548 Classifies Action on Special Permit of North Fork Coffee Co., Inc. and Calls Public Hearing
- Res. #549 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 12 Entitled "Coastal Erosion Hazard Areas" of the Riverhead Town Code
- Res. #550 Authorization to Publish Advertisement for Truck Parts for the Town of Riverhead
- Res. #551 Authorization to Publish Advertisement for Work Clothes for the Town of Riverhead
- Res. #552 Rescinds Portion of Bid Award #518 for Lubricants
- Res. #553 Ratifies an Appointment for a Recreation Specialist to the Recreation Department (Sharon Truland)
- Res. #554 Ratifies an Assistant Recreation Leader II to the Recreation Department (Gil Doremus)
- Res. #555 Ratifies Appointment of an Assistant Recreation Leader II to the Recreation Department (Larissa Bellavia)
- Res. #556 Appoints a Recreation Aide to the Recreation Department (Sean Jacobs)
- Res. #557 Authorizes Notice to Bidders for Control Valve Maintenance and Repair Services Riverhead Water District

- Res. #558 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local law for an Amendment of Chapter 101 Entitled "Vehicles & Traffic" of the Riverhead Town Code (§101-3. Stop and Yield Intersections; Railroad Crossings; Parking Fields. Griffing Ave & Lincoln St.)
- Res. #559 Adopts a Local Law to Amend Chapter 108 Entitled "Zoning" of the code of the Town of Riverhead (Restaurant – Drive-In, Curbside)
- Res. #560 Amends Membership Status of Member of the Riverhead Open Space/Park Preserve Committee (Marjorie Acevedo)
- Res. #561 Authorizes the Supervisor to Execute Professional Services Agreement with Munistat Services Inc. for 2014
- Res. #562 Authorizes Supreme Court Action against the Owners, Tenants, Occupants and Mortgagees of Premises Located at 565-605 Old Country Road, Riverhead, New York (Town of Riverhead v. East End Commons Associates, LLC)
- Res. #563 Authorizes the Supervisor to Execute a Municipal Cooperation Agreement – Renewal No. 5 with the Riverhead Central School District Regarding Unleaded Fuel Services
- Res. #564 Authorizes the Retention of R.D. Geronimo Ltd. as an Expert in the Matter of Traditional Links LLC v. Riverhead Town Assessors
- Res. #565 Authorizes the Supervisor to Execute an Agreement with Fireworks by Grucci, Inc. (Baker Family Fireworks by Grucci, Inc.) (Baker Family Fireworks Display – August 16, 2014)
- Res. #566 Approves the Application for Fireworks Permit of Fireworks by Grucci, Inc. (Baker Family Private Residence)
- Res. #567 Approves Chapter 90 Application of the Riverhead Country Fair Committee (Riverhead Country Fair – October 12, 2014)
- Res. #568 Rescinds Portion of Bid Award #518 for Lubricants
- Res. #569 Determining that the Pavilion Improvements for the Jamesport Fire District Located on Manor Lane, Jamesport, New York and Exempts from Formal Site Plan Review and Chapter 108 of the Town Code of the Town of Riverhead

- Res. #570 Authorizes Town Clerk to Publish and Post Public Notice and Calls for Public Hearing to Consider the Appeal of Day and Night Taxi and Limo, Inc. Under Chapter 99 of the Code of the Town of Riverhead
- Res. #571 Ratifies Authorization for Ry-Lecia Corp. D/B/A American Recreational Products to Sub-Contract the Installation of Playground Equipment at Nadel Drive Park to T L Contracting, Inc.
- Res. #572 Ratifies the Approval of the Chapter 90 Application of One for the Road, LLC (East End Small Business Alliance Expo – Saturday, July 26, 2014)
- Res. #573 Authorizes the Reduction of Performance Security of M-GBC, LLC, in Connection with the Subdivision Known as “Calverton Camelot II”
- Res. #574 Approves Chapter 90 Application of Riverhead Foundation for Marine Research and Preservation (5K Run for the Ridley – October 25, 2014)
- Res. #575 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 47 Entitled “Bays and Creeks” of the Riverhead Town Code
- Res. #576 Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 107 Entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code
- Res. #577 Appoints Member to the Agricultural Advisory Committee (Jeff Rottkamp)
- Res. #578 Appoints Member to Veterans Advisory Committee (Darlene Folkes)
- Res. #579 Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Transfer of Development Rights) (§108-330. Redemption of Preservation Credits)
- Res. #580 Pays Bills

**TOWN OF RIVERHEAD**

**Resolution # 543**

**CAPITAL PROJECT #20040 ROOF REPLACEMENT**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, resolution #14-205 awarded the bid for the construction phase of the roof replacement for the Scavenger Waste District.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor be, and is hereby authorized to move the money from the Scavenger Waste Fund Balance and establish the following budget adjustment:

	<b><u>FROM</u></b>	<b><u>TO</u></b>
428.095031.481128.20040 Transfer from Scavenger Fund Balance	172,000	
428.081300.523025.20040 Roof Replacement		172,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting and Sewer Departments.

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

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 544

2014 PARKING AT 406-414 ROANOKE AVE  
CAPITAL PROJECT #10023 CLOSURE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Capital Project property acquisition located at 406-414 Roanoke Avenue, project #10023 is considered complete.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Accounting Department to modify the budget, close the project and complete the necessary transfers of funds.

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department.

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 545**

**WORKER' S COMPENSATION FUND**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, additional funding from certain funds and districts is required to cover Worker's Compensation Claims.

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

		<b><u>FROM</u></b>	<b><u>TO</u></b>
001.000000.499999	Fund Balance - General Town	149,075	
111.000000.499999	Fund Balance - Highway	106,360	
112.000000.499999	Fund Balance - Water	23,018	
114.000000.499999	Fund Balance - Riverhead Sewer	12,246	
115.000000.499999	Fund Balance - Refuse & Garbage	7,691	
116.000000.499999	Fund Balance -Street Lighting	1,610	
173.017100.548050	Worker's Compensation Claims		300,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department.

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

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 546

**SUFFOLK COUNTY DISTRICT ATTORNEY’S FORFEITED ASSET SHARING  
PROGRAM EAST END PREVENTION AND AWARENESS COMMITTEE**

**BUDGET ADOPTION**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, \$5,000 has been received from Suffolk County District Attorney Thomas J. Spota by the Town of Riverhead Police Department on behalf of the East End Prevention and Awareness Committee for a grant specifically designated to support the East End Awareness and Prevention Conference: Building Safe Communities.

**NOW THEREFORE BE IT RESOLVED**, that the Supervisor is hereby authorized to establish the following budget adoption to administer the funds to Human Understanding and Growth Seminars, Inc. on behalf of the East End Prevention and Awareness Committee.

	<b><u>FROM</u></b>	<b><u>TO</u></b>
001.034389.493210 Public Safety - Federal Aid	5,000	
001.031200.543406 Special Education Program		5,000

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

**THE VOTE**

Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Gabrielsen <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	

The Resolution Was  Was Not   
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 547**

**INCREASES THE RATE OF PAY OF A PART-TIME POLICE OFFICER**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, the hourly rate of the following part-time police officer of the town of riverhead is increased effective July 1, 2014 as follows:

Matthew Neknez                      \$21.00

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

**THE VOTE**

Giglio Yes No                      Gabrielsen Yes No  
Wooten Yes No                      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared

TOWN OF RIVERHEAD

Resolution # 548

**CLASSIFIES ACTION ON SPECIAL PERMIT OF NORTH FORK  
COFFEE CO., INC. AND CALLS PUBLIC HEARING**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Riverhead Town Board is in receipt of a special permit petition from Jason Belkin, Vice President of North Fork Coffee Co., Inc. pursuant to Article XXVIA and Article LII, Section 108-282 B.(4) of the Riverhead Town Code to convert an existing 963sq.ft. retail building for use as a coffee shop, espresso bar, and bakery with offsite preparation, to relocate an existing 135sq.ft. storage building and to place parking and other related improvements in support of the use on a 0.49ac. parcel zoned Rural Corridor (RLC); such property more particularly described as SCTM 0600-85-2-7, and

**WHEREAS**, an Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

**WHEREAS**, the Riverhead Planning Department has reviewed the submission and recommended it be considered a Type II action pursuant to 6NYCRR Part 617.5(c)(7) as construction or expansion of a non residential facility by less than 4,000sq.ft. gfa and not involving a use permit or zone change, and

**WHEREAS**, pursuant to 617.3(f), 617.5(a) and 617.6(a)(1)(i), agency SEQR responsibilities end with this designation with no significance determination being necessary, and

**WHEREAS**, the Town Board desires to proceed to a public hearing, now

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board declares the special permit petition of North Fork Coffee Co., Inc. to be a Type II action for the purposes of SEQR compliance, and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant's agent James N. Hulme, Kelly & Hulme, P.C., 323 Mill Road Westhampton Beach, NY 11978 and is directed to publish and post the following notice of public hearing in the August 14, 2014 issue of the Riverhead News Review, and

**BE IT FURTHER RESOLVED**, that all Town Hall departments may review and obtain a copy of this resolution from the Electronic Storage Device and, if needed, a certified copy of same may be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on September 16, 2014 at 7:10 PM to consider the special use permit of North Fork Coffee Co., Inc. to convert an existing 963sq.ft. retail building for use as a coffee shop, expresso bar, and bakery with offsite preparation, to relocate an existing 135sq.ft. storage building and to place parking and other related improvements in support of the use on a 0.49ac. parcel zoned Rural Corridor (RLC); such property being located at 272 Main Road (SR25) Aquebogue and more particularly described as SCTM 0600-85-2-7.

Dated: Riverhead, New York  
August 5, 2014

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

TOWN OF RIVERHEAD

Resolution # 549

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 12 ENTITLED "COASTAL EROSION HAZARD AREAS" OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Riverhead Town Board desires to amend Chapter 12 of the Town Code respecting referral of applications to the Riverhead Conservation Advisory Council in order to standardize the process with other referrals provisions of the Town Code, and

**WHEREAS**, the Town Board has referred the proposed local law to the Riverhead Planning Board, the New York State Department of Environmental Conservation and the Suffolk County Planning Commission to obtain review and comment from those agencies as required for amendment of a State certified local administration of New York State Environmental Conservation Law Article 34 "Coastal Erosion Hazard Areas" pursuant to Section 12-37 of the code, and

**WHEREAS**, having respected the required 30 day term of referral the Town Board now wishes to proceed to a public hearing, now

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 12 entitled "Coastal Erosion Hazard Areas" of the Riverhead Town Code once in the August 14, 2014 issue of the News Review, the publication designated as the official newspaper for the purpose and to post same on the sign board at Town Hall, and

**BE IT FURTHER RESOLVED**, that all Town Hall departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Ave., Riverhead, New York on the 19th day of August 2014 at 7:15 o'clock PM to consider a local law amending Chapter 12 entitled "Coastal Erosion Hazard Areas" of the Riverhead Town Code as follows:

Riverhead Town Code  
Chapter 12  
Coastal Erosion Hazard Areas

§ 12-28 Coastal erosion management permit.

B. Each application for a coastal erosion management permit:

(1) Must be accompanied by the required fee or fees as established in § 12-27 herein.

~~(2) Must be received by the Administrator and shall be referred to the Conservation Advisory Council of the Town of Riverhead for an advisory report and recommendation. Such report shall be issued to the Administrator within 62 days from the date of referral. The Conservation Advisory Council shall commence review within thirty days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within sixty days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conservation Advisory Council, the Conservation Advisory Council shall advise the applicant within thirty days from the date of referral and grant applicant thirty days to provide the information and/or supplement the application. The sixty day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.~~

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

Dated: Riverhead, New York  
August 5, 2014

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

TOWN OF RIVERHEAD

Resolution # 550

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR TRUCK PARTS  
FOR THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for TRUCK PARTS for the Town of Riverhead and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 14<sup>TH</sup>, 2014 issue of the News Review.

**NOW , THEREFORE BE IT, RESOLVED**, that all Town Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

### NOTICE TO BIDDERS

Sealed bids for the purchase of TRUCK PARTS for the use in the Town of Riverhead, 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 **2:00 pm on SEPTEMBER 4, 2014** at which time they will be publicly opened and read aloud.

Bid packets including specifications may be examined and/or obtained on **AUGUST 14<sup>TH</sup>, 2014** on the Town's website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) click on bid requests.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked **TRUCK PARTS**. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

**BY ORDER OF THE TOWN BOARD**

**OF THE TOWN OF RIVERHEAD**

**Diane M. Wilhelm, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 551

**AUTHORIZATION TO PUBLISH ADVERTISEMENT FOR WORK CLOTHES  
FOR THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Clerk is authorized to publish and post a notice to bidders for proposals for WORK CLOTHES for the Town of Riverhead and;

**WHEREAS**, the Town Clerk is hereby authorized to publish and post the following public notice in the AUGUST 14<sup>TH</sup>, 2014 issue of the News Review.

**NOW , THEREFORE BE IT, RESOLVED**, that all Town Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

NOTICE TO BIDDERS

Sealed bids for the purchase of WORK CLOTHES for the use in the Town of Riverhead, 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 **2:00 pm on SEPTEMBER 15, 2014** at which time they will be publicly opened and read aloud.

Bid packets including specifications may be examined and/or obtained on **AUGUST 14<sup>TH</sup>, 2014** on the Town's website at [www.townofriverheadny.gov](http://www.townofriverheadny.gov) click on bid requests.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked **WORK CLOTHES**. Any and all exceptions to the specifications must be listed on a separate sheet of paper, bearing the designation 'EXCEPTIONS TO THE SPECIFICATIONS' and attached to the bid form.

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

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

**Diane M. Wilhelm, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 552

RESCINDS PORTION OF BID AWARD #518 FOR LUBRICANTS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**WHEREAS**, five bids were received and opened at 11:00 am on June 12, 2014, and awarded on July 15, 2014; and

**WHEREAS**, on July 15, 2014 the bid was awarded in part to APPLE AUTOMOTIVE DISCOUNT CENTER, BI-LO INDUSTRIES and BLACK BEAR CO., for prices on the attached pages.

**WHEREAS**, the bid for Item one (1) was erroneously awarded to BI-LO INDUSTRIES for \$588.88 for a 55 gallon drum and should have been awarded to DAVID WEBER OIL COMPANY for \$576.40;

**WHEREAS**, item #4 was incorrectly extended on the award sheet and should have read \$6.77 per gallon, not \$13, 540.00 for 2000 gallons.

**NOW THEREFORE BE IT RESOLVED** that ITEM #1 erroneously awarded to BI-LO INDUSTRIES be awarded instead to DAVID WEBER OIL COMPANY.

**BE IT FURTHER, RESOLVED**, that the Town board and the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to BIL-LO INDUSTRIES, APPLE AUTOMOTIVE; BLACK BEAR and DAVID WEBER OIL COMPANY.

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

THE VOTE

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## PRICE SHEET FOR LUBRICANTS

<u>Bid</u>	<u>Quantity</u>	<u>Product</u>	<u>Vendor</u>	<u>Vendor</u>	<u>Vendor</u>	<u>Vendor</u>
<u>Item</u>						
			BLACK BEAR	APPLE	BI-LO	WEBER
1	1	55 gallon drum of transmission fluid Mercon V				\$576.40
2	1	120 lbs. keg of gear oil 80w/90		\$135.30		
3	1	55 gallon drum hydraulic oil			\$ 283.80	
4	1	gallons 15 W 40 engine oil			\$6.77	
5	1	55 gallon drum of permanent antifreeze & summer coolant	\$426.25			
6	1	120 lbs keg Super Chassis Grease (Red)		\$198.00		
7	1	55 gallon drum All Purpose Trans & Torque Fluid		\$363.00		
8	1	120 lbs. keg of synthetic gear oil 80w/140		\$357.50		

**ALL ABOVE PRICES ARE "EACH"**

**CORRECTED PRICE SHEET**

**THIS SHEET SHOWS THE BID TABULATIONS**

Bid Item	Quantity (USAGE)	Product	Vendor	Vendor	Vendor	Vendor	Vendor
			<b>BLACK BEAR</b>	<b>APPLE</b>	<b>BI-LO</b>	<b>WEBER</b>	<b>GRADE A</b>
1	2	55 gallon drum of transmission fluid Mercon V	624.25	894.00	588.88	576.40	590.00
2	2	120 lbs. keg of gear oil 80w/90	174.00	\$135.30	148.80	163.20	215.00
3	15	55 gallon drum hydraulic oil	358.60	324.50	\$ 283.80	326.70	302.00
4	2000	gallons 15 W 40 engine oil	8.75	7.90	6.77	8.94	9.25
5		55 gallon drum of permanent antifreeze& summer coolant	426.25	214.50*	279.60*	365.20*	330.00*
6	2	120 lbs keg Super Chassis Grease (Red)	364.20	\$198.00	248.80	333.60	257.00
7	2	55 gallon drum All Purpose Trans & Torque Fluid	492.80	\$363.00	385.20	437.80	370.00
8	2	120 lbs. keg of synthetic gear oil 80w/140	428.40	\$357.50	498.88	476.40	379.00

**ALL ABOVE PRICES ARE "EACH"**

**\*these bids are for 50/50 blend, not full strength**

TOWN OF RIVERHEAD

Resolution # 553

**RATIFIES AN APPOINTMENT FOR A RECREATION SPECIALIST TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a Recreation Specialist is needed by the Riverhead Town Recreation Department for work in recreation programs,

**NOW THEREFORE BE IT RESOLVED**, that effective July 18<sup>th</sup>,2014 this Town Board hereby ratifies the appointment of Sharon Truland to the position of Recreation Specialist, Level II, to be paid the rate of \$22.00 per hour and

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 554

**RATIFIES AN ASSISTANT RECREATION LEADER IITO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a Assistant Recreation Leader II is needed by the Riverhead Town Recreation Department,

**NOW THEREFORE BE IT RESOLVED**, that effective July 14, 2014 this Town Board hereby appoints Gil Doremus to the position of Assistant Recreation Leader II, Level II, to be paid the rate of \$ 12.70 per hour and

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 555

**RATIFIES APPOINTMENT OF AN ASSISTANT RECREATION LEADER II  
TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a Call-In Asst. Recreation Leader II (Level 2) is needed by the Riverhead Town Recreation Department.

**NOW THEREFORE BE IT RESOLVED**, that effective June 30th through and including September 15, 2014, this Town Board hereby ratifies the appointment of Larissa Bellavia to the position of Call-In Asst. Recreation Leader II, Level 2 to be paid the rate of \$12.70 per hour to the Recreation Department and

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 556

**APPOINTS A RECREATION AIDE TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a Call-In Recreation Aide I, Level 3 is needed by the Riverhead Town Recreation Department.

**NOW THEREFORE BE IT RESOLVED**, that effective August 6<sup>th</sup>, 2014, this Town Board hereby appoints Sean Jacobs to the position of Call-In Recreation Aide I, Level 3 to be paid the rate of \$9.10 per hour to the Recreation Department and

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 557

**AUTHORIZES NOTICE TO BIDDERS FOR CONTROL VALVE MAINTENANCE AND REPAIR SERVICES RIVERHEAD WATER DISTRICT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, plans and specifications have been prepared by H2M, consulting engineers to the Riverhead Water District, regarding control valve maintenance and repair services for the Riverhead Water District.

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the August 14, 2014 edition of The News Review with regard to receiving bids for control valve maintenance and repair services for the Riverhead Water District, and be it further

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

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

The Town Board of Riverhead will receive bids for CONTROL VALVE MAINTENANCE AND REPAIR SERVICES for the Riverhead Water District at the Town Clerk's office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, by **2:00 PM Thursday , August 28, 2014** at which time and place all bids will be publicly opened and read aloud for:

**PROJECT NO.: RDWD 14-50**  
**CONTROL VALVE MAINTENANCE AND REPAIR SERVICES**

Contract documents may be examined on or after *Thursday, August 14, 2014* by visiting the Town of Riverhead website: <http://townofriverheadny.gov> and click on "Bid Requests". Plans and specifications are available in electronic format only from the aforementioned website.

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

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

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

ACTING AS THE GOVERNING BODY  
OF THE RIVERHEAD WATER DISTRICT

DIANE WILHELM, TOWN CLERK

DATED: AUGUST 14, 2014

TOWN OF RIVERHEAD

Resolution # 558

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT OF CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-3. Stop and yield intersections; railroad crossings; parking fields. (Griffing Ave. & Lincoln St.)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Clerk is hereby authorized to publish and post the attached public notice to consider a proposed local law to amend Chapter 101 entitled "Vehicles & Traffic" of the Riverhead Town Code, once in the August 14<sup>th</sup>, 2014 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 19<sup>nd</sup> day of August, 2014 at 7:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101  
**VEHICLES AND TRAFFIC**  
**ARTICLE III**  
**Traffic Regulations**

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

A. Stop intersections. The following intersections are designated as stop intersections, and stop signs shall be erected at such intersections as follows:

<b>Intersection</b>	<b>Stop Sign On</b>	<b>Entrance From</b>
<u>Lincoln Street</u>	<u>Griffing Avenue</u>	<u>North and South</u>

- Underline represents addition(s)

Dated: Riverhead, New York  
August 5, 2014

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

**DIANE M. WILHELM, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 559

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED  
"ZONING" OF THE CODE OF THE TOWN OF RIVERHEAD  
(Restaurant – Drive In, Curbside)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

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

**WHEREAS**, the Riverhead Planning Department has reviewed the proposed amendment and recommended that it be considered a Type II action pursuant to 6 NYCRR Part 617.5(c)(20); and

**WHEREAS**, a public hearing was held on the 17th day of June, 2014 at 7:25 o'clock p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board be and hereby, declares the amendment of Chapter 108 to be a Type II action for the purposes of SEQR compliance; and be it further

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

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

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

## TOWN OF RIVERHEAD

### NOTICE OF ADOPTION

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted a local law amending the Chapter 108 entitled "Zoning" of the Riverhead Town Code, amending sections 108-3 and 108-226 (Restaurant – Drive In, Curbside), at its regular meeting held on July 15, 2014.

**Be it enacted** by the Town Board of the Town of Riverhead as follows:

#### CHAPTER 108

#### Zoning

#### § 108-3. Definitions; word usage.

#### **RESTAURANT – DRIVE IN, CURBSERVICE**

A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on the premises within furnished dining areas and provides for the service to and consumption of food in vehicles. Live entertainment and serving alcoholic beverages is not permitted.

Business Center (BC) Zoning Use District

§ 108-266. Uses.

B. Special permit uses:

- (1) Car washes.
- (2) Motor vehicle repair shops.
- (3) Restaurants; drive in, curb service when not adjacent to any residential zoning district or use.

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) Drive-through windows for banks, restaurants and pharmacies.
- (2) Sales of preowned motor vehicles and boats, as accessory to a dealership for new motor vehicles and boats.

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

Dated: Riverhead, New York  
August 5, 2014

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

**DIANE M. WILHELM**, Town Clerk

TOWN OF RIVERHEAD

Resolution # 560

**AMENDS MEMBERSHIP STATUS OF MEMBER OF THE  
RIVERHEAD OPEN SPACE/PARK PRESERVE COMMITTEE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Chapter 14-§14-40 of the Riverhead Town Code entitled “Open Space/Park Preserve Committee” causes the establishment of an advisory body to the Town Board known as the Open Space/Park Preserve Committee (commonly referred to as the “Open Space Committee”) consisting of seven members, five members from the community at large appointed by the Town Board for staggered two-year terms, and one representative from the Recreation Committee and one member from the Conservation Advisory Council; and

**WHEREAS**, the Open Space Committee is charged with the advisory responsibility related to, but not limited to, identification, review and recommendation of lands that should be acquired by the Town and preserved as open space or incorporated into the Town of Riverhead park system or preserve; and

**WHEREAS**, Resolution #527 adopted by the Town Board on July 15, 2014 amended Chapter 14 entitled “Community Preservation” of the Riverhead Town Code-§14-40 to reduce the membership to five members from the community at large appointed by the Town Board for staggered two-year terms, and designate the representatives of the Recreation and Conservation Advisory Council as non-voting advisory members; and

**WHEREAS**, Marjorie Acevedo was appointed to the Open Space Committee as a representative from the Recreation Advisory Committee by resolution #545 adopted on July 6, 2011 and has served in that capacity and actively participated in all Open Space Committee business, including voting on recommendations/proposals to the Town Board from July 6, 2011 to date; and

**WHEREAS**, the Town Board wishes to amend the membership status of Marjorie Acevedo from Recreation Advisory Committee representative to community at-large membersuch that she may continue to actively participate in Open Space Committee business, including voting on recommendations/proposals to the Town Board with the existing term expiration of January 15, 2016.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby amends the membership status of Marjorie Acevedo to a community at-large member with the existing term expiration of January 15, 2016; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Marjorie Acevedo, 60 Dogwood Drive, Wading River, NY 11792 and the Open Space Committee; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 561**

**AUTHORIZES THE SUPERVISOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH MUNISTAT SERVICES INC. FOR 2014**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town Board of the Town of Riverhead desires to retain the services of Munistat Services Inc. to prepare the Official Statement and advise regarding matters related thereto required by Securities and Exchange Commission pursuant to Rule 15c2-12 for use of notes, bonds, short and long term funding/ obligations and Town's bond rating for 2014; and

**WHEREAS**, Munistat Services Inc. possesses the requisite experience and expertise to perform the services required to prepare and file the Statement of Annual Financial and Operating Information (and audited financial statements) in accordance with Rule 15c2-12, assist with bond issue; provide services for refunding bond issues and other types of bonds such as Recovery Zone Bonds and Build America Bonds, and such other financial matters related to Town's bond rating and issuance of bonds; and

**WHEREAS**, pursuant to the proposed Professional Services Agreement between the Town and Munistat Services Inc., Munistat Services Inc. will undertake the preparation of the Official Statement and such other matters identified therein for 2014 at the request of the Town Board; and

**WHEREAS**, Munistat Services Inc. has agreed to the terms and provisions in the Professional Services Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Supervisor to execute a Professional Services Agreement with Munistat Services Inc. in substantially the form annexed hereto, and be it further;

**RESOLVED**, that the fee for the preparation and filing of the Statement of Annual Financial and Operating Information (and audited financial statements) in accordance with Rule 15c2-12 shall not exceed \$4500.00 and such other services related to bond issuance or funding shall be restricted to the fees set forth in the "Payment" provision of the Agreement; and be it further;

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Munistat Services Inc., 12 Roosevelt Avenue, Port Jefferson Station, NY 11776 and the Accounting Department; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

## CONSULTANT/PROFISSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ of August, 2014 between the Town of Riverhead, a municipal corporation organized and existing under the laws of New York, with its office located at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter referred to as the Town") and Munistat Services Inc., a corporation existing under the laws of the State of New York with a principal place of business at 12 Roosevelt Avenue, Port Jefferson Station, NY 11776 (hereinafter referred to as "Consultant").

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

### 1. SCOPE OF SERVICES

During the term of this Agreement, Consultant shall furnish the Services set forth below as an independent contractor and not as an employee of Town. Consultant shall submit a list to the Town of the documents and information necessary to prepare the Official Statement and advise regarding legal matters related thereto required by Securities and Exchange Commission in Rule 15c2-12 for use of notes, bonds, short and long term funding/obligations and Town's bond rating. Consultant shall submit all necessary documents and information to the rating agencies and, If Consultant deems appropriate or warranted to serve the best interests of the Town, Consultant shall schedule an appointment with a credit analyst in order to present our views regarding the Town's rating. As nearly all bond and note issues are issued in book-entry-only form, Consultant shall coordinate with the Town, bond counsel and the Depository Trust Company (DTC) to ensure that the procedure is accomplished smoothly and efficiently. Prior to the bond sale, Consultant shall submit the required information to the CUSIP Service Bureau-note, it shall be bond counsel, together with the underwriter to ensure that the bonds are printed in correct form and on a timely basis. Consultant shall ensure the publication of the Notice of Sale for bond issues within the required time limits. In addition to above, Consultant shall prepare the Debt Statement for bond issues and file it with the State Comptroller's office; attend the bid opening and verify the calculation of the winning bid; coordinate the details of the closing with our client, bond counsel, the underwriter, the bond insurance company (if applicable) and either DTC or the Fiscal Agent; coordinate the preparation of the Final Official Statement with the underwriter, bond counsel and where applicable, the bond insurance company; prepare the final Debt Service Schedule (and, where applicable, the apportionments of such overall Debt Service Schedule into the appropriate funds), and distribute copies of such schedules to the issuer, to the fiscal agent (or DTC) and, if applicable, to the bond insurance company. All other services identified in the "PAYMENT" provision below shall be at the request of the Chief Fiscal Officer and/or majority of the Town Board.

### 2. TERM OF AGREEMENT

The terms of this agreement are intended to contract for 2014 official statement and advise regarding legal matters related thereto required by Securities and Exchange Commission in Rule 15c2-12 for use of notes, bonds, short and long term funding/obligations and Town's bond rating as more fully set forth in Scope of Services. Consultant shall within 3 weeks, measured

from the date upon which Town provided and Consultant received all necessary documents and information, complete draft, in word processing format, the Official Statement for submission to the Town and to Bond Counsel for review and comment. After Official Statement in final approved form, Consultant shall distribute pdf versions of Official Statements and Notices of Sale to prospective underwriters and other members of the investment community over the internet and post the documents on Consultant's website, in addition to the above and related to secondary market disclosure, Consultant shall prepare the Statement of Annual Financial and Operating Information and file such Statement, together with the Town's audited financial statements if then available, with the Electronic Municipal Market Access System ("EMMA") no later than June 30,2014, as required by Securities and Exchange Commission Rule 15c2-12 and the Town's contractual obligation as set forth in its Undertaking prepared in connection with the issuance of its bonds. Also, as the Designated Dissemination Agent for the Town, Consultant shall timely file all Material Events Notices in compliance with such Rule.

### **3. PAYMENT**

For these services Town of Riverhead will pay Consultant a fee not to exceed \$19,500 for the first bond issue; \$15,500 for each additional bond issue; \$8,500 for the first note issue and \$7,000 for each additional note issue. The fee for preparation and filing of the Statement of Annual Financial and Operating Information (and audited financial statements, if then available) in accordance with Rule 15c-12 will be \$4,500. The fee for informal, private sales or other short-term obligations such as Budget Notes will be \$4,500. The fee for services for refunding bond issues and other types of bonds such as Recovery Zone Bonds and Build America Bonds, will range from \$20,000 to \$35,000 depending on the complexity of the issue (it should be noted, however, that such fee for refundings is payable from the proceeds of each bond issue, and not from the Town's budget) however it is agreed and understood that such fee for such services shall not exceed \$35,000.00. The Town may also be charged an additional fee for multi-purpose bond issues; such fees shall not exceed \$6,500 per bond. The fee for obligations sold to the NYS Environmental Facilities Corporation as part of the Revolving Loan Fund program, the fees are as follows: for short-term loans, no fee will be charged; for original issue bonds, the fee will be \$9,500; for advance refunding bonds, the fee will be \$15,000. In addition to the above, the Town shall be responsible for payment of expenses for: overnight deliveries and duplicating (if required and requested by Town), printing and postage for Official Statements and Notices of Sale, printing of bond or notes, publication of the Notice of Sale, production and distribution of Final Official Statements, fiscal agent fees or DTC proceedings, rating agency fees, or fees to bond counsel related to services set forth and Identified above, except the fee of \$4500.00 for preparation of draft and final plus filing of the Statement of Annual Financial and Operating Information in accordance with Rule 15c-12 includes all related out-of-pocket expenses for data processing, word processing, printing, duplicating, and overnight deliveries, etc. to Town, bond counsel Securities and Exchange Commission and such other entities required to comply with Rule 15c-12. Consultant shall bill expenses and provide documentation/receipt to support identified expense together with invoice for demand of payment for such expenses. Note, it is estimated that expenses (also described as disbursements) shall not exceed \$8,500 per issue. There will be no fee for the filing of Material Events Notices. Finally, the fee for general consulting services not directly related to the issuance of bonds or other types of borrowings will be billed

at \$150.00 per hour and Consultant shall obtain written approval from the Town's Financial Administrator prior to retaining any such services.

The Town shall require the submission of monthly time records for any hourly fee provision set forth above and identification of the services provided, together with such other standard and necessary forms required for payment by the Town. For task Identified above, i.e. Preparation of Official Statement, First bond issue..., Consultant shall submit invoice and voucher Identifying task and completion of task in order to satisfy Town accounting requirements. The Town shall not have any liability for any other expenses or costs incurred by Consultant, Including third party services retained by Consultant to assist in preparation or completion of the scope of services except as identified In the paragraph above.

#### **4. RIGHTS TO DOCUMENTS OR DATA**

All information and data, regardless of form, generated in the performance of, or delivered under this Agreement, as well as any information provided to Consultant by Town, shall be and remain the sole property of Town, except to the extent the information and documentation is required to be released and/or distributed necessary to complete tasks related to Official Statement, compliance with Securities and Exchange Commission in Rule 15c2-12 and facilitate and accomplish such other services identified in this agreement. Consultant shall keep all such information and data in confidence and not disclose or use it for any purpose other than in performing this Agreement, except with Town's prior written approval. In the event that the legal right in any data and information generated in the performance of this Agreement does not vest in Town by law, Consultant hereby agrees and assigns to Town such legal rights in all such data and information. Final payment shall not be due hereunder until after receipt by Town of such complete document and data file, or a certification that there is no such information created by the services performed under this Agreement, and receipt of all information and data which is the property of Town. These obligations shall survive the termination of this Agreement.

#### **5. PUBLICITY**

Consultant shall not; without the prior written consent of Town, in any manner advertise or publish the fact that Town has entered into this Agreement with Consultant, except to the extent required to complete tasks identified in this Agreement (i.e. consultation with bond counsel, communications and submissions to Securities and Exchange, publish/advertise/sale bonds, short and long term financing...essentially all tasks identified in this agreement). Except as identified in provision #4 above and the sentence above, Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any documents, data, written material of any kind without the prior written consent of at least three members of the Town board or by resolution of the Town Board, except to the extent that Consultant determines it necessary to retain the services of a third party identified in the final sentence set forth in the FEE provision of this agreement, Consultant may release the documents, data, and such other written material provided said third party executes a confidentiality agreement in favor of the Town.

#### **6. ASSIGNMENT AND SUBCONTRACTING**

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

## **7. TERMINATION**

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

## **8. RECORDS**

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

## **9. CHANGES**

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

## **10. NOTICES**

Any notice shall be considered as having been given:

(i) to Town of Riverhead if mailed by certified mail, postage prepaid to  
Town of Riverhead, Attn: Supervisor, 200 Howell Avenue, Riverhead, New York 11901  
With a copy to: Town of Riverhead, Attn: Office of the Town Attorney, 200 Howell Avenue,  
Riverhead, New York 11901; or

(ii) to Consultant if mailed by certified mail, postage prepaid to  
Munistat Services Inc., 12 Roosevelt Avenue, Port Jefferson Station, NY 11776.

## **11. COMPLIANCE WITH LAWS**

Consultant shall comply with all applicable federal, state and local laws and ordinances and regulations in the performance of its services under this Agreement. Consultant will notify Town immediately if Consultant's work for Town becomes the subject of a government audit or investigation. Consultant will promptly notify Town if Consultant is indicted, suspended or debarred. Consultant represents that Consultant has not been convicted of fraud of any other felony arising out of a contract with any local, state or federal agency. In carrying out the work required hereunder, Consultant agrees not to make any communication to or appearance before any person in the executive or legislative branches of the local, state or federal government for the purpose of influencing or attempting to influence any such persons in connection with the award, extension, continuation, renewal, amendment or modification of any contract or agreement. Consultant may perform professional or technical services that are rendered directly in the preparation, submission or negotiation activities preceding award of a

Town agreement/contract or to meet requirements imposed by law as a condition for receiving the award but only to the extent specifically detailed in the statement of work. Professional and technical services are limited to advice and analysis directly applying Consultant's professional and technical discipline,

## **12. INSURANCE, INDEMNITY AND LIABILITY**

Consultant shall carry Comprehensive General Liability Insurance and, if applicable, worker's compensation Insurance. Consultant hereby indemnifies and holds the Town, its departments, officers, agents and employees, harmless against any and all claims, actions or demands against Town, Its departments, officers, agents and employees and against any and all damages, liabilities or expenses, including counsel fees, arising out of the acts or omissions of Consultant under this Agreement, however, it Is agreed and understood that the Town releases and holds harmless Consultant and its personnel from any claims, liabilities costs, and expenses from misrepresentations or incorrect information supplied by the Town related to the services identified herein.

## **13. CONFLICT OF INTEREST**

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

## **14. DISCLOSURE**

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

## **15. DISPUTES**

If Consultant fails to perform any of its obligations hereunder in accordance with the terms hereof, then after reasonable notice to Consultant not to exceed thirty (30) days, and an opportunity for Consultant to cure such failure (except in case of emergency), the Town may (but shall not be obligated to) cure such failure at the expense of the Consultant, and the amount incurred by the Town on demand. Notwithstanding the above, any dispute arising

thereby. The costs of mediation proceedings shall be shared equally by both parties. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, Consultant shall proceed diligently with the performance of this Agreement in accordance with the decision of Town.

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

**TOWN OF RIVERHEAD**

**MUNISTAT SERVICES, INC.**

\_\_\_\_\_  
By: Sean M. Walter, Supervisor

\_\_\_\_\_  
By: Michael J. Loguercio, CIPFA  
President

TOWN OF RIVERHEAD

Resolution # 562

**AUTHORIZES SUPREME COURT ACTION AGAINST THE OWNERS, TENANTS,  
OCCUPANTS AND MORTGAGEES OF PREMISES LOCATED AT  
565-605 OLD COUNTRY ROAD, RIVERHEAD, NEW YORK  
(Town of Riverhead v. East End Commons Associates, LLC)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, the Town Board desires to authorize the Office of the Riverhead Town Attorney to commence a Supreme Court action for the enforcement of Riverhead Town Code violations against the owner, operators, tenants and mortgagees of property located at 565-605 Old Country Road, Riverhead, New York, further described as Suffolk County Tax Map # 0600-109-1-19.6.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the Office of the Town Attorney to commence a Supreme Court action for the enforcement of Riverhead Town Code violations against the owner, operators, tenants and mortgagees, nunc pro tunc, in connection with the above referenced real property; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 563

**AUTHORIZES THE SUPERVISOR TO EXECUTE A MUNICIPAL COOPERATION  
AGREEMENT-RENEWAL NO. 5 WITH THE RIVERHEAD CENTRAL SCHOOL  
DISTRICT REGARDING UNLEADED FUEL SERVICES**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Riverhead Central School District is in need of an economical source of unleaded fuel to facilitate auxiliary vehicle and equipment operations while it renovates its own fuel service facilities; and

**WHEREAS**, the Riverhead Central School District and the Town of Riverhead have had discussions concerning the use of the Town of Riverhead's unleaded fuel facility by Riverhead Central School District auxiliary vehicles to facilitate continuous vehicle operations; and

**WHEREAS**, it is in the interest of the taxpayers of the Town of Riverhead and the Riverhead Central School District to share resources in this undertaking for the benefit of the Riverhead Town taxpayer; and

**WHEREAS**, it is legally permissible to make these resources available for mutual use when it is in the public interest; and

**WHEREAS**, the Riverhead Central School District and the Town of Riverhead wish to enter an Agreement for the use of unleaded fuel services for Riverhead Central School District designated auxiliary vehicles and equipment specifically delineated in the Agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Supervisor to execute an agreement with the Riverhead Central School District in substantially the same form as annexed hereto and subject to review and recommendation by the Office of the Town Attorney; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Janette Velardi, Purchasing Agent, Riverhead Central School District, 700 Osborn Avenue, Riverhead, New York 11901; and be it further

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

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

# MUNICIPAL COOPERATION AGREEMENT

## RENEWAL NO. 5

MUNICIPAL COOPERATION AGREEMENT effective as of the 1st day of July, 2014, by and between the BOARD OF EDUCATION, RIVERHEAD CENTRAL SCHOOL DISTRICT, with offices for the transaction of business located at 700 Osborn Avenue, Riverhead, New York, and the TOWN OF RIVERHEAD, with offices for the transaction of business located at 200 Howell Avenue, Riverhead, New York.

**WHEREAS**, the Riverhead Central School District (hereinafter referred to as “District”) and the Town of Riverhead (hereinafter referred to as “Town”) have conducted discussions concerning the additional use of the Town of Riverhead’s unleaded fuel pump by Riverhead Central School District vehicles;

**WHEREAS**, the District additionally wishes to use the Town of Riverhead’s unleaded fuel pump to provide unleaded fuel to operate various gas-powered equipment owned or leased by the District;

**WHEREAS**, it is in the interest of the taxpayers of the Town of Riverhead and the Riverhead Central School District to share resources in this undertaking;

**WHEREAS**, it is possible to make these resources available for mutual use when it is in the public interest;

**WHEREAS**, the Riverhead Central School District wishes to enter into this Agreement with the Town of Riverhead for the use of the unleaded fuel pump at the Town Garage to provide unleaded fuel for Riverhead Central School District vehicles specifically delineated in Schedule “A” attached hereto and to provide unleaded fuel to operate various gas-powered equipment owned or leased by the District;

**WHEREAS**, the parties recognize what their respective rights and obligations will be under the contract;

**NOW, THEREFORE**, in consideration of the mutual covenants set forth herein, the parties agree as follows:

1. The term of this Agreement shall be for the period July 1, 2014, until June 30, 2015. However, District and Town each may unilaterally terminate this Agreement at any time and for any reason upon 30 days written notice. Town may also terminate this Agreement immediately without notice in the event a safety and/or security issue arises.

2. The Town and the District each represent that it is authorized, pursuant to both Article 9, Section 1 of the State Constitution and Article 5-G of the General Municipal Law to enter into intergovernmental agreements.

3. The Town and the District, believing it to be in the best interest of their taxpayers, do hereby authorize inter-municipal cooperation and assistance with and between each other for the use of the unleaded fuel pump at the Town Garage (the “fuel pump”).

4. The Town gives permission to the District for the District to undertake usage of the unleaded fuel pump located at the Town of Riverhead Municipal Garage located on Rte 58, Town of Riverhead, in an amount not to exceed 1,200 gallons of unleaded fuel per week regarding the vehicles delineated in Schedule “A”, as attached, as well as unleaded fuel to operate various gas-powered equipment. District and Town agree that the inventory of designated vehicles may be amended from time to time subject to approval by the Town. The District shall comply with all restrictions and undertake any reasonable obligations in accordance with the use of the fuel pumps. Hours of permitted usage and cost per gallon of gasoline shall be listed in Schedule “A” attached to this Agreement.

5. The District agrees to perform all reasonable duties and tasks as may be required for the use of the fuel pump including, but not limited to, those tasks listed in Schedule “A” attached to this Agreement at its sole cost and expense.

6. The Town and District agree to cooperate with one another in furtherance of the use of the Fuel Pumps. The District further represents and affirms that the designated vehicles and various gas-powered equipment shall only be used for official school district purposes when such vehicles and/or equipment contain fuel provided by the Town of Riverhead, a violation of which shall constitute a material breach of this Agreement which may result in the immediate termination of the Agreement.

7. Regardless of whether required by law or ordinance, the Town and the District, their agents, officers and employees agree to conduct their activities in connection with the use of the fuel pump so as not to endanger or harm any person or property. The Town and the District, as their respective roles may require, agree to ensure that all approvals, licenses and certificates which are necessary or appropriate are obtained. District further agrees to provide a registration certificate, valid inspection, vehicle identification number, and proof of satisfactory vehicle liability insurance for each of the designated vehicles prior to or at the time of execution of this Agreement. District shall also provide same above-referenced documentation for each vehicle it wishes to add to Schedule “A” prior to Town fuel usage.

8. The District agrees to purchase and maintain a liability insurance policy listing the Town as an additional insured in the amount of Two Million Dollars (\$2,000,000.00) per occurrence and Four Million Dollars (\$4,000,000.00) in the aggregate; District shall provide a copy of the original declaration page of the subject insurance policy as well as a copy of the insurance certificate which states the Town is an additional insured at or before execution of this Agreement for a term that coincides with the term of this Agreement, as well as for any additional terms which may be negotiated between Town and District in the future. This insurance policy shall also provide protection to District and the Town from claims under

workers' or workmen's compensation, claims for damages because of bodily injury, occupational sickness or disease, or death or injury to or destruction of tangible property, including the loss of use resulting therefrom and caused in whole or in part by any negligent act or omission of the District, anyone directly or indirectly employed by the District or anyone for whose acts the District shall be liable.

9. Indemnification: To the fullest extent permitted by law, the District shall indemnify and hold harmless the Town from and against all claims, damages and losses including but not limited to bodily injury, sickness, disease or death or injury to or destruction of tangible property including loss therefrom and expenses, including but not limited to attorneys' fees, arising out of or resulting from the acts or omissions of the District which shall survive the term or terms of this Agreement. The Town and the District shall maintain and retain all records created or maintained in connection with this Agreement for a period of six (6) years after the termination of this Agreement. Each party agrees to make those documents available for audit and inspection by any government official or agency with the authority and/or jurisdiction over the terms of the Agreement as set forth herein.

10. The parties shall retain the right to review the terms of this Agreement on an annual basis and renew its term at one-year intervals or less upon mutual written agreement of the parties.

11. Any alteration, change, addition, deletion, or modification of any of the provisions of this Agreement or any right either party has under this Agreement shall be made by mutual assent of the parties in writing and signed by both parties.

12. This Agreement shall be governed by the laws of the State of New York. If any portion of this Agreement is found by a court of competent jurisdiction to be invalid or unenforceable, the remainder of this Agreement shall remain in full force and effect.

13. The terms of this Agreement shall not be assigned without the mutual written authorization from the parties.

14. Nothing contained in this Agreement shall be construed to create an employment or principal-agent relationship, or partnership or joint venture, between the Town of Riverhead and the Riverhead Central School District and any officer, employee, servant, agent or independent contractor of the Riverhead Central School District.

15. This Agreement constitutes the full and complete agreement between the Town of Riverhead and the Riverhead Central School District and supersedes all prior written and oral agreements, commitments or understandings with respect thereto.

16. The undersigned representative of the Town of Riverhead hereby represents and warrants that the undersigned is an officer, director or agent of the Town of Riverhead with full legal rights, power and authority to enter into this Agreement on behalf of the Town of Riverhead and bind the Town of Riverhead with respect to the obligations enforceable against the Town of Riverhead in accordance with the terms contained herein.

17. The undersigned representative of the Riverhead Central School District hereby represents and warrants that the undersigned is an officer, director or agent of the Riverhead Central School District with full legal rights, power and authority to enter into this Agreement on behalf of the Riverhead Central School District and bind the Riverhead Central School District with respect to the obligations enforceable against the Riverhead Central School District in accordance with the terms contained herein.

**IN WITNESS WHEREOF**, the undersigned hereby acknowledge that they have read and fully understand the foregoing Agreement and further, that they agree to each of the terms and conditions contained herein.

**RIVERHEAD CENTRAL SCHOOL DISTRICT**

By: \_\_\_\_\_  
President, Board of Education

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

**TOWN OF RIVERHEAD**

By: \_\_\_\_\_  
Sean M. Walter, Town Supervisor

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

**SCHEDULE "A"**  
**Renewal No. 5**

**Hours of operation:** twenty-four hours per day, seven days per week

**CHARGES:**

**A. Cost of gasoline:** As per New York State contract PC 66192-Gasoline and E-85, Award Number: 22683: Contract Period: September 20, 2013 through September 18, 2014, or any contract in succession. District acknowledges receipt of same which is hereby incorporated by reference herein as if recited in its entirety.

**B. Fuel Supplier: United Metro Energy Corp.**

**C. Frequency of Charges:** Monthly (District to pay invoice within 30 days of receipt). District agrees and affirms that the District's failure to provide payment within 30 days of the invoice may subject the District to immediate termination of the Agreement.

**D. Equipment Leasing Charges:** The following leasing charges are a one-time leasing charge per vehicle to be paid on or before Agreement execution and whose leasing term shall coincide and run with the term of the Agreement. District agrees, represents and affirms that upon the termination of the Agreement, District shall present all of the designated vehicles to the municipal garage or any other Town department if so directed, for the removal of the following devices, within seven (7) business days of the termination of the Agreement. District also agrees that for any designated vehicle rendered no longer operable nor requiring fuel service, said vehicle shall be returned to the Town for removal of the following devices within seven (7) business days of the event, even if the Agreement has not terminated. District further agrees, affirms and represents that District personnel, officials, officers, employees, representatives, and agents shall not remove, alter, replace or manipulate the following devices from the designated vehicles without the express written consent of the Town, which shall survive the termination of the Agreement. District also agrees, affirms and represents that District shall make the designated vehicles available for inspection, service and/or maintenance upon request of the Town within a reasonable time but no later than one full business day. In addition, the installation of the following devices shall constitute a lien upon each of the designated vehicles until such time that the devices are physically removed from the subject vehicles by Town personnel.

- 1. Fuel Point Module: \$115.00 per vehicle**
- 2. T-Ring: \$25.00 per vehicle**
- 3. OBDII Mileage Adapter \$127.00 per vehicle**
- 4. Operator Key: \$20.00 (onetime leasing fee, District to return key upon contract termination).**
- 5. Gas Can Key: \$20.00 (one-time leasing fee, District to return key at contract end)**

**E. Town Administrative Charges: \$0.37 (thirty-seven cents) per gallon.** District agrees to pay an administrative charge to the Town equal to \$0.37 cents per gallon of fuel that is dispensed from the Town's fuel pump. District further agrees to pay the administrative charge as included in the fuel invoice. Town represents that the administrative charge shall not increase during the term of the Agreement.

**F. Town Installation Charges:** The Town's Municipal Garage Department represents that it shall require the following time periods to install the above-referenced devices.

For vehicles with mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2.5 hours. For vehicles without mileage tracking capability, the installation cost for additional vehicles shall be \$130.00 per man hour x 2 hours.

Town and District mutually agree to add or delete vehicles during the term of the Agreement upon mutual consent subject to the above delineated charges and conditions. Town and District agree that subsequently designated vehicles shall incur charges delineated above which shall remain unchanged during the term of this Agreement.

**G.** District agrees to pay any additional and reasonable unforeseeable costs related to fuel service subject to verification and proper documentation.

TOWN OF RIVERHEAD

Resolution # 564

**AUTHORIZES THE RETENTION OF R.D. GERONIMO LTD. AS AN EXPERT IN THE MATTER OF TRADITIONAL LINKS LLC V. RIVERHEAD TOWN ASSESSORS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Traditional Links LLC has commenced tax certiorari proceedings against the Town of Riverhead challenging valuation regarding certain real property known as 2818-2850 Sound Avenue, Baiting Hollow, New York; also known as SCTM # 0600-41-1-10.6; and

**WHEREAS**, the Town Board, on advice of Scott DeSimone, Esq., special counsel, has determined that it would be appropriate to engage the services of an expert to perform a trial appraisal report in connection with the these matters.

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the retention of R.D. Geronimo LTD, to prepare a trial appraisal report to Scott DeSimone, Esq. in connection with the referenced tax certiorari proceedings; and be it further

**RESOLVED**, that the Town Board hereby authorizes the Law Firm of Scott DeSimone, P.C. to sign the July 17, 2014 agreement with R.D. Geronimo LTD. by and the Town Clerk is hereby directed to forward a copy of this resolution to the Law Firm of Scott DeSimone, P.C., LLP, 41780 Route 25, P.O. Box 233, Peconic, New York 11958-0233 and R.D. Geronimo LTD., 158 Third Street, Mineola, New York 11501-4317; and be it further

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 565**

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT  
WITH FIREWORKS BY GRUCCI, INC.  
(Baker Family Fireworks Display – August 16, 2014)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Fireworks by Grucci, Inc. is conducting a fireworks display for the Baker Family and their family and friends in connection with a private gathering taking place at their residence at 10 Oak Street, Jamesport, New York, said fireworks to be loaded upon a barge to be docked at the East Creek Marina bulkhead, having the fireworks display to be conducted on said barge out in the Peconic Bay, Jamesport, New York; and

**WHEREAS**, the Baker Family has obtained a Permit for Marine Event from the New York State Department of Environmental Conservation Division of Fish, Wildlife & Marine Resources, Region One, Bureau of Wildlife; and

**WHEREAS**, the Town is desirous to cooperate with Fireworks by Grucci, Inc. and the Baker Family in connection with said fireworks display; and

**NOW, THEREFORE, BE IT RESOLVED** that the Town Board of the Town of Riverhead hereby authorizes the supervisor to execute an Agreement (copy attached hereto) between the Town of Riverhead and Fireworks by Grucci, Inc.; and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to Fireworks by Grucci, Inc., 20 Pinehurst Drive, Bellport, New York, 11713; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**AGREEMENT BETWEEN TOWN OF RIVERHEAD AND  
FIREWORKS BY GRUCCI, INC. FOR UTILIZATION OF TOWN  
POLICE & FIRE MARSHAL PERSONNEL AND VEHICLES AND  
VESSELS**

This Agreement is made and entered into as of this \_\_\_\_\_ day of August, 2014 by and between Fireworks by Grucci, Inc., having a principal place of business at 20 Pinehurst Drive, Bellport, New York 11713 and the Town of Riverhead, a municipal corporation with offices located at 200 Howell Avenue, County of Suffolk and State of New York:

WHEREAS, Fireworks by Grucci, Inc. wishes to conduct a fireworks display event for the Baker Family and their family and friends in connection with a private gathering taking place at their residence at 10 Oak Street, Jamesport, New York, said fireworks to be loaded upon a barge to be docked at the East Creek Marina bulkhead, having the fireworks display to be conducted on said barge out in the Peconic Bay in the vicinity of the Baker residence, on August 16, 2014 at approximately 9:00 p.m., having a rain date of August 17, 2014. See Schedule A.; and

WHEREAS, the Town of Riverhead has agreed to permit the utilization of Police and Fire Marshal personnel and vehicles for the fireworks display to take place on August 16, 2014, having a rain date of August 17, 2014; and

WHEREAS, Fireworks by Grucci, Inc. has agreed to terms under which it will be granted the use of said personnel and vehicles and vessels, if applicable, of the Riverhead Police Department and Riverhead Fire Marshal for safety control purposes.

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Use of Personnel & Vehicles: the Town of Riverhead hereby grants Fireworks by Grucci, Inc. permission to utilize the services of the Riverhead Town Police Department and the Riverhead Fire Marshal for their services at the fireworks display event to be held on August 16, 2014, having a rain date August 17, 2014.
2. Compliance With Laws: Fireworks by Grucci, Inc. agrees at all times to comply with all applicable federal, state, county and municipal laws, regulations,

ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out for this fireworks display event.

3. Compensation: In consideration of the use of the Police and Fire Marshal personnel and/or the police vehicles and vessels, if applicable, as set forth above, Fireworks by Grucci, Inc. agrees to pay the Town \$619.08 for the utilization of the services of the Riverhead Fire Marshal and will pay the Town \$2,178.64 for the utilization of the Riverhead Police Department. These sums shall be made payable to the Town of Riverhead and shall be paid at the time Fireworks by Grucci, Inc. signs this Agreement.

4. Insurance and Indemnification: Fireworks by Grucci, Inc. will be responsible for providing commercial general liability insurance in the amount of not less than \$5,000,000.00 with a company or companies reasonably satisfactory to the Town. Fireworks by Grucci, Inc. shall provide certificate(s) of the foregoing insurance, showing the Town of Riverhead as additional insured to the extent of their interest. Finally, Fireworks by Grucci, Inc. agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the events and related activities described herein, including actions, lawsuits, claims, liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by Fireworks by Grucci, Inc. and its employees, agents, representatives and concessionaires, except to the extent caused by the negligence or willful misconduct by the Town of Riverhead. With respect to any suit or claim by Town of Riverhead whether under this indemnification provision or otherwise, Fireworks by Grucci, Inc. for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable outside attorney's fees incurred by the Town securing compliance with the provision of this indemnification agreement.

5. Successors and Assigns: This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties; provided, however, that

nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

6. Entire Agreement: This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

7. Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

In Witness Whereof, Fireworks by Grucci, Inc. has caused this instrument to be signed in its corporate name and Town of Riverhead has caused this instrument to be signed in its municipal name by Sean M. Walter, its Supervisor, hereunto duly authorized, as of the day and the year first above written.

Fireworks by Grucci, Inc.

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

The Town of Riverhead

By: \_\_\_\_\_  
Name: Sean M. Walter, Supervisor

**TOWN OF RIVERHEAD**

**Resolution # 566**

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF  
FIREWORKS BY GRUCCI, INC.  
(BAKER FAMILY PRIVATE RESIDENCE)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on July 16, 2014, Fireworks by Grucci, Inc. had submitted a Fireworks Permit Application, on behalf of the Baker Family residing at 10 Oak Street, Jamesport, New York, for the purpose of conducting a fireworks display, said fireworks to be loaded onto a barge to be docked at the East Creek Marina bulkhead, having the fireworks display to be conducted on said barge out in the Peconic Bay, Jamesport, New York, on August 16, 2014 at approximately 9:00 p.m., having a rain date of August 17, 2014; and

**WHEREAS**, the Town Attorney is in receipt of a completed Fireworks Application executed by the Chief of the Jamesport Fire Department and the Riverhead Fire Marshal and a certificate of insurance from the fireworks company (Fireworks by Grucci, Inc.) naming the Town of Riverhead as an additional insured and has determined that same is satisfactory as to their form.

**NOW THEREFORE BE IT RESOLVED**, that the Fireworks Permit Application of Fireworks by Grucci, Inc., on behalf of the Baker Family residing at the aforementioned address, for the purpose of conducting a fireworks display, said fireworks to be loaded onto a barge to be docked at the East Creek Marina bulkhead, having the fireworks display to be conducted on said barge out in the Peconic Bay, Jamesport, New York, on August 16, 2014 at approximately 9:00 p.m., having a rain date of August 17, 2014, is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Jamesport Fire Department.
- Scheduling a pre-event inspection between 12:00 noon and 2:00 p.m. on the day of the event having the Fireworks technician(s), the Riverhead Fire Marshal and the Jamesport Fire Chief in attendance.
- Fireworks and technicians must arrive at the site no later than 2:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of show for purpose of final inspection and safety review.
- The show shall be limited to firework shells as listed on the Fireworks Permit application.
- The Fire Marshal shall have the final authorization to allow the show to

proceed or cancel the show if there are unsafe conditions, lighting and/or wind in excess of 30 miles per hour; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Fireworks by Grucci, Inc., 20 Pinehurst Drive, Bellport, New York, 11713; the Baker Family, 10 Oak Street, Jamesport, New York, 11947 and the Jamesport Fire Department Chief; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 567**

**APPROVES CHAPTER 90 APPLICATION OF THE  
RIVERHEAD COUNTRY FAIR COMMITTEE  
(Riverhead Country Fair - October 12, 2014)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, on July 22, 2014, the Riverhead Country Fair Committee submitted a Chapter 90 Application for the purpose of conducting their annual Country Fair to be held on Main Street, the Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on Sunday, October 12, 2014 , between the hours of 10:00 a.m. and 5:00 p.m.; and

**WHEREAS**, the Riverhead Country Fair Committee has completed and filed a Special Events Large Gathering Application together with a Short Environmental Assessment Form in accordance with 6 NYCRR 617.6(b); and

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

**WHEREAS**, due to its not-for-profit status, the Riverhead Country Fair Committee has requested the Chapter 90 Application fee for this event be waived; and

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

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

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

**RESOLVED** that the Chapter 90 Application of Riverhead Country Fair Committee for the purpose of conducting their annual Country Fair to be held on Main Street, Peconic Riverfront parking area and Peconic Avenue, Riverhead, New York on Sunday, October 12, 2014, between the hours of 10:00 a.m. and 5:00 p.m., is hereby approved; and be it further

**RESOLVED**, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Public Gathering/Emergency Medical Services (EMS) permit(s);
- Receipt of Certificate of Insurance evidencing adequate liquor liability limits to be received no later than September 30, 2014; and be it further

**RESOLVED**, that Chapter 46 entitled “Alcoholic Beverages” is deemed to be waived for the service of alcoholic beer during the event at or in locations and by licensed alcohol service providers to be determined prior to the commencement of the event; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes this event to be exempt from Chapter 86 entitled, “Noise Control” of the Riverhead Town Code; and be it further

**RESOLVED**, that the necessary tent permit(s) must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, that this approval is subject to receipt of an Outdoor Public Safety Plan, to be submitted to the Fire Marshal’s office no later than September 26, 2014; and be it further

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

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee for this event due to the applicant’s not-for-profit status; and be it further

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Country Fair Committee, 200 Howell Avenue, Riverhead, NY, 11901, Attn: Tara McLaughlin; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of

this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 568

**RESCINDS PORTION OF BID AWARD #518 FOR LUBRICANTS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

**WHEREAS**, five bids were received and opened at 11:00 am on June 12, 2014, and awarded on July 15, 2014; and

**WHEREAS**, on July 15, 2014 the bid was awarded in part to APPLE AUTOMOTIVE DISCOUNT CENTER, BI-LO INDUSTRIES and BLACK BEAR CO., for prices on the attached pages.

**WHEREAS**, the bid for Item one (1) was erroneously awarded to BI-LO INDUSTRIES for \$588.88 for a 55 gallon drum and should have been awarded to DAVID WEBER OIL COMPANY for \$576.40;

**WHEREAS**, item #4 was incorrectly extended on the award sheet and should have read \$6.77 per gallon, not \$13, 540.00 for 2000 gallons.

**NOW THEREFORE BE IT RESOLVED**, that ITEM #1 erroneously awarded to BI-LO INDUSTRIES be awarded instead to DAVID WEBER OIL COMPANY.

**BE IT FURTHER, RESOLVED**, that the Town board and the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to BIL-LO INDUSTRIES, APPLE AUTOMOTIVE; BLACK BEAR and DAVID WEBER OIL COMPANY.

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

**THE VOTE**

Giglio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Gabrielsen	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Walter	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The Resolution Was Was Thereupon Duly Declared WITHDRAWN

## PRICE SHEET FOR LUBRICANTS

<u>Bid</u>	<u>Quantity</u>	<u>Product</u>	<u>Vendor</u>	<u>Vendor</u>	<u>Vendor</u>	<u>Vendor</u>
<u>Item</u>						
			BLACK BEAR	APPLE	BI-LO	WEBER
1	1	55 gallon drum of transmission fluid Mercon V				\$576.40
2	1	120 lbs. keg of gear oil 80w/90		\$135.30		
3	1	55 gallon drum hydraulic oil			\$ 283.80	
4	1	gallons 15 W 40 engine oil			\$6.77	
5	1	55 gallon drum of permanent antifreeze & summer coolant	\$426.25			
6	1	120 lbs keg Super Chassis Grease (Red)		\$198.00		
7	1	55 gallon drum All Purpose Trans & Torque Fluid		\$363.00		
8	1	120 lbs. keg of synthetic gear oil 80w/140		\$357.50		

**ALL ABOVE PRICES ARE "EACH"**

**CORRECTED PRICE SHEET**

**THIS SHEET SHOWS THE BID TABULATIONS**

Bid Item	Quantity (USAGE)	Product	Vendor	Vendor	Vendor	Vendor	Vendor
			<b>BLACK BEAR</b>	<b>APPLE</b>	<b>BI-LO</b>	<b>WEBER</b>	<b>GRADE A</b>
1	2	55 gallon drum of transmission fluid Mercon V	624.25	894.00	588.88	576.40	590.00
2	2	120 lbs. keg of gear oil 80w/90	174.00	\$135.30	148.80	163.20	215.00
3	15	55 gallon drum hydraulic oil	358.60	324.50	\$ 283.80	326.70	302.00
4	2000	gallons 15 W 40 engine oil	8.75	7.90	6.77	8.94	9.25
5		55 gallon drum of permanent antifreeze& summer coolant	426.25	214.50*	279.60*	365.20*	330.00*
6	2	120 lbs keg Super Chassis Grease (Red)	364.20	\$198.00	248.80	333.60	257.00
7	2	55 gallon drum All Purpose Trans & Torque Fluid	492.80	\$363.00	385.20	437.80	370.00
8	2	120 lbs. keg of synthetic gear oil 80w/140	428.40	\$357.50	498.88	476.40	379.00

**ALL ABOVE PRICES ARE "EACH"**

**\*these bids are for 50/50 blend, not full strength**

TOWN OF RIVERHEAD

Resolution # 569

**DETERMINING THAT THE PAVILION IMPROVEMENTS FOR THE JAMESPORT FIRE DISTRICT LOCATED ON MANOR LANE, JAMESPORT, NEW YORK AND EXEMPTS FROM FORMAL SITE PLAN REVIEW AND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead is a municipal corporation existing under the laws of the State of New York having those powers of zoning and land use regulation specified in New York Town Law Article 16; and

**WHEREAS**, the Jamesport Fire District is a duly established fire district under Town Law § 170; and

**WHEREAS**, the Jamesport Fire District proposes to constructed a 30 foot by 30 foot pavilion and associated improvements at the Jamesport Fire District property located on Manor Lane, Jamesport, Town of Riverhead, New York; and

**WHEREAS**, a site plan and elevations dated May 16, 2014 made by Jeffrey Butler, P.E. and Charles M. Thomas, Architect were submitted to the Town of Riverhead Town Board by Francis J. Yakaboski, Esq., on behalf of the Jamesport Fire District to expand the existing parking lot at the firehouse located on Manor Lane in Jamesport and associated site Improvements on real property, known and designated as Suffolk County Tax Map Numbers SCTM # 600-68-02-p/o 9.3 and 9.5, and

**WHEREAS**, in order to determine whether the Jamesport Fire District must comply with the Town Code of the Town of Riverhead in the construction and siting of the pavilion and the associated improvements facility, a "balancing of public interests" test must be conducted as set forth in the Court of Appeals' decision in *Matter of County of Monroe v. City of Rochester*, 72 N.Y.2d 338; and

**WHEREAS**, under the balancing test, the Town of Riverhead should weigh the following factors to determine whether the Jamesport Fire District must comply with the Town Code in the construction and siting of the facility:

1. the nature and scope of the instrumentality seeking immunity,
2. the encroaching government's legislative grant of authority,
3. the kind of function or land use involved,
4. the effect local land use regulation would have upon the enterprise concerned,
5. alternative locations for the facility in less restrictive zoning areas,

6. the impact upon legitimate local interests,
7. alternative methods of providing the proposed improvement,
8. the extent of the public interest to be served by the improvements, and
9. intergovernmental participation in the project development process and an opportunity to be heard; and

**WHEREAS**, on July 31, 2014, the Town Board of the Town of Riverhead at an open meeting heard from the consulting architect and reviewed the site plan; and

**WHEREAS**, the Town Board of the Town of Riverhead has carefully considered all the evidence submitted in connection with this matter in the context of the "balancing of public interests" test;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead makes the following Findings and Determination:

#### FINDINGS AND DETERMINATION

1. Pursuant to *Matter of County of Monroe v. City of Rochester*, (72 N.Y.2d 338), the County's construction of the fueling facility is presumed to be subject to the Town Code of the Town of Riverhead absent an expression of contrary legislative intent.
2. The James A. Coon Local Government Technical Series promulgated by the New York State Department of State, instructs a municipality that is developing a project in another community to assume that the project be subject to the host community's zoning requirements and that any disagreement between the parties should be resolved by the appeals process of the host community.
3. The Jamesport Fire District is a duly established fire district pursuant to Town Law § 170 with the authority to provide fire services to the residents within the Town of Riverhead.
4. Section 108-54 of the Town Code of the Town of Riverhead, in part, states as follows, "Municipal buildings and hospitals shall be permitted in all districts..."
5. The Jamesport Fire District property is within the Hamlet Center Zoning Use District of the Town of Riverhead, which allows for public uses such as libraries, schools and places of worship among the fourteen (14) permitted uses
6. The fire house on the Jamesport Fire District property was constructed prior to the enactment of zoning by the Town of Riverhead and the pavilion can be considered a customary accessory use to the existing Jamesport Fire District building.
7. The 30 foot by 30 foot pavilion and improvements will enhance the Jamesport Fire District property, and better serve the public benefits and public purposes of the fire services of the district and its members.

8. Pursuant to the Town Code of the Town of Riverhead, the siting and construction of the subject pavilion and improvements would require, among other things, a variance, site plan approval, review pursuant to the State Environmental Quality Review Act ("SEQRA"), a building permit, and a certificate of occupancy.

9. The pavilion is intended to be used by the members of the Jamesport Fire District and not the public at large and traffic issues for the site need not be studied; and

**BE IT FURTHER RESOLVED**, that based upon the foregoing, the Town Board finds that the applicant is deemed to be in compliance with the applicable zoning law and exempts the project from formal site plan review and Chapter 108 subject to the following conditions:

That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

1. That compliance with the "Dark Skies" requirement set forth in Chapter of the Town Code of the Town of Riverhead is required,
2. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal" and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
3. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
4. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Riverhead Fire District hereby authorizes and consents to the Town of Riverhead to enter the subject premises, to enforce said handicapped parking regulations;
5. That the row of six (6) arborvitae plantings be extended along the entire westerly property line.
6. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
7. That all new utilities shall be constructed underground;
8. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
9. That all nursery stock and installation methods thereof shall meet the latest American Standards for Nursery Stock", as published by the American Association of Nurserymen; and

**BE IT FURTHER RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Riverhead Planning Department, the Riverhead Building Department, the Jamesport Fire District c/o Francis J. Yakaboski, Esq., 456 Griffing Avenue, Riverhead, New York, 11901; and the Riverhead Town Attorney.

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 570

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE  
AND CALLS FOR PUBLIC HEARING TO CONSIDER THE APPEAL OF  
DAY AND NIGHT TAXI AND LIMO, INC. UNDER CHAPTER 99 OF THE CODE OF  
THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice once in the August 14, 2014 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, for a public hearing pursuant to Chapter 99 entitled, "Taxicabs and Vehicles for Hire" of the Riverhead Town Code consider the appeal of Day and Night Taxi and Limo, Inc. to revocation of Taxicab Operators License; and be it further

**RESOLVED**, the Town Clerk is hereby authorized to forward a certified copy of this Resolution to the Mohammad A. Gondal, c/o Day and Night Taxi and Limo, Inc. 12700 Main Road, Mattituck, New York 11952 and Town Attorney; and be it further

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**  
**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town at Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19<sup>th</sup> day of August, 2014 at 7:30 o'clock p.m. to consider the appeal by Day and Night Taxi and Limo, Inc. to the revocation of the Taxicab Business License.

Dated: Riverhead, New York  
August 5, 2014

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

**DIANE M. WILHELM, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 571

**RATIFIES AUTHORIZATION FOR RY-LECIA CORP. D/B/A AMERICAN RECREATIONAL PRODUCTS TO SUB-CONTRACT THE INSTALLATION OF PLAYGROUND EQUIPMENT AT NADEL DRIVE PARK TO T L CONTRACTING, INC.**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board, by resolution no. 533, on July 15, 2014, authorized the purchase and installation of designated Burke playground equipment as delineated in the subject contract, incorporated by reference herein as if recited in its entirety, for installation at the Nadel Drive Park in the maximum amount of \$60,100.57 and the Supervisor's execution of same, pursuant to the authority of NYS General Municipal Law section 103(16) and pursuant to the pertinent terms and conditions contained within Town of Islip contract proposal number 1213-52A as awarded to Ry-Lecia Corp. d/b/a American Recreational Products; and

**WHEREAS**, the subject contract requires the consent of the Riverhead Town Board regarding performance of any of the terms of the contract by third-party entities including installation of the subject playground equipment; and

**WHEREAS**, Ry-Lecia Corp. d/b/a American Recreational Products, utilizes T L Contracting, Inc., regarding the installation of its purchased playground equipment and intends to use T L Contracting, Inc.'s installation services regarding installation of the subject playground equipment at Nadel Drive Park.

**NOW THEREFORE BE IT RESOLVED**, Ry-Lecia Corp. d/b/a American Recreational Products, is authorized to utilize the installation services of T L Contracting Inc., regarding installation of the subject playground equipment at Nadel Drive Park at no additional expense to the Town and subject to insurance requirements acceptable to the Town Attorney's Office; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 572**

**RATIFIES THE APPROVAL OF THE CHAPTER 90 APPLICATION OF  
ONE FOR THE ROAD, LLC  
(East End Small Business Alliance Expo – Saturday, July 26, 2014)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on July 9, 2014, Dave Lotito of One For The Road, LLC submitted a Chapter 90 Application for the purpose of conducting an event entitled “East End Small Business Alliance Expo”, a newly created small business networking group having approximately 12 to 15 small business owners displaying their products and services, to also include music, to be held at the Peconic Riverfront, Riverhead, New York, on Saturday, July 26, 2014, between the hours of 12:00 noon and 10:00 p.m.; and

**WHEREAS**, One For The Road, LLC has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

**WHEREAS**, the applicant has paid the applicable Chapter 90 application fee; and

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

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

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

**RESOLVED**, that the Chapter 90 application of One For The Road, LLC for the purpose of conducting an event entitled “East End Small Business Alliance Expo”, a newly created small business networking group having approximately 12 to 15 small business owners displaying their products and services, to also include music, to be held at the Peconic Riverfront, Riverhead, New York, on Saturday, July 26, 2014,

between the hours of 12:00 noon and 10:00 p.m., is approved; and be it further

**RESOLVED**, an Outdoor Public Safety Plan shall be submitted to the Fire Marshal's office **no later than July 18, 2014**; and be it further

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

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Dave Lotito, One For The Road, LLC, P.O. Box 252, Wading River, NY; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

#### **THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 573

**AUTHORIZES THE REDUCTION OF PERFORMANCE SECURITY  
OF M-GBC, LLC, IN CONNECTION WITH THE SUBDIVISION  
KNOWN AS "CALVERTON CAMELOT II"**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, in accordance with Town Board Resolution #1082 dated November 30, 2006, the Riverhead Town Board accepted Suffolk County National Bank Irrevocable Letter of Credit #061130 in the amount of \$3,000,000.00 representing improvements to be made within the subdivision entitled "Calverton Camelot II"; and

**WHEREAS**, in accordance with Town Board Resolution #37 dated January 6, 2009, the above referenced irrevocable letter of credit was replaced with Suffolk County National Bank Irrevocable Letter of Credit #061128 in the amount of \$3,000,000.00; and

**WHEREAS**, by letter dated April 2, 2014 from Vincent J. Messina, Jr., Esq., attorney for M-GBC, LLC/Calverton Camelot II, it has been requested that the performance security be reduced due to the completion of improvements within the subdivision; and

**WHEREAS**, pursuant to Engineering Memorandum dated July 17, 2014 from Vincent A. Gaudiello, P.E., it is recommended that the security posted be reduced to the amount of \$1,000,000.00; and

**WHEREAS**, pursuant to Riverhead Planning Board Resolution #2014-0062, dated July 17, 2014, it is recommended that the security posted in connection with the improvements to be completed within this subdivision be reduced to the amount of \$1,000,000.00.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby approves the reduction of the security posted for improvements to be made within the subdivision known as "Calverton Camelot II" to an amount of \$1,000,000.00; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Vincent J. Messina, Jr., Esq., Sinnreich, Kosakoff & Messina, LLP, 267 Carleton Avenue, Suite 301, Central Islip, NY, 11772; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of

this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was  Was Thereupon Duly Declared TABLED

TABLED

TOWN OF RIVERHEAD

Resolution # 574

**APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD FOUNDATION FOR  
MARINE RESEARCH AND PRESERVATION  
(5K RUN FOR THE RIDLEY – October 25, 2014)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on July 16, 2014, the Riverhead Foundation for Marine Research and Preservation (Riverhead Foundation) submitted a Chapter 90 Application for the purpose of conducting a 5K Foot Race, said course to begin on East Main Street, continuing on East Main Street, Riverside Drive, River Avenue and ending at McDermott Avenue, to be held on Saturday, October 25, 2014 between the hours of 6:00 a.m. and 12:00 noon; and

**WHEREAS**, the Riverhead Foundation has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 61; and

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

**WHEREAS**, Riverhead Foundation has requested the Chapter 90 Application Fee be waived due to its not-for-profit status: and

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

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

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

**RESOLVED**, that the Chapter 90 Application of the Riverhead Foundation For Marine Research and Preservation for the purpose of conducting a 5K Foot Race at the aforementioned locations to be held on Saturday, October 25, 2014 between the hours of 6:00 a.m. and 12:00 noon is hereby approved; and be it further

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

event; and be it further

**RESOLVED**, that the necessary tent permit must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102) and the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, an Outdoor Public Safety Plan shall be submitted to the Fire Marshal's office **no later than September 30, 2014**; and be it further

**RESOLVED**, that due to the applicant's not-for-profit status, the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application Fee; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Foundation for Marine Research and Preservation, Attn: Robert A. DeGiovanni, Jr., 467 East Main Street, Riverhead, New York, 11901; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 575

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 47 ENTITLED  
“BAYS AND CREEKS” OF THE RIVERHEAD TOWN CODE**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 47 entitled “Bays and Creeks” of the Riverhead Town Code once in the August 14, 2014 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19<sup>th</sup> day of August, 2014 at 7:20 o'clock p.m. to consider a local law amending Chapter 47 entitled "Bays and Creeks" of the Riverhead Town Code as follows:

**Chapter 47. BAYS AND CREEKS**  
Article III. General Provisions

§ 47-24. Form of applications.

A. The application for a permit shall comply with the directions and standards for a "Chapter 47 and/or Chapter 107 Conservation Advisory Council Application for Permit (CAC-1)."

B. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the board or department vested with the authority to make a decision to approve, approve with conditions or deny the application ~~Town Board~~, the Conservation Advisory Council, and any other board, department, agency deemed interested or involved in the application. ~~all other involved agencies.~~

C. ~~The Conservation Advisory Council shall review all completed permit applications and provide a written recommendation to the Town Board, other involved agencies and the applicant, stating its findings and conclusions, within 30 days of its receipt of the completed application. However, such thirty-day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case a sixty-day time period shall apply, and said sixty-day time period shall commence from the date a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.~~ commence review within thirty days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within sixty days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conservation Advisory Council, the Conservation Advisory Council shall advise the applicant within 30 days from the date of referral and grant applicant 30 days to provide the information and/or supplement the application. The sixty day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

D. ~~The Town Board may accept, modify, or reject the recommendation of the Conservation Advisory Council within 15 days of submittal by the Conservation Advisory Council to the Town Board. Such fifteen-day period shall commence upon the lapse of~~

~~three days from mailing of a copy of the recommendation of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the recommendation of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board attached.~~

The Conservation Advisory Council shall deliver a copy of the report and recommendation to the Planning Department, and, in turn, the Planning Department shall deliver a copy to the board or department vested with authority to approve, approve with conditions, or deny the application and mail a copy to the applicant within 5 days of receipt of the Conservation Advisory Council's report and recommendation. The Town Board, Planning Board, or Building Department, as the case may be, may approve, modify or reject the recommendation of the Conservation Advisory Council within 15 days of receipt of the report and recommendation. Such fifteen-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the board or department, whichever shall be later. In the event that the board or department seeks to modify or reject the recommendation of the Conservation Advisory Council, the board or department shall publish its decision, including its findings of fact and conclusions in the official newspaper of the Town, except for an application within the jurisdiction of the Town Board shall require that Town Board hold a public hearing upon reasonable notice published in the official newspaper of the Town prior to modification or rejection of the Conversation Advisory Council's recommendation. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board.

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

Dated: Riverhead, New York  
August 5, 2014

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 576

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 107 ENTITLED  
“TIDAL AND FRESHWATER WETLANDS” OF THE RIVERHEAD TOWN CODE**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 107 entitled “Tidal and Freshwater Wetlands” of the Riverhead Town Code once in the August 14, 2014 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and post same on the sign board at Town Hall; and be it further

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

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 19<sup>th</sup> day of August, 2014 at 7:25 o'clock p.m. to consider a local law amending Chapter 107 entitled "Tidal and Freshwater Wetlands" of the Riverhead Town Code as follows:

**Chapter 107. TIDAL AND FRESHWATER WETLANDS**

**§ 107-5. Permitted acts.**

The acts set forth in 107-4 are permissible if done pursuant to the terms and conditions of a permit approved by the ~~Town Board and/or the Riverhead Conservation Advisory Council, or pursuant to an approved and filed subdivision map or building permit carrying final approval.~~ board or department vested with the authority to review, approve, approve with conditions, or deny an application for the proposed activity or use and/or related to an activity or use, i.e. application to construct bulk head on residential lot-Building Department, deposit fill within 150 feet boundary of freshwater wetlands related to a site plan-Planning Board. To the extent the provisions of the Town Code do not identify the board or department vested with the authority to review, approve, approve with conditions, or deny the application, the Town Board shall have the authority to approve, approve with conditions or deny the application. As set forth in the provisions below, the Planning Department, acting on behalf of the board or department vested with the authority to render a decision to approve, approve with conditions, or deny the application, shall refer all applications to the Conservation Advisory Council for report and recommendation.

**§ 107-6. Application for permit.**

A. All ~~applicants~~ applications for a permit to do any of the acts regulated or permitted by §§107-4 and 107-5 shall present an original and three copies of the ~~permit-completed~~ application, together with other required information outlined in this chapter, to the ~~office of the Town Conservation Advisory Council~~ Planning Department. ~~An~~ and an application fee of \$100.00 ~~is to be paid to the Town Clerk.~~ All applications and copies thereof must be accompanied by or included the following information:

**§ 107-7. Procedure for issuance of permit; display of permit; inspections.**

A. The Director of the Planning Department shall retain the original permit application for his/her files and distribute one copy each to the board or department vested with the authority to make a decision to approve, approve with conditions or deny the application ~~Town Board~~, the Conservation Advisory Council, and any other board, department, agency deemed interested or involved in the application. ~~all other involved agencies.~~

B. The Conservation Advisory Council shall ~~review all completed permit applications and provide a written recommendation to the Town Board, other involved agencies and the applicant, stating its findings and conclusions, within 21 days of its receipt of said~~

application. However, such twenty-one-day time period shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day time period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project. commence review within thirty days of referral from the Planning Department. The Conservation Advisory Council shall issue a report and recommendation to approve, approve with conditions or deny the application within sixty days from the initial referral to the Conservation Advisory Council. In the event that an application is determined to be incomplete and/or additional information is requested by the Conversation Advisory Council, the Conversation Advisory Council shall advise the applicant within 30 days from the date of referral and grant applicant 30 days to provide the information and/or supplement the application. The sixty day time period to issue a report and recommendation shall not apply where an environmental impact statement is to be prepared by the applicant, in which case said sixty-day period shall not commence until a final environmental impact statement has been accepted by the lead agency exercising jurisdiction over the project.

C. The Conservation Advisory Council decision shall be binding unless modified by the Town Board within 10 days of submittal by the Conservation Advisory Council to the Town Board. Such ten-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the Town Board, whichever shall be later. If either the applicant or the Town Board desires a modification of the decision of the Conservation Advisory Council, a public hearing shall be held upon prior reasonable public notice published in the official newspaper of the Town, and the Town Board shall hold a public hearing on the permit application. The Town Board shall, after the required public hearing, then render a decision to deny, approve or approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board. attached shall deliver a copy of the report and recommendation to the Planning Department, and, in turn, the Planning Department shall deliver a copy to the board or department vested with authority to approve, approve with conditions, or deny the application and mail a copy to the applicant within 5 days of receipt of the Conservation Advisory Council's report and recommendation. The Town Board, Planning Board, or Building Department, as the case may be, may approve, modify or reject the recommendation of the Conservation Advisory Council within 15 days of receipt of the report and recommendation. Such fifteen-day period shall commence upon the lapse of three days from mailing of a copy of the decision of the Conservation Advisory Council to the applicant or service upon the board or department, whichever shall be later. In the event that the board or department seeks to modify or reject the recommendation of the Conservation Advisory Council, the board or department shall publish its decision, including its findings of fact and conclusions in the official newspaper of the Town, except for an application within the jurisdiction of the Town Board shall require that Town Board hold a public hearing upon reasonable notice published in the official newspaper of the Town prior to modification or rejection of the Conversation Advisory Council's recommendation. The Town Board shall, after the required public hearing, then render a decision to deny, approve or

approve with conditions the permit application. In rendering a decision of approval, approval with conditions or denial of a permit, the Town Board shall state, in writing, its findings of fact and conclusions. The decision shall be transmitted to the Town Clerk, who will advise the applicant of such decision by transmitting a copy of the permit application to the applicant, together with the decision and conditions, if any, imposed by the Town Board.

D. ~~The~~All decisions~~of the Town Board~~ regarding a permit application shall be judicially reviewable.

**§ 107-7.1. Standards for issuance of permit to clear native vegetation.**

A. The Conservation Advisory Council shall use the following criteria when ~~considering~~evaluating an application for a permit under § 107-7 to clear native vegetation unless the applicant demonstrates that the proposed clearing:

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

Dated: Riverhead, New York  
August 5, 2014

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

TOWN OF RIVERHEAD

Resolution # 577

**APPOINTS MEMBER TO THE AGRICULTURAL ADVISORY COMMITTEE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Resolution #763 of August 2, 2005 adopted guidelines for Town Board Advisory Committees; and

**WHEREAS**, guideline #1 states that each committee will consist of no less than seven and no more than nine members who will serve a term no longer than two years subject to reappointment; and

**WHEREAS**, Charlie Scheer will no longer be serving on the Agricultural Advisory Committee, and therefore, there is a vacancy on the committee; and

**WHEREAS**, Jeff Rottkamp expressed interest in serving on the Agricultural Advisory Committee.

**NOW, THEREFORE, BE IT RESOLVED**, the Town Board hereby appoints Jeff Rottkamp to the Agricultural Advisory Committee for a two-year term to expire August 31, 2016; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Jeff Rottkamp; and be it further

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

**THE VOTE**

Giglio  Yes  No      Gabrielsen  Yes  No  
Wooten  Yes  No      Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 578

**APPOINTS MEMBER TO VETERANS ADVISORY COMMITTEE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on July 1, 2014 the Town of Riverhead established a Veterans Advisory Committee; and

**WHEREAS**, the Town of Riverhead appointed members to the advisory committee, including Ellen Saunders as an American Legion Liaison; and

**WHEREAS**, Ellen Saunders will no longer be able to serve on the Veterans Advisory Committee; and

**WHEREAS**, Darlene Folkes has expressed interest in serving on the Veterans Advisory Committee, is a resident of Riverhead, and has been recommended by the American Legion.

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board appoints Darlene Folkes to the Veterans Advisory committee for a three-year term set to expire August 2017; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the above named individuals; and be it further

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

**THE VOTE**

Giglio	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Gabrielsen	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Wooten	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Walter	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 579

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

(§108-330. Redemption of preservation credits.)

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

**RESOLVED**, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the August 14, 2013 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE** that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 16<sup>th</sup> day of September, 2014 at 7:10 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**ARTICLE LXII  
ZONING  
Transfer of Development Rights**

**§ 108-330. Redemption of preservation credits.**

D. Retirement Community (RC) Zoning Use District. Preservation credits may be used to increase the development yield associated with site plan applications made to the Town Board pursuant to Article XXIII of the Riverhead Zoning Ordinance. In its review and approval of such site plan applications, the Town Board may increase the allowable development yield at a rate of one dwelling unit per preservation credit redeemed, not to exceed four dwelling units per 40,000 square feet. In its review and approval of subdivision within the RC Zoning Use District utilizing preservation credits, the Planning Board shall condition the final map approval upon the redemption of the appropriate number of credits, with the signature and recording of the subdivision predicated upon the redemption and retiring of the appropriate number of preservation credits. The purchase of preservation credits shall not be required to increase the allowable development yield when the purchase of an equivalent number of Pine Barren Credits is required by the Suffolk County Health Department. Notwithstanding the foregoing, in order to be exempt from the purchase of preservation credits to increase development yield based on the purchase of Pine Barrens Credits, the purchase and use of Pine Barren Credits can only be from properties located within the Town of Riverhead.

- Underline represents addition(s)

Dated: Riverhead, New York  
August 5, 2014

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

**DIANE M. WILHELM, Town Clerk**

TOWN OF RIVERHEAD

Resolution # 580

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

<b>ABSTRACT #14-27 July 17, 2014 (TBM 8/5/14)</b>			
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	001	82,959.26	82,959.26
RECREATION PROGRAM FUND	006	13,546.05	13,546.05
WATER DISTRICT	112	15,022.56	15,022.56
RIVERHEAD SEWER DISTRICT	114	42,360.68	42,360.68
REFUSE & GARBAGE COLLECTION DI	115	553.05	553.05
STREET LIGHTING DISTRICT	116	8,773.98	8,773.98
PUBLIC PARKING DISTRICT	117	506.87	506.87
CALVERTON SEWER DISTRICT	124	9,137.53	9,137.53
RIVERHEAD SCAVENGER WASTE DIST	128	10,919.52	10,919.52
WORKERS' COMPENSATION FUND	173	109,345.35	109,345.35
RISK RETENTION FUND	175	45.93	45.93
TOWN HALL CAPITAL PROJECTS	406	1,145.42	1,145.42
RIVERHEAD SEWER CAPITAL PROJEC	414	18,207.00	18,207.00
CALVERTON SEWER CAPITAL PROJEC	424	1,231.47	1,231.47
TRUST & AGENCY	735	100.00	100.00
TOTAL ALL FUNDS		313,854.67	313,854.67

THE VOTE

Giglio - ABSTAIN    Gabrielsen  Yes  No  
Wooten  Yes  No    Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 580

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

ABSTRACT #14-28 July 24, 2014 (TBM 8/5/14)			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	001	1,091,317.31	1,091,317.31
POLICE ATHLETIC LEAGUE	004	2,936.16	2,936.16
RECREATION PROGRAM FUND	006	52,353.85	52,353.85
HIGHWAY FUND	111	311,047.11	311,047.11
WATER DISTRICT	112	74,492.41	74,492.41
RIVERHEAD SEWER DISTRICT	114	61,728.34	61,728.34
REFUSE & GARBAGE COLLECTION DI	115	223,979.71	223,979.71
STREET LIGHTING DISTRICT	116	10,299.81	10,299.81
PUBLIC PARKING DISTRICT	117	349.99	349.99
AMBULANCE DISTRICT	120	63,921.25	63,921.25
EAST CREEK DOCKING FACILITY FU	122	2,358.73	2,358.73
CALVERTON SEWER DISTRICT	124	1,163.74	1,163.74
RIVERHEAD SCAVENGER WASTE DIST	128	21,479.17	21,479.17
GENERAL FUND DEBT SERVICE	384	1,135,455.30	1,135,455.30
TOWN HALL CAPITAL PROJECTS	406	223,685.25	223,685.25
WATER DISTRICT CAPITAL PROJECT	412	31,207.30	31,207.30
TRUST & AGENCY	735	1,214,861.52	1,214,861.52
TOTAL ALL FUNDS		4,522,636.95	4,522,636.95

THE VOTE

Giglio - ABSTAIN    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 580

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

<b>ABSTRACT #14-29 July 31, 2014 (TBM 8/5/14)</b>			
			Grand
Fund Name	Fund #	Ckrun Total	Totals
GENERAL FUND	1	120,848.64	120,848.64
POLICE ATHLETIC LEAGUE	4	659.93	659.93
RECREATION PROGRAM FUND	6	5,203.09	5,203.09
HIGHWAY FUND	111	8,212.79	8,212.79
WATER DISTRICT	112	21,115.07	21,115.07
RIVERHEAD SEWER DISTRICT	114	580.35	580.35
REFUSE & GARBAGE COLLECTION DI	115	173.09	173.09
STREET LIGHTING DISTRICT	116	4,145.53	4,145.53
PUBLIC PARKING DISTRICT	117	499.99	499.99
BUSINESS IMPROVEMENT DISTRICT	118	16,475.00	16,475.00
AMBULANCE DISTRICT	120	736.80	736.80
EAST CREEK DOCKING FACILITY FU	122	139.00	139.00
CALVERTON SEWER DISTRICT	124	20.36	20.36
RIVERHEAD SCAVENGER WASTE DIST	128	371.63	371.63
RISK RETENTION FUND	175	2,432.00	2,432.00
WATER DISTRICT CAPITAL PROJECT	412	575.00	575.00
TRUST & AGENCY	735	205,120.35	205,120.35
CALVERTON PARK - C.D.A.	914	573.04	573.04
TOTAL ALL FUNDS		387,881.66	387,881.66

THE VOTE

Giglio - ABSTAIN    Gabrielsen  Yes  No  
Wooten  Yes  No    Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted