

- Res. #769** Authorizes Town Clerk to Publish and Post Notice of Public Hearing to Consider the Adoption of the 2012 Budget
- Res. #770** Belt Filter Press Replacement Budget Adjustment
- Res. #771** Community Preservation Fund Budget Adjustment
- Res. #772** Community Preservation Transfer of Unspent Bond Proceeds
- Res. #773** General Town Fund Balance Budget Adjustment
- Res. #774** General Fund Budget Adjustment (Police Department)
- Res. #775** General Fund Budget Adjustment (Fire Marshal's Office)
- Res. #776** Highway District Budget Adjustment
- Res. #777** Miamogue Park Project Budget Adjustment
- Res. #778** 2011 Riverfront Dock & Rowing Capital Improvement Project Budget Adoption
- Res. #779** Water Department Budget Adjustment
- Res. #780** Authorizes Publication of Notice for Amendment to Community Development Block Grant Program
- Res. #781** Authorizes the Supervisor to Execute Grant Extension to Suffolk County Grant Contract for Comfort Station Renovation
- Res. #782** Authorizes the Supervisor to Execute Grant Extension to Suffolk County Grant Contract for Peconic Avenue Crossing
- Res. #783** Authorizes Town Clerk to Publish and Post Notice for Public Hearing Regarding Community Development Block Grant ("CDBG") 2012 Funds
- Res. #784** Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for the Fire & Security Alarm Contract 2012
- Res. #785** Authorizes Town Clerk to Publish and Post the Attached Notice to Bidders for the Town Hearing, Ventilating and Air Conditioning Maintenance Contract
- Res. #786** Resolution to Rescind Portion of Bid Award for Food Items (Food Items Identified in Bid as #9, 10, 16, 28, 59, 80, 111, 158, and 166) Due to Error and Award that Portion to Lowest Responsible Bidder

- Res. #787** Appoints Part-Time Recreation Aides/Volleyball Attendants and Officials to the Recreation Department
- Res. #788** Appoints a Call-In Recreation Clerk to the Recreation Department (Jessica Rachubka)
- Res. #789** Approves Chapter 90 Application of the American Association of Retired Persons (AARP) (Me and My Life Makeover Event – November 4, 2011)
- Res. #790** Accepts 100% Site Plan Security of Jontori Enterprises
- Res. #791** Approves the Purchase of Signs for EPCAL Necessary for Posting Restrictions Related to Hunting
- Res. #792** Authorizes the Execution of an Agreement with ASYSCO, Inc.
- Res. #793** Ratifies the Authorization of the Supervisor to Execute an Agreement with an Employee
- Res. #794** Authorizes the Law Offices of Stephen J. McGiff, P.C. to Act as Special Counsel to the Town of Riverhead
- Res. #795** Authorizes the Sale of Surplus Town Personal Property, to Wit: Ship Chain
- Res. #796** Authorizes the Supervisor to Sign a Loan Agreement with Hallockville
- Res. #797** Authorizes Settlement with Suffolk County Department of Health
- Res. #798** Authorizes Reproduction and Expenditure of Monies for “We Will Not Forget Riverhead’s Civil War Soldiers and Sailors” Written by Town Historian
- Res. #799** Authorizes Reproduction and Expenditure of Monies for “Riverhead Town Supervisors 1792-2010” Written by Town Historian
- Res. #800** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 52 Entitled “Building Construction” of the Riverhead Town Code (§52-10 Building Permit Fees (Solar))
- Res. #801** Authorizes the Supervisor to Execute a Retainer Agreement with Mary C. Hartill, Esq. Attorney at Law for Legal Services for the year 2011/2012 (Riverhead Youth Court)

- Res. #802** Authorizes Town Supervisor to Execute Change Order No. 1  
Construction of Supply Well at Plant No. 17, Rt. 105 H2M Project No.:  
RDWD 10-03
- Res. #803** Authorizes the Supervisor to Execute Stipulation with Local 1000,  
AFSCME, AFL-CIO Riverhead Unit of the Suffolk Local #852
- Res. #804** Terminates the Employment of a Bus Driver
- Res. #805** Authorizes the Supervisor to Executed Professional Services  
Agreement with Dunn Engineering Associates, P.C. to Construct  
Pedestrian Crossing on Peconic Avenue
- Res. #806** Pays Bills

**TOWN OF RIVERHEAD**

**Resolution # 769**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING TO CONSIDER THE ADOPTION OF THE 2012 PRELIMINARY ANNUAL BUDGET FOR THE TOWN OF RIVERHEAD**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**NOW THEREFORE BE IT RESOLVED**, that the Town Clerk be, and is hereby directed to publish the attached Public Notice in the October 20, 2011 issue of The News Review.

**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

**NOTICE OF PUBLIC HEARING**

**PLEASE TAKE NOTICE**, that a Public Hearing will be held on the 1st day of November, 2011 at 2:10 p.m. at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the adoption of the 2012 Annual Budget for the Town of Riverhead, which shall include the following specific items:

**ELECTED OFFICIALS' SALARIES**

<b><u>Position</u></b>	<b><u>Proposed Salary</u></b>
Town Supervisor	\$115,148
Town Board Councilpersons (4)	\$47,598
Town Receiver of Taxes	\$69,597
Town Assessors (2)	\$72,386
Town Assessor – Chair	\$81,718
Town Clerk	\$72,386
Town Justices (2)	\$73,012
Highway Superintendent	\$81,845

**PLEASE TAKE FURTHER NOTICE**, that a copy of the Preliminary Budget is available on the Town's website at [Riverheadli.com](http://Riverheadli.com) and in the Office of the Town Clerk for inspection during normal business hours, Monday through Friday, 8:30 a.m. – 4:30 p.m.

DATED:       Riverhead, New York  
                  October 21, 2011

**DIANE M. WILHELM, Town Clerk**

10.18.2011  
110770

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 770**

**BELT FILTER PRESS REPLACEMENT**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, as an alternative to borrow funds through bonding the Belt Filter Press Replacement, a transfer from the Districts Fund Balance is necessary to finance the Capital Project. .

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

		<u>FROM</u>	<u>TO</u>
114.000000.360924	Sewer Fund Balance	366,000.00	
128.000000.499999	Scavenger Fund Balance	365,504.26	
414.095031.481114.70063	Sewer Capital Fund		366,000.00
428.095031.481128.70063	Scavenger Waste Capital Fund		365,504.26

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department and the Sewer 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  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**Resolution # 771**

**COMMUNITY PRESERVATION FUND**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, several Open Space and Community Preservation Capital Projects have been considered complete and the remaining funds are to be transferred back to the Community Preservation Fund.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board hereby authorizes the Accounting Department to make the necessary transfer of funds for project closure along with budget adjustments as attached:

**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

<b>Account</b>	<b>Proj #</b>		<b>From</b>	<b>To</b>
406.099010.595737.	42074	Transfer from Capital Project to CPF Fund	4,286.75	
406.099010.595737.	42072	Transfer from Capital Project to CPF Fund	23,607.21	
406.099010.595737.	42071	Transfer from Capital Project to CPF Fund	8,002.76	
406.099010.595737.	42070	Transfer from Capital Project to CPF Fund	3,487.30	
406.099010.595737.	42069	Transfer from Capital Project to CPF Fund	2,938.90	
406.099010.595737.	42066	Transfer from Capital Project to CPF Fund	145,551.23	
406.099010.595737.	42065	Transfer from Capital Project to CPF Fund	45,182.67	
406.099010.595737.	42064	Transfer from Capital Project to CPF Fund	4,812.00	
406.099010.595737.	42063	Transfer from Capital Project to CPF Fund	152,475.28	
406.099010.595737.	42062	Transfer from Capital Project to CPF Fund	17,605.05	
406.099010.595737.	42061	Transfer from Capital Project to CPF Fund	29,585.65	
406.099010.595737.	42060	Transfer from Capital Project to CPF Fund	176,133.49	
406.099010.595737.	42059	Transfer from Capital Project to CPF Fund	11,523.20	
406.099010.595737.	42058	Transfer from Capital Project to CPF Fund	41,369.24	
406.099010.595737.	42057	Transfer from Capital Project to CPF Fund	5,160.27	
406.099010.595737.	42056	Transfer from Capital Project to CPF Fund	64,610.38	
406.099010.595737.	42055	Transfer from Capital Project to CPF Fund	12,982.00	
406.099010.595737.	42053	Transfer from Capital Project to CPF Fund	47,130.00	
406.099010.595737.	42052	Transfer from Capital Project to CPF Fund	390,806.00	
406.099010.595737.	42051	Transfer from Capital Project to CPF Fund	5,828.82	
406.099010.595737.	42050	Transfer from Capital Project to CPF Fund	1,401.00	
406.099010.595737.	42049	Transfer from Capital Project to CPF Fund	202,916.00	
406.099010.595737.	42048	Transfer from Capital Project to CPF Fund	357,262.50	
406.099010.595737.	42047	Transfer from Capital Project to CPF Fund	1,597,069.77	
406.099010.595737.	42046	Transfer from Capital Project to CPF Fund	1,853,431.14	
406.099010.595737.	42045	Transfer from Capital Project to CPF Fund	158,749.40	
406.099010.595737.	42044	Transfer from Capital Project to CPF Fund	1,369,676.30	
406.099010.595737.	42043	Transfer from Capital Project to CPF Fund	824,797.00	
406.099010.595737.	42042	Transfer from Capital Project to CPF Fund	165,332.00	
406.099010.595737.	42042	Transfer from Capital Project to CPF Fund	248,600.00	
406.099010.595737.	42041	Transfer from Capital Project to CPF Fund	213,913.40	
406.099010.595737.	42038	Transfer from Capital Project to CPF Fund	301,564.59	
406.099010.595737.	42036	Transfer from Capital Project to CPF Fund	3,686.76	
406.099010.595737.	42035	Transfer from Capital Project to CPF Fund	46,643.98	
406.099010.595737.	42029	Transfer from Capital Project to CPF Fund	153,982.00	
406.099010.595737.	42029	Transfer from Capital Project to CPF Fund	664,740.00	
<b>737.000000.351884</b>		<b>Transfer to CPF Reserve for Debt</b>		<b>9,356,844.0</b>

**TOWN OF RIVERHEAD**

**Resolution # 772**

**COMMUNITY PRESERVATION**

**TRANSFER OF UNSPENT BOND PROCEEDS**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, The Town of Riverhead sold open space preservation bonds and;

**WHEREAS**, The Town of Riverhead has not spent the entire proceeds of said bond sales;

**NOW THEREFORE BE IT RESOLVED**, that the Financial Administrator is to transfer remaining balance of unspent bonds and uncommitted bonds to the Community Preservation Fund and reserve the funds for debt service payments:

		<u>FROM</u>	<u>TO</u>
737.095031.481406	Capital Projects	3,000,000	
406.099010.595737	CPF Fund		3,000,000

**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  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 # 773**

**GENERAL TOWN**  
**FUND BALANCE**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, as an alternative to borrow funds through bonding for the 2007 Nutrition Buses, 2008 Building Dept Trucks, Militello Acquisition/Condemnation, 2009 Telephone System Upgrade, 2009 Electronic Keyless System, and 2009 Fiber Installation, a transfer from the Districts Fund Balance is necessary to finance the Capital Projects.

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

		<u>FROM</u>	<u>TO</u>
001.000000.499999	General Town Fund Balance	580,847.68	
406.095031.481001.40194	Transfer from GF Nutrition Buses		88,160.00
406.095031.481001.40197	Transfer from GF Building Dept Truck		44,365.53
406.095031.481001.42501	Transfer from GF Militello Acquisition		140,000.00
406.095031.481001.40200	Transfer from GF Telephone Upgrade		60,000.00
406.095031.481001.40201	Transfer from GF Keyless Entry		19,646.00
406.095031.481001.40201	Transfer from GF Keyless Entry		228,676.15

**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  Thereupon Duly Declared Adopted

10.18.2011  
110774

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 774**

**GENERAL FUND**

**BUDGET ADJUSTMENT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, a budget adjustment is necessary for the purchase communication equipment for the Police Department;

**WHEREAS**, Suffolk County provides the Town of Riverhead a revenue sharing E-911 grant for police communications;

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

		<u>FROM</u>	<u>TO</u>
001.031200.491255	Suffolk County E911 Aid	55,535	
001.031200.524201	Police Computers		55,535

**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  Thereupon Duly Declared Adopted

10.18.2011  
110775

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 775**

**GENERAL FUND**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a budget adjustment is necessary for the purchase of laptops in the Fire Marshall Office;

**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>
001.034100.524000	Equipment	4,700	
001.016800.524000	Equipment		4,700

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

**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 # 776**

**HIGHWAY DISTRICT**

**BUDGET ADJUSTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, as an alternative to borrow funds through bonding for the 2009 Oakleigh Avenue Drainage Project and the Construction of Salt Barns, a transfer from the Districts Fund Balance is necessary to finance the Capital Projects.

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

		<u>FROM</u>	<u>TO</u>
111.000000.499999	Highway District Fund Balance	771,451.28	
406.095031.481111.45111	Capital Fund		171,451.28
406.095031.481111.40203	Capital Fund		600,000.00

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting Department and the Highway 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  Thereupon Duly Declared Adopted

10.18.2011  
110777

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 777**

**MIAMOGUE PARK PROJECT**

**BUDGET ADJUSTMENT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS,** Town Board Resolution #740 awarded the bid for the Miamogue Park Construction Project;

**WHEREAS,** with the use of Grant funds, Serial Bonds and Investment Earnings a budget adjustment is necessary for the construction and purchase of the property at Miamogue Park;

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

		<u>FROM</u>	<u>TO</u>
406.012401.441100.42067	Investment Earnings	75,000	
406.012401.484200.42067	Serial Bond Proceeds	105,000	
406.019400.524004.42067	Land Improvements		180,000

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

**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 # 778**

**2011 RIVERFRONT DOCK & ROWING  
CAPITAL IMPROVEMENT PROJECT**

**BUDGET ADOPTION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Department of Economic Development has awarded the Town of Riverhead \$100,000 in Downtown Revitalization/Beautification funds.

**NOW THEREFORE BE IT RESOLVED**, that the Riverhead Town Board establish the following budget adoption:

		<u>FROM</u>	<u>TO</u>
406.072300.491000.44023	County Aid	90,000	
406.072300.523018.44023	Dock Construction		90,000

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Community Development, Engineering and the Accounting 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

10.18.2011  
110779

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 779**

**WATER DEPARTMENT**

**BUDGET ADJUSTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, \$15,000 has been received 9/29/11 from a wireless carrier to provide engineering services associated with the oversight of an antenna installation.

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

		<u>FROM</u>	<u>TO</u>
112.012140.421054	Antenna Installation, Wireless Carriers	15,000	
112.083200.543000	Professional Services		15,000

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

**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 # 780**

**AUTHORIZES PUBLICATION OF NOTICE FOR AMENDMENT TO  
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead desires to amend its FY 2010 and 2011 Community Development Block Grant (“**CDBG**”) Program; and

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

**THEREFORE, BE IT RESOLVED**, that the Town Clerk is hereby authorized to publish the attached notice in the News Review on Thursday, October 27, 2011, and

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Kisha J. Wright, Suffolk County Community Development Director, Suffolk County Community Development, PO Box 6100, Hauppauge NY 11788-0099 and an electronic copy of the adopted resolution to the Community Development Department.

**THEREFORE, 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**

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

**PLEASE TAKE NOTICE** the Town of Riverhead is proposing the following changes to its Federal Community Development Block Grant Program:

<u>Year 2010</u>	<u>Current</u>	<u>Proposed Change Amended Budget</u>	
Senior Center Improvements	\$50,000.00	(-\$50,000.00)	\$0.00
Home Improvement	\$80,324.77	(-\$26,372.65)	\$53,952.12

<u>Year 2010</u>	<u>Current</u>	<u>Proposed Change Amended Budget</u>	
Street Lighting	\$0.00	+\$76,372.65	\$76,372.65

<u>Year 2011</u>	<u>Current</u>	<u>Proposed Change Amended Budget</u>	
Home Improvement	\$53,743.00	(-\$53,743.00)	\$0.00

<u>Year 2011</u>	<u>Current</u>	<u>Proposed Change Amended Budget</u>	
Playground Improvements	\$0.00	+\$40,000.00	\$40,000.00
Street Lighting Improvements	\$0.00	+\$13,743.00	\$13,743.00

Interested citizens may submit comments on or before Monday, November 28, 2011, to Riverhead Town Hall, Community Development Department, 200 Howell Avenue, Riverhead, New York 11901. The Town Board will consider a Resolution authorizing the proposed change at the December 6<sup>th</sup>, 2011 Board Meeting to be held at 2:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, NY 11901.

Dated: October 27, 2011

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

DIANE WILHELM, TOWN CLERK

10.18.2011  
110781

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 781**

**AUTHORIZES THE SUPERVISOR TO EXECUTE GRANT EXTENSION TO SUFFOLK COUNTY GRANT CONTRACT FOR COMFORT STATION RENOVATION**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, grant funding was made available from Suffolk County under Round VII of the Downtown Revitalization Grant Program to encourage long-term improvements in downtown business districts; and

**WHEREAS**, the Community Development Department applied for and received an award of \$60,000 for renovation of the Grangebel Comfort Station; and

**WHEREAS**, the Town Board adopted Resolution #888 on October 8, 2008, authorizing the Town Supervisor to execute the grant contracts with Suffolk County, and further authorized the Accounting Department to set up a budget for the above mentioned grant; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute an amendment to the grant contract with Suffolk County extending the term of the agreement through December 31, 2011 subject to approval and review by the Town Attorney; and

**BE IT FURTHER RESOLVED**, that the Town Clerk shall provide notification of this resolution to CDA Director Chris Kempner; 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

10.18.2011  
110782

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 782**

**AUTHORIZES THE SUPERVISOR TO EXECUTE GRANT EXTENSION TO SUFFOLK COUNTY GRANT CONTRACT FOR PECONIC AVENUE CROSSING**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, grant funding is available from Suffolk County under the County Executive Downtown Beautification Grant Program to encourage long-term improvements in downtown business districts; and

**WHEREAS**, The Community Development Department applied for and received an award of \$50,000 for installation of a pedestrian crossing across Peconic Avenue and requested an extension of the contract through December 31, 2011; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes the Town Supervisor to execute the grant documents to extend the contract with Suffolk County through 12/31/2011 subject to review and approval by the Town Attorney; and

**BE IT FURTHER RESOLVED**, that the Town Clerk's office shall forward a copy of this resolution to the Community Development 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

**TOWN OF RIVERHEAD**

**Resolution # 783**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE FOR PUBLIC HEARING REGARDING COMMUNITY DEVELOPMENT BLOCK GRANT (“CDBG”) 2012 FUNDS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town of Riverhead has an ongoing CDBG Program and plans to prepare an application for CDBG Funds for Fiscal Year 2012; and

**WHEREAS**, the Town wishes to solicit comments from the public with regard to the development of said application; and

**THEREFORE, BE IT RESOLVED**, that the Riverhead Town Board hereby authorizes publishing and posting of the attached public notice of public hearing at 2:05 p.m. on November 1, 2011 as a legal advertisement in the Thursday, October 20, 2011, issue of the News Review and to post same on the signboard in Town Hall.

**THEREFORE, BE IT FURTHER RESOLVED**, that the Town Clerk shall provide a certified copy of this resolution to Kisha J. Wright, Suffolk County Community Development Director, Suffolk County Community Development, PO Box 6100, Hauppauge NY 11788-0099 and an electronic copy of the adopted resolution to the Community Development Department.

**THEREFORE, 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**

**CITIZEN'S IDEAS WANTED ON COMMUNITY DEVELOPMENT PROGRAM  
ANNOUNCEMENT OF PUBLIC HEARING**

**PLEASE TAKE NOTICE** in April 2012 the Town of Riverhead expects to receive approximately to receive approximately \$117,523.52 in Federal Community Development Block Grant Funds. These funds may be used, and have been previously used for a variety of projects that benefit low and moderate income persons, aid in the prevention or elimination of slums or blight and/or meet a need having a particular urgency.

Examples of eligible activities include:

Housing Rehabilitation

Elimination of Physical Barriers to the Handicapped

Public Facilities and Improvements

Street Improvements

Public Service Activities

Neighborhood Improvement Programs

Town residents are invited to attend this public hearing on the 1<sup>st</sup> day of November, 2011, at 2:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, New York, to express citizen views on local housing and community development needs to be met with these funds and/or submit written comments for the record to Riverhead Town Hall, Community Development Department, 200 Howell Avenue, Riverhead, New York 11901 by November 30<sup>th</sup>, 2011.

A County-wide public hearing will be scheduled at a later date for final review and comments on the overall Community Development Department Program prior to submission to the United State Department of Housing and Urban Development.

Dated: October 20, 2011

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

**DIANE WILHELM, TOWN CLERK**

10.18.2011  
110784

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 784**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE TO BIDDERS FOR THE FIRE & SECURITY ALARM CONTRACT 2012**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached Notice to Bidders for the Fire and Security Alarm Contract in the October 27<sup>th</sup> issue of the News Review newspaper; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Kenneth Testa, P.E., Purchasing Department, IT Department and the Office of Accounting.

**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 TO BIDDERS**

Sealed proposals for the Fire and Security Alarm Contract will be received by the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on November 9, 2011 and will be publicly opened and read aloud at 11:00 am on November 11, 2011 in the Office of the Town Clerk.

Plans and specifications may be examined and/or obtained on or about October 28, 2011 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A fee \$50.00 \*refundable fee (\*subject to terms, conditions and instructions to be provided by Town Clerk/Receipt of Fee form) will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

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

Please take further notice, that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

**BY ORDER OF THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK  
Riverhead, NY 11901**

Dated: October 18, 2011

**TOWN OF RIVERHEAD**

**Resolution # 785**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST THE ATTACHED NOTICE TO BIDDERS FOR THE TOWN HEATING, VENTILATING AND AIR CONDITIONING MAINTENANCE CONTRACT**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**RESOLVED**, that the Town Clerk be and is hereby authorized to post and publish the attached Notice to Bidders for the Town Heating, Ventilating and Air Conditioning Maintenance Contract in the October 27, 2011 issue of the News Review newspaper; and

**BE IT FURTHER RESOLVED**, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Kenneth Testa, P.E., Purchasing Department, IT Department and the Office of Accounting.

**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 TO BIDDERS**

Sealed proposals for the Town Heating, Ventilating and Air Conditioning Maintenance Contract will be received by the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 4:00 pm on November 9, 2011 and will be publicly opened and read aloud at 11:05 am on November 11, 2011 in the Office of the Town Clerk.

Plans and specifications may be examined and/or obtained on or about October 28, 2011 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays or by visiting the Town of Riverhead website: [www.riverheadli.com](http://www.riverheadli.com) and click on Bid Requests.

A fee \$50.00 \*refundable fee (\*subject to terms, conditions and instructions to be provided by Town Clerk/Receipt of Fee form) will be required for each hard copy of the contract documents obtained from the Office of the Town Clerk.

Each proposal must be submitted on the form provided and must be in a sealed envelope clearly marked, "Meetinghouse Creek Bulkhead Renovation Project" and must be accompanied by a bid surety as stated in the Instruction to Bidders.

Please take further notice, that the Town Board reserves the right to reject in whole or in part any or all bids, waive any informality in the bids and accept the bid which is deemed most favorable in the interest of the Town of Riverhead. The Town Board will use its discretion to make judgmental determination as to its best estimate of the lowest bidder. Note: Bid responses must be delivered to Office of the Town Clerk at the address above. The Town may decline to accept, deem untimely and/or reject any bid response/proposal that is not delivered to the Office of the Town Clerk.

**BY ORDER OF THE RIVERHEAD TOWN BOARD  
DIANE M. WILHELM, TOWN CLERK  
Riverhead, NY 11901**

Dated: October 18, 2011

10.18.2011  
110786

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 786**

**RESOLUTION TO RESCIND PORTION OF BID AWARD FOR FOOD ITEMS (FOOD ITEMS IDENTIFIED IN BID AS # 9, 10, 16, 28, 59, 80, 111, 158 AND 166 ) DUE TO ERROR AND AWARD THAT PORTION TO LOWEST RESPONSIBLE BIDDER**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, the Town Board of the Town of Riverhead, by Resolution #562 adopted on July 19, 2011, authorized the Town Clerk to publish and post a notice for sealed bids for FOOD ITEMS for the Town of Riverhead; and

**WHEREAS**, three bids were received and opened at 11:00 am on August 11, 2011; and

**WHEREAS**, at the recommendation of the Purchasing Department, the Town Board, by Resolution #676 adopted on September 7, 2011, awarded a portion of the Food Items listed in the bid to Landmark Savory Food Corporation, a portion of the Food Items listed in the bid were awarded to DiCarlo Distributors and, finally, a portion of the Food Items listed in the bid were awarded to Mivila Foods of New York (See List of Food Items with price and award annexed and made part of Resolution #676); and

**WHEREAS**, upon re-review of all bids, the Purchasing Department discovered that there was an error in the calculations such that the determination and recommendation to award that portion of the bid to Landmark Savory Food Corporation for Food Items #'s 9, 10, 16, 28, 59, 80, 111, 158 and 166 was incorrect and instead as to Food Items #'s 9, 10, 16, 28, 59, 80, 111, 158 and 166 Mivila Foods of NY was the lowest responsible bidder; and

**NOW THEREFORE BE IT RESOLVED**, that the Town Board rescinds only that portion of Resolution #676 adopted on September 7, 2011 which awarded Food Items #'s 9, 10, 16, 28, 59, 80, 111, 158 and 166 to Landmark Savory Food Corporation; and

**BE IT FURTHER RESOLVED**, that the Town Board awards Food Items #'s 9, 10, 16, 28, 59, 80, 111, 158 and 166 to Mivila Foods of NY, the lowest responsible bidder as to said items; and

**RESOLVED**, that the Town Clerk is directed to provide a copy of this resolution to Landmark Savory Food Corporation; Mivila Foods of NY; Purchasing Director Maryann Tague, and Office of the Financial Administrator; and be it further

**RESOLVED**, the 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

10.18.2011  
110787

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 787**

**APPOINTS PART-TIME RECREATION AIDES/VOLLEYBALL ATTENDANTS AND OFFICIALS TO THE RECREATION DEPARTMENT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, Part-Time Recreation Aides/Volleyball Attendants and Officials are needed by the Riverhead Town Recreation Department for the Adult Volleyball Program.

**NOW THEREFORE BE IT RESOLVED**, that effective October 19, 2011, this Town Board hereby appoints the attached list of Volleyball Attendants and Officials to the Recreation 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  Thereupon Duly Declared Adopted

**RECREATION DEPARTMENT APPOINTMENTS  
10/18/11 TOWN BOARD MEETING**

<u>Last</u>	<u>First</u>	<u>Title</u>	<u>Level</u>	<u>Start Date</u>	<u>End Date</u>	<u>Salary</u>
Barrow	Eugene	C/I Volleyball Attendant	II	10/19/11	5/31/12	\$9.90/hr
Bullock	Amy	C/I Volleyball Attendant	V	10/19/11	5/31/12	\$11.14/hr
Bullock	Amy	C/I Volleyball Official1	II	10/19/11	5/31/12	\$9.90/game
Dunn	Daniel	C/I Volleyball Attendant	II	10/19/11	5/31/12	\$9.90/hr
O'Neill	Patrick	C/I Volleyball Attendant	I	10/19/11	5/31/12	\$9.00/hr
Scanlon	Gregory	P/T Volleyball Official2	IX	10/19/11	5/31/12	\$13.98/game
Terry	Richard	P/T Volleyball Attendant	VIII	10/19/11	5/31/12	\$11.82/hr

10.18.2011  
110788

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 788**

**APPOINTS A CALL-IN RECREATION CLERK  
TO THE RECREATION DEPARTMENT**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, A Call-In Recreation Clerk is needed by the Riverhead Town Recreation Department for the Recreation Office.

**NOW THEREFORE BE IT RESOLVED**, that effective October 19, 2011, this Town Board hereby appoints Jessica Rachubka as a Call-In Clerk, Level III at the hourly rate of \$14.00, to the Recreation 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  Thereupon Duly Declared Adopted

10.18.2011  
110789

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 789**

**APPROVES CHAPTER 90 APPLICATION OF THE  
AMERICAN ASSOCIATION OF RETIRED PERSONS (AARP)  
(Me and My Life Makeover Event – November 4, 2011)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on September 28, 2011, Carrie Soforenko, on behalf of the American Association of Retired Persons (AARP), submitted a Chapter 90 Application for the purpose of conducting an event entitled “Me and My Life Makeover Event” to educate early bloomers on planning for their future, to include live entertainment and food concession(s), to be held at Tanger II Outlets, located at 200 Tanger Mall Drive, Riverhead, New York, on Friday, November 4, 2011, between the hours of 10:00 a.m. and 3:00 p.m.; and

**WHEREAS**, AARP 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 requested the 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 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 application of AARP for the purpose of conducting an

event entitled "Me and My Life Makeover Event" to educate early bloomers on planning for their future, to be held at Tanger II Outlets, located at 200 Tanger Mall Drive, Riverhead, New York, on Friday, November 4, 2011, between the hours of 10:00 a.m. and 3:00 p.m., is hereby approved; and be it further

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

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

**RESOLVED**, that 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 81 - "Noise Control", 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 Carrie Soforenko, 1615 L. St., Washington, D.C., 20036; 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 # 790**

**ACCEPTS 100% SITE PLAN SECURITY OF JONTORI ENTERPRISES**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, Jontori Enterprises posted cash security (Capital One Bank Cashier's Check #7000197975 dated August 26, 2011) in the sum of Three Thousand Five Hundred Dollars (\$3,500.00) representing the 100% site plan security in connection with Riverhead Planning Board Resolution #31-2010, dated may 6, 2010, for the demolition of an existing one story building and to construct a 2,500 sq. ft. one story retail building associated improvements, upon real property located at 427-429 Pulaski Street, Riverhead, New York, further described as Suffolk County Tax Map #0600-128-1-5, pursuant to Section 108-133 (I) of the Riverhead Town Code; and

**WHEREAS**, the Town Attorney has reviewed said security and deems it to be sufficient in its form.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby accepts the cash security in the sum of Three Thousand Five Hundred Dollars (\$3,500.00) to the order of the Town of Riverhead; and be it further

**RESOLVED**, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a copy of this resolution to Jontori Enterprises, Ltd., 32 Royal Way, Shoreham, NY, 11766; 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 # 791**

**APPROVES THE PURCHASE OF SIGNS FOR EPCAL NECESSARY FOR POSTING RESTRICTIONS RELATED TO HUNTING**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, by resolution # 708 adopted on September 20, 2011, the Town Board of the Town of Riverhead approved the use of property known and described as Enterprise Park at Calverton "EPCAL" for bow hunting for deer by Town of Riverhead residents subject to lottery to establish a list of qualified hunters, to wit: Town permit; New York State Deer Hunting License...and such other attendant documentation required by local, regional and state agencies; and

**WHEREAS**, the approval and permits issued for deer hunting at EPCAL provided that designated hunters were only permitted to hunt in areas designated on the map from October 10, 2011 to November 27, 2011 from sunrise to sunset and as per directives of the EPCAL Hunting Committee, said map was included and made part of resolution #708 and provided to all qualified hunters; and

**WHEREAS**, in addition to the date, time and location restrictions, the EPCAL Hunting Committee requisitioned signs from Sign-A-Rama relating to bow hunting activities to ensure the safety of all members of the public and enforce restrictions set forth above; and

**WHEREAS**, the EPCAL Hunting Committee requests that the Town Board approve the expenditure of \$488.52 for the cost of the signs and requests that permission to post the signs such that the restrictions may be easily enforced by Town of Riverhead, New York State Department of Environmental Conservation and such other local, regional or state agency with the authority to enforce restrictions related to bow hunting for deer on EPCAL property; and

**NOW, THEREFORE, BE IT RESOLVED** the Town Board approves the requisition made by EPCAL Hunting Committee for signs by Sign-A-Rama in the amount of \$488.52 and authorizes the posting of such signs consistent with the map depicting that portion(s) of the EPCAL property where hunting is permitted and/or restricted; 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

10.18.2011  
110792

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 792**

**AUTHORIZES THE EXECUTION OF AN AGREEMENT  
WITH ASYSCO, INC.**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, Asysco, Inc. has contacted the Town Riverhead regarding conversion of existing financial data to another platform; and

**WHEREAS**, the present financial data operates upon proprietary based platform dating back to 1989; and

**WHEREAS**, the Town Riverhead could benefit from such conversion; and

**WHEREAS**, it is necessary for Asysco, Inc. to perform a count of our lines of source code at no cost to the Town of Riverhead to determine the cost for conversion; and

**WHEREAS**, the Town and Asysco, Inc. agree to enter a Non-Disclose Agreement for such purposes.

**NOW THEREFORE, BE IT RESOLVED**, that the Town Board be and hereby, authorizes Supervisor Sean Walter to execute a Non-Disclose Agreement with Asysco, Inc.; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to the Office of the Town Attorney, the IT Department and the Town Financial Administrator.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

## MUTUAL CONFIDENTIALITY AGREEMENT

This Agreement, dated and effective as of the \_\_\_Day of October, 2011, is made and entered into by and between **Town of Riverhead, a municipal corporation, with principal offices located at 200 Howell Avenue, Riverhead, NY 11901 ("Discloser")**, and **Asysco, Inc.**, a company registered at 3301 Thomasville Road, Tallahassee, Florida 32308 ("Recipient"). The parties agree as follows:

### 1. DEFINITIONS.

**1.1 "Confidential Information"** means any trade secrets or other information of Discloser that is not generally available to the public, whether of a technical, business or other nature (including, without limitation, the relationship between the parties, and information relating to Discloser's technology, software, products or offerings, services, designs, methodologies, business plans, finances, marketing plans, customers, prospects or other affairs together with any reports, analyses, compilations, studies or other documents prepared by, or on behalf of, Recipient which contain or otherwise reflect such information), that is disclosed to, or obtained by, Recipient during the Disclosure Period and that Recipient knows or has reason to know is confidential, proprietary or trade secret information of Discloser. Confidential Information also includes any information which has been made available to Discloser by third parties that Discloser is obligated to keep confidential. Confidential Information does not include any information that: (a) is or was acquired by Recipient from a third party and is not subject to an unexpired obligation to such third party restricting Recipient's use or disclosure thereof; (b) is independently developed by Recipient without reliance upon or use of any of the Confidential Information; or (c) is or has become generally publicly available through no fault or action of Recipient.

**1.2 "Confidential Materials"** means any document, diskette, tape, writing or other tangible item that contains any Confidential Information, whether in printed, handwritten, coded, magnetic or other form and whether delivered by Discloser or made by Recipient.

**1.3 "Discloser"** means a party that discloses any of its Confidential Information to the other party under this Agreement.

**1.4 "Disclosure Period"** means the period of time beginning with the effective date of this Agreement and ending ten days after either party gives the other written notice ending the Disclosure Period.

**1.5 "Recipient"** means a party that receives any Confidential Information from the other party under this Agreement.

### 2. CONFIDENTIALITY.

In consideration of the Discloser agreeing to make the Confidential Information and Confidential Materials available to Recipient (solely for the purpose of pursuing a business relationship between the parties), Recipient acknowledges that the Confidential Information is confidential and is received by Recipient under a duty of confidentiality to Discloser. Recipient undertakes with Discloser that:

**2.1** Recipient will not use, disclose, disseminate or distribute any Confidential Information or Confidential Materials for any other purpose without the prior written consent of Discloser except as provided by law.

**2.2** Recipient will protect any Confidential Information and Confidential Materials from any unauthorized use, disclosure, copying, dissemination or distribution. Without limitation of the foregoing, Recipient will: (a) make the Confidential Information and Confidential Materials available only to those of its employees, agents and other representatives who have a need to know the same for the purpose specified in paragraph 2.1, who have been informed that the Confidential Information and Confidential Materials belong to Discloser and are subject to this Agreement, and who have agreed or are otherwise obligated to comply with this Agreement; (b) not disclose the Confidential Information to any third party except as provided by law; (c) make or copy the Confidential Materials only as reasonably required for the purpose specified in paragraph 2.1; (d) not deliver, distribute, display, demonstrate or otherwise make available the Confidential Materials to any third party except as provided in clause (a) above or as required by law; (e) not reverse engineer, decompile or disassemble any computer program included in such Confidential Materials; and (f) not remove or obliterate markings (if any) on Confidential Information indicating its proprietary or confidential nature.

**2.3** Notwithstanding paragraph 2.2, Recipient may disclose or produce any Confidential Information or Confidential Materials if and to the extent required by any discovery request, subpoena, court order or governmental action, provided that Recipient gives Discloser reasonable advance notice of the same (e.g., so as to afford Discloser a reasonable opportunity to appear, object and obtain a protective order or other appropriate relief regarding such disclosure).

**2.4** All Confidential Information and Confidential Materials are the property of Discloser. This Agreement will not be interpreted or construed as granting any license or other right under any patent, copyright, trademark, trade secret or other proprietary right.

**2.5** Recipient will comply with any and all applicable laws relating to the use, disclosure, copying, dissemination and distribution of any Confidential Information or Confidential Materials (including, but not limited to, any and all laws relating to Discloser's proprietary rights or the export of any technical data included in such Confidential Information).

**2.6** On termination of this Agreement for any reason whatsoever, Recipient shall on request return or destroy all Confidential Information or Confidential Materials. On such termination, Recipient shall not retain any copies of such Confidential Information or Confidential Materials.

**3. MISCELLANEOUS.**

**3.1** Discloser warrants that it has the right to make the Confidential Information and Confidential Materials available to Recipient as provided for herein and subject to this Agreement.

**3.2** Recipient's obligations with respect to any Confidential Information and Confidential Materials will survive for a period of three (3) years after any termination of the Disclosure Period.

**3.3** The provisions of this Agreement shall be severable in the event that any of the provisions hereof are held by a court of competent jurisdiction to be invalid, void or otherwise unenforceable, and the remaining provisions shall remain enforceable to the fullest extent permitted by law.

**3.4** This Agreement will be interpreted, construed and enforced in accordance with the laws of New York. Each party consents to the jurisdiction of New York courts with regard to any legal or equitable action or proceeding relating to or in arising out of this Agreement

**3.5** This Agreement will not be construed as an obligation by either party to enter into a contract, subcontract, or other business relationship.

**3.6** Discloser's holding companies, subsidiary undertakings and associated undertakings may enforce the terms of this Agreement against Recipient under the Contracts (Rights of Third Parties) Act 1999.

<b>On behalf of Asysco, Inc.</b>	<b>On behalf of Town of Riverhead</b>
<b>Title</b>	<b>Title</b>
<b>Print Name</b>	<b>Print Name</b>
<b>Date</b>	<b>Date</b>

10.18.2011  
110793

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution #793**

**RATIFIES THE AUTHORIZATION OF THE SUPERVISOR  
TO EXECUTE AN AGREEMENT WITH AN EMPLOYEE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**NOW, THEREFORE, IT IS HEREBY RESOLVED**, that the Supervisor is hereby authorized to execute the agreement, and be it further

**RESOLVED** that the Town Clerk is hereby directed to forward a copy of this resolution to the Personnel Director, the Office of Accounting and the Office of the 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**

**Resolution # 794**

**AUTHORIZES THE LAW OFFICES OF STEPHEN J. MCGIFF, P.C., TO ACT AS SPECIAL COUNSEL TO THE TOWN OF RIVERHEAD**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, from time to time the Town of Riverhead requires the assistance of outside counsel to represent and defend the Town of Riverhead regarding various claims and lawsuits filed against the Town of Riverhead , and

**WHEREAS**, the Town Board of the Town of Riverhead wishes to retain outside counsel to assist the Planning Board as required regarding these claims and actions.

**NOW, THEREFORE BE IT HEREBY RESOLVED**, that the Law Offices of Stephen J. McGiff, P.C., is hereby retained as special counsel in connection with the above matter at the rate of \$175.00 per hour, and be it further

**RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

**RESOLVED**, that pursuant to Town Law § 65, the Town Board of the Town of Riverhead hereby provides nunc pro tunc authorization, effective as of January 1, 2011 or the date when the Law Offices of Stephen J. McGiff, P.C. were first assigned to defend any claims or lawsuits; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Offices of Stephen J. McGiff, P.C., 96 South Ocean Avenue, Patchogue, New York 17722; the Office of the Town Attorney and the Office of Accounting.

**THE VOTE**

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

The Resolution Was  Thereupon Duly Declared Adopted

**LAW OFFICES OF  
STEPHEN J. McGIFF, P.C.**  
96 SOUTH OCEAN AVENUE  
PATCHOGUE, NEW YORK 11772  
631 730-8686  
631 730-8661 *facsimile*

JOHN HALVERSON  
JAMES E. McGIFF (1929-1998)  
*of counsel*

Carol A. Strong  
*Paralegal*

**RETAINER AGREEMENT**

The Town of Riverhead (TOWN) hereby agrees to retain Stephen J. McGiff P.C. for representation and defense of the town in liability claims. The determination of which cases are to be assigned shall be at the discretion of the Town Attorney.

McGiff agrees to use his best effort to handle the litigation and accomplish the tasks as requested by the Town but cannot guarantee the outcome of any action.

McGiff will provide the town with status of any and all actions handled.

Legal services will be billed an hourly rate of \$175.00, plus disbursements. the hourly rate pertains to any work undertaken on behalf of the Town in connection with the matter. All necessary disbursements will be borne by the Town including but not limited to court fees, process fees, court report fees, and overnight delivery charges. Disbursements shall be billed as incurred and are due and payable when billed.

Should an unusual expense be requires, such as investigation or expert, McGiff shall inform Town and obtain the consent of town prior to such retention.

McGiff shall endeavor to bill the Town on a monthly basis and submit such bills with a town voucher form. The Town has the right to cancel this retainer Agreement at any time for any reason. Should the Town exercise this right, the Town shall be responsible for payment to McGiff of actual work done and actual disbursements to the date of cancellation.

McGiff agrees not to represent any party in any matters, proceedings or actions before or against the Town, the Board of Zoning Appeals or the Planning Board during the pendency of this agreement without the written consent of the Town.

This agreement shall be interpreted under the laws of New York. Jurisdiction of any disputes arising hereunder shall be in the courts of the State of New York, Suffolk County.

Dated: \_\_\_\_\_

  
\_\_\_\_\_

**TOWN OF RIVERHEAD**

**Resolution # 795**

**AUTHORIZES THE SALE OF SURPLUS TOWN PERSONAL PROPERTY,  
TO WIT: SHIP CHAIN**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town of Riverhead Municipal Garage informed the Town that there exists surplus/obsolete ship chain some of which is currently stored at the Municipal Garage and other sections of chain located at EPCAL; and

**WHEREAS**, the Municipal Garage opines that there exists a market for the chain and seeks permission to sell the chain rather than store and/or discard the chain; and

**WHEREAS**, the Town of Riverhead Procurement Policy, which was amended by Resolution #198 adopted by the Town Board on March 15, 2011, authorizes the Town to dispose of personal property; and

**WHEREAS**, the Town is authorized to dispose of surplus property pursuant to Guideline 8 of the Town's Procurement Policy based upon an evaluation by the Town Financial Administrator, with the assistance of the department head, regarding estimated surplus value and, thereafter, recommendation of Financial Administrator to the Town Board regarding disposal and sale; and

**WHEREAS**, the Town's Municipal Garage secured three quotes for the sale, including pick up and haul, of ship chain; and

**WHEREAS**, the Financial Administrator recommends that the Town approve the sale of the ship chain to Michael Majsce, Inc. at a price of \$301.00 per ton; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board is hereby authorized to sell ship chain in the possession of the Town Municipal Garage to Gershaw Recycling at a rate of \$301.00 per gross ton, including pick up and hauling costs, from such locations identified by Municipal Garage; and be it further

**BE IT FURTHER RESOLVED**, that the Financial Administrator shall deposit said funds received from the sale of the surplus property in the appropriate account; 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 TABLED

10.18.2011  
110795

10.18.11 TABLED  
11.01.11 UNTABLED  
11.01.11 ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 795**

**AUTHORIZES THE SALE OF SURPLUS TOWN PERSONAL PROPERTY,  
TO WIT: SHIP CHAIN**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Town of Riverhead Municipal Garage informed the Town that there exists surplus/obsolete ship chain some of which is currently stored at the Municipal Garage and other sections of chain located at EPCAL; and

**WHEREAS**, the Municipal Garage opines that there exists a market for the chain and seeks permission to sell the chain rather than store and/or discard the chain; and

**WHEREAS**, the Town of Riverhead Procurement Policy, which was amended by Resolution #198 adopted by the Town Board on March 15, 2011, authorizes the Town to dispose of personal property; and

**WHEREAS**, the Town is authorized to dispose of surplus property pursuant to Guideline 8 of the Town's Procurement Policy based upon an evaluation by the Town Financial Administrator, with the assistance of the department head, regarding estimated surplus value and, thereafter, recommendation of Financial Administrator to the Town Board regarding disposal and sale; and

**WHEREAS**, the Town's Municipal Garage secured three quotes for the sale, including pick up and haul, of ship chain; and

**WHEREAS**, the Financial Administrator recommends that the Town approve the sale of the ship chain to Michael Mjusc, Inc. at a price of \$301.00 per ton; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board is hereby authorized to sell ship chain in the possession of the Town Municipal Garage to Michael Mjusc, Inc. at a rate of \$301.00 per gross ton, including pick up and hauling costs, from such locations identified by Municipal Garage; and be it further

**BE IT FURTHER RESOLVED**, that the Financial Administrator shall deposit said funds received from the sale of the surplus property in the appropriate account; 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 **TABLED**

11.01.11

On a motion from Councilman Dunleavy, seconded by Councilman Wooten Resolution #795 was **UNTabled**

**THE VOTE:**

YES-5      Giglio, yes; Dunleavy, yes; Wooten, yes; Dunleavy, yes; Walter, yes  
NO-0

Followed by a motion from Councilman Gabrielsen, seconded by Councilwoman Giglio Resolution #795 was **ADOPTED**

**THE VOTE:** Giglio, yes; Dunleavy, yes; Wooten, yes; Dunleavy, yes; Walter, yes  
YES-5  
NO-0

**TOWN OF RIVERHEAD**

**Resolution # 796**

**AUTHORIZES THE SUPERVISOR TO SIGN A  
LOAN AGREEMENT WITH HALLOCKVILLE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, the Town of Riverhead owns the Fresh Pond Schoolhouse which is presently located on premises at East Main Street, Riverhead, New York; and

**WHEREAS**, Hallockville, Incorporated (“Hallockville”) has requested that the Town of Riverhead loan certain property contained in the Fresh Pond Schoolhouse to Hallockville; and

**WHEREAS**, the Town Board of the Town of Riverhead finds that such loan furthers the purposes of Hallockville’s mission.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board authorizes the Supervisor to execute an Agreement with Hallockville at no cost and expense to either party, in substantially the form annexed hereto, and be it further;

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Hallockville, P.O. Box 765, Riverhead, New York 11901; and 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

LOAN AGREEMENT

Agreement made this \_\_\_\_\_ day of October, 2011, by and between Town of Riverhead, a municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901("Town") and Hallockville, Incorporated, a domestic not-for-profit corporation having its principal place of business at 6038 Sound Avenue, Jamesport, New York 11947 ("Hallockville").

W I T N E S S E T H

WHEREAS, the Town owns the Fresh Pond Schoolhouse; and

WHEREAS, there are various items within the Fresh Pond Schoolhouse including class room desks and slate boards; and

WHEREAS, Hallockville has requested that the Town loan four (4) desks, two (2) benches and nine (9) slate boards; and

WHEREAS, a loan to Hallockville fits within its mission to provide visitors a vision of the agricultural roots of the Town of Riverhead; and

WHEREAS, the parties agree to a loan of the desks and slate boards upon the terms and conditions set forth herein.

NOW, THEREFORE, the parties hereto mutually agree as follows:

1. Town agrees to loan four (4) desks, two (2) benches and nine (9) slate boards to Hallockville for no consideration for an initial term of one year from the date of this agreement. The agreement shall automatically renew for additional one (1) year terms unless terminated as set forth below.

2. Hallockville shall use or display the desks and slate boards in furtherance of its corporate mission of providing visitors a vision of the Town of Riverhead at the time of its agricultural roots.

3. Hallockville will maintain the desks and slate boards and return same at the end of the term to the Town in the same condition subject to reasonable wear and tear.

4. The Town and Hallockville shall have the right to terminate this Agreement upon notice to the other party at any time and for any reason.

5. Hallockville shall indemnify and hold the Town harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising out of his negligence either by omission or commission in providing the services intended under this Agreement.

6. Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to the Town, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed to Hallockville, it shall be addressed to P.O. Box 765, Riverhead, New York 11901.

7. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement,

which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof.

IN WITNESS WHEREOF, the parties do hereby execute this Agreement as of the date and year first above written.

Town of Riverhead

Hallockville, Incorporated

By: \_\_\_\_\_  
SEAN M. WALTER

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

10.18.2011  
110797

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 797**

**AUTHORIZES SETTLEMENT WITH SUFFOLK COUNTY DEPARTMENT OF HEALTH**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, on July 21, 2011, the Suffolk County Department of Health Services (“Health Dept.”) conducted an inspection at the Municipal Garage; and

**WHEREAS**, the Health Dept. by Notice of Formal Hearing dated August 29, 2010 [sic] set forth five (5) alleged violations of Article 12 of the Suffolk County Sanitary Code; and

**WHEREAS**, the Town has supplied various documentation to the Health Dept. and based upon that proof, the Health Dept. has agreed that in lieu of Formal Hearing, to settle all alleged violations of Article 12 of the Suffolk County Sanitary Code for the sum of Five Hundred (\$500.00) Dollars; and

**WHEREAS**, in light of the costs attendant with a Formal Hearing and the attendant uncertainties therewith it is in the best interests of the Town to accept the settlement proposal.

**NOW BE IT RESOLVED**, that the Town Board of the Town of Riverhead hereby authorizes the payment of Five Hundred (\$500.00) in full settlement of the Notice of Formal Hearing made by the Health Dept. against the Town with respect to the July 21, 2011 inspection at the Municipal Garage; and it is further

**RESOLVED** that Supervisor is hereby authorized to sign all documents necessary to effectuate the settlement with the Health Dept.; and it is 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 # 798**

**AUTHORIZES REPRODUCTION AND EXPENDITURE OF MONIES FOR “WE WILL NOT FORGET RIVERHEAD’S CIVIL WAR SOLDIERS AND SAILORS”**  
**WRITTEN BY TOWN HISTORIAN**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS**, pursuant to New York State Arts & Cultural Affairs Law §57.07 (1) the Town is “...authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes within their several jurisdictions, including...the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian” and pursuant to §148(1) of the Education Law the Town Board “. . . hereby authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes . . . including . . . the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian”; and

**WHEREAS**, pursuant to the provisions of New York State Arts and Cultural Affairs Law and New York State Education Law cited above, the Town Historian, Georgette L. Case, researched, prepared and published a book titled “We Will Not Forget Riverhead’s Civil War Soldiers and Sailors” in honor of the Sesquicentennial of the Civil War and those who served under the call of Abraham Lincoln, the then President of the United States; and

**WHEREAS**, pursuant to the provisions set forth above and New York State Arts and Cultural Affairs Law §57.07 (3) which states in pertinent part “[s]uch local authorities are hereby authorized to establish and collect reasonable charges to defray the cost of searching for and reproducing copies of written or printed historical materials collected, the Town Historian seeks approval from the Town Board to reproduce the book “We Will Not Forget Riverhead’s Civil War Soldiers and Sailors” for sale to local residents and all members of the public interested in the history of the Town of Riverhead; and

**WHEREAS**, the Town Historian, after consultation with the Town’s Financial Administrator, has requested that the Town permit use of Town staff and Town equipment to assist in the printing services such that initial printing of 50 books may be made available for sale at the Office of the Town Historian and Office of the Town Clerk for the price of \$20.00; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves and authorizes the use of Town staff and equipment to reproduce the book "We Will Not Forget Riverhead's Civil War Soldiers and Sailors" and make available for sale to local residents and all members of the public interested in the history of the Town of Riverhead 50 books, to be offered for sale for \$20.00, at the Office of the Town Historian and Office of the Town Clerk; 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 # 799**

**AUTHORIZES REPRODUCTION AND EXPENDITURE OF MONIES FOR  
"RIVERHEAD TOWN SUPERVISORS 1792-2010" WRITTEN BY TOWN HISTORIAN**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, pursuant to New York State Arts & Cultural Affairs Law §57.07 (1) the Town is "...authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes within their several jurisdictions, including...the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian" and pursuant to §148(1) of the Education Law the Town Board "... hereby authorized and empowered to appropriate, raise by tax and expend moneys for historical purposes . . . including . . . the preparation and publication of local histories and records and the printing and issuing of other historical materials in aid of the work of the local historian"; and

**WHEREAS**, pursuant to the provisions of New York State Arts and Cultural Affairs Law and New York State Education Law cited above, the Town Historian, Georgette L. Case, researched, prepared and published a book titled "Riverhead Town Supervisors 1792-2010"; and

**WHEREAS**, pursuant to the provisions set forth above and New York State Arts and Cultural Affairs Law §57.07 (3) which states in pertinent part "[s]uch local authorities are hereby authorized to establish and collect reasonable charges to defray the cost of searching for and reproducing copies of written or printed historical materials collected, the Town Historian seeks approval from the Town Board to reproduce the book "Riverhead Town Supervisors 1792-2010" and make available for sale to local residents and all members of the public interested in the history of the Town of Riverhead; and

**WHEREAS**, the Town Historian, after consultation with the Town's Financial Administrator, has requested that the Town permit use of Town staff and Town equipment to assist in the printing services such that 80 softcover books and 20 image-wrap hardcover books may be made available for sale at the Office of the Town Historian and Office of the Town Clerk for the price of \$35.00 and \$45.00 respectively; and

**NOW, THEREFORE, BE IT RESOLVED**, that the Town Board approves and authorizes the use of Town staff and equipment to reproduce the book "Riverhead Town

Supervisors 1792-2010” and make available for sale to local residents and all members of the public interested in the history of the Town of Riverhead 80 softcover and 20 image-wrap hardcover books, to be offered for sale for \$35.00 and \$45.00 respectively, at the Office of the Town Historian and Office of the Town Clerk; 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

10.18.2011  
110800

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 800**

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE  
TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 52 ENTITLED  
"BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE  
§52-10 Building permit fees (Solar)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**RESOLVED**, that the Town Clerk is hereby authorized to publish the attached public notice to consider a proposed local law to amend Chapter 52 entitled "Building Construction" of the Riverhead Town Code once in the October 27, 2011 issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose, and 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  
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 15<sup>th</sup> day of November, 2011 at 7:05 o'clock p.m. to consider a local law amending Chapter 52 entitled "Building Construction" of the Riverhead Town Code as follows:

**CHAPTER 52  
BUILDING CONSTRUCTION**

§52-10. Building permit fees.

F. Residential or commercial energy conservation devices.

(1) Residential or commercial energy conservation devices constructed or installed in or upon a structure which qualify for any federal, state or local tax exemption, tax credit or tax rebate, including, but not limited to, solar panels: a flat fee of \$150, except for the residential fee for solar installations that meet the "Fast Track" requirements set forth below shall be \$50:

(a) An applicant shall meet the criteria and submit the information and documentation listed below to be eligible for the "Fast Track" reduced fee and expedited review (14 days):

[1] The proposed solar installation shall be on a residential building or legal accessory structure.

[2] The proposed solar installation shall be on a roof with a single layer of roof covering.

[3] The proposed solar installation shall be flush-mounted parallel to the roof surface and no more than 6" above the surface.

[4] The proposed solar installation shall have an 18" clearing at the roof ridge and an 18' clearing path to the ridge.

[5] The proposed solar installation shall create a roof load of no more than 5 pounds per square foot for photovoltaic (PV) and 6 pounds per square foot for residential solar hot water (RSHW).

[6] The applicant must retain services for installation by a pre-screened contractor (See Fast Track Application Terms and Conditions).

[7] The proposed device, i.e. PV panels, must have certified by a nationally-recognized testing laboratory as meeting the requirements of the Underwriters Laboratory (UL) Standard 1703 and inverters must be on a list of NYS Public Service Commission type-tested inverters which are tested by UL or other nationally-recognized laboratories to conform with UL 1741: (See *Solar Energy System Fast Track Permit Application Requirements Checklist*).

[8] The proposed application must utilize RSHW equipment that has been certified by the Solar Rating and Certification Corporation under its OG-100 standard for solar collectors: (See *Solar Energy System Fast Track Permit Application Requirements Checklist*).

[9] To the extent the application requires or includes use of other equipment such as modules, combiner boxes and a mounting system all equipment and systems must be approved for public use as described in the "*Solar Energy System Fast Track Permit Application Requirements Checklist*" and be in full compliance with all current National Electrical Code (NEC) requirements.

[10] Applicants subject to review by Landmarks Preservation or Architectural Review Board are not eligible for the "Fast Track" program.

(b) Applicant must submit the uniform "Solar Energy System Fast Track Permit Application" for standard installations.

(c) Application must be complete and include a Professional Engineer or Registered Architect certified drawing of panel location and layout.

[1] A Professional Engineer (PE) or Registered Architect (RA) - certified drawing (hand-drawn or better) of the solar panel location and layout on the roof as well as an equipment location diagram and a one line electrical diagram are required.

[2] A PE or RA is required to certify the load bearing and wind load sufficiency of the proposed solar installation.

(d) Applicant shall submit three (3) sets of plans which include:

[1] Cover Sheet must include the following: (a) Project address, map, section, block and lot # of the property; (b) Owner's name, address, phone number, (c) Name, address and phone number of the person preparing the plans;

[2] Sheet index indicating each sheet title and number;

[3] Legend for symbols, abbreviations and notations used in the drawings;

[4] Configuration diagrams prepared by a Professional Engineer or Registered

Architect which are sketched (hand-drawn or better) as follows:

i. Roof Diagram - depicting modules or collectors and racking configuration on designated surface(s) to scale and dimensioned. The diagram should include any 18" clearance/access required as noted in the Fast Track Permit Requirements Checklist criteria

ii. Equipment Location Diagram - indicating the location(s) of the (1) modules or collectors; (2) main electrical service; (3) inverter(s); (4) the location of all equipment disconnects on the outside of the structure (i.e. A/C disconnect); (5) any interior equipment locations

iii. One line standard electrical diagram

[5] A new property survey is not required, but if the solar energy system is proposed for an accessory structure on the residential property, the property owner will have to provide an existing survey and demonstrate that the accessory structure is legal.

(e) After approval of an application for solar panel construction and/or installation, applicant shall be required to affix a warning label on all utility meters and at any Alternating Current (AC) disconnect switch indicating that there is an operating solar electric co-generation system on site.

(f) The Town must create and keep a registry by address of all residential and commercial energy devices, including solar installations.

- Underline represents addition(s)

Dated: Riverhead, New York  
October 18, 2011

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

**TOWN OF RIVERHEAD**

**Resolution # 801**

**AUTHORIZES THE SUPERVISOR TO EXECUTE A RETAINER AGREEMENT WITH MARY C. HARTILL, ESQ., ATTORNEY AT LAW FOR LEGAL SERVICES FOR THE YEAR 2011/2012 (RIVERHEAD YOUTH COURT)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Mary C, Hartill, Esq., Attorney at Law, had submitted a proposal to the Town Board to enter into a one (1) year agreement with the Town of Riverhead in connection with her services as Legal Consultant for the Riverhead Youth Court Program.

**NOW THEREFORE BE IT HEREBY RESOLVED**, that Mary C, Hartill, Esq., Attorney at Law is hereby appointed to act as Legal Consultant for the Riverhead Youth Court Program; and be it further

**RESOLVED**, that the Riverhead Town Board hereby approves the attached Retainer Agreement from Mary C. Hartill, Esq., Attorney at Law; and be it further

**RESOLVED**, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Mary C. Hartill, Esq., Attorney at Law, 431 Griffing Avenue, Riverhead, New York, 11901, the Police Chief David Hegermiller and the Office of the Town Attorney.

**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

## RETAINER AGREEMENT

This writing will memorialize the understanding between the Town of Riverhead and Mary C. Hartill, Attorney at Law, hereinafter referred to as "the law firm," confirming that you have retained this firm to represent you in the matter of Legal Consultant for Youth Court Training.

It is agreed that the Town of Riverhead will pay the firm a fee of \$160.00, per hour for training and lectures for the Riverhead Youth Court Program not to exceed 15 hours.

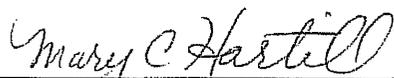
You acknowledge that the hourly rates apply to all time expended on your matter, including, but not limited to, office meetings and conferences, telephone calls and conferences, either placed by or to you, or otherwise made or had on your behalf or related to your matter, preparation, review and revision of correspondence, pleadings motions, disclosure demands and responses, affidavits and affirmations, or any other documents, memoranda, or papers relative to your matter, legal research, court appearances, conferences, file review, preparation time, travel time, and any other time expended on your behalf.

The term of this retainer shall be for one year, commencing on October 1, 2011 and continuing through and including September 30, 2012.

Kindly indicate your understanding and acceptance of the above by signing this document below where indicated.

You acknowledge receiving a duly executed duplicate original of this agreement. I look forward to being of service to you in connection with this matter.

DATE: Oct 17, 2011



Mary C. Hartill  
Mary C. Hartill, Attorney at Law

\_\_\_\_\_  
Sean Walter, Supervisor  
Town of Riverhead

**TOWN OF RIVERHEAD**

**Resolution # 802**

**AUTHORIZES TOWN SUPERVISOR TO EXECUTE CHANGE ORDER NO. 1  
CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 17, RT. 105  
H2M PROJECT NO.: RDWD 10-03**

**RIVERHEAD WATER DISTRICT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**RESOLVED**, that the Town Supervisor be and is hereby authorized to execute Change Order No. 1 for the project of the Riverhead Water District known as Construction of Supply Well at Plant No. 17 located at County Route 105, and

**BE IT FURTHER RESOLVED**, that Change Order No. 1 as specifically described in the attached change order provides a credit in the amount of \$15,000 to the original contract amount of \$314,650.00 for a new contract amount as modified by Change Order No. 1 of \$299,650.00, 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



RIVERHEAD WATER DISTRICT

CONSTRUCTION OF SUPPLY WELL AT PLANT NO. 17, RT. 105  
H2M PROJECT NO.: RDWD 10-03

LAYNE CHRISTENSEN CO.

CHANGE ORDER NO. 1

May 17, 2011

**ITEM 1E – WELL CASING (CREDIT)**

**Description of Change:**

Credit from the Contractor to the District for not utilizing certified welders during the installation of the well casing.

**Cost of Change:**

Lump sum price of \$15,000.00, as per the attached letter from the Contractor.

**Warranty Extension:**

In addition to the credit to the District, the Contractor is offering an extended warranty of 10 years.

This warranty guarantees that no failures of the well casing will occur for a ten (10) year period from the date of installation (March 31, 2011) for the constructed permanent well. Should a failure occur within the ten (10) year period, the Contractor shall repair or replace the casing.

**CONTRACT COST CHANGE**

Original Contract Amount	\$314,650.00
Total Cost of Change Order No. 1	-\$15,000.00

<b>New Contract Amount as Modified by C.O. No. 1</b>	<b>\$299,650.00</b>
--	---------------------

RECOMMENDED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Holzmacher, McLendon & Murrell, P.C.

ACCEPTED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Layne Christensen Co.

APPROVED BY: \_\_\_\_\_ DATE: \_\_\_\_\_  
Town of Riverhead / Riverhead Water District

**TOWN OF RIVERHEAD**

**Resolution # 803**

**AUTHORIZES THE SUPERVISOR TO EXECUTE STIPULATION  
WITH LOCAL 1000, AFSCME, AFL-CIO, RIVERHEAD UNIT  
OF THE SUFFOLK LOCAL # 852**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, a contractual issue has arisen as the result of an employee being called to report for jury service on a Grand Jury; and

**WHEREAS**, the parties have reached a resolution of the matter and wish to enter into a formal stipulation reflecting their agreement.

**NOW THEREFORE BE IT RESOLVED**, that the Town Board be and hereby ratifies the attached stipulation and authorizes the Supervisor to execute same; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Personnel Director, CSEA Unit President, the Town Attorney's Office and the Financial Administrator; 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

STIPULATION

Made this        day of October, 2011, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garet Place, Commack, New York (CSEA), and

NOW, THEREFORE, it is mutually agreed as follows:

1. That a Town Employee is required to do jury service on a Grand Jury which requires that jury service be performed from Monday to Friday.
2. That the current work week for said Town Employee is Tuesday to Saturday.
3. Under Article III, an employee may flex time provided the impact is cost neutral.
4. That he Town Employee shall be entitled to use flex time during service as a Grand Juror such that said employee's work week shall be Monday through Friday.
5. This stipulation shall not, in any way, constitute "past practice" for the Town/CSEA is and shall remain specific to this matter and may not be cited by the CSEA for any reason other than to enforce this Agreement.

---

Sean M. Walter, Supervisor

---

Matthew E. Hattorff, for CSEA

---

Sergio Diaz, Supervisor

10.18.2011  
110804

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 804**

**TERMINATES THE EMPLOYMENT OF A BUS DRIVER**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**NOW, THEREFORE, BE IT RESOLVED**, that in accordance with Section 71 of New York State Civil Service Law, the employment of Paul Binkis, a Bus Driver at the Senior Citizen Center, is hereby terminated effective today, October 18, 2011.

**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

10.18.2011  
110805

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 805**

**AUTHORIZES THE SUPERVISOR TO EXECUTE PROFESSIONAL SERVICES AGREEMENT WITH DUNN ENGINEERING ASSOCIATES, P.C. TO CONSTRUCT PEDESTRIAN CROSSING ON PECONIC AVENUE**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, Peconic Avenue is a busy road beginning at the very active intersection of Route 25 and heads south to the Town of Southampton traffic circle and is flanked to the east and the west by Grangebel Park and the Peconic River park and parking lot; and

**WHEREAS**, the Town of Riverhead has recently upgraded and made numerous improvements to the boardwalk and infrastructure along the Peconic River and is currently in design and permitting to allow for further improvements to Grangebel Park; and

**WHEREAS**, recent improvements and future improvements to this area have proven to increase both vehicular and pedestrian traffic; and

**WHEREAS**, due to the increase in vehicular traffic, the Town of Riverhead believes it is necessary to increase the safety of pedestrians wishing to cross Peconic Avenue; and

**WHEREAS**, the Town of Riverhead has received a \$50,000 grant under "Suffolk County Executive Steve Levy's Downtown Beautification and Renewal Capital Program" to a pedestrian crosswalk in downtown Riverhead on Peconic Avenue; and

**WHEREAS**, the Town Board, by Resolution #458 adopted on May 20, 2008, approved and authorized Dunn Engineering Associates, P.C. ("DEA") to proceed with professional engineering services to design a pedestrian crossing on Peconic Avenue, Riverhead, in the amount not to exceed Nine Thousand Five Hundred Dollars & 00/100 (\$9,500); and

**WHEREAS**, the Engineering Department requested and received a proposal for additional professional engineering services related to construction support services for the proposed overhead structure foundation installation to ensure proper construction in

accordance with the plans and specifications related to the pedestrian crosswalk project on Peconic Avenue from DEA; and

**WHEREAS**, the submitted proposal was reviewed and discussed by the Engineering Department and the members of the Town Board;

**NOW THEREFORE BE IT RESOLVED**, that the Town Board of the Town of Riverhead does hereby accept the proposal submitted by Dunn Engineering Associates, P.C. and does hereby authorize Dunn Engineering Associates, P.C. to proceed with professional engineering services related to construction supervision and support related to the pedestrian crossing on Peconic Avenue, Riverhead, in the amount not to exceed Five Thousand Dollars & 00/100 (\$5,000); and be it further;

**RESOLVED**, that the Town Board does hereby authorize the Engineering Department to secure a Town of Riverhead Purchase Order in the amount listed above; and be it further

**RESOLVED**, the Town Board authorizes the Supervisor to execute a Professional Services Agreement with Dunn Engineering Associates, P.C. in substantially the same form as annexed hereto; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978; Town Engineering Department, Town Accounting Department and the Office of the Town Attorney; 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/PROFESSIONAL SERVICES AGREEMENT

This Agreement made the \_\_\_\_\_ day of October, 2011 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, DUNN ENGINEERING ASSOCIATES, P.C., a corporation existing under the laws of the State of New York with a principal place of business at Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978 (hereinafter referred as "DEA" or "Consultant").

WHEREAS, Peconic Avenue is a busy road beginning at the very busy intersection of Route 25 and heads south to the Town of Southampton traffic circle and is flanked to the east and the west by Grangebél Park and the Peconic River Park and parking lot; and

WHEREAS, the Town of Riverhead has recently upgraded and made numerous improvements to the boardwalk and infrastructure along the Peconic River and is currently in design and permitting to allow for further improvements to Grangebél Park; and

WHEREAS, recent improvements and future improvements to this area have proven to increase both vehicular and pedestrian traffic; and

WHEREAS, due to the increase in vehicular traffic, the Town of Riverhead believes it is necessary to increase the safety of pedestrians wishing to cross Peconic Avenue; and

WHEREAS, the Town of Riverhead has received a \$50,000 grant under "Suffolk County Executive Steve Levy's Downtown Beautification and Renewal Capital Program" to a pedestrian crosswalk in downtown Riverhead on Peconic Avenue; and

WHEREAS, the Engineering Department requested and received a proposal for professional engineering design services for a proposed pedestrian crosswalk on Peconic Avenue from DEA; and

WHEREAS, the submitted proposal was reviewed and discussed by the Engineering Department and the members of the Town Board.

WHEREAS, the Town Board, by Resolution #458 adopted on May 20, 2008, approved and authorized Dunn Engineering Associates, P.C. to proceed with professional engineering services to design a pedestrian crossing on Peconic Avenue, Riverhead in the amount not to exceed Nine Thousand Five Hundred Dollars & 00/100 (\$9,500); and

WHEREAS, the Engineering Department requested and received a proposal for additional professional engineering services related to construction support services for the proposed overhead structure foundation installation to ensure proper construction in accordance with the plans and specifications related to the pedestrian crosswalk project on Peconic Avenue from DEA; and

WHEREAS, the submitted proposal was reviewed and discussed by the Engineering Department and the members of the Town Board; and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead be and does hereby accept the proposal submitted by Dunn Engineering Associates, P.C, and does hereby authorize Dunn Engineering Associates, P.C. to proceed with professional engineering services related to construction supervision and support related to the pedestrian crossing on Peconic Avenue, Riverhead in the amount not to exceed Five Thousand Dollars & 00/100 (\$5,000); and

BE IT FURTHER RESOLVED, that the Town Board be and does hereby authorize the Town Engineer to secure a Town of Riverhead Purchase Order in the amount of \$5,000; and

NOW THEREFORE, 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 in the Schedule attached hereto and made a part hereof. These services are to be rendered by Consultant as an independent contractor and not as an employee of Town. DEA will provide construction support services for the proposed overhead structure foundation installation to ensure proper construction in accordance with the plans and specifications. This support includes review of shop drawings for the pole foundation and inspection of the foundation during construction. DEA will make every effort to complete our assignments in the shortest and most cost effective time frame. However, in the event that DEA's work efforts approach the maximum costs enumerated above, DEA will notify the Town immediately in order to assure that DEA is accommodating the Town's requirements at a reasonable cost.

2. TERM OF AGREEMENT

The Agreement shall commence when this Professional Service Agreement is executed and will finish when services are completed.

3. PAYMENT

For these services Town of Riverhead will pay Consultant a fee (performance based contract). Based on an estimate of three days of field inspection, it is anticipated that the maximum cost to provide these services under Scope of Services will be \$5,000. Note, the Town may require the submission of documentation, including time records for performance based contracts solely for the purposes of verification of completion of the project or a portion of the project and the request that consultant provide same shall not convert the performance contract to an hourly rate contract. The Town shall not have any liability for any other expenses or costs incurred by Consultant except for expenses expressly provided for in the attached schedule. The Consultant has inspected the areas/sites subject of the grant and performed other unrelated and related services to the Town such that Consultant is familiar with the existing conditions and difficulties that may affect the execution of the work and that due to the scope of the work he may encounter certain areas of special coordination such that it is understood that Consultant

will not attempt to seek additional monies for hardships that may arise related to any of the above, including but not limited to, effort and time required to modify plans or coordinate activities required to complete the scope of this agreement. Consultant shall not incur any expenses in Town's behalf except for those items expressly provided for in the attached schedule. Invoices for services and reimbursable expenses shall contain the following statement signed by Consultant, or if this Agreement is with a firm, an officer or authorized representative of the firm: "I hereby certify, to the best of my knowledge and belief, that this invoice is correct, and that all items invoiced are based upon actual costs incurred or services rendered consistent with the terms of the professional services agreement." Each invoice for reimbursable expenses shall be supported by: (a) an itemized description of expenses claimed; (b) pertinent information relative to the expenses; and (c) attached receipts. Invoices shall reference this Agreement or otherwise be identified in such a manner as Town may reasonably require.

#### 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. 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 to assign 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. Consultant shall not, without the prior written consent of the Town, provide, release or make available for inspection any document, data, written material of any kind without the prior written consent of at least three members of the Town Board or by resolution of the Town Board.

#### 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, Attention: Ken Testa, P.E., 200 Howell Avenue, Riverhead, NY 11901; or (ii) to Consultant if mailed by certified mail, postage prepaid to Attention: Ronald Hill, P.E., Dunn Engineering Associates, P.C., 66 Main Street, Westhampton Beach, NY 11978

#### 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 or 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 or 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.

#### 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 in connection with such cure shall be payable by Consultant to Town on demand. Notwithstanding the above, any dispute arising under this Agreement which is not settled by Agreement of the parties may be settled by appropriate legal proceedings. Pending any decision, appeal or judgment in such proceedings or the settlement of any dispute arising under this Agreement, 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.

\_\_\_\_\_  
by:  
Town of Riverhead  
200 Howell Avenue  
Riverhead, New York

\_\_\_\_\_  
by:  
Dunn Engineering Associates, P.C.  
66 Main Street  
Westhampton Beach, NY 11978

10.18.2011  
110806

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 806**

**PAYS BILLS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

ABSTRACT #11-37 October 06, 2011 (TBM 10/18/11)				
FUND NAME			10/06/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		915,735.20	915,735.20
POLICE ATHLETIC LEAGUE	4		314.00	314.00
RECREATION PROGRAM FUND	6		3,564.75	3,564.75
HIGHWAY FUND	111		88,607.71	88,607.71
WATER DISTRICT	112		57,865.26	57,865.26
RIVERHEAD SEWER DISTRICT	114		24,588.08	24,588.08
REFUSE & GARBAGE COLLECTION DI	115		5,995.73	5,995.73
STREET LIGHTING DISTRICT	116		6,814.93	6,814.93
BUSINESS IMPROVEMENT DISTRICT	118		1.00	1.00
EAST CREEK DOCKING FACILITY FU	122		114.86	114.86
CALVERTON SEWER DISTRICT	124		857.41	857.41
RIVERHEAD SCAVANGER WASTE DIST	128		13,503.89	13,503.89
WORKERS' COMPENSATION FUND	173		74,743.22	74,743.22
RISK RETENTION FUND	175		6,263.16	6,263.16
CDBG CONSORTIUM ACOUNT	181		807.83	807.83
TOWN HALL CAPITAL PROJECTS	406		2,041.00	2,041.00
LOCAL ST & HIGHWAY CAP PROJECT	451		47,273.07	47,273.07
TRUST & AGENCY	735		968,344.48	968,344.48
TOTAL ALL FUNDS			2,217,435.58	2,217,435.58

**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 # 806**

**PAYS BILLS**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

ABSTRACT #11-38 October 13, 2011 (TBM 10/18/11)				
FUND NAME			10/13/11 CHECKRUN	GRAND TOTALS
GENERAL FUND	1		106,723.19	106,723.19
RECREATION PROGRAM FUND	6		934.00	934.00
CHILD CARE CENTER BUILDING FUN	9		71.84	71.84
ECONOMIC DEVELOPMENT ZONE FUND	30		51.30	51.30
HIGHWAY FUND	111		3,145.17	3,145.17
WATER DISTRICT	112		106,502.53	106,502.53
RIVERHEAD SEWER DISTRICT	114		10,256.00	10,256.00
REFUSE & GARBAGE COLLECTION DI	115		33.29	33.29
STREET LIGHTING DISTRICT	116		3,636.28	3,636.28
PUBLIC PARKING DISTRICT	117		2,761.53	2,761.53
AMBULANCE DISTRICT	120		1,382.02	1,382.02
EAST CREEK DOCKING FACILITY FU	122		1,665.20	1,665.20
CALVERTON SEWER DISTRICT	124		5,215.45	5,215.45
RIVERHEAD SCAVANGER WASTE DIST	128		1,649.30	1,649.30
UNEMPLOYMENT INSURANCE RESERVE	176		1,627.00	1,627.00
TOWN HALL CAPITAL PROJECTS	406		8,847.05	8,847.05
WATER DISTRICT CAPITAL PROJECT	412		198,679.36	198,679.36
RIVERHEAD SEWER CAPITAL PROJEC	414		33,254.75	33,254.75
TRUST & AGENCY	735		50.00	50.00
CALVERTON PARK - C.D.A.	914		24.96	24.96
<b>TOTAL ALL FUNDS</b>			<b>486,510.22</b>	<b>486,510.22</b>

**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 # 807**

**APPROVES CHAPTER 90 APPLICATION OF ERIC STRIFFLER  
(HALLOWEEN HAUNTED HOUSE WALK-THROUGH)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on September 23, 2011, Eric Striffler submitted a Chapter 90 Application for the purpose of conducting a "Halloween Haunted House Walk-Through" to be held upon real property owned by Cornelius O'Neill and Sean O'Neill at 1508 Main Road, Jamesport, New York on the following dates, between the hours of 6:00 p.m. and 12:00 midnight:

October 20<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, 27<sup>th</sup>, 28<sup>th</sup> and 29<sup>th</sup>, 2011; and

**WHEREAS**, an Owners Endorsement and Inspection Authorization has been received from the above referenced property owners; and

**WHEREAS**, Eric Striffler 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 applicable Chapter 90 Application fee has been paid; 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 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 Eric Striffler for the purpose of conducting a "Halloween Haunted House Walk-Through" to be held at 1508 Main Road, Jamesport, New York on the following dates, between the hours of 6:00 p.m. and 12:00 midnight on the above mentioned dates, is hereby approved; and be it further

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

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Eric Striffler, 199 Gothic Circle, Manorville, NY, 11949; 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