

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

May 16th , 2006

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

**Barbara Blass, Councilwoman
John Dunleavy, Councilman**

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

ELECTED OFFICIALS

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

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

DEPARTMENT HEADS

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

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

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:

REGULAR TOWN BOARD MEETING:

- #439** Resolution and Consent Approving the Dedication of Highways Known as Grant Drive, Bluegrass Court, Derby Court and Recharge Basin (Equestrian Estates)
- #440** Approves Site Plan of Henry Perkins (Concern for Independent Living)
- #441** Approves Site Plan of Kroemer Avenue Associates
- #442** Approves Site Plan of 1044 Parkway LLC
- #443** Approves Sign Permit of Harrow's
- #444** Accepts S.C.N.B. Irrevocable Letter of credit of Vinland Commons, LLC
- #445** Approves Extension of Performance Bond of Riverhead Reeves, LLC A/K/A NF Golf Resorts (Road and Drainage Improvements)
- #446** Authorizes the Release of Security for Antonino Militello
- #447** Approves the Chapter 90 Application of Larry's Lighthouse Marina
- #448** Approves Chapter 90 Application of Martha Clara Vineyards, LLC
- #449** Approves Chapter 90 Application of Martha Clara Vineyards, LLC
- #450** Approves Chapter 90 Application of the Riverhead Central School District (American Cancer Society – Relay for Life)
- #451** Approves the Chapter 90 Application of Riverhead Elks Lodge #2044
- #452** Approves Chapter 90 Application of Wading River Assembly of God Church (Classic Car Show)
- #453** Appoints Member to Town Board Advisory Committees and Adopts the Mission Statements of Said Committees
- #454** Appoints Summer Recreation Aides to the Recreation Department

- #469** Authorizes Town Clerk to Publish and Post Notice of Public Hearing for the Consideration to Repeal and Replace Chapter 73 Entitled, "Landmarks Preservation" of the Riverhead Town Code
- #470** Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 108 Entitled "Zoning" (Supplementary Use Regulations) of the Riverhead Town Code
- #471** Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Amend Chapter 107 Entitled "Freshwater Wetlands" of the Riverhead Town Code
- #472** Authorizes the Town Clerk to Post and Publish a Public Notice for a Public Hearing Regarding a Local Law to Repeal the Current Version of Chapter 86, "Rental Dwelling Units" in Order to Adopt a New Chapter 86, "Rental Dwelling Units" of the Riverhead Town Code
- #473** Authorizes Town Clerk to Post and Publish the Attached Notice to Bidders for a Concrete Foundation and Prefabricated Canvas Building System and Interior Asphalt Paving for Highway Department Salt Storage Building
- #474** Awards BID Removal of Liquid Sludge Riverhead Sewer District and Riverhead Scavenger Waste District
- #475** Authorizes Submission of Application to New York State Department of Parks for Grant Funds for the Nadel Drive Park Improvement Project
- #476** Authorizes the Community Development Office to File an Application for Funds to Acquire Real Property at Miamogue Point, South Jamesport
- #477** Ratifies the Submission of a Grant Application to the State of New York Unified Court System
- #478** Ratifies the Submission of a Grant Application to the New York State Governor's Traffic Safety Committee
- #479** Authorizes Town Clerk to Publish and Post Public Notice to Consider the Purchase a Parcel of Open Space Located in the Town of Riverhead (purported owner: Carl E. Carter and Karen Terry Carter)
- #480** Authorizes Town Clerk to Publish and Post Notice of Public Hearing - Maritime Zoning Use District

#481

Authorizes the Retention of Norton Brothers Dunn Engineering & Surveying,LLP and AKRF as Environmental, Planning, Traffic and Engineering Consultants to the Town Board in Connection with the Downtown Redevelopment Project

#482

Approves Fee Schedule of John Raynor and Associates

#483

Pays Bills

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 439

**RESOLUTION AND CONSENT APPROVING THE DEDICATION OF
HIGHWAYS KNOWN AS GRANT DRIVE, BLUEGRASS COURT,
DERBY COURT AND RECHARGE BASIN
(EQUESTRIAN ESTATES)**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded

by **COUNCILWOMAN BLASS** _____ :

At a regular meeting of the
Town Board of the Town of
Riverhead, in the County of
Suffolk, State of New York,
held at 200 Howell Avenue,
Riverhead, New York on the
16th day of May, 2006.

P R E S E N T :

- Hon. Philip J. Cardinale, Supervisor
- Edward Densieski, Councilperson
- George Bartunek, Councilperson
- Barbara Blass, Councilperson
- John Dunleavy, Councilperson

_____ X

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

**RESOLUTION
AND CONSENT**

**GRANT DRIVE, BLUEGRASS COURT,
DERBY COURT AND RECHARGE BASIN**

_____ X

WHEREAS, a certain subdivision map was filed in the Office of the Clerk of the
County of Suffolk, known as "Map of Equestrian Estates", Town of Riverhead, County of
Suffolk, State of New York, filed on October 1, 2001 as File No. 10686 in the Office of
the Clerk of Suffolk County, Riverhead, New York; and

WHEREAS, plans for the construction of various improvements to said roads and drainage area known and designated as **GRANT DRIVE, BLUEGRASS COURT, DERBY COURT** and **RECHARGE BASIN** were submitted to the Planning Board of the Town of Riverhead; and

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

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

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

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

WHEREAS, a special search street dedication from Safe Harbor Title Agency Ltd., Title Number SH240813SS, dated July 26, 2004, last revised February 1, 2006, has been filed with the Clerk of the Town of Riverhead, together with a deed of dedication and release affecting said roads, drainage systems, sumps and/or other improvements.

NOW THEREFORE BE IT RESOLVED, that in accordance with the provisions of Section 171 of the Highway Law of the State of New York, consent be and the same is hereby given that the Superintendent of Highways of the Town of Riverhead, make an order laying out certain roads and drainage area known as **GRANT DRIVE, BLUEGRASS COURT, DERBY COURT** and **RECHARGE BASIN**, the said Town road to consist of the land described in the deed of dedication dated the 29th day of March, 2005 and to extend same as delineated therein; and be it further

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

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

RESOLVED, that letters of intent of non-renewal/cancellation from the financial institution issuing said maintenance bond shall be sent at least 60 days prior to the

renewal/cancellation date, via certified mail, to the Office of the Town Attorney, 200 Howell Avenue, Riverhead, New York, 11901; and be it further

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

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael R. Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, New York, 11777; Utica Mutual Insurance Company, 180 Genesee Street, New Hartford, New York, 13413; the Riverhead Superintendent of Highways; the Planning Board; the Planning Department; the Assessor's Office; the Tax Receiver's Office and the Town Attorney's Office.

Dated: Riverhead, New York
May 16, 2006

**TOWN BOARD OF THE
TOWN OF RIVERHEAD**

PHILIP J. CARDINALE

EDWARD DENSIESKI

GEORGE BARTUNEK

BARBARA BLASS

JOHN DUNLEAVY

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no *absent*
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

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

**GRANT DRIVE, DERBY COURT,
BLUEGRASS COURT,
and RECHARGE BASIN**

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

_____ X
WHEREAS, application having been duly made for the laying out of certain
Town highways in the Town of Riverhead, County of Suffolk, State of New York, known
as **GRANT DRIVE, DERBY COURT, BLUEGRASS COURT and RECHARGE
BASIN** and a dedication and release from the owner(s) of and other persons interested in
the lands through which the highways are proposed to be opened, having been given and
the Town Board of the Town of Riverhead having given its consent.

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

Dated: Riverhead, New York
August 18, 2005



MARK KWASNA, Superintendent
Town of Riverhead Highway Department

TITLE NO. SH240813SS

LEGAL DESCRIPTION

PARCEL I

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead, County of Suffolk, State of New York, known and designated as the recharge basin as shown on a certain map entitled, "Map of Equestrian Estates" filed in the Office of the Clerk of Suffolk County on October 1, 2001 as Map # 10686, more particularly bounded and described as follows:

BEGINNING at a point on the northerly side of Grant Drive which point is 440.18 feet East of the easterly end of a curve that connects the northerly side of Bluegrass Court with the northerly side of Grant Drive;

RUNNING THENCE North 15 degrees 02 minutes 42 seconds East 84.32 feet;

THENCE North 23 degrees 12 minutes 21 seconds West 295.56 feet;

THENCE North 59 degrees 04 minutes 25 seconds East 200.00 feet;

THENCE South 38 degrees 15 minutes 07 seconds East 233.35 feet;

THENCE South 39 degrees 34 minutes 17 seconds East 71.65 feet;

THENCE South 52 degrees 57 minutes 53 seconds West 287.28 feet;

THENCE South 15 degrees 02 minutes 42 seconds West 51.66 feet to a point on the northerly side of Grant Drive;

THENCE westerly along the northerly side of Grant Drive on a curve to the left having a radius of 317.02 feet and a length of 25.00 feet to the point or place of BEGINNING.

TITLE NO. SH240813SS

LEGAL DESCRIPTION

PARCEL II

ALL that certain plot, piece or parcel of land, situate, lying and being in the Town of Riverhead, County of Suffolk, State of New York, known and designated as the streets known as Grant Drive, Derby Court, Bluegrass Court as shown on a certain map entitled, "Map of Equestrian Estates" filed in the Office of the Clerk of Suffolk County on October 1, 2001 as Map #10686, more particularly bounded and described as follows:

BEGINNING at a point on the easterly side of Union Avenue at the southerly end of a curve that connects the easterly side of Union Avenue with the southerly side of Grant Drive;

RUNNING THENCE northerly along the easterly side of Union Avenue, North 37 degrees 18 minutes 07 seconds West 135.00 feet;

THENCE easterly along an arc of a curve that has its radius point to the North and has a radius of 40.00 feet and a length of 62.83 feet to a point on the northerly side of Grant Drive;

THENCE easterly and northerly along the northerly and westerly sides of Grant Drive the following courses and distances:

North 52 degrees 41 minutes 53 seconds East 296.39 feet;

On a curve to the left having a radius of 200.00 feet and a length of 289.73 feet;

North 30 degrees 18 minutes 07 seconds West 84.25 feet;

On a curve to the right having a radius of 230.00 feet and a length of 146.25 feet;

THENCE on a curve to the left having a radius of 25.00 feet and a length of 33.61 feet to a point on the southerly side of Bluegrass Court;

THENCE westerly along the southerly side of Bluegrass Court, North 70 degrees 53 minutes 42 seconds West 162.04 feet;

THENCE on a curve to the right having a radius of 60.00 feet and a length of 268.48 feet to a point on the northerly side of Bluegrass Court;

THENCE easterly along the northerly side of Bluegrass Court on a curve to the left having a radius of 25.00 feet and a length of 33.33 feet and South 70 degrees 53 minutes 42 seconds East 77.43 feet;

(continued)

May 16, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 440

APPROVES SITE PLAN OF HENRY PERKINS
(CONCERN FOR INDEPENDENT LIVING)

COUNCILMAN DUNLEAVY

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

WHEREAS, a site plan and elevations were submitted by Richard R. Ferrera, R.A., to convert an existing four story building into a 50 unit assisted living facility, located at 260 West Main Street, Riverhead New York, known and designated as Suffolk County Tax Map Number 0600-128-3-26 & 27; and

WHEREAS, the application has been referred to the Town of Riverhead Architectural Board and by Resolution No. ~~905~~ dated September 15th, 2005, did recommend approval of the relevant building elevations; and

WHEREAS, the Planning Department has reviewed the site plan dated March 1st, 2006, prepared by Richard R. Ferrera, R.A. and elevations dated September 2nd, 2005, as prepared by Richard R. Ferrera, R.A. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0426 to the Office of the Financial Administrator of the Town of Riverhead; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of Henry Perkins (Concern for Independent Living); the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be Type II pursuant to NYCRR Part 617.

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the site plan and elevations submitted by Richard R. Ferrera, R.A., to convert an existing four story building into 50 unit assisted living facility, located at 260 West Main Street, Riverhead, New York, site plan dated March 1st, 2006 as prepared by Richard R. Ferrera, R.A. and elevations dated September 2nd, 2005, as prepared by Richard R. Ferrera, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all freestanding signage, as depicted upon the aforementioned site plan, has been conceptually approved by the Architectural Review Board, shall be submitted to the Town Board for its review and ministerial approval pursuant to Section 108-56 of the zoning ordinance prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design; and all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, Concern for

Independent Living, hereby authorizes and consents to the Town of Riverhead to enter premises at 260 West Main Street, Riverhead, New York 11901 to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground and all tanks shall be located underground, if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to any clearing or grading of the subject parcels, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. No clearing or grading shall commence, nor shall the building permit be issued, until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the project construction;
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That this site plan approval is to allow the issuance of a use permit exclusively for an assisted living facility and that any other use of the premises is subject to further approval of the Town Board; and be if further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Mr. Ralph Fasano, Executive Director, Concern for Independent Living, 312 Expressway Drive S, Medford, New York 11763, the Riverhead Planning Department, Riverhead Building Department, Riverhead Town Attorney and the Town Engineer.

Planning Dept.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no <i>absent</i>
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

May 16th, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 441

APPROVES SITE PLAN OF KROEMER AVENUE ASSOCIATES

COUNCILWOMAN BLASS

_____ offered the following resolution,

which was seconded by **COUNCILMAN BARTUNEK** _____:

WHEREAS, a site plan and elevations were submitted by Kroemer Avenue Associates, LLC, to allow the construction of a building trade shop and warehouse facility, located at Kroemer Avenue, Riverhead, New York 11901, known and designated as Suffolk County Tax Map Number 0600-119-1-32.2; and

WHEREAS, the application has been referred to the Town of Riverhead Architectural Review Board, and by resolution dated September 10th, 2003 did recommended approval of the relevant building elevations; and

WHEREAS, the Planning Department has reviewed the site plan dated February 15th, 2006 as prepared by Young and Young, LS and elevations dated September 10th, 2003, as prepared by Robert Tast, R.A. and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions; and

WHEREAS, the Town Board has carefully considered the merits of the site plan application, the SEQRA record to date, the report of the Planning Department, as well as all other relevant Planning, Zoning and Environmental information; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board to show changes that are further set forth in this resolution, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received, and deposited as per Receipt No. 2006-0330 per the Office of the Financial Administrator of the Town of Riverhead; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned; and

WHEREAS, the New York State Department of Environmental Conservation has issued a Wild, Scenic and Recreational Rivers Permit for the development. Permit Number 1-4730-00655/00009 site plan dated April 16th, 2004.

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the site plan application of Kroemer Avenue Associates, LLC, and the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the action to be an Unlisted action without significant

adverse impacts upon the environment and that a Draft Environmental Impact Statement need not be prepared.

BE IT FURTHER

RESOLVED, that the site plan and elevations submitted by Kroemer Avenue Associates, to allow the construction of a building trade shop and warehouse facility, located at Kroemer Avenue, Riverhead, New York, site plan dated February 15th, 2006, as prepared by Young and Young, LS and elevations dated September 10th, 2003, as prepared by Robert Tast, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan proves and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law and the Code of the Town of Riverhead, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and

filing of this document, Kroemer Avenue Associates, LLC, hereby authorizes and consents to the Town of Riverhead to enter premises at Kroemer Avenue, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground; if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof.
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
15. That no building permit shall issue prior to the recording of a covenant to the satisfaction of the Town Attorney prohibiting the storage, packaging, transfer or any other manipulation of municipal solid waste as defined by the New York State Department of Environmental Conservation;
16. That any use of the rail spur existing at the premises shall require the approval of the Riverhead Town Board prior to the issuance of a use permit; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter Danowski, Esq., Attorney for Kroemer Avenue Associates, LLC, 616 Roanoke Avenue, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer. ~~and the Town Attorney.~~

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Portnick	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Danowski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no absent
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

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

May 16th, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 442

APPROVES SITE PLAN OF 1044 PARKWAY LLC

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

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

WHEREAS, a site plan and elevations were submitted by Richard Gheradi, for the the construction of a 10,500 sq. ft. industrial building together with attendant site improvements, located at 1044 Parkway Street, Riverhead, New York 11901, known and designated as Suffolk County Tax Map Number 0600-125-1-10.1; and

WHEREAS, the application has been referred to the Town of Riverhead Architectural Review Board and by Resolution Number 05-05 dated May 11th, 2005 did recommend approval of the relevant building elevations; and

WHEREAS, the Planning Department has reviewed the site plan dated October 25th, 2005, prepared by Howard Young, LS and elevations dated January 18th, 2005, as prepared by Robert Tast, R.A., and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, a copy of the site plan has been marked and initialed by the Town Board, which site plan shall be on record with the Town Clerk; and

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received and deposited as per Receipt Number 2005-0817 to the Office of the Financial Administrator of the Town of Riverhead; and

WHEREAS, this Town Board has reviewed the site plan and elevations aforementioned.

NOW, THEREFORE, BE IT

RESOLVED, that based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be considered an Unlisted action without significant adverse impacts upon the environment and that a Draft Environmental Impact Statement need not be prepared

BE IT FURTHER

RESOLVED, that the site plan and elevations submitted by Richard Gheradi, for the construction of a 10,500 sq. ft. industrial building, together with attendant site improvements, located at 1044 Parkway Street, Riverhead, New York 11901, site plan dated October 25th, 2005, as prepared by Howard Young, L.S. and elevations dated January 18th, 2005, as prepared by Robert Tast, R.A., be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all freestanding signage, as depicted upon the aforementioned site plan, has been conceptually approved by the Architectural Review Board, shall be submitted to the Town Board for its review and ministerial approval pursuant to Section 108-56 of the zoning ordinance prior to being installed at the property. All signage so proposed shall be coordinated in appearance and design; and all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and all tenants shall be apprised of said requirements and any restrictions imposed as a condition of the site plan approval granted herein;
4. That no lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;
5. That the applicant is familiar with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters, and agrees to abide by same;
6. That receptacles of a decorative design, approved by the Planning Department prior to their installation at the site, shall be maintained on the premises;
7. That parking, paving and drainage shall be provided pursuant to specifications outlined in the **Riverhead Town Code**;
8. That the parking area shall be maintained pursuant to specifications outlined in the **Riverhead Town Code**;
9. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, 1044 Parkway

LLC hereby authorizes and consents to the Town of Riverhead to enter premises at 1044 Parkway Street, Riverhead, New York, to enforce said handicapped parking regulations;

10. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
11. That all utilities shall be constructed underground and all tanks shall be located underground, if feasible;
12. That pursuant to Section 108-133I of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to any clearing or grading of the subject parcels, shall post a performance bond or other equivalent security. The performance bond or other equivalent security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. No clearing or grading shall commence, nor shall the building permit be issued, until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the project construction;
13. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
14. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter Danowski, Esq., attorney for 1044 Parkway, LLC, 616 Roanoke avenue, Riverhead, New York 11901, the Riverhead Planning Department, Riverhead Building Department, and the Town Engineer.

Planning Department

THE VOTE

Dunleavy <input checked="" type="checkbox"/> yes ___ no	Bartunek <input checked="" type="checkbox"/> yes ___ no
Blass <input checked="" type="checkbox"/> yes ___ no	Dansieski <input checked="" type="checkbox"/> yes ___ no
Cardinale <input checked="" type="checkbox"/> yes ___ no	<i>absent</i>

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

TITLE NO.: SH240813SS

LEGAL DESCRIPTION

(Parcel II continued)

THENCE on a curve to the left having a radius of 25.00 feet and a length of 31.88 feet to a point on the northerly side of Grant Drive;

THENCE easterly and southerly along the northerly and easterly sides of Grant Drive the following courses and distances:

On a curve to the right having a radius of 230.00 feet and a length of 138.70 feet;
North 64 degrees 26 minutes 53 seconds East 101.86 feet;
On a curve to the right having a radius of 317.02 feet and a length of 402.52 feet;
On a curve to the right having a radius of 1197.30 feet and a length of 493.87 feet;
South 19 degrees 10 minutes 02 seconds East 72.56 feet;
On a curve to the left having a radius of 373.02 feet and a length of 112.44 feet;
South 36 degrees 26 minutes 15 seconds East 9.83 feet;

THENCE South 63 degrees 41 minutes 31 seconds West 55.87 feet to a point on the westerly side of Grant Drive;

THENCE northerly, westerly and southerly along Grant Drive the following courses and distances:

On a curve to the right having a radius of 428.02 feet and a length of 129.01 feet;
North 19 degrees 10 minutes 02 seconds West 72.56 feet;
On a curve to the left having a radius of 1142.30 feet and a length of 471.20 feet;
On a curve to the left having a radius of 262.02 feet and a length of 332.69 feet;
South 64 degrees 26 minutes 53 seconds West 101.86 feet;
On a curve to the left having a radius of 175.00 feet and a length of 289.40 feet;
South 30 degrees 18 minutes 07 seconds East 84.25 feet;
On a curve to the right having a radius of 255.00 feet and a length of 153.67 feet;

THENCE on a curve to the left having a radius of 25.00 feet and a length of 30.76 feet to a point on the northerly side of Derby Court;

THENCE easterly along the northerly side of Derby Court, North 66 degrees 15 minutes 42 seconds West 28.23 feet and on a curve to the left having a radius of 25.00 feet and a length of 33.33 feet;

THENCE on a curve to the right having a radius of 60.00 feet and a length of 268.49 feet to a point on the southerly side of Derby Court;

(continued)

TITLE NO.: SH240813SS

LEGAL DESCRIPTION

(PARCEL II continued)

THENCE westerly along the southerly side of Derby Court, South 66 degrees 15 minutes 42 seconds East 95.00 feet;

THENCE on a curve to the left having a radius of 25.00 feet and a length of 38.25 feet to a point on the southerly side of Grant Drive;

THENCE westerly along the southerly side of Grant Drive on a curve to the right having a radius of 255.00 feet and a length of 118.43 feet and South 52 degrees 41 minutes 53 seconds West 296.39 feet;

THENCE on a curve to the left having a radius of 40.00 feet and a length of 62.83 feet to a point on the easterly side of Union Avenue and the point or place of BEGINNING.

May 16, 2006

TOWN OF RIVERHEAD
Resolution # 443

Adopted

APPROVES SIGN PERMIT OF HARROW'S

COUNCILMAN DUNLEAVY

_____ offered the following resolution, which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, a sign permit and sketch were submitted by M & G Services, agent for Harrow's for property located at 1101 Old Country Road, Riverhead, New York also known as SCTM# 108.00-04-014.00; and

WHEREAS, pursuant to Section 108-56.1 C (2a) of the Code of the Town of Riverhead, the application was not approved by the Architectural Review Board; and

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the sign permit application for Harrow's submitted by M & G Services for 1101 Old Country Road and be it

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to M & G Services, Att: Brian Buttafuoco, 888 Veterans Memorial Hwy, Suite 210, Hauppauge, NY 11788, the Planning Department, and the Building Department.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No *absent*

Cardinale Yes No

The Resolution Is Is Not
Declared Duly Adopted

Application
FOR SIGN PERMIT

Town of Riverhead
Suffolk County, New York

Fee	107-34920	Receipt No.	2175
Application No.	34920	Date Permit Issued	
ZB No.	30412	Date Approved or Denied	
Building Inspector			
Board of Appeals No.		Date Granted	
Date Denied			

Dated: 1-18-06
SCTM# 108-1015

APPLICATION IS HEREBY MADE to the Building Inspector in the Town of Riverhead for the issuance of a Permit pursuant to the Zoning Ordinance of the Town of Riverhead, Suffolk County, New York, for the use and the erection or the structural alteration of a sign or signs, as hereinafter described and as shown on the accompanying layout or plot plan:

1. The sign to be located at 1101 Old Country Road in the Town of Riverhead, SC Use District, is to be Erected Erected or Structurally altered

2. The sign will have an area of 117.9 Sq. feet, and will be 5' feet in height. The base of the sign will be 13'-6" feet above ground level.

3. The sign will be Permanent or Temporary installation. (Circle one)

4. Description of sign: (Check appropriate items below):

- a. Lighted
- b. Single Face
- c. Double Faced
- d. Attached to Building
- e. Facial (Painted or Affixed)
- f. Independent Construction
- g. Advertising
- h. Business

5. Materials to be used: Aluminum / Plexi

6. Has permission been obtained from property owner, if other than the applicant, upon which the sign is to be erected? Yes

All statements made in this application and shown on the attached plot plan are true to the best of my knowledge and belief.

Property Owner Name & Address: Hampshire Property Management 2006

15 Maple Avenue, #2 Morristown NJ 07960 JAN 19

Applicant Name: Brian Buttafuro AM 9

Business Name: M & G Services 11788

Address: 888 Veterans Memorial Hwy, Suite 210 Phone Number: (631) 592-6300

Signature of owner or applicant: Brian Buttafuro

worn to before me this 14th day of

January, 2006

Notary Public

Margaret Miller
Notary Public
State of New York
Qualified in Suffolk County
No. 01216067792
Commission Expires Dec. 17, 2009

Dom Paparella has submitted papers for a sign permit, dated 11/18/2006.

NO SIGN CAN BE ERECTED UNTIL THE TOWN BOARD APPROVAL IS OBTAINED AND A SIGN PERMIT IS ISSUED. IT IS ADVISABLE NOT TO ORDER YOUR SIGN UNTIL ALL APPROVALS ARE OBTAINED.

Dom Paparella
Name

11/18/2006
Date

08-56.1. Penalties for offenses against sign provisions. [Added 10-19-1993; amended 8-2-1994]

Any sign installed without benefit of a sign permit pursuant to 108-56 of the Riverhead Town Code shall be charged a civil penalty of **five hundred dollars (\$500.)** in addition to the sign permit and application fee as specified in 52-10 of the Riverhead Town Code. Said civil penalty shall be due and payable upon application for a sign permit.

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 444

**ACCEPTS S.C.N.B. IRREVOCABLE LETTER OF CREDIT OF
VINLAND COMMONS, LLC**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, by Resolution #423 adopted on May 3, 2005, the Riverhead Town Board did accept Suffolk County National Bank Letter of Credit #050413 in the amount of \$35,866.00, representing 5% of the cost of construction for improvements to be completed at Country Commons, Main Road, Aquebogue, New York; and

WHEREAS, said Letter of Credit has an expiration date of April 30, 2006; and

WHEREAS, Vinland Commons, LLC has submitted Suffolk County National Bank Letter of Credit #050413 in the amount of \$35,866.00, having an expiration date of October 31, 2006, to replace the previously submitted letter of credit which has now expired; and

WHEREAS, the Town Attorney has reviewed said S.C.N.B. Irrevocable Letter of Credit No. 050413 and has determined that same is satisfactory in its form.

NOW THEREFORE BE IT RESOLVED, the Town Board of the Town of Riverhead hereby accepts S.C.N.B. Irrevocable Letter of Credit No. 050413 in the amount of \$35,866.00, having an expiration date of October 31, 2006; and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Town Clerk to return Suffolk County National Bank Letter of Credit #050413 dated April 13, 2005 to Vinland Commons, LLC; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Vinland Commons, LLC, P.O. Box 1000, Aquebogue, New York, 11931; the Building Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski ___ yes ___ no absent
Cardinale yes ___ no

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

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 445

**APPROVES EXTENSION OF PERFORMANCE BOND OF RIVERHEAD
REEVES, LLC A/K/A NF GOLF RESORTS
(ROAD AND DRAINAGE IMPROVEMENTS)**

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded

by **COUNCILMAN BARTUNEK** _____:

WHEREAS, the Riverhead Town Board, by Resolution #37 adopted on January 6, 2004, did accept a performance bond in the amount of \$2,530,000.00 representing road and drainage improvements to be completed in the subdivision entitled, "NF Golf Resorts"; and

WHEREAS, at the request of NF Golf Resorts to reduce said performance bond, the Town Board, by Resolution #234 adopted on March 15, 2005, did reduce the aforementioned performance bond from \$2,530,000.00 to the amount of \$2,033,000.00; and

WHEREAS, by letter from Peter S. Danowski, Jr., Esq., attorney for NF Golf Resorts, dated April 25, 2006, it has been requested that an additional extension be granted for the performance bond representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, Water Key Money in the amount of \$60,000.00, Park and Recreation Fees in the amount of \$180,000.00 and Engineer Fees in the amount of \$127,800.00 have been paid (Receipt #E 2606).

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby approves the extension of time for the performance bond representing the road and drainage improvements to be completed within the subdivision for an additional two-year period as provided by Riverhead Town Code Chapter 108-97 A. (4); and be it further

RESOLVED, that the Town Board hereby accepts the \$2,000.00 fee associated with such extension approval; and be it further

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no *absent*
Cardinale yes ___ no

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

RESOLVED, that this extension shall extend the performance bond representing the road and drainage improvements to be completed within the subdivision to **May 15, 2008**; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, P.O. Box 779, Riverhead, New York, 11901; International Fidelity Insurance Company, One Newark Center, 20th Floor, Newark, New Jersey, 07102; the Planning Board; the Planning Department; the Building Department; the Office of Accounting and the Town Attorney's Office.

05/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 446

AUTHORIZES THE RELEASE OF SECURITY FOR ANTONINO MILITELLO

COUNCILMAN BARTUNEK

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

WHEREAS, Antonino Militello posted a security in the form of a Certificate of Deposit #3730131426 dated December 12, 2003 in the sum of Two Thousand Five Hundred Four Dollars and Twenty Eight Cents (\$2,504.28) pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Sharon E. Klos, Building Permits Coordinator, has determined that construction has been completed to the Building Department's satisfaction, the Planning Department is satisfied with the site work completed and Certificate of Occupancy #20423 dated February 10, 2005 for ZB26015 has been issued for said construction.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the Certificate of Deposit (#373013 1426) in the sum of Two Thousand Five Hundred Four Dollars Twenty Eight Cents (\$2,504.28) and

BE IT FURTHER RESOLVED, that the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Antonino Militello, 120 Blydenburgh Avenue, Smithtown, New York, 11787, the Building Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No
absent

Cardinale Yes No

The Resolution Is Is Not
Declared Duly Adopted

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 447

APPROVES THE CHAPTER 90 APPLICATION OF LARRY'S LIGHTHOUSE MARINA

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, on April 18, 2006, Larry's Lighthouse Marina had submitted a Chapter 90 Application for the purpose of conducting a boat show to be held at Vinland Commons Corner (corner of Tuthill Lane and Main Road), Aquebogue, New York, on June 9th through June 11th, 2006, between the hours of 10:00 a.m. and 8:00 p.m. on Friday; 10:00 a.m. and 6:00 p.m. on Saturday and 11:00 a.m. and 4:00 p.m. on Sunday; and

WHEREAS, Larry's Lighthouse Marina has completed and filed a Short Form 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, Larry's Lighthouse Marina has paid the associated Chapter 90 Application fee for this event; and

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

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

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

RESOLVED, that the Chapter 90 Application of Larry's Lighthouse Marina for the purpose of conducting a boat show to be held at the aforementioned location, dates and times is hereby approved; and be it further

Z:\Laura Calamita\chap90\Larry'sMarina.res.doc

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS **WAS NOT**

THEREFORE DULY ADOPTED

RESOLVED, that the tent installation and any and 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 and the 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 further

RESOLVED, that a fire safety inspection by the Town Fire Marshall is required prior to the opening of this event to the public. Larry's Lighthouse Marina shall contact the Riverhead Fire Marshal at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment at least three days in advance; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Larry's Lighthouse Marina, Meeting House Creek Road, P.O. Box 1250, Aquebogue, New York, 11931; the Riverhead Fire Marshal and the Riverhead Police Department, and the Town Attorney.

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 448

APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK
_____ :

WHEREAS, on April 13, 2006, Martha Clara Vineyards, LLC had submitted a Chapter 90 Application for the purpose of conducting various events to be held under a tent to include private and charity functions, fundraisers and tasting room overflow, to be held at 6025 Sound Avenue, Jamesport, New York, on May 20, 2006 through July 9, 2006, between the hours of 10:00 a.m. and 10:00 p.m.; and

WHEREAS, Martha Clara Vineyards, LLC has completed and filed a Short Form 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, 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.

WHEREAS, the appropriate fee has been paid.

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 Martha Clara Vineyards, LLC for the purpose of conducting various events to be held under a tent to include private and charity functions, fundraisers and tasting room overflow, to be held at 6025 Sound Avenue, Jamesport, New York, on May 20, 2006 through July 9, 2006, between the hours of 10:00 a.m. and 10:00 p.m. is hereby approved; and be it further

RESOLVED, that the tent installation and any and 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 and the Tents & Membrane Structures; and be it further

RESOLVED, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; 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 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 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Martha Clara Vineyards, LLC, Attn: Robert Kern, 6025 Sound Avenue, Riverhead, New York, 11901; Bruce Johnson, Riverhead Fire Marshal; Chief David Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Densieski	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					<i>absent</i>

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 449

APPROVES CHAPTER 90 APPLICATION OF MARTHA CLARA VINEYARDS, LLC

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, on April 28, 2006, Martha Clara Vineyards, LLC had submitted a Chapter 90 Application for the purpose of conducting various events to be held under a tent to include private and charity functions, fundraisers and tasting room overflow, to be held at 6025 Sound Avenue, Jamesport, New York, on July 9, 2006 through August 31, 2006 between the hours of 10:00 a.m. and 10:00 p.m.; and

WHEREAS, Martha Clara Vineyards, LLC has completed and filed a Short Form 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, 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.

WHEREAS, the appropriate fee has been paid.

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 Martha Clara Vineyards, LLC for the purpose of conducting various events to be held under a tent to include private and charity functions, fundraisers and tasting room overflow, to be held at 6025 Sound Avenue, Jamesport, New York, on July 9, 2006 through August 31, 2006, between the hours of 10:00 a.m. and 10:00 p.m. is hereby approved; and be it further

RESOLVED, that the tent installation and any and 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 and the Tents & Membrane Structures; and be it further

RESOLVED, that this approval is subject to the obtaining of any permits as may be required by the New York State Department of Labor and the Suffolk County Department of Health; 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 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 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Martha Clara Vineyards, LLC, Attn: Karen Boland, 6025 Sound Avenue, Riverhead, New York, 11901; Bruce Johnson, Riverhead Fire Marshal; Chief David Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no absent
Cardinale yes ___ no

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

TOWN OF RIVERHEAD

Resolution # 450**Adopted****APPROVES CHAPTER 90 APPLICATION OF THE RIVERHEAD CENTRAL SCHOOL DISTRICT (AMERICAN CANCER SOCIETY - RELAY FOR LIFE)**

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, on March 30, 2006, John Neely of behalf of the Riverhead Central School District had submitted a Chapter 90 Application for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 p.m. on Friday, June 16, 2006 and 8:00 a.m. on Saturday, June 17, 2006; and

WHEREAS, the Riverhead Central School District has completed and filed and Long Form 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, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, due to their not-for-profit status, the applicant has requested the Chapter 90 Application fee be waived; 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 application of the Riverhead Central School District for the purpose of conducting a fund-raiser for the American Cancer Society Relay for Life to be held on the grounds of the school district at Pulaski Street and Osborne Avenue, Riverhead, New York, between the hours of 4:00 noon on Friday, June 16, 2006 and 8:00 a.m. on Saturday, June 17, 2006 is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

RESOLVED, that any tent installations and any and 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 and the Tents & Membrane Structures; and be it further

RESOLVED, that this event shall be exempt from Riverhead Town Code Chapter 81 entitled, "Noise Control"; and be it further

RESOLVED, that off-premises signs will be permitted at the locations indicated on the Chapter 90 Application; 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 and shall be contacted at least three days in advance at (631) 727-3200 extension 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to John Neely, 108 Beach Road, Westhampton Beach, New York, 11978 on behalf of the Riverhead Central School District; the Riverhead Fire Marshal; Chief David Hegermiller of the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Densieski	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
					Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

5/16/06

TOWN OF RIVERHEAD
Resolution # 451

Adopted

APPROVES THE CHAPTER 90 APPLICATION OF RIVERHEAD ELKS LODGE #2044

COUNCILMAN DUNLEAVY offered the following resolution, was seconded by

COUNCILWOMAN BLASS:

WHEREAS, on April 25, 2006, the Riverhead Elks Lodge #2044 had submitted a Chapter 90 Application for the purpose of conducting an ABATE Veterans Appreciation Run having a barbeque and a band to be held at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York, on June 11, 2006, having a rain date of June 25, 2006, to be held between the hours of 12:30 p.m. and 5:30 p.m.; and

WHEREAS, the Riverhead Elks Lodge has submitted and completed a Short Form Environmental Assessment pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; and

WHEREAS, the Riverhead Elks Lodge #2044 has requested the Chapter 90 Application fee for this event be waived due to their 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 regarding said application; and

WHEREAS, ABATE events typically involve the gathering of a large number of motorcycles. The gathering of these vehicles may create a noise disturbance to the health, safety and welfare of the adjacent residential community. This requires that such events be limited in number and conditioned to minimize the impact on adjoining property owners, and

WHEREAS, there have been no Town Code violations occasioned by Elks Club events during 2006.

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

RESOLVED that the Chapter 90 Application of the Riverhead Elks Lodge #2044 for the purpose of conducting an ABATE Veterans Appreciation Run having a barbeque and a band to be held at the Riverhead Elks Lodge located on 1239 East Main Street, Riverhead, New York, on

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and 5:30 p.m. is hereby approved subject to the conditions set forth herein; and be it further

WHEREAS, ABATE is an organization which has been utilizing The Riverhead Elks Lodge on an ongoing basis for special events. ABATE is not a subsidiary of the Riverhead Elks Lodge. Pursuant to §90-2, "Special Events" are defined as events that happen on a "one-time or occasional basis". ABATE events requested on a re-occurring or on a regular basis rather than "one-time" or occasional basis will not be approved. There have been no ABATE events approved for the 2006 calendar year; and be it further

RESOLVED, that the applicant shall be required to stage the arrival and departure of vehicles in such a way as to minimize to the greatest extent possible the noise impacts to surrounding neighbors, and be it further

RESOLVED, that the applicant shall advise event participants that vehicle engines shall not be permitted to continue to run upon arrival at the event premises, and be it further

RESOLVED, that there shall be no music played out of doors before 12:30 pm or after 5:30 pm on the day of the event, including music played from vehicles, and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application Fee due to the charitable nature of the event being held; and be it further

RESOLVED, that should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

RESOLVED, that this approval is subject to Riverhead Town Code Chapter 81 entitled, "Noise Control" and that applicant shall not exceed the noise limits as defined in Section 81-5 Prohibited Acts.; 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 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 11901; the Riverhead Fire Marshal; Chief David Hegermiller, Riverhead Police Department and the Office of the Town Attorney.

Z:\Laura Calamita\chap90\elks2006Abate1.res.doc

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 452

**APPROVES CHAPTER 90 APPLICATION OF WADING RIVER ASSEMBLY OF GOD
CHURCH
(CLASSIC CAR SHOW)**

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

WHEREAS, on May 8, 2006, the Wading River Assembly of God Church had submitted a Chapter 90 Application for the purpose of conducting a classic car show sale to be located on their property located at 29 Dogwood Drive, Wading River, New York, to be held on July 15, 2006, between the hours of 10:00 a.m. and 4:00 p.m., having a rain date of July 22, 2006; and

WHEREAS, the Wading River Assembly of God Church has completed and filed a Short Form 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 Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application; and

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

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 Wading River Assembly of God Church for the purpose of conducting a classic car show sale to be located on their property located at 29 Dogwood Drive, Wading River, New York, to be held on July 15, 2006, between the hours of 10:00 a.m. and 4:00 p.m., having a rain date of July 22, 2006, is hereby approved; and be it further

RESOLVED, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee; and be it further

RESOLVED, that any tent installations and any and 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 (NFPA 101) and the NFPA Temporary Membrane Structures/Tents (NFPA102); 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 applicant shall be required to stage the arrival and departure of vehicles in such a way as to minimize to the greatest extent possible the noise impacts to surrounding neighbors, and be it further

RESOLVED, that the applicant shall advise event participants that vehicle engines shall not be permitted to continue to run upon arrival at the event premises, and be it further

RESOLVED, that there shall be no music played out of doors before 12:30 pm or after 5:30 pm on the day of the event, including music played from vehicles, 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 209, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Wading River Assembly of God Church, 29 Dogwood Drive, Wading River, New York, 11792; the Riverhead Fire Marshal; the Riverhead Police Department and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

May 16, 2006

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 453

APPOINTS MEMBERS TO TOWN BOARD ADVISORY COMMITTEES AND ADOPTS THE MISSION STATEMENTS OF SAID COMMITTEES

COUNCILWOMAN BLASS offered the following resolutions, which was seconded by COUNCILMAN BARTUNEK.

WHEREAS, the Riverhead Town Board has created advisory committees and appointed members to serve on said committees; and

WHEREAS, the Riverhead Town Board adopted guidelines for Town Board Advisory Committees on August 2, 2005 requiring each Committee to submit a current list of members and a mission statement for the Committee.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead adopts the attached mission statements for the Town Board Advisory Committees; and

BE IT FURTHER RESOLVED, that the Riverhead Town Board hereby appoints the attached list of committee members to terms ending December 31, 2007; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the attached list of committee members and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Z:/Peggy

AGRICULTURAL ADVISORY COMMITTEE

Mission Statement:

To advise the Town Board on legislative and regulatory issues pertaining to agriculture.

Members:

Lou Caracciolo, Jr.
Doug Corwin
Joe Gergela
Bob Kern
Jeff Rottkamp
Charlie Scheer
Phil Schmitt, II
Henry Talmage
Lyle Wells

Town Board Liaisons:

Councilman George Bartunek
Councilman Ed Densieski

Meeting Dates:

2nd Monday at 7:30 pm - April 10
May 8
June 12
July 10
August 14
September 11
October 16
November 13
December 11

Member Needed: 0

ANIMAL CONTROL ADVISORY COMMITTEE

Mission Statement:

It is the purpose of the Town of Riverhead Animal Control Advisory Committee to help make the Town Animal Shelter a facility that continues to benefit the welfare of all animals that pass through its doors. Within this mission is the goal to increase the rate of adoptions and thereby help decrease the annual rate of euthanasia.

The goal of the Animal Control Advisory Committee shall be realized with several objectives:

- Identify volunteers for assignment to Town of Riverhead Resolution #1095 permitted tasks at the Town Animal Shelter
- Assist the Town to enhance its relationships with wildlife management organizations, animal care professionals, animal advocacy groups, community safety groups, and concerned individuals
- Work cooperatively with Animal Shelter staff, Police Chief Hegermiller, Town Board members, Grants Coordinator, and Finance Director to ensure the intent and spirit of Resolution #1095 is realized

Members:

Dexter Archer, DVM accredited animal healthcare provider
Michele Janlewicz, member/wildlife management community
Maura Frankman, member/community safety organization
Frank Mosca, member/animal rights community
Angela De Vito, member/Animal Shelter Volunteer Corps
Pam Green, member/ not-for profit animal shelter
Rose Sanders, member of the community

Town Liaisons:

Councilman George Bartunek & Councilman John Dunleavy
David J. Hegermiller, Chief of Police
Matthew Hattorff, CSEA President
Sean McCabe, Animal Control Officer

Meeting Dates:

3 rd Monday at 6:00 pm	-	April 17	August 21
		May 15	September 18
		June 19	October 16
		July 17	November 20
		August 21	December 18

Members Needed: 2

ANTI-BIAS TASK FORCE

Mission Statement:

To develop and implement ways to prevent and combat racism, to defuse its destructive effects and to seek ways to bring people together in order that all might benefit from the diversity the Town has to offer.

Members:

Marilyn Banks-Winter
Dr. Ledyard Baxter
Kathleen Berezny
Gwen Branch
April Gray
Cynthia Richardson
Anne Rodriguez
Sr. Margaret Smyth
Louise C. Wilkinson

Town Board Liaisons:

Councilman George Bartunek
Councilman John Dunleavy
Police Chief David Hegermiller

Meeting Dates:

4th Monday at 7:00 pm - April 24
May 22
June 26
July 24
August 28
September 25
October 23
November 27
December 18

DARK SKIES ADVISORY COMMITTEE

Mission Statement:

The purpose of the Dark Skies Advisory Committee is to support educational and legislative efforts to eliminate light pollution. Light pollution is defined as: glare, light trespass, and "up" lighting which contributes to sky glow by unshielded, misplaced, excessive, or unnecessary outdoor night lighting. By eliminating light pollution, we can conserve energy, reduce debilitating glare, maintain our desirable community character, safeguard our wildlife in their natural environment, and restore our view of the starry night sky.

Members:

Howard Zelizer, Chair
Bernadette Ann Voras, Recording Secretary
Cliff Baldwin
Janet Bidwell
Al Dierberger
Juliana C. Griffiths
Susan Harder
Jim Slezak
Dr. Peter Z. Takacs

Town Board Liaisons:

Councilman George Bartunek
Councilman Ed Densieski

Meeting Dates:

3rd Monday at 2:00 pm - April 17
May 15
June 19
July 17
August 21
September 18
October 16
November 20
December 18

EAST CREEK ADVISORY COMMITTEE

Mission Statement:

To advise the Town Board on all matters pertaining to the operation of the docking facility.

Members:

Mason Haas
Sean Egan
Charles Thomas
Greg Colt
Glenn Just

Ken Testa, Town Engineer
Ray Coyne, Superintendent of Recreation

Town Liaisons:

Councilwoman Barbara Blass
Councilman John Dunleavy

Meeting Dates:

Meets on an ad hoc basis when needed.

HANDICAPPED ADVISORY COMMITTEE

Mission Statement:

It is the purpose of this all-volunteer Committee to ensure that all handicapped residents of the Town of Riverhead, as well as those who may visit the Town, enjoy the same quality of life as all other Town residents. Our purpose is met by determining needs and then proposing ways to meet these needs.

Objectives:

- To work for the benefit of Town of Riverhead residents with disabilities.
- To develop programs in conjunction with other Town Departments and Committees that assist people with disabilities to become more self-sufficient.
- To advocate at Town Hall for changes to resolve issues facing the disabled.
- To create and promote educational and informational materials.
- To raise awareness of the needs and issues of the handicapped residents of Riverhead.
- To assist the Town in ensuring compliance with all Town, State and Federal mandates and regulations.

Members:

Remy Bell
Barbara Grattan
Theresa Jackson
Leonora Spivak
Vince Taldone

Town Board Liaison:

Councilman Ed Densieski

Meeting Dates:

3rd Wednesday at 2:00 pm - April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20

Members Needed: 4

PARKING DISTRICT ADVISORY COMMITTEE

Mission Statement:

To act in an advisory capacity to the Riverhead Town Board, in its role as Trustees of the Riverhead Parking District, on all matters pertaining to maintenance, management and future development of areas within the Parking District.

Members:

James Bissett
Vincent Cangiano
Ray Dickhoff
Timothy Griffing
Martin Sendlewski
Liz Strebel
Vince Tria

Town Board Liaison:

Councilman Ed Densieski

Meeting Dates:

4th Wednesday at 4:00 pm - April 26
May 24
June 28
July 26
August 23
September 27
October 25
November 22
December 20

Members Needed: 2

SMALL BUSINESS ADVISORY COMMITTEE

Mission Statement:

To advise the Riverhead Town Board on all matters pertaining to small business.

Members:

Charles Massoud, Chair
Douglas Dey
Vince Tria
Lauren VonEnde
Jack Van de Wetering

Town Liaisons:

Councilman Ed Densieski
Councilman John Dunleavy

Meeting Dates:

3rd Wednesday at 3:00 pm - April 19
May 17
June 21
July 19
August 16
September 20
October 18
November 15
December 20

Members Needed: 4

TRAFFIC AND SAFETY COMMITTEE

Mission Statement:

To promote safety on the streets of Riverhead by recommending solutions to traffic issues.

Members:

Police Chief David Hegermiller
Councilman John Dunleavy
Highway Superintendent Mark Kwasna
Town Engineer Ken Testa

Meeting Dates:

2nd Thursday at 8:30 am - April 13
May 11
June 8
July 13
August 10
September 14
October 12
November 9
December 14

Members Needed: 5

YOUTH ADVISORY COMMITTEE

Mission Statement:

The Riverhead Youth Advisory Committee's mission is to identify community youth needs and advise the Town Board on strategies for promoting the growth, development and well being of all youth in the Town of Riverhead.

Members:

Thaddaeus Hill, Chairperson/ Timothy Hill Children's Ranch
Theresa Drozd, E.S. BOCES/Riverhead C.S.D.
Connie Gevinski, School to Work Coordinator/Riverhead C.S.D.
Astrid Lehmann, Registered Nurse/Timothy Hill Children's Ranch
Donna Lyczkowski, Youth Counselor/Riverhead Town JAB
Rose Sanders, Community Member
Felicia Scocozza, Community Awareness/Riverhead CAP
Debra Woerner, Community Member/Timothy Hill Children's Ranch

Town Liaisons:

David Hegermiller, Chief of Police
Ray Coyne, Recreation Superintendent
Jennifer Mesiano, Grants Coordinator

Student Liaisons:

Shalyse Jones, Riverhead HS
Maurice Langhorne, Riverhead HS

Meeting Dates:

2nd Wednesday at 8:00 am - April 12
May 10
June 14
July 12
August 9
September 13
October 11
November 8
December 13

Member Needed: 1

Adopted

5/16/06

TOWN OF RIVERHEAD

Resolution # 454

APPOINTS SUMMER RECREATION AIDES TO THE RECREATION DEPARTMENT

COUNCILMAN DUNLEAVY

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

RESOLVED, that the Town Board appoints the attached list of Summer Recreation Aides to the Recreation Department effective June 1, 2006 to and including September 1, 2006 to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

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

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___ *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris: Res Blanket Sum Rec Aide 06

**RECREATION DEPARTMENT APPOINTMENTS
5/16/06 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 J.	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Bentzen	Patrick	Summer Rec. Aide	IV	6/1/06	9/1/06	\$10.50
Brown	Jennifer	Summer Rec. Aide	IV	6/1/06	9/1/06	\$10.50
Bullock	Amy	Summer Rec. Aide	III	6/1/06	9/1/06	\$10.00
Chizever	Brett	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
DiResta	Vincent	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Ince	Parker	Summer Rec. Aide	I	6/1/06	9/1/06	\$8.50
Jehle	Michael	Sum Rec. Aide/cert.	IV	6/1/06	9/1/06	\$12.00
Johnson	Katherine	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Koroleski	Cori	Summer Rec. Aide	VII	6/1/06	9/1/06	\$12.00
Kulka-MacLellan	Caitlin	Summer Rec. Aide	IV	6/1/06	9/1/06	\$10.50
Kwasna	Amanda	Summer Rec. Aide	V	6/1/06	9/1/06	\$11.00
Miller	Leslie	Summer Rec. Aide	VI	6/1/06	9/1/06	11.50
Mongiori	James	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Rollins	Dana	Summer Rec. Aide	V	6/1/06	9/1/06	\$11.00
Schaefer	Desiree	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Warner	Jackie	Summer Rec. Aide	VI	6/1/06	9/1/06	\$11.50
Warner	Naomi	Summer Rec. Aide	IV	6/1/06	9/1/06	\$10.50
Young	Krystal	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50
Zuhoski	Larissa	Summer Rec. Aide	II	6/1/06	9/1/06	\$9.50

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

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 455

APPOINTS SUMMER PROGRAM LEADERS TO THE RECREATION DEPARTMENT

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

RESOLVED, that the Town Board appoints the attached list of Summer Program Leaders to the Recreation Department effective May 22, 2006 to and including September 1, 2006 to serve as needed on an annual basis and to serve at the pleasure of the Town Board and

BE IT FURTHER, RESOLVED, that the Town Board hereby authorize the Town clerk to forward the resolution to the Recreation Department and the Office of Accounting.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___ *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Doris: Res Blanket Sum Prog Leaders 06

**RECREATION DEPARTMENT APPOINTMENTS
5/16/06 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>
Hebberd	Laurell	Summer Program Leader	II	5/22/06	9/1/06	\$13.00
Hynds	Cynthia	Summer Program Leader	X	5/22/06	9/1/06	\$17.00
Lindsay	Lisa	Summer Program Leader	VI	5/22/06	9/1/06	\$15.00
Pantaleo	Kathleen	Summer Program Leader	IV	5/22/06	9/1/06	\$14.00

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

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 456

APPOINTS AN ASSISTANT WATERFRONT COORDINATOR LEVEL II TO THE RIVERHEAD RECREATION DEPARTMENT

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

RESOLVED, that Frank Villanell is hereby appointed to serve as an Assistant Waterfront Coordinator Level II effective May 19th, 2006 to and including September 8th, 2006 to be paid at the rate of \$12.50 per hour, and to serve as needed on an at will basis and to serve at the pleasure of the Town Board and

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

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

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

THE VOTE

Dunleavy yes no Bartunek yes no

Blass yes no Densieski yes no

Cardinale yes no

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

absent

¹ Rec. Doris/ Res Waterfront coordinator Frank Villanell

May 16, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 457

APPOINTS A CROSSING GUARD TO THE POLICE DEPARTMENT

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

and **WHEREAS**, one (1) position for Crossing Guard exists in the Police Department;

WHEREAS, pursuant to interviews, a recommendation has been made by the Chief of Police to hire John Shuot to this part-time position.

NOW, THEREFORE, BE IT RESOLVED, effective May 17, 2006, the Town Board hereby appoints John Shuot to the position of Crossing Guard at an hourly rate of pay as set forth in the current Town Board resolution that sets salaries of Crossing Guards; and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to John Shuot, the Chief of Police and the Office of Accounting.

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI ___ YES ___ NO *absent*
CARDINALE YES ___ NO

**THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED**

May 16, 2006

TOWN OF RIVERHEAD

Resolution # 458

Adopted

APPOINTS STUDENT INTERN
IN THE ACCOUNTING DEPARTMENT

COUNCILWOMAN BLASS

_____ offered the following

resolution, which was seconded by _____
COUNCILMAN BARTUNEK

WHEREAS, it is beneficial to the Town to hire student interns to work cooperatively with individual Departments during the summer months; and

WHEREAS, it is the desire of the Accounting Department to have student interns appointed to work during the summer months to complete the annual capital asset inventory, and

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby appoint Joseph W. Magee to the position of Student Intern in the Accounting Department at the hourly rate of pay of \$10.00 per hour effective May 30, 2006 ending September 1, 2006.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Joseph W. Magee and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No *absent*

Cardinale Yes No

May 16, 2006

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 459

APPOINTS DEPUTY TOWN SUPERVISOR

COUNCILMAN BARTUNEK

_____ offered the following resolutions, which was seconded

COUNCILMAN DUNLEAVY

by _____.

RESOLVED, effective May 17, 2006, Margaret Welsh is hereby appointed to the position of Deputy Town Supervisor in which she will serve without compensation; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Margaret Welsh and the Office of Accounting.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski Yes No *absent*

Cardinale ~~Yes~~ No

Z:/Peggy

5/16/06

TOWN OF RIVERHEAD

Resolution # 460

Adoptec

ACCEPTS THE RETIREMENT OF JOHN SCHWARZ
IN THE HIGHWAY DEPARTMENT

COUNCILMAN DUNLEAVY

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

WHEREAS, the Town has received a letter from John Schwarz advising of his intent to retire effective June 9, 2006.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the retirement of John Schwarz.

BE IT FURTHER, RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to John Schwarz, and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No *absent*

Cardinale Yes No

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

MAY 16, 2006

Adopted

TOWN OF RIVERHEAD

ACCEPTS RESIGNATION OF SENIOR CITIZEN HOMEMAKER

RESOLUTION # 461

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

WHEREAS, the Town has received a letter of resignation from Ayne Warner from the position of Homemaker effective May 26, 2006.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board hereby accepts the resignation of Ayne Warner.

BE IT FURTHER, RESOLVED, that the Town Clerk be, and is hereby, directed to forward a certified copy of this Resolution to Ayne Warner, the Senior Citizen Department and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No absent

Cardinale Yes No

THIS RESOLUTION IS IS NOT
DECLARED DULY ADOPTED

5/16/06

Adopted

ORDER ESTABLISHING
EXTENSION No. 84
RIVERHEAD WATER DISTRICT
SPLISH SPLASH WATER PARK

Resolution # 462
Adopted _____

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

WHEREAS, a petition has been filed by the owners of Splish Splash Water Park in Calverton for an extension to the Riverhead Water District to allow additional properties owned by them to be served by the Riverhead Water District, which properties are located outside the boundaries of the existing water district, and

WHEREAS, a map and plan detailing the proposed extension has been prepared by H2M, consulting engineers to the Riverhead Water District which report recommends an extension of 1,100 linear feet of 12-inch water main along the north side of Splish Splash Drive, with a separate service line extending across Splish Splash Drive where an 8-inch stub will be left at the property line for connection of the private services, as more particularly set forth in the report prepared by H2M, and

WHEREAS, the maximum amount to be expended for the extension is \$65,500 to be borne by the applicant and no public monies shall be expended for this extension, and

WHEREAS, key money will be based upon the projected water use and the number of days the park operates, with the proposed expansion to be considered equivalent to 11 dwelling units with the total cost of key money being \$27,500, and

WHEREAS, the boundary of the said extension is set forth fully in the attached Exhibit A, and

WHEREAS, the Town Board called a public hearing for April 18, 2006, which hearing was held and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, upon the proceeding and record of the

hearing had herein, determines that the extension to the Riverhead Water District to be known as Extension No. 84 as shown on Exhibit A attached is in the best interest of the District and will benefit the property to be served, and

BE IT FURTHER RESOLVED, that the Town Board determines that the installation of the water mains and appurtenances is a Type II action pursuant to the State Environmental Quality Review Act which will not have a significant impact upon the environment, and

BE IT FURTHER RESOLVED, that this extension is conditioned and shall not become effective until the conditions contained herein are complied with, and

BE IT FURTHER RESOLVED, that the cost of the installation of the extension is \$65,500, all being constructed subject to the following conditions:

1. The owners grant a permanent, unobstructed subsurface easement for the installation and maintenance of water mains and appurtenances within the proposed extension;
2. The developer will deposit cash, bank or certified check with the Town of Riverhead prior to the award of the bid covering the cost of construction in the amount of \$65,500, before this resolution shall become a final order. After the deposit of all costs in the aforesaid amount, the Clerk shall certify this resolution as a final order and cause the same to be recorded and filed as set forth below; and
3. Key money will be assessed at the total amount of \$27,500 to be paid to the Town of Riverhead prior to the award of the bid for construction;
4. That the petitioner execute an acknowledgement evidencing their acceptance of the terms and conditions of this resolution and agree to be bound by it before it shall become effective; such acknowledgement to be filed with the Town Clerk, and

BE IT FURTHER RESOLVED, that when the conditions call for herein have been completed, the town Clerk shall cause of a copy of this order to be recorded in the Office of the clerk of Suffolk county and filed with the New York State Comptroller, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gary Pendzick, Frank Isler, Esq., the developer, and H2M.

RESOLUTION PREPARED BY FRANK A. ISLER, ESQ., FOR
THE RIVERHEAD WATER DISTRICT

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

EXHIBIT "A"**RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSED EXTENSION NO. 84****SPLISH SPLASH PARK EXPANSION (2005)**DESCRIPTION OF EXTENSION**MARCH 2006**

All these certain lots, parcels of land, said properties, being known as Section 118, Block 1, Lots 1.0, 2.2 & 13.0, situated and lying and being at Calverton, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point formed by the southerly right-of-way of Middle Country Road (NYS Rte. 25) and the westerly property line of the New York State Recharge Basin.

Traveling westerly along the southerly right-of-way of Middle Country Road (NYS Route 25) and having a radius of 4,461.00 feet and a length of 710.65 feet.

THENCE running southerly and westerly along the southerly right-of-way line of Middle Country Road (NYS Route 25), the following five (5) bearings, distances, radii and lengths:

- | | | |
|----|---------------------|-----------------|
| 1. | N 75° - 56' - 39" E | 39.19 feet; |
| 2. | R = 4,388.00 feet | L = 63.88 feet; |
| 3. | R = 100.00 feet | L = 69.98 feet; |
| 4. | R = 50.00 feet | 111.87 feet; |
| 5. | N 27° - 35' - 28" E | 55.48 feet, |

to a point formed by the southerly right-of-way of Middle Country Road (NYS Route 25) and the westerly property line of Section 118, Block 1, Lot 3.1. Said point being the POINT OF BEGINNING.

From said POINT OF BEGINNING, running southerly along the westerly property line of Section 118, Block 1, Lot 3.1 the following bearing and distance:

1. S 14° - 03'-21" E 1,576.24 feet,

to a point formed by the easterly property line of Section 118, Block 1, Lot 2.2 and the northerly property line of Section 117, Block 2, Lot 11.

THENCE running westerly along the southerly property line of Section 118, Block 1, Lot 2.2 the following two (2) bearings and distances:

1. S 74° - 46'-0" W 501.74 feet;
2. S 75° - 03'-20" W 307.34 feet,

to a point formed by the southerly property line of Section 118, Block 1, Lot 2.2 and the easterly property line of Section 118, Block 1, Lot 2.1.

THENCE running northerly and westerly along the westerly property line of Section 118, Block 1, Lot 2.2 the following four (4) bearings and distances:

1. N 00° - 04'-40" W 2,019.49 feet;
2. N 74° - 57'-00" W 50.00 feet;
3. N 15° - 03'-00" E 120.00 feet;
4. N 38° - 17'-20" E 93.52 feet,

to a point formed by the southerly right-of-way line of Middle Country Road (NYS Route 25) and the westerly property line of Section 118, Block 1, Lot 2.2.

THENCE running easterly along the southerly right-of-way of Middle Country Road (NYS Route 25) on an arc bearing to the right and having a radius of 4,388.00 feet and a length of 796.15 feet to a point formed by the southerly right-of-way line of Middle Country Road (NYS Route 25) and the easterly property line of Section 118, Block 1, Lot 1.

THENCE running southerly along the easterly property line of Section 118, Block 1, Lot 1, the following bearing and distance:

1. S 14° - 03' - 21" E 25.94 feet,

to the said POINT OF BEGINNING.

END OF DESCRIPTION

X:\RDWD (Riverhead Water District) - 10810\0553 - Splish Splash 2006 Expansion_Water Mains\Report\MARCH 2006\Exhibit A.doc

5/16/06

Adopted

ORDER ESTABLISHING
EXTENSION No. 83
RIVERHEAD WATER DISTRICT
STONELEIGH WOODS

Resolution # 463

Adopted _____

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

WHEREAS, a petition has been filed by the developers of Stoneleigh Woods for an extension to the Riverhead Water District to serve their realty subdivision in which is located along the north side of Middle Road just east of its intersection with Ostrander Avenue and which is located outside the boundaries of the existing water district, and

WHEREAS, a map and plan detailing the proposed extension has been prepared by H2M, consulting engineers to the Riverhead Water District which report recommends the installation of 6,000 linear feet of six and eight inch water main to be constructed within the development. The proposed main will connect to an existing 12-inch water main located on Middle Road with a secondary connection to an existing 8-inch water main located on Pebble Beach Path in Sunken Pond Estates development, and

WHEREAS, the maximum amount to be expended for the extension is \$650,000 to be borne by the applicant and no public monies shall be expended for this extension, and

WHEREAS, key money will be assessed at the rate of \$2,500 per single family dwelling unit plus key money for club house to cover the cost of constructing capital improvement facilities, for a total amount of \$442,500, and

WHEREAS, the boundary of the said extension is set forth fully in the attached Exhibit A, and

WHEREAS, the Town Board called a public hearing for March 7, 2006, which hearing was held and all persons wishing to be heard were heard,

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board, upon the proceeding and record of the hearing had herein, determines that the extension to the Riverhead Water District to be known as Extension No. 83 as shown on Exhibit A attached is in the best interest of the District and will benefit the property to be served, and

BE IT FURTHER RESOLVED, that the Town Board determines that the installation of the water mains and appurtenances is a Type II action pursuant to the State Environmental Quality Review Act which will not have a significant impact upon the environment, and

BE IT FURTHER RESOLVED, that this extension is conditioned and shall not become effective until the conditions contained herein are complied with, and

BE IT FURTHER RESOLVED, that the cost of the installation of the extension is \$650,000, all being constructed subject to the following conditions:

1. The owners grant a permanent, unobstructed subsurface easement for the installation and maintenance of water mains and appurtenances within the proposed extension;

2. The developer will deposit cash, bank or certified check with the Town of Riverhead prior to the award of the bid covering the cost of construction in the amount of \$650,000, before this resolution shall become a final order. After the deposit of all costs in the aforesaid amount, the Clerk shall certify this resolution as a final order and cause the same to be recorded and filed as set forth below; and

3. Key money will be assessed by new connections, which will be owed at Certificate of Occupancy for any new construction within the District as extended;

4. That the petitioner execute an acknowledgement evidencing their acceptance of the terms and conditions of this resolution and agree to be bound by it before it shall become effective; such acknowledgement to be filed with the Town Clerk and

BE IT FURTHER RESOLVED, that when the conditions call for herein have been completed, the town Clerk shall cause of a copy of this order to be recorded in the Office of the clerk of Suffolk county and filed with the New York State Comptroller, and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Gary Pendzick, Frank Isler, Esq., Charles Cuddy,

Esq., and H2M.

RESOLUTION PREPARED BY FRANK A. ISLER, ESQ., FOR
THE RIVERHEAD WATER DISTRICT

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski ___ yes ___ no *absent*
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

EXHIBIT "A"**RIVERHEAD WATER DISTRICT
ENGINEERING REPORT
FOR
PROPOSED EXTENSION NO. 83****STONELEIGH WOODS****DESCRIPTION OF EXTENSION****JULY 2005**

All those certain lots, parcels of land, said properties being known as District 0600, Section 82, Block 4, Lots 221.5 & 221.9, situated and lying and being at Riverhead, Town of Riverhead, County of Suffolk and State of New York, bounded and described as follows:

BEGINNING at a point formed by the easterly right-of-way of Nadel Drive and the northerly right-of-way of Middle Road and having a radius of approximately 30 feet and a length of approximately 46 feet.

Traveling easterly along the northerly right-of-way of Middle Road a distance of approximately 812 feet to a point formed by the northerly right-of-way of Middle Road and the westerly property line of Section 82, Block 4, Lot 221.5.

THENCE running northerly along the westerly property line of Section 82, Block 4, Lot 221.5 a distance of approximately 259 feet to a POINT OF BEGINNING.

From said POINT OF BEGINNING, running northerly along the westerly property line of Section 82, Block 4, Lot 221.5 the following two (2) bearings and distances:

1. North 31° - 50' -15" West; approximately 478 feet
2. North 32° - 29' -20" West; approximately 2,813.12 feet

to a point formed by the westerly property line and the northerly property line of Section 82, Block 4, Lot 221.5.

THENCE running easterly along the northerly property line of Section 82, Block 4, Lot 221.5 the following bearing and distance:

1. North $44^{\circ} - 44' - 10''$ East; 534.33 feet

to a point formed by the northerly property line and easterly property line of Section 82, Block 4, Lot 221.5.

THENCE running southerly along the easterly property line of Section 82, Block 4, Lot 221.5 and 221.9 the following bearing and distance:

1. South $33^{\circ} - 01' - 41''$ East; 3,083.60 feet

to a point formed by the easterly property line of Section 82, Block 4, Lot 221.9 and the northerly property line of Section 82, Block 4, Lot 221.12.

THENCE running westerly along the northerly property line of Section 82, Block 4, Lot 221.12 the following bearing and distance:

1. South $63^{\circ} - 45' - 50''$ East; 322.58 feet

to a point formed by the northerly and westerly property lines of Section 82, Block 4, Lot 221.12.

THENCE running southerly along the westerly property lines of Section 82, Block 4, Lot 221.12 the following bearing and distance:

1. South $36^{\circ} - 14' - 10''$ East; approximately 300 feet

to a point formed by the westerly property line of Section 82, Block 4, Lot 221.12 and a line approximately 225 feet from the northerly right-of-way of Middle Road.

THENCE running westerly along an imaginary line, a distance of approximately 158 feet to the said POINT OF BEGINNING.

END OF DESCRIPTION

x:\rdwd (riverhead water district) - 10810\rdwd0552 - ext. no. 83, stoneleigh woods_water mains\01_phase_report & prelim work\report\exhibit a.doc

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 464

AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENTS IN CONNECTION WITH COUNTY OF SUFFOLK SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM CONTRACTS

COUNCILWOMAN BLOSS

_____ offered the following resolution,

was seconded by **COUNCILMAN BARTUNEK** _____:

WHEREAS, the County of Suffolk has provided financial assistance to the Town of Riverhead through Supplemental Nutrition Assistance Program (SNAP); and

WHEREAS, the County of Suffolk has stated that sufficient funding exists in the 2006 Suffolk County Operating Budget; and

WHEREAS, the Town received contracts from Suffolk County Office for the Aging for the purpose of making a Supplemental Nutrition Assistance Program available to senior citizens of Suffolk County.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreements implementing the County of Suffolk Supplemental Nutrition Assistance Program, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a Certified Copy of this Resolution to the Office of the Town Attorney, the Seniors Program and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Bloss Yes No

Densieski Yes No *absent*

Cardinale Yes No

County of Suffolk



Steve Levy
Suffolk County Executive

Office for the Aging
Holly S. Rhodes-Teague
Director

March 24, 2006

The Honorable Philip Cardinale
Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

RE: Supplemental Nutrition Assistance Program
IFMS No. SCS EXE 06000009383

Dear Supervisor Cardinale:

Three copies of the Agreement referenced above are enclosed. Please sign all three copies of the Agreement and return them as soon as possible. In addition, a current copy of your Declaration Page of the required insurance policies must be submitted to this office upon renewal.

Please be advised that if you are providing services without a fully executed contract, you do so at your own risk as an exercise of your independent business judgment and without any guarantee of payment.

Included as part of the Agreement is Suffolk County Form SCEX 22, Contractor's/Vendor's Public Disclosure Statement. Please complete this form in each contract. If your organization is exempt, three copies of the form still must be notarized, however, only Items 1, 12 and 13 must be completed. Also, be sure to complete the enclosed "Union Organizing Certification/Declaration-Subject to Audit" (DOL-LO1).

One fully executed Agreement will be forwarded to you as soon as the signature process has been completed. If you require any further information, please contact Mary-Valerie Kempinski at 853-8209.

Sincerely,

Leonor Hunter
Fiscal Administrator II

LH:MVK:ny

Enclosures

cc: Judy Doll

G:\WYANOF\SKY\MVK\formletters\tr2copagreem with SCEX 22.TownCC.doc

SUFFOLK COUNTY DEPARTMENT OF LABOR - LABOR MEDIATION UNIT
UNION ORGANIZING CERTIFICATION/DECLARATION - SUBJECT TO AUDIT

If the following definition of "County Contractor" (Union Organizing Law Chapter 466-2) applies to the contractor's/beneficiary's business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

County Contractor: "Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above."

Section I The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as such shall not use County funds to assist, promote, or deter union organizing (Chapter 466-3 A), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing. (Chapter 466-3 B)

Check if Applicable I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing. (Chapter 466-3 H)

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made, I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request. (Chapter 466-3 I)

I/we further affirm to the following:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by prerecognition labor disputes through the adoption of nonconfrontational procedures for the resolution of prerecognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

I/we further agree that every County contract for the provision of services, when such services will be performed on County property, shall include a requirement that I/we adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, no intimidation agreement, and a majority authorization card agreement.

I/we further agree that every County contract for the provision of human services, when such services are not to be performed on County property, shall include a requirement that I/we adopt, at the least, a neutrality agreement.

I/we understand that the efficient, timely, and nondisruptive provision of goods and services is a paramount financial interest of the County of Suffolk and as such, the County expects the potential County contractor to protect the County's financial interest by adopting nonconfrontational procedures for the orderly resolution of labor disputes, including, but not limited to, neutrality agreements, majority authorization card agreements, binding arbitration agreements, fair communication agreements, nonintimidation agreements, and reasonable access agreements.

Section II

The Union Organizing Law does not apply to this contract for the following reason(s): _____

Check if
Applicable

Section III

Contractor Name: _____ Federal Employer ID#: _____

Contractor Address: _____ Amount of Assistance: _____

Vendor #: _____

Contractor Phone #: _____

Description of project or service: _____

Section IV

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

Authorized Signature

Date

Print Name and Title of Authorized Representative

Amendment of Agreement

This is the Second Amendment of an Agreement (Agreement) last dated September 2, 2004, between the County of Suffolk (County), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted Office for the Aging (Aging), having its principal office at the H. Lee Dennison Building - 3rd Floor, 100 Veterans Memorial Highway, Hauppauge, New York (Mailing address: P.O. Box 6100, Hauppauge, New York 11788-0099), and the Town of Riverhead (Contractor), a New York municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901.

The parties hereto desire to modify the Agreement to extend the term of the Agreement from March 31, 2006 through March 31, 2007 (the period April 1, 2006 through March 31, 2007 being hereinafter called the "2006/2007 Extension Period") and to amend other contract provisions to comply with current County Standards, as set forth herein. Sufficient funding exists in the 2006 Suffolk County Operating Budget.

Term of Agreement: Shall be April 1, 2004 through March 31, 2007.

Total Meals: **Daily Congregate Meals:** 67

Daily Home-Delivered Meals: 96

Total Cost of Agreement: Shall be on a fee-for-service basis, not to exceed \$585,776 (with \$210,887 for the 2006/2007 Extension Period), as set forth in Exhibit C to the Agreement.

Terms and Conditions: Shall be as set forth in Exhibit A-2006 attached.

In Witness Whereof, the parties hereto have executed this Second Amendment of Agreement as of the latest date written below.

Town of Riverhead

By: _____
Philip Cardinale
Supervisor

Fed. Taxpayer ID #: 11-6001935

Date: _____

Approved as to Legality:

Christine Malafi
Suffolk County Attorney

By: _____ Date
Samantha N. McEachin
Assistant County Attorney

County of Suffolk

By: _____
Paul Sabatino II
Chief Deputy County Executive

Date: _____

Approved:

By: _____ Date
Holly S. Rhodes-Teague
Director, Office for the Aging

Recommended:

By: _____ Date
Anna Prencipe
Food Service Supervisor

Exhibit A – 2006

Whereas, the **County** and **Contractor** have entered into an Agreement (Law No. AG004M/0021-07R), last dated September 2, 2004, for a term from April 1, 2004 through March 31, 2005 for a senior citizens' nutrition program at a Total Cost of \$178,926; and

Whereas, the **County** and **Contractor** have entered into a First Amendment of Agreement (Law No. AG004M/0021-07RA), to extend the term from March 31, 2005 through March 31, 2006 and (at an additional cost of \$195,963) to increase the Total Cost of the Agreement to \$374,889; and

Whereas, the parties hereto desire to modify the Agreement and First Amendment of Agreement, extending the term from March 31, 2006 through March 31, 2007 and (at an additional cost of \$210,887) increasing the Total Cost of the Agreement to \$585,776, as set forth below, and;

Now, therefore, in consideration of the covenants, promises and consent herein contained, the parties hereto agree as follows:

1. Term of Agreement:

The Term of Agreement paragraph on page 1 of the Agreement is amended to read April 1, 2004 through March 31, 2007 as set forth on the page 1 of this Second Amendment of Agreement.

2. Meals:

Effective as of the beginning of the Extension Period, the approximate daily number, and the maximum annual number, if any, of Congregate and/or Home-Delivered Meals included in the Program shall be as set forth on the cover page of this Second Amendment of Agreement.

3. Payment of Services:

The Total Cost of Agreement \$585,776 is comprised as follows:

- (a) \$178,926 for program year 2004/2005;
- (b) \$195,963 for program year 2005/2006;
- (c) \$210,887 for program year 2006/2007.

4. Rate Page:

The rate at which the Contractor shall be paid for this Extension Period is set forth for program year 2006/2007 in Exhibit C to the Agreement.

Paragraph 7 of Exhibit A1 to the agreement is amended to read as follows:

5. Paragraph 7 of Exhibit A1 to the agreement is amended to read as follows:

7. **Addresses for Notices, Claims and Reports**

(a) **Notices, Relating to Payments, Reports or Other Submissions.**

Any communication, notice, claim for payment, report, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For Aging:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

(b) Notices Relating to Insurance

Any communication, notice or other submission regarding insurance requirements under this Agreement shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For Aging:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

And

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

(c) Notices Relating to Indemnification and Termination

Any communication or notice regarding indemnification or termination shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For the County:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

Notices sent under paragraphs a, b, and, c above shall be deemed to have been duly give (i) if mailed by registered or certified mail, upon the seventh business day after the mailing thereof or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof.

Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

(d) Notices Relating to Litigation

i. Any notice by either party to the other with respect to the commencement of any lawsuit or legal proceeding against the other, shall be effected pursuant to and governed by the New York State Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

ii. In the event the Contractor receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the Contractor shall immediately forward to the County Attorney, at the addresses set forth in sub-paragraph b above, copies of all papers filed by or against the Contractor. Notices shall be as provided in paragraph (c) above.

6. Subparagraph (g) of Paragraph 13 of Exhibit A1 to the Agreement is replaced in its entirety with the following:

(g) The Contractor agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees, arising out of the acts or omissions or the negligence of the Contractor in connections with the services described or referred to in this Agreement. The Contractor shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Contractor, its officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement.

7. Governing Law

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

8. Force Majeure

Neither party shall be held responsible for any delay or failure in performance hereunder to the extent such delay or failure is caused by fire, flood, explosion, war, strike, embargo, civil or military authority, act of God, act or omission of carriers, power failure or similar causes beyond its control ("force majeure conditions"). If any force majeure condition occurs, the party delayed or unable to perform shall give immediate notice to the other party.

9. Except as herein amended, all other representations, terms and conditions of said Agreement, including any and all amendments or budget modifications executed prior to the date hereof, are hereby ratified and confirmed to be in full force and effect.

— End of Text —

Suffolk County Form SCEX 22
Contractor's/Vendor's Public Disclosure Statement

Pursuant to Section A5-7 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all contractors/vendors that have a contract with Suffolk County. In the event contractor/vendor is exempt from completing paragraphs numbered 1 through 11 below, so indicate at paragraph number 12 below setting forth the reason for such exemption. Notwithstanding such exempt status, you must execute this form below before a notary public.

1. Contractor's/Vendor's Name _____
Address _____
City and State _____ Zip Code _____
2. Contracting Department's Name _____
Address _____
3. Payee Identification or Social Security No. _____
4. Type of Business Corporation Partnership Sole Proprietorship Other
- 5.a Is contractor/vendor entering into or has contractor/vendor entered into a contract with Suffolk County in excess of \$1,000? Yes No.
- 5.b Has contractor/vendor entered into three or more contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000? Yes No.
6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and name and addresses of all corporate officers. Conspicuously identify any person in this table or organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)

7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).

8. Does contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? Yes No.
9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)
10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the contract. (Describe general nature of the contract.) _____

11. **Remedies.** The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the contract.
12. If you are one of the entities listed below at a) through c) or you qualify under d) below, you are exempt from completing paragraphs numbered 1 through 11 herein:
- a) Hospital
 - b) Educational or governmental entities
 - c) Not-for-profit corporations
 - d) Contracts providing for foster care, family day-care providers or child protective services

Please check to the left side of the appropriate exemption.

13. **Verification.** This section must be signed by an officer or principal of the contractor/vendor authorized to sign for the company for the purpose of executing contracts. The undersigned, being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: _____ Signed: _____
 Printed Name of Signer: _____
 Title of Signer: _____
 Name of Contractor/Vendor: _____

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
 (Within New York State)

STATE OF NEW YORK)
 COUNTY OF _____) ss.:

On the ____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

 (signature and office of individual taking acknowledgement)

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 465

AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENTS IN CONNECTION WITH COUNTY OF SUFFOLK RESIDENTIAL REPAIR IIIB CONTRACTS

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

WHEREAS, the County of Suffolk has stated that sufficient funding exists in the 2006 Suffolk County Operating Budget; and

WHEREAS, the Town received contracts from Suffolk County Office for the Aging for the purpose of making a IIIB Residential Repair program available to senior citizens of Suffolk County.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute the attached agreements implementing the County of Suffolk Residential Repair IIIB program, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a Certified Copy of this Resolution to the Office of the Town Attorney, the Seniors Program and the Office of Accounting.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

absent
Densieski Yes No

Cardinale Yes No

County of Suffolk



Steve Levy
Suffolk County Executive

Office for the Aging
Holly S. Rhodes-Teague
Director

March 21, 2006

The Honorable Philip Cardinale
Supervisor
Town of Riverhead
200 Howell Avenue
Riverhead, New York 11901

RE: IIB – Residential Repair
IFMS No. SCS EXE 06000009963

Dear Supervisor Cardinale:

Three copies of the Agreement referenced above are enclosed. Please sign all three copies of the Agreement and return them as soon as possible. In addition, a current copy of your Declaration Page of the required insurance policies must be submitted to this office upon renewal.

Please be advised that if you are providing services without a fully executed contract, you do so at your own risk as an exercise of your independent business judgment and without any guarantee of payment.

Included as part of the Agreement is Suffolk County Form SCEX 22, Contractor's/Vendor's Public Disclosure Statement. Please complete this form in each contract. If your organization is exempt, three copies of the form still must be notarized, however, only Items 1, 12 and 13 must be completed. Also, be sure to complete the enclosed "Union Organizing Certification/Declaration-Subject to Audit" (DOL-LO1).

One fully executed Agreement will be forwarded to you as soon as the signature process has been completed. If you require any further information, please contact Mary-Valerie Kempinski at 853-8209.

Sincerely,

Leonor Hunter
Fiscal Administrator II

LH:MVK:ny

Enclosures

cc: Judy Doll

G:\WYANOFKY\MVK\formletters\ltr2ccpagreem with SCEX 22.TownCC.doc

SUFFOLK COUNTY DEPARTMENT OF LABOR - LABOR MEDIATION UNIT
UNION ORGANIZING CERTIFICATION/DECLARATION - SUBJECT TO AUDIT

If the following definition of "County Contractor" (Union Organizing Law Chapter 466-2) applies to the contractor's/beneficiary's business or transaction with Suffolk County, the contractor/beneficiary must complete Sections I, III, and IV below. If the following definitions do not apply, the contractor/beneficiary must complete Sections II, III and IV below. Completed forms must be submitted to the awarding agency.

County Contractor: "Any employer that receives more than \$50,000 in County funds for supplying goods or services pursuant to a written contract with the County of Suffolk or any of its agencies; pursuant to a Suffolk County grant; pursuant to a Suffolk County program; pursuant to a Suffolk County reimbursement for services provided in any calendar year; or pursuant to a subcontract with any of the above."

Section I The Union Organizing Law applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 26-2003, the Suffolk County Union Organizing Law (the law) and, as such shall not use County funds to assist, promote, or deter union organizing (Chapter 466-3 A), nor seek reimbursement from the County for costs incurred to assist, promote, or deter union organizing. (Chapter 466-3 B)

Check if Applicable I/we further agree to take all action necessary to ensure that County funds are not used to assist, promote, or deter union organizing. (Chapter 466-3 H)

I/we further agree that if any expenditures or costs incurred to assist, promote, or deter union organizing are made, I/we shall maintain records sufficient to show that no County funds were used for those expenditures and, as applicable, that no reimbursement from County funds has been sought for such costs. I/we agree that such records shall be made available to the pertinent County agency or authority, the County Comptroller, or the County Department of Law upon request. (Chapter 466-3 I)

I/we further affirm to the following:

- I/we will not express to employees any false or misleading information that is intended to influence the determination of employee preferences regarding union representation;
- I/we will not coerce or intimidate employees, explicitly or implicitly, in selecting or not selecting a bargaining representative;
- I/we will not require an employee, individually or in a group, to attend a meeting or an event that is intended to influence his or her decision in selecting or not selecting a bargaining representative;
- I/we understand my/our obligation to limit disruptions caused by prerecognition labor disputes through the adoption of nonconfrontational procedures for the resolution of prerecognition labor disputes with employees engaged in the production of goods or the rendering of services for the County; and
- I/we have or will adopt any or all of the above-referenced procedures, or their functional equivalent, to ensure the efficient, timely, and quality provision of goods and services to the County. I/we shall include a list of said procedures in such certification.

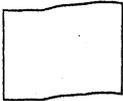
I/we further agree that every County contract for the provision of services, when such services will be performed on County property, shall include a requirement that I/we adopt a reasonable access agreement, a neutrality agreement, fair communication agreement, no intimidation agreement, and a majority authorization card agreement.

I/we further agree that every County contract for the provision of human services, when such services are not to be performed on County property, shall include a requirement that I/we adopt, at the least, a neutrality agreement.

I/we understand that the efficient, timely, and nondisruptive provision of goods and services is a paramount financial interest of the County of Suffolk and as such, the County expects the potential County contractor to protect the County's financial interest by adopting nonconfrontational procedures for the orderly resolution of labor disputes, including, but not limited to, neutrality agreements, majority authorization card agreements, binding arbitration agreements, fair communication agreements, nonintimidation agreements, and reasonable access agreements.

Section II

The Union Organizing Law does not apply to this contract for the following reason(s): _____



Check if
Applicable

Section III

Contractor Name: _____

Federal Employer ID#: _____

Contractor Address: _____

Amount of Assistance: _____

Vendor #: _____

Contractor Phone #: _____

Description of project or service: _____

Section IV

I declare under penalty of perjury under the Laws of the State of New York that the undersigned is authorized to provide this certification, and that the above is true and correct.

Authorized Signature

Date

Print Name and Title of Authorized Representative

Amendment of Agreement

This is the First Amendment of an Agreement (Agreement), last dated July 22, 2005, between the County of Suffolk (County), a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted Office for the Aging (Aging), having its principal office at the H. Lee Dennison Building - 3rd Floor, 100 Veterans Memorial Highway, Hauppauge, New York (Mailing address: Box 6100, Hauppauge, New York 11788-0099), and the Town of Riverhead (Contractor), a New York municipal corporation, having its principal place of business at 200 Howell Avenue, Riverhead, New York 11901.

The parties hereto desire to extend the term of the Residential Repair Program for the Elderly from December 31, 2005 through December 31, 2006 (the period January 1, 2006 through December 31, 2006 being hereinafter called the "2006 Budget Period"), as set forth herein. Sufficient funding exists in the 2006 Suffolk County Operating Budget.

- Term of Agreement:** Shall be January 1, 2005 through December 31, 2006, with one one-year extension at the County's option.
- Service Levels:** 1,500 Units of Residential Repair Service
350 Elderly Served, Unduplicated
- Total Cost of Agreement:** Shall not exceed \$ 54,641 (with \$27,591 for the 2006 Budget Period).
- Terms and Conditions:** Shall be as set forth in Exhibits A-2006 and C-2006 attached.

In Witness Whereof, the parties hereto have executed this First Amendment of Agreement as of the latest date written below.

Town of Riverhead

County of Suffolk

By: _____
Philip Cardinale
Supervisor

By: _____
Paul Sabatino II
Chief Deputy County Executive

Fed. Taxpayer ID #: 11-6001935
Date: _____

Date: _____
Approved: _____

Approved as Legality:

Christine Malafi
Suffolk County Attorney

By: _____ Date
Holly S. Rhodes-Teague
Director, Office for the Aging

Recommended:

By: _____ Date
Samantha N. McEachin
Assistant County Attorney

By: _____ Date
Luanne S. Jabbonsky
Asst. Senior Citizens Program Coordinator

Exhibit A-2006

Whereas, the County and Contractor have entered into an Agreement (Law No. AG6M/0008-07R), last dated July 22, 2005, for a term from January 1, 2005 through December 31, 2005 for a IIB Residential Repair Program for the Elderly for a Total Cost of \$27,050; and

Whereas, the parties hereto desire to modify the Agreement to extend the term from December 31, 2005 through December 31, 2006 (at an additional cost of \$27,591) and to increase the Total Cost of the Agreement to \$54,641, as set forth below;

Now, Therefore, in consideration of the covenants, promises and consent herein contained, the parties hereto agree as follows:

1. Term of Agreement:

The Term of Agreement paragraph on page 1 of the Agreement is amended to read January 1, 2005 through December 31, 2006 as set forth on the page 1 of this First Amendment of Agreement.

2. Payment of Services:

The Total Cost of Agreement \$54,641 is comprised as follows:

(a) \$27,050 for calendar year 2005;

(b) \$27,591 for calendar year 2006;

3. Poverty Threshold:

For the 2006 Budget Period, the Poverty Threshold in Exhibit B to the Agreement, the paragraph entitled "Reporting Requirements, Low Income" is hereby amended to read as follows:

<u>Size of Family Unit</u>	<u>100% of Poverty Threshold</u>
1	\$9,800
2	\$13,200

4. Budget:

The Budget annexed hereto as Exhibit C - 2006, including advance payment schedule, if any, is made part of the Agreement.

5. Paragraph 6 of Exhibit A1 to the agreement is amended to read as follows:

6. **Addresses for Notices, Claims and Reports**

(a) **Notices, Relating to Payments, Reports or Other Submissions.**

Any communication, notice, claim for payment, report, or other submission necessary or required to be made by the parties regarding this Agreement shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other address that may be specified in writing by the parties and must be delivered as follows:

For Aging:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

(b) Notices Relating to Insurance

Any communication, notice or other submission regarding insurance requirements under this Agreement shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For Aging:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

(c) Notices Relating to Indemnification and Termination

Any communication or notice regarding indemnification or termination shall be in writing and shall be given to the County or the Contractor or their designated representative at the following addresses or at such other addresses that may be specified in writing by the parties and must be delivered as follows:

For the County:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

Holly S. Rhodes-Teague, Director
Suffolk County Office for the Aging
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

Christine Malafi, County Attorney
Suffolk County Department of Law
H. Lee Dennison Building
100 Veterans Memorial Highway
P.O. Box 6100
Hauppauge, New York 11788-0099

and

For the Contractor:

***By Registered or Certified Mail in Postpaid Envelope or
by Nationally Recognized Courier Service***

At the address set forth on page one of this Agreement, attention of the person who executed this Agreement or such other designee as the parties may agree in writing.

Notices sent under paragraphs a, b, and, c above shall be deemed to have been duly given (i) if mailed by registered or certified mail, upon the seventh business day after the mailing thereof; or (ii) if by nationally recognized overnight courier service, upon the first business day subsequent to the transmittal thereof.

Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

(d) **Notices Relating to Litigation**

i. Any notice by either party to the other with respect to the commencement of any lawsuit or legal proceeding against the other, shall be effected pursuant to and governed by the New York State Civil Practice Law and Rules or the Federal Rules of Civil Procedure, as applicable.

ii. In the event the Contractor receives a notice or claim or becomes a party (plaintiff, petitioner, defendant, respondent, third party complainant, third party defendant) to a lawsuit or any legal proceeding related to this Agreement, the Contractor shall immediately forward to the County Attorney, at the addresses set forth in sub-paragraph b above, copies of all papers filed by or against the Contractor. Notices shall be as provided in paragraph (c) above.

6. Subparagraph (g) of Paragraph 13 of Exhibit A1 to the Agreement is replaced in its entirety with the following:

(g) The Contractor agrees that it shall protect, indemnify and hold harmless the County and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorney's fees, arising out of the acts or omissions or the negligence of the Contractor in connections with the services described or referred to in this Agreement. The Contractor shall defend the County and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the County's option, pay reasonable attorney's fees for defense of any such suit arising out of the acts or omissions or negligence of the Contractor, its officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement.

7. **Governing Law**

This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

8. **Force Majeure**

Neither party shall be held responsible for any delay or failure in performance hereunder to the extent such delay or failure is caused by fire, flood, explosion, war, strike, embargo, civil or military authority, act of God, act or omission of carriers, power failure or similar causes beyond its control ("force majeure conditions"). If any force majeure condition occurs, the party delayed or unable to perform shall give immediate notice to the other party.

9. Except as herein amended, all other representations, terms and conditions of said Agreement, including any and all amendments or budget modifications executed prior to the date hereof, are hereby ratified and confirmed to be in full force and effect.

— End of Text —

Exhibit C-2006

BUDGET

Town of Riverhead
IIIB Residential Repair Program

January 1, 2006 - December 31, 2006

<u>PERSONNEL</u>	<u>\$25,891</u>
Various Workers	25,891
<u>FRINGE BENEFITS</u>	<u>1,900</u>
<u>TRAVEL</u>	<u>300</u>
Gas & Oil	300
<u>TOTAL</u>	<u>\$28,091</u>
Less Anticipated Income	(500)
<u>NET REIMBURSABLE</u>	<u>\$27,591</u>

Suffolk County Form SCEX 22
Contractor's/Vendor's Public Disclosure Statement

Pursuant to Section A5-7 of the Suffolk County Administrative Code, this Public Disclosure Statement must be completed by all contractors/vendors that have a contract with Suffolk County. In the event contractor/vendor is exempt from completing paragraphs numbered 1 through 11 below, so indicate at paragraph number 12 below setting forth the reason for such exemption. Notwithstanding such exempt status, you must execute this form below before a notary public.

1. Contractor's/Vendor's Name _____
Address _____
City and State _____ Zip Code _____
2. Contracting Department's Name _____
Address _____
3. Payee Identification or Social Security No. _____
4. Type of Business Corporation Partnership Sole Proprietorship Other _____
- 5.a Is contractor/vendor entering into or has contractor/vendor entered into a contract with Suffolk County in excess of \$1,000? Yes No.
- 5.b Has contractor/vendor entered into three or more contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000? Yes No.
6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)

7. List all names and addresses of those individual shareholders holding more than five percent (5%) interest in the contractor/vendor. Conspicuously identify any shareholder who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary).

8. Does contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? Yes No.
9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)
10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the contract. (Describe general nature of the contract.) _____

11. Remedies. The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the contract.
12. If you are one of the entities listed below at a) through c) or you qualify under d) below, you are exempt from completing paragraphs numbered 1 through 11 herein:
- a) Hospital
 - b) Educational or governmental entities
 - c) Not-for-profit corporations
 - d) Contracts providing for foster care, family day-care providers or child protective services

Please check to the left side of the appropriate exemption.

13. Verification. This section must be signed by an officer or principal of the contractor/vendor authorized to sign for the company for the purpose of executing contracts. The undersigned being sworn, affirms under the penalties of perjury, that he/she has read and understood the foregoing statements and that they are, to his/her own knowledge, true.

Dated: _____ Signed: _____
 Printed Name of Signer: _____
 Title of Signer: _____
 Name of Contractor/Vendor: _____

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
 (Within New York State)

STATE OF NEW YORK)
 COUNTY OF _____) ss.:

On the ____ day of _____ in the year 20__ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

 (signature and office of individual taking acknowledgement)

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 466

ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED, "ZONING" (108-3 - DEFINITIONS)

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

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

WHEREAS, a public hearing was held on the 2nd day of May, 2006 at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

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

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

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

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski ___ yes ___ no absent
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on May 16, 2006. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

Chapter 108
ZONING
ARTICLE I, General Provisions

§ 108-3. Definitions; word usage.

RESTAURANT -- A use in a building having as its sole purpose the preparation and serving of food to patrons for consumption on the premises within furnished dining areas, including as a possible accessory uses live entertainment, outdoor dining and the serving of alcoholic beverages with meals and which does not provide for nor permit the consumption of such food in vehicles ~~or informally outdoors on the premises~~. A restaurant shall not be construed to include ~~any form of live entertainment, except by special permit of the Town Board, or~~ any form of drive-in, open-front or curbside eating establishments, cart, wagon, vehicle, lunch wagon, dining car or camp car or any form of tavern, bar, nightclub or similar entertainment establishment.

Dated: Riverhead, New York
May 16, 2006

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

BARBARA GRATTAN, Town Clerk

- Overstrike represents deletion(s)

5/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 467

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

COUNCILMAN BARTUNEK

_____ offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY:

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (§108-56 Signs) once in the May 25, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further,

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Building Department; the Planning Board; the Planning Department; the Architectural Review Board; Code Enforcement and the Town Attorney.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski ___ yes ___ no absent
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 6th day of June, 2006 at 7:15 o'clock p.m. to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled "Zoning" (§108-56 Signs).

§108-56. Signs.

A. Definitions. As used in this section, the following terms shall the meaning set forth herewith:

TEMPORARY SIGN – Any sign erected on a ninety (90) day basis following receipt of necessary approvals by Town agencies or departments.

E. Additional sign types requiring a permit.

- (6) Temporary Business Signs. One temporary business sign issued by the Building Department in a commercial or industrial use zone for a time period of not more than 90 days provided that:
- (1) (a) Such sign shall not be erected prior to project approval by the Town of Riverhead Building Department.
 - (b) Such sign shall not exceed thirty two (32) square feet in area.
 - (c) Such sign shall bear only the name and/or type of the business.
 - (d) Such sign shall not exceed a height of fifteen (15) feet from the average level of the ground surrounding the sign.
 - (e) Such sign shall be setback no less than twenty five (25) feet from any side line and fifteen (15) feet from the front or rear property line. Under no circumstances shall a sign be placed in any public right-of-way or create a potential danger to vehicular traffic.
 - (f) Such sign shall not be illuminated.
 - (g) May be double-sided.
 - (h) The applicant has made a complete application for a permanent sign on the subject premises.
- (2) If more than one temporary sign is desired approval must first be received from the Town Board.

- (7) Temporary Special Event Signs. One temporary special event sign may be permitted at the location of the special event and shall be posted no more than 7 days prior to the event provided that such sign:
- (1) (a) shall not be erected prior to the approval of the special event permit by the Town Board pursuant to Chapter 90:
- (b) shall not exceed 50 square feet in area.
- (c) shall not be posted more than fifteen (15) feet above the average level of the ground surrounding the sign.
- (d) shall not be placed within a public right of way or create a potential danger to vehicular traffic.
- (e) shall not be illuminated.
- (f) may be double sided.
- (g) shall have received a sign permit application.
- (2) If more than one special event sign is desired, approval must first be received from the Town Board. Approval of multiple temporary special event signs may be made as part of the special event permit application. All approved temporary special event signs must comply with the provisions of § E(7) (1) (a) –(g) above.
- (3) Shall be removed following conclusion of the 90 day approval period.

Dated: Riverhead, New York
May 16, 2006

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

BARBARA GRATTAN, Town Clerk

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 468

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE FOR A LOCAL LAW TO CONSIDER AN AMENDMENT TO CHAPTER 46A "ARCHITECTURAL REVIEW" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

_____ offered the following resolution, which was seconded by

COUNCILWOMAN BLASS :

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the May 25, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 46A entitled, "Architectural Review" to be posted on the sign board of the Town; and be it further

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

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 6th day of June, 2006 at 7:25 o'clock p.m. to consider a local law amending Chapter 46A "Architectural Review" of the Riverhead Town Code.

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

**Chapter 46A
ARCHITECTURAL REVIEW**

ARTICLE I

Purpose

§ 46A-2. Aspects of review.

The Architectural Review Board, in examining applications for site plan review, is to consider the various aspects of design, with special emphasis on these objectives:

- A. To prevent the unnecessary destruction or blighting of the natural landscape or of the achieved man-made environment.
- B. To ascertain that architectural treatments have been designed so as to relate harmoniously to significant existing buildings that have a visual relationship to the proposed development.
- C. To coordinate compliance with other municipal ordinances that affect visual impact, such as the sign regulations contained in the Zoning Code Editor's Note: See Ch. 108, Zoning, and dumpster enclosures pursuant to § 98-8 of the Code of the Town of Riverhead.
- D. To review site plan applications together with the Landmark Preservation Commission for alterations or demolition of a designated structure or structures within an historic district, and make recommendations to the Town Board.

ARTICLE III

Architectural Review Board

§ 46A-6. Powers and duties.

- A. The Architectural Review Board shall have the powers and duties granted by the articles of this chapter.
- B. The Architectural Review Board shall have the power to retain consultants, including but not limited to technical experts, engineers, architects and historians to render assistance and advice in connection with any project to fulfill the duties of the Architectural Review Board.

Calamita

Any contract to retain such consultants which involves the expenditure of Town funds shall be subject to the prior approval of the Town Board.

- C. The Architectural Review Board shall, upon request of the Planning Board, review the aesthetic aspects, as detailed herein, of such proposals as may require sole approval of the Planning Board.
- D. The Architectural Review Board shall review, together with the Landmarks Preservation Commission, any application made pursuant to §73 Article IV and §108-129 of the Riverhead Town Code.

Dated: Riverhead, New York
May 16, 2006

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

- Underscore represents addition(s)

5/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 469

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING FOR THE CONSIDERATION TO REPEAL AND REPLACE CHAPTER 73 ENTITLED, "LANDMARKS PRESERVATION" OF THE RIVERHEAD TOWN CODE

COUNCILMAN BARTUNEK

_____ offered the following

resolution, which was seconded by _____

COUNCILWOMAN BLASS

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice once in the May 25, 2006 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law for the consideration to repeal and replace Chapter 73 entitled, "Landmarks Preservation" to be posted on the sign board of the Town; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to the Landmarks Preservation Commission; the Architectural Review Board; the Planning Department; the Planning Board; the Zoning Board of Appeals; the Building Department; the Board of Assessor's and the Office of the Town Attorney.

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at 200 Howell Avenue, Riverhead, New York on the 6th day of June, 2006 at 7:30 o'clock p.m. to consider a local law amending Chapter 73 entitled, "Landmarks Preservation" of the Riverhead Town Code.

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

Dated: Riverhead, New York
May 16, 2006

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

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

Chapter 73
LANDMARKS PRESERVATION

ARTICLE I
Purpose

§ 73-1. Declaration of purpose and policy.

The Town Board of the Town of Riverhead hereby finds that:

- A. There exists in the Town of Riverhead places, sites, structures and buildings of special historic significance or which by reason of famous events, the antiquity or uniqueness of architectural construction and design are of particular significance to the heritage of our town.
- B. The conservation, protection and preservation of such places, sites, structures and buildings is a public necessity in harmony with the Master Plan and will promote the public health, safety and general welfare.
- C. The purpose of this chapter is to accomplish the conservation, protection and preservation of such places, sites, structures and buildings.

ARTICLE II
Definitions

§ 73-2. Words and terms defined.

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

- ALTERATION — Any act or process which changes one (1) or more of the exterior architectural features of a structure designated as a landmark or any structure or building in a historic district.
- BUILDING — A structure having a roof supported by walls, and, when separated by a party wall without openings, it shall be deemed a separate building. A "building" shall include travel trailers, mobile homes and other structures on wheels or other supports if used for business or living purposes.
- EXTERIOR ARCHITECTURAL FEATURES — The architectural style, design, general arrangement and components of all of the outer surfaces of any building or structure, including but not limited to the kind, color and texture of the building material and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to said building or structure.
- HISTORIC DISTRICT — Any area which contains places, sites, structures or buildings which have a special character and ambient or historical value or aesthetic interest and which represent one (1) or more periods or styles of architecture of an era of history and which cause such area to constitute a distinct section of the town.
- LANDMARK — Any place, structure or building of historical value or aesthetic interest by reason of its antiquity or uniqueness of architectural design or as part of the development, heritage or cultural characteristics of the town, county, state or nation.
- LANDMARK AND HISTORIC DISTRICT MAP — A map to be prepared and maintained by the Division of Building identifying the location of all landmarks, landmark sites and historic districts.
- LANDMARK SITE — A parcel or part thereof on which is situated a landmark and any abutting

~~parcel or part thereof constituting part of the premises on which the landmark is situated.~~
~~STRUCTURE~~— A combination of materials, other than a building, forming a construction that is safe and stable. Excluded shall be a combination of such materials having a total floor area of less than fifty (50) square feet and which is used for purposes other than family dwelling, storage, business, farm or industrial purposes. Also excluded shall be fences four (4) feet or less in height in a front yard and six (6) feet or less in height elsewhere on a lot.

~~STYLES OF ARCHITECTURE~~— Style recognized by one (1) of the following organizations:

- ~~A. The National Register of Historic Places.~~
- ~~B. Historic American Buildings Survey.~~
- ~~C. Historic American Engineering Record, U.S. Department of the Interior, National Park Service.~~
- ~~D. Division for Historic Preservation, New York State Office of Parks and Recreation.~~
- ~~E. National Trust for Historic Preservation.~~
- ~~F. Society of Architectural Historians.~~
- ~~G. The Riverhead Town Preservation and Landmarks Society, Inc.~~

ARTICLE III Landmarks Preservation Commission

§ 73-3. Creation.

- ~~A. There is hereby created a Landmarks Preservation Commission. This Landmarks Preservation Commission, which shall act as an advisory body to the Town Board, shall consist of seven (7) members who shall be appointed by the Town Board on the recommendation of the Riverhead Town Preservation and Landmarks Society Inc. [Amended 12-6-1977]~~
- ~~B. Among the membership there shall be one (1) member of the American Institute of Architects, one (1) architectural historian, one (1) member of the New York State Bar and three (3) residents of the Town of Riverhead. These requirements may be waived where designated members are not available.~~
- ~~C. Members are to be appointed for terms of three (3) years, provided that of those members first taking office, two (2) shall be appointed for one (1) year, two (2) for two (2) years and three (3) for three (3) years. Members may serve for more than one (1) term, and each member shall serve until the appointment of a successor.~~
- ~~D. In the event of a vacancy occurring during the term of a member of the Landmarks Preservation Commission, the Town Board shall make an appointment to complete the unexpired term of such member, and, where such member is required to have specified qualifications, such vacancy shall be filled by appointment in the manner herein prescribed with a person having the same qualifications.~~

§ 73-4. Powers and duties.

- ~~A. The Landmarks Preservation Commission shall have the powers and duties granted by the Articles of this chapter.~~
- ~~B. In addition, the Landmarks Preservation Commission shall have the power to retain consultants, including but not limited to technical experts, engineers, architects and historians to advise in the preparation of any plans or projects or to render assistance and advice in~~

connection with any project to fulfill the duties of the Landmarks Preservation Commission. Any contract to retain such consultants which involves the expenditure of town funds shall be subject to the prior approval of the Town Board.

§ 73-5. Officers.

The members of the Commission shall elect one (1) of the members of the Landmarks Preservation Commission to serve as Chairman for a period of three (3) years. The Commission may elect a Vice Chairman from the remaining members of the Landmarks Preservation Commission.

§ 73-6. Quorum. [Amended 12-15-1987]

At least four (4) members of the Landmarks Preservation Commission shall constitute a quorum for the transaction of its business or the performance of its functions, and the concurring vote of four (4) members of the Landmarks Preservation Commission shall be necessary for the adoption of any recommendations, motions or other acts of the Landmarks Preservation Commission.

ARTICLE IV
Designation of Landmarks

§ 73-7. Procedure.

- A. Any person may request the designation of a landmark, landmark site or historic district by submitting to the Landmarks Preservation Commission an application for such designation on a form furnished by the Landmarks Preservation Commission. The Landmarks Preservation Commission, in addition, may, on its own motion, initiate proceedings for the designation of a landmark, landmark site or historic district.
- B. In the event the Landmarks Preservation Commission decides to entertain an application for designation, notice that such application is being entertained shall be given by the Commission to the owner or owners of the parcel on which the proposed landmark sites or historic district is situated. Notice shall also be given to the owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject parcel. Said owner or owners shall have the right to confer with the Landmarks Preservation Commission prior to final action by the said Commission on the application.
- C. The Landmarks Preservation Commission shall either approve or disapprove an application within sixty (60) days after the receipt of the application or after the date the Landmarks Preservation Commission, on its own motion, initiates proceedings for the designation of a landmark, landmark site or historic district. The approval may limit itself to the proposed historic district or to landmark site as described in the application or may include modifications thereof.
- D. If the Landmarks Preservation Commission disapproves the application, the proceedings with regard to the proposed historic district, landmark or landmark site shall terminate. In the event that no decision is rendered within sixty (60) days, the application shall be deemed disapproved. No application shall be renewed for a period of one (1) year from the date of initial filing, nor shall the Landmarks Preservation Commission, on its own motion, renew an application for a period of one (1) year from the date of initial filing. An approved or disapproved application shall immediately be filed with the Town Board, and notice of such approval or disapproval shall be mailed by the Town Clerk to the owners of the subject property.

- E. The Town Board in its discretion may call a public hearing on all applications either approved or disapproved by the Landmarks Preservation Commission. Such hearing shall be advertised in a newspaper of general circulation in the town at least fourteen (14) days prior to such hearing, and notice thereof shall be served, by mail postmarked at least fourteen (14) days prior to the date of the public hearing, upon the owner or owners of the proposed landmark or landmark site or of owners of the properties within the proposed historic district as shown by the tax rolls of the town and the owner or owners of all property located within two hundred fifty (250) feet of the exterior boundary lines of the subject place, site, structure or historic district.
- F. When the Town Board approves or denies an application, the Building Department, the Landmarks Preservation Commission and the owner or owners of the subject property shall be notified in writing by the Town Clerk. If the Town Board approves an application, the Town Clerk shall also notify the Town Assessors.

§ 73-8. Building permits in proposed landmark areas; designation on map.

- A. Upon receipt of notice that the Landmarks Preservation Commission is considering a place, site, structure or building for designation as a landmark or landmark site or as part of a historic district, the Building Department and Town Clerk shall not issue any permit for the demolition, alteration or improvement of said place, site, structure or building nor shall there be any alterations, repairs or additions, regardless of whether a building permit is required, to buildings or structures located wholly or partly within the boundaries of a proposed historic district or which are being considered for assignment as landmarks unless such alterations, repairs or additions are made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic as determined by the Landmarks Preservation Commission for a period of one hundred twenty (120) days unless, prior to the expiration of said period, there is a final determination by the Town Board that said place, site, structure or building has not qualified as a landmark or landmark site or as part of a historic district. If, within said period, the Town Board designates the property in question as a landmark or landmark site or as part of a historic district, no building permit shall be issued except pursuant to Article VI of this chapter.
- B. Upon notification that the Town Board has designated a landmark, a landmark site or historic district, the Building Department shall immediately cause such property to be so designated on the Landmark and Historic District Map.

ARTICLE V

Regulation of Building Construction

§ 73-9. Compliance required.

No structure, site, place or building designated as a landmark or landmark site appearing on the Landmark and Historic District Map and the Official Zoning Map of the area in which the landmark or landmark site is located, or any place, site, structure, building or property located wholly or partly within the boundaries of the historic district shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this Article.

§ 73-10. Review of plans; requirements.

- A. The Landmarks Preservation Commission shall review all plans for the moving, exterior construction, alteration or repair, landscaping or demolition of places, sites, structures or buildings designated as landmarks or landmark sites and all places, sites, structures or buildings wholly or partly within the boundaries of the historic district.

- ~~(1) It shall be the duty of the Landmarks Preservation Commission to review such plans before a building permit for the proposed activity is granted by the Building Department.~~
 - ~~(2) The Landmarks Preservation Commission shall only review plans relating to the exterior features of a structure or building as are visible from the public way and shall have no jurisdiction to consider interior walls, arrangements or structures.~~
 - ~~(3) In reviewing the plans, the Landmarks Preservation Commission shall give consideration to:
 - ~~(a) The historical and architectural value and significance of the building or structure and its relationship to the historic and architectural value of the surrounding area.~~
 - ~~(b) The general appropriateness of proposed exterior design, colors, arrangement, texture and materials.~~
 - ~~(c) Any other factors relating to aesthetic considerations which the Landmarks Preservation Commission deems pertinent to the benefit of the town and to the historic significance of the structure or building and surrounding area.~~~~
- ~~B. Alterations, repairs and additions to buildings or structures located wholly or partly within the boundaries of the historic district or which are designated as landmarks shall be made consistent with the materials and styles of the particular architectural period of which said building or structure is characteristic.~~
- ~~C. New construction shall be consistent with the architectural styles of historic value in the historic district. However, the Landmarks Preservation Commission may approve the construction of buildings or structures which have a dissimilar architectural style to that of the historic district if said Commission deems it proper that the new construction will be in the best interests of the historic district.~~
- ~~D. Moving of buildings or structures designated as landmarks or located wholly or partly within the boundaries of the historic district may be allowed as an alternative to demolition.~~
- ~~E. Procedure for the review of plans:~~
- ~~(1) Applications for a building permit to construct, alter, repair, move or demolish any place, site, structure or building designated as a landmark or any place, site, structure or building within or on the boundaries of the historic district shall be made to the Building Department, except as provided hereafter. The application shall state that the property is a landmark and/or is located within or on the boundaries of the historic district. Plans shall be submitted showing the structure or building in question and also giving its relation to adjacent structures or buildings and construction, alteration, repair, moving or demolition sought to be accomplished.~~
 - ~~(2) The Building Department shall transmit the application and the plans to the Landmarks Preservation Commission.~~
 - ~~(3) The Landmarks Preservation Commission shall then review the plans according to the provisions of this chapter. In reviewing the plans, the Landmarks Preservation Commission may confer with the applicant or his authorized representative concerning the building permit.~~
 - ~~(4) Notwithstanding any other provisions of this chapter, if the applicant establishes to the satisfaction of the Commission that there is unnecessary hardship in the strict application of the provisions of this Article, a notice to proceed will be granted if the applicant provides proof that the following facts and conditions exist:
 - ~~(a) The land or improvement in question cannot yield a reasonable return if the proposed construction, removal, alteration or demolition is not permitted; or~~
 - ~~(b) The hardship of the applicant is due to unique circumstances and the proposed alteration, construction, removal or demolition will not alter the essential character of the area, and the hardship is the result of the application of this chapter and is not~~~~

the result of any act or omission by the applicant.

- (5) Any relief granted shall be in conformance with the objectives of this chapter.
- (6) The Landmarks Preservation Commission shall approve, modify and approve or disapprove such plans within sixty (60) days after receiving the application and plans and shall transmit a record of its proceedings and findings to the Building Department and the applicant. If the Commission fails to act within sixty (60) days of receipt of the application, the application shall be deemed to have been approved.
- (7) The Building Department shall not grant a building permit until such time as an application has been approved by the Landmarks Preservation Commission or sixty (60) days have elapsed from the date the application is received by the Commission.
- (8) Nothing in this Article shall be construed to prevent ordinary maintenance or repair, with like materials of similar quality and color, of any place, site, structure or building designated as a landmark or landmark site, or any property located wholly or partly within the boundaries of an historic district.

§ 73-11. Remedying of unsafe conditions.

This chapter shall not apply in any case where the Building Department or any authorized town enforcement agency orders or directs the construction, removal, alteration or demolition of any improvement on a landmark site or in an historic district for the purpose of remedying conditions determined to be unsafe or dangerous to the life, health or property of any person.

ARTICLE VI Identification; Violations

§ 73-12. Identification and approval.

The Building Department shall be responsible for appropriate public identification of areas designated as landmarks, landmark sites and historic districts on the Landmark and Historic District Map. The Landmarks Preservation Commission must approve the size, style, color, typography, material of construction and wording of all privately owned signs identifying landmarks, landmark sites and properties within historic districts prior to installation, consistent with the provisions of Article V.

§ 73-13. Penalties for offenses.

- A. A violation of this chapter shall be punishable by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not exceeding fifteen (15) days, or by both such fine and imprisonment.
- B. The imposition of the penalties in this Article shall not preclude the Town Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct, business or use in or about any premises.

Chapter 73
LANDMARKS PRESERVATION

ARTICLE I

§73-1. LEGISLATIVE FINDINGS AND INTENT.

The Town Board of the Town of Riverhead finds that the protection, enhancement and perpetuation of landmarks and historic districts is necessary to promote the economic, cultural, educational and general welfare of the public. Inasmuch as Riverhead has many significant historic, architectural and cultural resources which constitute its heritage, this chapter is intended to:

- a. protect and enhance the landmarks and historic districts, which represent distinctive elements of Riverhead's historic, architectural and cultural heritage;
- b. foster civic pride in the accomplishments of the past;
- c. protect and enhance Riverhead's attractiveness to residents and visitors; and
- d. ensure the harmonious, orderly and efficient growth and development of the Town.

ARTICLE II

LANDMARKS PRESERVATION COMMISSION

§73-2. CREATION.

- a. There is hereby created a Landmarks Preservation Commission, which shall act as an advisory body to the Town Board, and in conjunction with the Architectural Review Board, when necessary, on site plans and applications for designated landmarks or structures within an historic district.
- b. The Landmarks Preservation Commission shall consist of seven (7) members who shall be appointed by the Town Board to the extent available in the community as follows:
 - i. one (1) member of the American Institute of Architects,
 - ii. one (1) architectural historian,
 - iii. one (1) attorney,
 - iv. four (4) residents of the Town of Riverhead.
- c. Commission members are to be appointed to a term of three (3) years, provided that of those members first taking office:
 - i. two (2) shall be appointed for one (1) years,
 - ii. two shall be appointed for two (2) years
 - iii. and three (3) shall be appointed for three (3) years.Members may serve for more than one (1) term, and each member shall serve until the appointment of a successor.

- d. In the event of a vacancy occurring during the term of a member of the Landmarks Preservation Commission, the Town Board shall vote on an appointment to complete the unexpired term.
- e. The Chairperson and Vice-Chairperson of the Commission shall be elected by and from the members of the Commission.

§73-3. POWERS AND DUTIES:

The Landmarks Preservation Commission shall have the powers and duties granted by the Articles of this chapter, which shall include:

- a. To recommend designation of identified structures or resources as landmarks, or historic districts to the Town Board.
- b. To act on behalf of the Town Board on applications for alterations to residential structures which have been designated as landmarks.
- c. To act on behalf of the Town Board on alterations or demolitions of designated structures within an historic district, which are not part of a site plan application.
- d. To review site plan applications together with the Architectural Review Board for alterations, or demolition of a designated structure or structures within an historic district, or new construction within an historic district, and make recommendations to the Town Board.
- e. To retain professional consultants as necessary to carry out the duties of the Commission. Any contract to retain such consultants involving expenditure of Town funds shall be subject to prior approval of the Town Board.
- f. To adopt criteria for use in the identification of significant historic, architectural and cultural landmarks and for the delineation of historic district.
- g. To increase public awareness of the value of historic, cultural and architectural preservation by the development of and participation in public and educational programs or literature.
- h. To recommend acquisition of a landmark structure by the Town Board where its preservation is essential to the purpose of this act and where private preservation is not feasible.

ARTICLE III

DESIGNATION OF LANDMARKS AND HISTORIC DISTRICTS

§73-4. PROCEDURE.

- a. The Commission may recommend for designation an individual property as a landmark if:
 - i. It possesses special character or historic or aesthetic interest or value as part of the cultural, political, economic or social history of the locality, region or state, or
 - ii. it so identifies with historic personages, or

- iii. it embodies the distinguishing characteristics of an architectural style, or
 - iv. because of the unique location or singular physical characteristic, or represents an established and familiar visual feature of the neighborhood.
- b. The Commission may recommend for designation a group of properties as an historic district if it:
- i. contains properties which meet one or more of the criteria for designation of a landmarks, and
 - ii. the designation of an historic district rather than individual landmark will effectively accomplish the purpose of this chapter.
- c. Each proposed landmark and the boundaries of each proposed district shall be filed in writing in the Town Clerk's Office for public inspection.
- d. Notice of a proposed designation of a landmark or of an historic district involving no more than ten (10) properties, shall be sent by registered mail to the owners of the properties proposed for designation describing the properties proposed and announcing a public hearing by the Commission to consider the designation. Where the proposed designation of a historic district includes more than ten (10) properties and involves individual notice, which the Commission deems infeasible, in lieu of notice by registered mail, notice may be published in the official newspaper of the Town at least ten (10) days prior to the date of the public hearing.
- e. The Town Board in its discretion may call a public hearing on any proposed designation of a landmark or of an historic district. If the Town Board exercises its right to hold a public hearing, said hearing shall be noticed and held concurrently with the Commission hearing. The Commission, property owners, and any interested parties may present testimony or documentary evidence at the hearing, which will become part of a record regarding the historic, architectural or cultural importance of the proposed landmark or historic district.
- f. The Commission shall forward its recommendations on designations to the Town Board, which shall approve or disapprove of the designation by resolution.
- g. The Town Board shall forward notice of each property designated as a landmark or the boundaries of the historic district to the Town Clerk, the Building Department and the owner or owners of the property so designated.
- h. The Building Department shall maintain a map of all properties/districts so designated.

ARTICLE IV

ALTERATION, DEMOLITION OR NEW CONSTRUCTION AFFECTING LANDMARKS OR HISTORIC DISTRICTS

§73-5. COMPLIANCE REQUIRED.

No structure, site, place or building designated as a landmark wholly or partly within the

boundaries of an historic district shall be constructed, altered, repaired, moved or demolished except in compliance with the requirements set forth in this article. No permit shall issue for the demolition, alteration or improvement of a site, structure or building if it is proposed for designation as a landmark or within a proposed Historic District unless said work is consistent with the criteria and procedures set forth herein.

§73-6. APPLICATION PROCEDURE.

- a. The application shall include:
 - i. Name, address and contact number of the applicant/owner
 - ii. Location and photographs of property
 - iii. Elevation of proposed changes
 - iv. Perspective drawing, including relationship to adjacent properties if available
 - v. Samples of color or materials to be used
 - vi. Where proposed includes signs or lettering, a scale drawing showing materials to be used, method of illumination, if any, and the location on the property; and
 - vii. Any other information, which the reviewing Board(s), may deem useful in order to visualize the proposed work.
- b. An application for a building permit for activity which is not part of a site plan, shall be made to the Building Department and referred to the Landmarks Preservation Commission for review and recommendation.
- c. The Landmarks Preservation Commission shall, on behalf of the Town Board transmit to the Building Department within forty-five (45) days, the recommendation for approval, denial, or approval with modifications prior to the issuance of a building permit. No permit shall issue without the positive recommendation of the Commission.
- d. Any activity which is part of a site plan application, shall be submitted to the Planning Department and simultaneously referred to the Architectural Review Board and the Landmarks Preservation Commission.
- e. In the event that the Landmarks Preservation Commission and the Architectural Review Board jointly review the application as part of a site plan, the recommendations shall be transmitted to the Town Board for consideration during the site plan review process pursuant to 108-129.
- f. Any application which is not recommended for approval may be appealed to the Town Board which shall hold a public hearing within 45 days of receipt the denial, and shall render its at the next regularly scheduled Town Board meeting.
- g. Any Board(s) reviewing an application for the activities herein described shall consider the following criteria in making its recommendations to approve, deny or approve with modifications:
 - i. The Board(s) shall only consider changes made to the exterior of a structure or a building designated as a landmark or any structure or building within an historic district.

- ii. Properties which contribute to the character of the historic district shall be, to the greatest extent practicable, retained with their historic features altered as little as possible;
 - iii. Any alteration of existing property shall be compatible with its historic character, as well as the surrounding district, if applicable,
 - iv. New construction shall be compatible with the district in which it is located;
- h. In applying the principle of compatibility, the Commission shall consider the following factors:
- i. The general design, character and appropriateness of the property of the proposed and new construction,
 - ii. The scale of the proposed alteration or new construction in relation to the property itself, and surrounding properties,
 - iii. The texture, materials and color and their relation to similar features of other properties in the neighborhood,
 - iv. Visual compatibility of surrounding properties, including proportion of the property's facade, proportion and arrangement of windows and other openings of the facade, roofline and rhythm of spacing of properties on streets, including setbacks; and,
 - v. The importance of historic, architectural or other features to the significance of the property.
- i. All decisions of the Landmarks Preservation Commission and the Architectural Review Board, shall be in writing and filed with the Town Clerk and the Building Department.
- j. Nothing in this Article shall be construed to prevent ordinary maintenance or repair, with like materials of similar quality and color, of any place, site, structure or building designated as a landmark or landmark site, or any property located wholly or partly within the boundaries of an historic district.

§73- 7. HARDSHIP CRITERIA.

In addition to the appeal process hereinabove described, any applicant whose application is denied may apply for relief from landmark designation status on the grounds that the designation presents a hardship. To prove the existence of hardship that applicant must establish to the Town Board's satisfaction that:

- a. The property is incapable of earning a reasonable return. Reasonable return shall not be the most profitable return possible; and
- b. The property cannot be adapted for a use which would result in such reasonable return.

§73-8. REMEDYING OF UNSAFE CONDITIONS.

This chapter shall not apply in any case where the Building Department or any authorized enforcement personnel orders or directs alteration or maintenance for the purpose of remedying conditions determined to be unsafe or dangerous.

ARTICLE V VIOLATIONS

All work performed pursuant to this chapter shall conform to the requirements included therein. In the event that the Building Inspector finds that work performed is not in conformance with the permit issued, the Building Inspector shall issue a stop work order which shall remain in effect until work is in compliance.

§73-9. Penalty for Offenses.

- a. A violation of this chapter shall be punishable by a fine not to exceed \$250.00
- b. The imposition of the penalties of the Article shall not preclude the Town Attorney from instituting any appropriate action or proceeding to prevent an unlawful erection, construction, reconstruction, demolition, alteration, repair, conversion, maintenance or use, or to restrain, correct or abate a violation, or to prevent an illegal act, conduct, business or use in or about any premises.

05/16/06

Adopted

TOWN OF RIVERHEAD

Resolution # 470

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "Zoning" (Supplementary Use Regulations) OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 108 entitled, "Zoning" (Supplementary Use Regulations) of the Riverhead Town Code, once in the May 25, 2006 issue of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, Zoning Board of Appeals, Scott DeSimone, Esq., and the Division of Code Enforcement.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
 Blass yes ___ no Densieski ___ yes ___ no *absent*
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 6th day of June, 2006 at 7:35 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning " as follows:

ARTICLE XIII, Supplementary Use Regulations

§ 108-51. Nonconforming buildings and uses.

- B. A nonconforming use on the same lot held in single and separate ownership may be changed to another nonconforming use when approved as a special permit of the Town Board pursuant to the Article XXVIA of this chapter ~~exception by the Zoning Board of Appeals as hereinafter provided in § 108-76 of this chapter.~~ Nothing herein contained shall be construed to permit a residence in a use district where it is not a permitted use.

(remaining sections to be re-lettered accordingly)

May 16, 2006

TOWN OF RIVERHEAD

Adopted

Resolution # 471

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 107 ENTITLED "Freshwater Wetlands" OF THE RIVERHEAD TOWN CODE

Councilman Bartunek offered the following resolution, which was seconded by COUNCILWOMAN BLASS:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 107 entitled, "Freshwater Wetlands" of the Riverhead Town Code, once in the May 25, 2006 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, the Riverhead Police Department; Conservation Advisory Council, Division of Code Enforcement and the Office of the Town Attorney.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___

absent

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 20th day of June at 2:10 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 107 of the Riverhead Town Code entitled, "Freshwater Wetlands" as follows:

§ 107-3 Definitions.

FRESHWATER WETLANDS -- Lands and waters as indicated on, but not limited to, the Freshwater Wetlands Map for Suffolk County promulgated by the Department of Environmental Conservation pursuant to the Freshwater Wetlands Act and the Riverhead Freshwater Wetlands Inventory (1979) and its addendum (2006) which contain any or all of the following:

NATURAL DRAINAGE SYSTEM -- Consists of those uplands and watercourses, including but not limited to those tidal wetlands designated on the New York State Department of Environmental Control Official Tidal Wetlands Map, freshwater wetlands designated on the Freshwater Wetlands Map for Suffolk County and the Riverhead Freshwater Wetlands Inventory (1979) and its addendum (2006). Such lands and waters may include but are not limited to all uplands exhibiting 15% of greater slopes, all fresh, salt or brackish water, swamps, bogs, marshes, streams, vernal ponds, ponds and lakes, whether intermittently or permanently saturated or covered by ground, surface or tidal waters.

Dated: Riverhead, New York
May 16, 2006

BY ORDER OF THE BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

THE VOTE

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO
BLASS YES ___ NO DENSIESKI ___ YES ___ NO *absent*
CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED

Dawn Thomas

05/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 472

AUTHORIZES THE TOWN CLERK TO POST AND PUBLISH A PUBLIC NOTICE FOR A PUBLIC HEARING REGARDING A LOCAL LAW TO REPEAL THE CURRENT VERSION OF CHAPTER 86, "RENTAL DWELLING UNITS" IN ORDER TO ADOPT A NEW CHAPTER 86, "RENTAL DWELLING UNITS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

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

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a local law to repeal the current version of Chapter 86, "Rental Dwelling Units" in order to adopt a new Chapter 86, "Rental Dwelling Units" of the Riverhead Town Code once in the May 25, 2006 edition of the News Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to the Building Department, Planning Department, Code Enforcement, and the Town Attorney.

THE VOTE
Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Densieski yes ___ no
Cardinale yes ___ no *absent*
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 20th day of June, 2006 at 2:15 o'clock p.m., at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider a local law to repeal the current version of Chapter 86, "Rental Dwelling Units" in order to adopt a new Chapter 86, "Rental Dwelling Units" of the Riverhead Town Code as follows:

Chapter 86, RENTAL DWELLING UNITS

§ 86-1. Legislative intent.

The Town Board of the Town of Riverhead has determined that there exists in the Town of Riverhead serious conditions arising from the rental of dwelling units that are substandard or in violation of the New York State Uniform Fire Prevention and Building Code, Multiple Residence Law, Town of Riverhead Housing Code, Building Rehabilitation Code, Electrical Code, Fire Prevention Code, Plumbing Code and other codes and ordinances of the Town, are inadequate in size, overcrowded and dangerous, that such dwelling units pose hazards to life, limb and property of residents of the Town and others, tend to promote and encourage deterioration of the housing stock of the Town, create blight and excessive vehicle traffic and parking problems and overburden municipal services. The Board finds that current Code provisions are inadequate to halt the proliferation of such conditions and that the public health, safety, welfare and good order and governance of the Town will be enhanced by the enactment of the regulations set forth in this chapter, which regulations are remedial in nature and effect.

§ 86-2. Applicability; more restrictive provisions shall prevail.

A. Scope. This chapter shall apply to all rental dwelling units located within the Town of Riverhead, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located, as provided in this chapter. Any dwelling unit or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

B. Applicability. The provisions of this chapter shall be deemed to supplement applicable state and local laws, ordinances, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies of the Town, county or state or existing requirements of any other provision of local laws or ordinances of the Town or county or state laws and regulations. In case of conflict between any provision of this chapter and any applicable state or local law, ordinance, code or regulation, the more restrictive or stringent provision or requirement shall prevail. The issuance of any permit or the filing of any form under this chapter does not make legal any action or state of facts that is otherwise illegal under any other applicable legislation.

§ 86-3. Definitions.

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

ABANDONED HOUSEHOLD CONTENTS - Furniture, furnishings, house wares, appliances and other personal property customarily found in and used in residential dwellings, which are deposited at or along said dwelling's street frontage, in part or in whole, pursuant to a duly executed warrant of eviction by legally authorized law enforcement officers and/or personnel.

APARTMENT HOUSE - A dwelling for three or more families living independently of each other.

APARTMENTS, GARDEN - A group of buildings not more than 2 1/2 stories in height, each building containing not more than eight dwelling units. If buildings

are attached, they shall not contain in the aggregate more than sixteen dwelling units. No portion of any such building below the first story or above the second story shall be used for dwelling purposes.

AUTHORIZED AGENT - Any person, organization, partnership, association, corporation or other legally recognized entity given express written authorization by an owner to act on his behalf regarding this chapter and all state, local rules, regulations and ordinances referenced herein.

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

CONDOMINIUM - A dwelling unit in a housing complex of one-, two- or multiple-family dwelling units with an arrangement whereby the occupants or an occupant of each unit has full title to that particular unit and a joint ownership with all other title holders in the housing complex of certain common property.

DWELLING - A building designed exclusively for residential purposes and arranged or intended to be occupied by one individual or one family only.

DWELLING, MULTIPLE-FAMILY - A building, other than a garden apartment or apartment house, designed for and occupied as a residence by three or more families living independently of each other.

DWELLING, ONE-FAMILY - A detached building designed for and occupied exclusively as a home or residence by not more than one family.

DWELLING, TOWNHOUSE - A one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit and each unit is separated from any other unit by one or more common fire-resistant walls.

DWELLING, TWO-FAMILY - A building arranged, designed for or occupied exclusively as a home or residence for not more than two families living independently of each other.

DWELLING UNIT - A structure or building, one, two, or three family dwelling, apartments, multi-unit apartments, apartment houses, condominiums, cooperatives, garden apartments or townhouses, occupied or to be occupied by one or more persons as a home or residence.

FAMILY - One or more persons, whether or not related to each other by blood, marriage or adoption, all occupying a single, whole, legal single or one-family dwelling unit as a traditional family or the functional equivalent of a traditional family, shall be considered a "family" and further provided that persons occupying group quarters, such as a dormitory, fraternity or sorority house or a seminary, shall not be considered a "family", having access to and utilizing the whole of such dwelling unit, including but not limited to all rooms and housekeeping facilities, in common.

A. In determining whether individuals are living together as the functional equivalent of a traditional family, the following criteria must be present:

(1). The group is one which in structure and function resembles a traditional family unit; and

(2). The occupants must share the entire single or one-family dwelling unit and live and cook together as a single housekeeping unit. A unit in which the various occupants act as separate roomers may not be deemed to be occupied by the functional equivalent of a traditional family; and

(3). The adult occupants share expenses for food, rent, ownership costs, utilities and other household expenses; and

(4). The occupancy is permanent and stable. Evidence of such permanence and stability includes, but is not limited to:

(a). The presence of minor children regularly residing in the household who are enrolled in local schools;

(b). Members of the household have the same address for purposes of voter registration, drivers' licenses, motor vehicle registration, filing of taxes and delivery of mail;

(c). Members of the household are employed in the area;

(d). The household has been living together as a unit for a year or more whether in the current dwelling unit or in other dwelling units; and

(e). Common ownership of furniture and appliances among the members of the household.

(f). Any other factor reasonably related to whether or not the occupants are the functional equivalent of a family.

IMMEDIATE FAMILY - The "immediate family" of the owner of a dwelling unit consists of the owner's spouse, children, parents, grandparents or grandchildren.

MANAGING AGENT - Any individual, business, partnership, firm, corporation, enterprise, trust, company, industry, association, public utility or other legal entity responsible for the maintenance or operation of any rental property as defined within this chapter.

NEW PERMIT - A permit which is to be issued to the owner of an intended rental premises where such premises has not been the subject of a rental permit continuously prior to the date of application for the permit.

OCCUPANT - A natural person who leases, uses or occupies a dwelling unit.

OWNER - Any person or entity in whose name the real property upon which the dwelling unit is situated upon is recorded in the office of the Suffolk County Clerk. The person or entity in whose name the real property is recorded in the Office of the Suffolk County Clerk shall be presumed to be the owner thereof.

RENEWAL PERMIT - A permit which is to be issued to the owner of a rental dwelling unit where such premises has been the subject of a rental permit continuously prior to the date of application for the permit.

RENT - A return, in money, property or other valuable consideration (including payment in kind or for services or other thing of value) for the use and occupancy

or the right to the use and occupancy of a dwelling unit, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

RENTAL DWELLING - A dwelling unit established, occupied, used or maintained for rental occupancy.

RENTAL OCCUPANCY - The occupancy or use of a dwelling unit by one or more persons as a home or residence under an arrangement whereby the occupant or occupants thereof pay rent for such occupancy and use.

RENTAL OCCUPANCY PERMIT - A permit which is issued upon application to the Code Enforcement Official and shall be valid for two years from the date of issuance.

RENTAL OCCUPANCY REGISTRATION - The registration of a rental dwelling on a form that is approved by the Code Enforcement Official.

§ 86-4. Rental occupancy permit required.

A. It shall be unlawful and a violation of this chapter for any person or entity who owns a dwelling unit in the Town to use, establish, maintain, operate, let, lease, rent or suffer or permit the occupancy and use thereof as a rental occupancy by someone other than the owner without first having obtained a valid rental occupancy permit therefore. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.

B. A rental occupancy permit issued under this chapter shall only be issued to the owner(s) of the real property at issue.

C. In the event that the ownership of a rental dwelling is transferred the new owner shall register the property within thirty days of the closing of title pursuant to the requirements set forth in this chapter as a rental occupancy permit issued under this chapter is not transferable. If the rental dwelling is not registered as required by this chapter there will be a presumption that said property is being utilized as rental property by the new owner(s) in violation of this chapter.

§ 86-5. Application for rental occupancy permit.

A. An application for a rental occupancy permit for a rental dwelling unit shall be made in writing to the Code Enforcement Official on a form provided therefore.

Such application shall be filed and shall include the following:

(1). The name, address and telephone number of the owner of the dwelling unit intended for rental occupancy. In the event that said dwelling unit is owned by more than one individual or entity each owners name, address and telephone number shall be provided. In the event that the owner of the dwelling unit intended for rental occupancy is a corporation, partnership, limited liability company or other business entity, the name, address and telephone number of each owner, officer, principal, shareholder, partner and/or member of such business entity shall be provided. In the event that the owner has an authorized agent acting on his behalf, that person's name, address and telephone number shall also be provided.

(2). Proof of residency of each owner.

(3). The street address and tax map designation (section, block and lot or lots) of the premises intended for rental occupancy or the premises in which the rental dwelling units intended for occupancy are located.

(4). A description of the structure, including the number of rental dwelling units in the structure.

(5). A floor plan depicting the location, use and dimension of each room situated within the dwelling unit.

(6). The number of persons intended to be accommodated by, and to reside in, each such rental dwelling unit.

(7). The names of each person that is and/or will be occupying the premises intended for rental occupancy.

(8). A copy of the most recent deed and real property tax bill, confirming the ownership of record of the dwelling unit.

(9). A copy of the certificate of occupancy or certificate of existing use for the dwelling unit.

(10). A property survey of the premises drawn to scale not greater than forty feet to one inch, or, if not shown on the survey, a site plan, drawn to scale, showing all buildings, structures, walks, driveways and other physical features of the premises and the number, location and access of existing and proposed on-site vehicle parking facilities.

(11). A building permit application, properly prepared, for all proposed buildings, improvements and alterations to existing buildings on the premises, if any.

(12). Each application shall be executed by and sworn to under oath by the owner of the dwelling unit.

(13). If the owner or authorized agent of a dwelling unit resides or has his principal place of business located outside the County of Suffolk he is required to designate an agent who resides in the County of Suffolk for the service of process of any notices set forth in this chapter or for the service of process of a violation of this chapter. The failure to provide the name and address of an agent for service of process shall be deemed a violation of this chapter.

B. A new application for a rental occupancy permit shall be filed whenever a dwelling unit or portion thereof has become vacant and the owner intends to permit a new tenant or other person to take up residence. No additional fee will be required if the owner is registering a change in tenancy only under an existing valid rental occupancy permit.

C. In the case of a condominium unit, the application for a rental occupancy permit shall be accompanied by a scale drawing or floor plan of the condominium unit in lieu of a survey or site plan.

D. Each application for a rental occupancy permit shall be accompanied by an affidavit, signed by each owner and tenant named in the application, confirming that they have received copies of all Town laws and ordinances affecting rentals.

noise, vehicle parking restrictions on residential lots and refuse disposal and agree to abide by the same.

E. Notwithstanding the above, no rental occupancy permit shall be required for "agricultural worker housing" as defined in § 108-3 of the Riverhead Town Code.

F. Notwithstanding the above, no rental occupancy registration or permit shall be required for a residential care facility established under federal, New York State or Suffolk County guidelines or for units where occupants are in an established care program.

§ 86-6. Fees.

A. A nonrefundable permit application fee shall be paid, upon filing an application for a rental occupancy permit, in accordance with the following schedule of rental dwelling units per structure:

<u>Type of Dwelling</u>	<u>Fee</u>
<u>One unit</u>	<u>\$150.00</u>
<u>Two unit</u>	<u>\$200.00</u>
<u>Three unit</u>	<u>\$250.00</u>
<u>Four unit</u>	<u>\$325.00</u>
<u>More than four units</u>	<u>\$500.00, plus \$5.00 for each unit in excess of four</u>

B. The fee required by this section shall be waived for any applicant which demonstrates that the dwelling unit is occupied by the immediate family of the owner of the dwelling unit as defined in this chapter.

C. The fee required by this section shall be waived for any applicant which demonstrates that it is a not-for-profit housing development corporation organized under the laws of the State of New York, and that it is providing housing for senior citizens or other designated special populations subject to income guidelines established by either federal or state regulation.

D. Any commercial hotel/motel business operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel operation, shall pay a bi-annual fee of \$500.00 per application, plus \$5.00 for each unit. For the purposes of this chapter, a "short duration" shall be defined as not more than twenty-one consecutive days. This section shall not apply to any commercial hotel/motel whose primary purpose is to provide permanent residences to their customers. For the purposes of this chapter, "permanent residence" shall be defined as more than twenty-one consecutive days.

E. Any rental dwelling unit that operates during a one-hundred-fifty-day period in the months of May, June, July, August and September, only, shall pay a bi-annual fee of \$10.00 per unit.

§ 86-7. Compliance required.

A. No rental occupancy permit or renewal thereof shall be issued under any application unless the property shall be in compliance with all the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.

B. Prior to the issuance of any rental occupancy permit or renewal thereof, the property owner shall provide a certification from a licensed architect, a licensed professional engineer or a Code Enforcement Official that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York.

§ 86-8. Review of application.

The Code Enforcement Official shall review each rental permit application for completeness and accuracy and shall make an on-site inspection of the proposed rental dwelling unit or units unless the property owner has chosen to provide a certification from a licensed architect or a licensed professional engineer that the property which is the subject of the application is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York. If satisfied that the proposed rental dwelling unit or units, as well as the premises in which the same are located, comply fully with all applicable state and local laws, ordinances, rules and regulations of the county and Town, and that such rental dwelling unit or units would not create an unsafe or dangerous condition or create an unsafe and substandard structure as defined in the Riverhead Town Code or create a nuisance to adjoining nearby property, the Code Enforcement Official shall issue the rental occupancy permit or permits.

§ 86-9. Term and renewal.

A. All rental occupancy permits issued pursuant to this chapter shall be valid for a period of two years from the date of issuance.

B. A renewal rental occupancy permit application signed by the owner on a form provided by the Code Enforcement Official shall be completed and filed with the Code Enforcement Official no later than sixty days before the expiration of any prior valid rental occupancy permit. A renewal rental occupancy permit application shall contain a copy of the prior valid rental occupancy permit issued by the Code Enforcement Official.

(1). A renewal rental occupancy permit application shall contain a signed sworn statement setting forth the following:

(a). That there are no existing or outstanding violations of any federal, state or county laws, rules or regulations or of any Town of Riverhead local laws or ordinances pertaining to the property; and

(b). That there are no changes to any information as provided on the prior valid rental occupancy permit registration and application. _

§ 86-10. Register of permits.

It shall be the duty of the Code Enforcement Official to maintain a register of the rental occupancy permits issued pursuant to this chapter. Such register shall be kept by tax map number, license number, receipt number and street address showing the name and address of the permittee, the number of rental dwelling units at such street address, the number of rooms in each such rental dwelling unit and the date that said rental occupancy permit expires for such unit.

§ 86-11. Authorization for inspections.

The Code Enforcement Official is authorized to make, or cause to be made, inspections to determine the condition of rental dwelling units to safeguard the health, safety and welfare of the public. The Code Enforcement Official is authorized to enter, upon consent of the owner if the unit is unoccupied, or upon consent of the occupant if the unit is occupied, any rental dwelling unit and the premises in which the same is located, at any reasonable time during daylight hours, or at such other time as may be necessary in an emergency, without consent of the owner, authorized agent and/or tenant for the purpose of performing his duties under this chapter.

§ 86-12. Application for search warrant.

The Code Enforcement Official is authorized to make application to any court of competent jurisdiction for the issuance of a search warrant in order to conduct an inspection of any premises covered by this chapter where the owner refuses or fails, to allow an inspection of its rental premises and where there is reasonable cause to believe that a violation of this chapter has occurred. The application for a search warrant shall in all respects comply with the applicable laws of the State of New York.

§ 86-13. Search without warrant restricted.

Nothing in this chapter, except for provisions concerning emergency inspections, shall be deemed to authorize the Code Enforcement Official to conduct an inspection of any premises subject to this chapter without the consent of the owner of the premises and without a warrant duly issued by an appropriate court.

§ 86-14. Abandoned household contents.

A. Duty to keep frontage of dwelling unit property free and clear of abandoned household contents and Town's authority to remove. The owner, authorized agent, managing agent and/or occupant of a dwelling unit which is or was being used as a rental dwelling shall maintain such property frontage, including but not limited to the front yard and/or the contiguous right-of-way, free of abandoned household contents as defined in this chapter. In the event that abandoned household contents as defined in this chapter are located upon or contiguous with the frontage and/or abutting right-of-way of a lot or parcel of land, for a period in excess of 48 hours, the Town is hereby authorized as provided for herein to enter upon such property, if necessary, to remove said abandoned household contents so located, to assess the cost and expense of such undertaking against the property and to establish a lien as herein provided.

- (1). Inspection and report. Upon notification that abandoned household contents are located on or along the property frontage of a rental dwelling unit and/or the right-of-way contiguous thereto, the Code Enforcement Official may make an inspection thereof and report his findings concerning the same to the Town Board.
- (2). Notice. If the Code Enforcement Official shall find that abandoned household contents are located on or contiguous to the frontage of rental dwelling unit property, he may make an order, directing notice to be served upon the owner of said property as appears in the records of the Receiver of Taxes of the Town.
- (3). Contents of notice. The notice shall contain a general description of the property, a statement of the particulars with regard to the violative condition(s) existing at the rental dwelling unit property and an order requiring that the abandoned household contents existing on or contiguous with the property, and/or its frontage, be removed. The notice shall specify a time, not less than 48 hours after the service thereof, within which the owner served with such notice shall complete the removal of the abandoned household contents from the property or along the frontage or the contiguous right-of-way as specified in the notice. The notice shall further state that, in the event that the cited condition is not eliminated within the time specified in the notice, the Town shall undertake to enter upon the property, if necessary, to remove the abandoned household contents, and assess the cost of such removal against said property.
- (4). Service of notice. The notice may be served either personally or by certified mail, addressed to the last known address, if any, of the owner as the same may appear on the records of the Receiver of Taxes of the Town; provided, however, that if such service is made by certified mail, a copy thereof shall also be posted on the property where the abandoned household contents are located. Service of the notice by mail and posting shall be deemed completed on the day on which both the mailing and the posting will have been accomplished.
- (5). Failure to comply. Upon failure of the owner of the rental dwelling unit to comply with the notice within the time provided therein, the Town shall provide

such labor and materials as are necessary for removing the abandoned household contents from said property or its frontage or contiguous right-of-way and shall cause such work to be performed as will remove the abandoned household contents from the property.

(6). Assessment of costs and expenses. All costs and expenses incurred by the Town in connection with the removal of the abandoned household contents, from said property or its frontage or contiguous right-of-way, shall be assessed against the subject land or lot. An itemization of such costs shall be provided to the Town Board by the Code Enforcement Official. The total costs and expenses shall then be determined by the Town Board and shall be reported to the Assessor of the Town as the amount to be liened and assessed against the property, and the expense so assessed shall constitute a lien and charge on the property on which it is levied until paid or otherwise satisfied or discharged and shall be collected in the same manner and at the same time as other Town charges.

§86-15 Revocation of permit.

A. The Code Enforcement Official shall revoke a rental occupancy permit where he finds that the permit holder has caused, permitted, suffered or allowed to exist and remain upon the premises for which such permit has been issued for a period of fourteen business days or more after written notice has been given to the permit holder or the managing agent of such rental dwelling unit a violation of the Multiple Residence Law, New York State Uniform Fire Prevention and Building Code or a violation of this chapter or other chapter of the Riverhead Town Code. Revocation of a permit under this subsection cannot be done by a devisee or assistant of the Code Enforcement Official.

B. An appeal from such revocation may be taken by the permit holder to the Town Board, by written request, made within thirty days from the date of such revocation. The Town Board shall hold a public hearing on such appeal within thirty days after receipt of written notice of such appeal, and after such hearing

shall make written findings, a conclusion and a decision either sustaining such permit revocation or reinstating such permit within thirty days after the close of such public hearing. Unless the Town Board directs otherwise in circumstances constituting serious threats to health and safety, the filing of an appeal shall stay the effectiveness of a permit revocation until the Town Board has considered and ruled upon the issue.

§ 86-16. Confidentiality of rental registration.

Under New York State Public Officers Law § 872(b), rental registration forms, and that portion of the rental occupancy permit application required, shall be exempt from disclosure under the Freedom of Information Law on the grounds that such disclosure would constitute an unwarranted invasion of personal privacy. The Code Enforcement Official will institute strict policies to ensure that such information is available only to Town personnel who are engaged in the enforcement of the provisions of this chapter.

§ 86-17. Broker's responsibility prior to listing.

It shall be unlawful and a violation of this chapter for any broker or agent to list, show or otherwise offer for lease, rent or sale on behalf of the owner or authorized agent any dwelling unit for which a current rental occupancy permit has not been issued by the Code Enforcement Official. It shall be the broker or agent's duty to verify the existence of a valid rental occupancy permit before acting on behalf of the owner or authorized agent. Notwithstanding the above, first-time rentals shall be granted a fourteen business day grace period for submission of the required rental permit application paperwork and tenant registration.

§ 86-18. Presumptive evidence of violations of this chapter.

A. It shall be presumed that a single or one-family dwelling unit is occupied by more than one family if any two or more of the following features are found to exist on the premises by the Code Enforcement Official authorized to enforce or investigate violations of Chapter 86 of the Code of the Town of Riverhead or any laws, codes, rules and regulations of the State of New York:

- (1). More than one mailbox, mail slot or post office address;
- (2). More than one doorbell or doorway on the same side of the dwelling unit;
- (3). More than one gas meter;
- (4). More than one electric meter;
- (5). More than one connecting line for cable television service;
- (6). More than one antenna, dish antenna or related receiving equipment;
- (7). Separate entrances for segregated parts of the dwelling unit including but not limited to bedrooms;
- (8). Partitions or internal doors with locks which may serve to bar access between segregated portions of the dwelling unit, including but not limited to bedrooms;
- (9). Separate written or oral leases or rental arrangements, payments or agreements for portions of the dwelling unit among its owner(s) and occupants;
- (10). The inability of any occupant to have lawful access to all parts of the dwelling unit; or
- (11). Two or more kitchens each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or the preparation of food, refrigerator and/or a sink.

B. If any two or more of the features set forth in paragraph (A)(1) through (11) above are found to exist on the premises by the Code Enforcement Official a verified statement will be requested from the owner of the building or dwelling unit by the Code Enforcement Official that the building or dwelling unit is in compliance with all of the provisions of the Code of the Town of Riverhead, the laws and sanitary and housing regulations of the County of Suffolk and the laws of

the State of New York. If the owner fails to submit such verified statement in writing to the Code Enforcement Official within ten days of such request, such shall be deemed a violation of this chapter.

C. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 86-19. Presumptive evidence dwelling unit is rented.

A. The presence or existence of any of the following shall create a presumption that a dwelling unit is rented:

(1). The dwelling unit is occupied by someone other than the owner and the owner of the dwelling unit represents in writing or otherwise, to any person, establishment, business, institution or government agency that he resides at an address other than the dwelling unit in question.

(2). Persons residing in the dwelling unit represent that they pay rent to the owner of the premises.

(3). Utilities, cable, telephone or other services are in place or requested to be installed or used at the dwelling unit in the name of someone other than the owner.

(4). Testimony by a witness that it is common knowledge in the community that a person other than the owner resides in the dwelling unit.

B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 86-20. Presumptive evidence of owner's residence.

A. It shall be presumed that an owner of a dwelling unit does not reside within said dwelling unit if one or more of the following sets forth an address which is different than that of the dwelling unit:

(1). Voter registration;

(2). Motor vehicle registration;

(3). Driver's license; or

(4). any other document filed with a public agency.

B. All of the foregoing may be rebutted by evidence presented to the Code Enforcement Official or any court of competent jurisdiction.

§ 86-21. Penalties for offenses.

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

(1). By a fine of not less than \$250.00 and not exceeding \$1,000.00 or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of a first offense.

(2). By a fine of not less than \$1,000.00 nor more than \$3,000.00 or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the second of two offenses, both of which were committed within a period of five years.

(3). By a fine of not less than \$2,000.00 nor more than \$5,000.00 or by imprisonment for a period not to exceed fifteen (15) days, or both, for conviction of the third or subsequent offenses of a series of offenses, all of which were committed within a period of five years.

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

§ 86-22. Administration.

This chapter shall be enforced by the Code Enforcement Official as defined by this chapter.

§ 86-23. Severability.

If any clause, sentence, paragraph, section or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its

operation to the clause, sentence, paragraph, section or part thereof directly involved in said judgment.

§ 86-24. Implementation.

This chapter shall be effective immediately or upon filing with the Secretary of State, which ever is later.

May 16, 2006

Adopted

TOWN OF RIVERHEAD

RESOLUTION NO. 473

AUTHORIZES TOWN CLERK TO POST AND PUBLISH THE ATTACHED NOTICE TO BIDDERS FOR A CONCRETE FOUNDATION AND PREFABRICATED CANVAS BUILDING SYSTEM AND INTERIOR ASPHALT PAVING FOR HIGHWAY DEPARTMENT SALT STORAGE BUILDING

COUNCILWOMAN BLASS

_____ offered the following resolution which was

seconded by _____

COUNCILMAN BARTUNEK

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the June 8, 2006 issue of the official Town newspaper or by visiting the Town of riverhead website: www.riverheadli.com and click on Bid Requests for the Highway Department Salt Storage Building; and

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

TOWN OF RIVERHEAD
NOTICE TO BIDDERS

Sealed proposals for a Highway Department Salt Storage Building including concrete foundation, prefabricated canvas building system and interior asphalt paving will be received by the Town of Riverhead at the Office of the Town Clerk, Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York until 11:00 am on June 20, 2006 at which time they will be publicly opened and read aloud.

Plans and specifications may be examined and/or obtained on or about June 9, 2006 at the Office of the Town Clerk between the hours of 8:30 am and 4:30 pm weekdays, except holidays.

Each proposal must be submitted on the form provided in a sealed envelope clearly marked "Highway Department Salt Storage Building" and must be accompanied by a bid surety as stated in the Instructions to Bidders.

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

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

Dated: May 16, 2006

DUNLEAVY YES _____ NO BARTUNEK YES _____ NO
BLASS YES _____ NO DENSIESKI YES ^{absent} _____ NO
CARDINALE YES _____ NO

THIS RESOLUTION IS _____ IS NOT
DECLARED DULY ADOPTED

5/16/06

Adopted

**AWARDS BID
REMOVAL OF LIQUID SLUDGE
RIVERHEAD SEWER DISTRICT AND
RIVERHEAD SCAVENGER WASTE DISTRICT**

Resolution # 474

Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the removal of liquid sludge for the Riverhead Sewer District and Riverhead Scavenger Waste District for the removal of liquid sludge, and

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

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

WHEREAS, upon recommendation of the Superintendent, the bid for the removal of liquid sludge be awarded as follows:

Al Aparo Crane & Cesspool Service, Inc.
1301 Fifth Avenue, Suite 1
Bay Shore, NY 11706
\$0.053 per gallon

NOW, THEREFORE, BE IT

RESOLVED, that the bid for the removal of liquid sludge be and

is hereby awarded to:

Al Aparo Crane & Cesspool Service, Inc.
1301 Fifth Avenue, Suite 1
Bay Shore, NY 11706
\$0.053 per gallon

And be it further

RESOLVED, that the town clerk forward certified copies of this resolution to the above named contractor, Frank A. Isler, Esq., Michael Reichel, and the Accounting Department, and be it further

RESOLVED, that the Town Clerk is hereby authorized to return to all the unsuccessful original bidders their respective bid security, and be it further

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

THIS RESOLUTION PREPARED BY FRANK A. ISLER FOR THE RIVERHEAD SEWER AND SCAVENGER WASTE DISTRICTS

THE VOTE
Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Derasieski yes ___ no ___ *about*
Cardinale yes ___ no ___
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

5/16/06

Town of Riverhead
Resolution # 475

Adopted

Authorizes Submission of Application to New York State Department of Parks for Grant Funds for the Nadel Drive Park Improvement Project

COUNCILMAN BARTUNEK

_____ offered the following resolution, which

was seconded by **COUNCILMAN DUNLEAVY** _____.

WHEREAS, the New York State Office of Parks, Recreation and Historic Preservation has solicited applications under the Environmental Protection Act of 1993 and the Federal Land and Water Conservation Fund for grant funds to support projects to preserve, rehabilitate or restore lands, waters or structures for use by all segments of the population for park, recreation or conservation purposes, including such things as playgrounds and other recreational facilities; and

WHEREAS, the Commissioner has established numerous program priorities including projects that, for a total cost of \$100,000 or less, provide for the replacement or rehabilitation of an obsolete or unsafe playground, or other youth-related recreational facility; and

WHEREAS, the Town of Riverhead has numerous pocket or neighborhood parks located throughout the community intended to serve the needs of the residents of such neighborhoods; and

WHEREAS, the residents of Nadel Drive have suffered from the deterioration and obsolescence of a town-owned park facility which does not adequately meet any recreational needs; and

WHEREAS, the Town of Riverhead Recreation Advisory Committee has considered the improvement of this park for reuse by youth and residents of the neighborhood and determined that it is a priority project for the commitment of town recreation funds and a priority for submission for grant funds for rehabilitation and reutilization.

THEREFORE, BE IT RESOLVED, that the Supervisor of the Town of Riverhead is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$50,000, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Town of Riverhead for Nadel Drive Park Improvement Project and, if appropriate, a conservation easement/preservation covenant to the deed of the assisted property.

BE IT FURTHER RESOLVED, that the Town Clerk shall forward a certified copy of this resolution to Andrea Lohneiss, CD Director, and Ray Coyne, Recreation Superintendent.

THE VOTE
Dunleavy yes no Bartunek yes no
Blass yes no Densieski yes no *absent*
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

05/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 476

AUTHORIZES THE COMMUNITY DEVELOPMENT OFFICE TO FILE AN APPLICATION FOR FUNDS TO ACQUIRE REAL PROPERTY AT MIAMOGUE POINT, SOUTH JAMESPORT

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

WHEREAS, the State of New York is soliciting applications under the Acquisition Grant Programs provided by the 2006 Environmental Protection Fund and the 2007 Land and Water Conservation Fund for the acquisition of a permanent easement in or fee title to lands, waters or structures for park, recreation, conservation or preservation purposes; and

WHEREAS, the of Town of Riverhead is applying to the New York State Office of Parks, Recreation and Historic Preservation (OPRHP) for a grant under the Environmental Protection Fund for a waterfront access park project located at Miamogue Point, South Jamesport, a site located within the territorial jurisdiction of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED that the Community Development Office of the Town of Riverhead is hereby authorized and directed to file an application for funds from the New York State Office of Parks, Recreation and Historic Preservation in accordance with the provisions of Title 9 of the Environmental Protection Act of 1993 or the Federal Land and Water Conservation Fund Act of 1965, in an amount not to exceed \$350,000.00 and, upon approval of said request, to enter into and execute a project agreement with the State for such financial assistance to the Town of Riverhead for fee title acquisition of an approximately 2.3 acre parcel owned by Fort Pat Motel, Inc. known and identified as SCTM No. 0600-92-4-5 and, be it further

RESOLVED, that the Town Clerk forward a certified copy of this resolution to the Community Development Office, the Town Attorney, the Accounting Department and the Town Supervisor.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___

Blass yes ___ no ___ Densieski yes ___ no ___

Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT ___

THEREFORE DULY ADOPTED

May 16, 2006

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 477

RATIFIES THE SUBMISSION OF A GRANT APPLICATION
TO THE STATE OF NEW YORK UNIFIED COURT SYSTEM

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, grant funding is available from the State of New York Unified Court System to support purchase of essential electronic equipment; and

WHEREAS, the Town of Riverhead Justice Court wishes to implement a pilot project in conjunction with the Suffolk County Sheriff to provide for video conferencing between the court and jail for the purpose of increasing efficiency, safety and cost effectiveness of arraignments; and

WHEREAS, the grant application requests funding not to exceed \$20,000 to defray the cost of video conferencing equipment;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby supports the video conferencing pilot project and ratifies the Town Supervisor's signature on the grant application documents.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward certified copies of this resolution to the Grants Coordinator, Justices Smith and Ehlers, the Office of Accounting and the State of New York Unified Court System, ATTN: Justice Court Assistance Program, 4 ESP, Suite 2001, Albany, NY 12223-1450.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Desieski yes ___ no *absent*
Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

May 16, 2006

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 478

**RATIFIES THE SUBMISSION OF A GRANT APPLICATION
TO THE NYS GOVERNOR'S TRAFFIC SAFETY COMMITTEE**

COUNCILWOMAN BLASS

_____ offered the following resolution, which was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, grant funding is available from the New York State Governor's Traffic Safety Committee for Highway Safety programs; and

WHEREAS, the Town of Riverhead Police Department has identified a need for increased public awareness concerning bicycle safety issues; and

WHEREAS, a grant application for the amount of \$10,887 has been prepared to fund the cost of informational brochures, bicycle helmets, safety gear, and Police overtime to effect greater public awareness of bicycle safety and to distribute said items;

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby ratifies submission of the grant application and ratifies the Town Supervisor's signature on the grant application.

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

THE VOTE

Dunleavy	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Bartunek	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no	Dansieski	<input type="checkbox"/>	yes	<input type="checkbox"/>	no absent
					Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no

mesiano_GTSC_Bicycle_2007

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

May 16, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 479

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER THE PURCHASE A PARCEL OF OPEN SPACE LOCATED IN THE TOWN OF RIVERHEAD (purported owner: Carl E. Carter and Karen Terry Carter)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

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

WHEREAS, Carl E. Carter and Karen Terry Carter has expressed a desire to sell a parcel of approximately 9.3 acres of land at 3162 Sound Avenue, located on the North side of Sound Avenue, and East of Nassau County Farm & Home Bureau and 4-H Association, Riverhead, New York, for a purchase price of \$1,300,000, further described as Suffolk County Tax Map #0600-41-1- 17.1, to the Town of Riverhead.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the purchase of lands owned by Carl E. Carter and Karen Terry Carter, once in the May 25, 2006, issue of the News Review, the official newspaper designated for these purposes, and also to cause a copy of the proposed purchase to be posted on the sign board of the Town in the Office of the Town Clerk; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Carl E. Carter and Karen Terry Carter, 3162 Sound Avenue, Riverhead, New York 11901, the Open Space Committee; Peconic Land Trust, Attn: Dawn Haight, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no

Blass yes ___ no Densieski ___ yes ___ no absent

Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

Mary Hartill

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held on the 6th day of June, 2006 at 7:40 PM o'clock p.m., at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to hear all interested persons to consider the purchase of land on approximately 9.3 acres of vacant lands owned by Carl E. Carter and Karen Terry Carter located at 3162 Sound Avenue situated on the Northern side of Sound Avenue, East of Nassau County Farm & Home Bureau and 4-H Association, Riverhead, New York, for \$1,300,000, further described as Suffolk County Tax Map #0600-41-1-17.1, to the Town of Riverhead, pursuant to §247 of the New York State General Municipal Law and Chapter 14 of the Riverhead Town Code.

Dated: Riverhead, New York
May 16, 2006

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

Mary Hartill

May 16, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 480

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE OF PUBLIC HEARING - MARITIME ZONING USE DISTRICT

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

WHEREAS, in furtherance of the adoption of the Town of Riverhead Local Waterfront Revitalization Program, the Riverhead Town Board desires the ability to regulate the use of underwater lands, and

WHEREAS, the Riverhead Planning Department has prepared a draft Maritime (M) Zoning Use District and has further prepared a map depicting those lands to be regulated by the Contemplated Maritime (M) Zoning Use District, and, and

WHEREAS, the Town Board desires to hold a public hearing on the Maritime (M) Zoning Use District at this time, now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the May 25, 2006 edition of the official newspaper of the Town of Riverhead.

RH/planning

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___ no ___
 Blass yes ___ no ___ Densieski ___ yes ___ no *absent*
 Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 20th day of June, 2006 at 2:20 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York to consider the adoption of the Maritime (M) Zoning Use District. A draft of the text of the Maritime (M) Zoning Use District as well as a map of the lands to be regulated by such Zoning Use District may be inspected at the Office of the Town Clerk beginning May 26, 2006 between the hours of 8:30 A.M. and 4:30 P.M., Monday through Friday.

DATED: May 16, 2006
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, TOWN CLERK

05/16/06

TOWN OF RIVERHEAD

Adopted

Resolution # 481

AUTHORIZES THE RETENTION OF NORTON BROTHERS DUNN ENGINEERING & SURVEYING, LLP AND AKRF AS ENVIRONMENTAL, PLANNING, TRAFFIC AND ENGINEERING CONSULTANTS TO THE TOWN BOARD IN CONNECTION WITH THE DOWNTOWN REDEVELOPMENT PROJECT

COUNCILMAN DUNLEAVY

offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

WHEREAS, on March 7, 2006, the Town Board, by Community Development Resolution # 2, authorized the commencement of negotiations with Apollo Real Estate Advisors, LP on a downtown redevelopment project; and

WHEREAS, the Town Board has reviewed the proposals from several engineering and planning firms offering to provide necessary services in connection with the redevelopment project; and

WHEREAS, after careful consideration, the Town Board has selected the firms of Norton Brothers Dunn Engineering & Surveying, LLP and AKRF to advise the Town of Riverhead in planning and engineering required for the downtown redevelopment project.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby designates Norton Brothers Dunn Engineering & Surveying, LLP and AKRF as environmental, planning, traffic and engineering consultants to the Town in connection with the downtown redevelopment project; and be it further

RESOLVED, that the designated consultants shall not engage in any work unless and until a majority of the Town Board shall determine it necessary for them to commence; and be it further

RESOLVED, that the Town Clerk is hereby directed to provide a copy of this resolution to Norton Brothers Dunn Engineering & Surveying, LLP, 294 Medford Avenue, Patchogue, NY 11772, AKRF, 3900 Veterans Memorial Highway, Suite 300, Bohemia, NY 11716, Christopher E. Kent, Esq., Deputy Supervisor, Dawn C. Thomas, Esq., Town Attorney, Andrea Lohneiss, Community Development Director and Jack Hansen, Financial Administrator.

THE VOTE

Dunleavy yes ___ no ___ Bartunek yes ___
Blass yes ___ no ___ Densieski ___ yes ___ *absent*
Cardinale yes ___ no ___

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Authorize Norton Brothers Dunn: CEK

May 16, 2006

Adopted

TOWN OF RIVERHEAD

Resolution # 482

APPROVES FEE SCHEDULE OF JOHN RAYNOR AND ASSOCIATES

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

WHEREAS, John Raynor and Associates has submitted a fee schedule for consulting to the Riverhead Town Board and the Riverhead Planning Board for the year 2006, and

WHEREAS, such fee schedule is determined to be acceptable, now

THEREFORE, BE IT

RESOLVED, that the attached fee schedule of John Raynor and Associates is hereby approved for the year 2006, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Planning Department, Accounting Department and John Raynor and Associates.

Rh/planning

THE VOTE

Dunleavy yes ___ no Bartunek yes ___ no
Blass yes ___ no Dehsieski yes ___ no *absent*
Cardinale yes ___ no

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

05/16/2006 12:04/S .12:04 PJ02

2006 ENGINEERING FEE SCHEDULE

Engineering fees will be charged in accordance with the following schedule:

For the services of Principals:	\$165/hour
For the services of Engineers:	\$165/hour
For the services of Sr. Technicians	\$120/hour
For the services of Technicians	\$95/hour
For the services of Draftsmen	\$85/hour
For the services of Field Crew Chiefs	\$95/hour
For the services of Field Technicians	\$85/hour
For use of Global Positioning System (GPS)	\$40/hour
For Computer Time	\$16/hour
For Computer Plotting Time	\$4/minute

Travel time to and from our office during the normal working day and travel time in excess of one hour beyond the normal working day will be charged in accordance with the foregoing rates.

All subcontractors (test pit excavations, test wells, materials analysts, biologists, etc.) engaged by us on behalf of this project will be billed at cost, plus ten percent (10%).

All other out-of-pocket expenses incurred in connection with this project will be billed at cost (with the exception of subcontractors, as noted above). These expenses may include travel & subsistence (when applicable), telephone charges, reproductions, shipping charges, rental equipment (including repair), etc.

This fee schedule is valid for the current calendar year. Fees will be charged in accordance with the fee schedule in effect at the time the service is rendered.

METHOD OF PAYMENT

Invoices will be submitted monthly during the performance of the work, and/or on completion of our services.

John J. Raynor, P.E. & L.S., P.C.

Adopted

RESOLUTION # <u>403</u> ABSTRACT #06-19 May 11, 2006 (TBM 5/16/06)				
Councilman Bartunek offered the following Resolution which was seconded by				
Councilman Dunleavy				
FUND NAME		CD-none	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		\$ 735,764.15	\$ 735,764.15
POLICE ATHLETIC LEAGUE	4		\$ 239.88	\$ 239.88
RECREATION PROGRAM FUND	6		\$ 3,091.68	\$ 3,091.68
CHILD CARE CENTER BUILDING FND	9		\$ 48.91	\$ 48.91
SENIOR CITIZEN DAY CARE CENTER	27		\$ 1,611.16	\$ 1,611.16
ECONOMIC DEVELOPMENT ZONE FUND	30		\$ 2,801.10	\$ 2,801.10
HIGHWAY FUND	111		\$ 98,476.08	\$ 98,476.08
WATER DISTRICT	112		\$ 378,716.53	\$ 378,716.53
RIVERHEAD SEWER DISTRICT	114		\$ 89,850.55	\$ 89,850.55
REFUSE & GARBAGE COLLECTION DI	115		\$ 6,625.50	\$ 6,625.50
STREET LIGHTING DISTRICT	116		\$ 38,629.75	\$ 38,629.75
PUBLIC PARKING DISTRICT	117		\$ 7,474.35	\$ 7,474.35
BUSINESS IMPROVEMENT DISTRICT	118		\$ 157.82	\$ 157.82
AMBULANCE DISTRICT	120		\$ 4,621.26	\$ 4,621.26
EAST CREEK DOCKING FACILITY	122		\$ 543.53	\$ 543.53
CALVERTON SEWER DISTRICT	124		\$ 5,300.22	\$ 5,300.22
RIVERHEAD SCAVANGER WASTE DIST	128		\$ 39,245.11	\$ 39,245.11
WORKERS' COMPENSATION FUND	173		\$ 1,593.82	\$ 1,593.82
CDBG CONSORTIUM ACOUNT	181		\$ 574.39	\$ 574.39
WATER DEBT	383		\$ 152,276.10	\$ 152,276.10
TOWN HALL CAPITAL PROJECTS	406		\$ 858,031.63	\$ 858,031.63
YOUTH SERVICES CAP PROJECT	452		\$ 2,431.80	\$ 2,431.80
SENIORS HELP SENIORS CAP PROJE	453		\$ 3,104.76	\$ 3,104.76
MUNICIPAL FUEL FUND	625		\$ 2,001.45	\$ 2,001.45
MUNICIPAL GARAGE FUND	626		\$ 24,696.59	\$ 24,696.59
TRUST & AGENCY	735		\$ 2,131,162.89	\$ 2,131,162.89
COMMUNITY PRESERVATION FUND	737		\$ 1,987.51	\$ 1,987.51
CALVERTON PARK - C.D.A.	914		\$ 536.32	\$ 536.32
TOTAL ALL FUNDS			\$ 4,591,594.84	\$ 4,591,594.84

THE VOTE

Dunleavy yes no Bartunek yes no *absent*

Blass yes no Cardinale yes no *nc*

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

Adopted

RESOLUTION #		ABSTRACT #06-18 May 4, 2006 (TBM 5/016/06)		
offered the following Resolution which was seconded by				
FUND NAME		CD-5/2/06	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1	\$ 2,200,000.00	\$ 63,535.15	\$ 2,263,535.15
POLICE ATHLETIC LEAGUE	4		\$ 367.00	\$ 367.00
TEEN CENTER	5	\$ 6,500.00		\$ 6,500.00
RECREATION PROGRAM FUND	6	\$ 125,000.00	\$ 82.04	\$ 125,082.04
ST NUTRITION SITE COUNCIL	7	\$ 700.00		\$ 700.00
DARE PROGRAM FUND	8	\$ 800.00		\$ 800.00
CHILD CARE CENTER BUILDING FUN	9	\$ 20,000.00	\$ 784.65	\$ 20,784.65
TOWN BD SPECIAL PROGRAM FUND	24	\$ 106,000.00		\$ 106,000.00
YOUTH COURT SCHOLARSHIP FUND	25	\$ 2,000.00		\$ 2,000.00
SRS DAYCARE BUILDING FUND	27	\$ 5,000.00		\$ 5,000.00
ANIMAL SPAY & NEUTERING FUND	29	\$ 2,500.00		\$ 2,500.00
EDZ FUND	30	\$ 25,000.00		\$ 25,000.00
HIGHWAY FUND	111	\$ 400,000.00	\$ 1,484.64	\$ 401,484.64
WATER DISTRICT	112	\$ 40,000.00	\$ 18,312.27	\$ 58,312.27
REPAIR & MAINTENANCE	113	\$ 1,000,000.00		\$ 1,000,000.00
RIVERHEAD SEWER DISTRICT	114	\$ 2,000,000.00	\$ 2,205.70	\$ 2,002,205.70
REFUSE & GARBAGE COLLECTION DI	115	\$ 400,000.00	\$ 73.62	\$ 400,073.62
STREET LIGHTING DISTRICT	116	\$ 100,000.00	\$ 898.50	\$ 100,898.50
PUBLIC PARKING DISTRICT	117	\$ 85,000.00	\$ 248.75	\$ 85,248.75
BUSINESS IMPROVEMENT DISTRICT	118	\$ 17,000.00		\$ 17,000.00
AMBULANCE DISTRICT	120	\$ 80,000.00		\$ 80,000.00
EAST CREEK DOCKING FACILITY FUND	122	\$ 120,000.00	\$ 34.10	\$ 120,034.10
CALVERTON SEWER DISTRICT	124	\$ 125,000.00		\$ 125,000.00
RIVERHEAD SCAVENGER WASTE DIST	128	\$ 80,000.00		\$ 80,000.00
SEWER DISTRICT FUND	130	\$ 150,000.00		\$ 150,000.00
WORKERS' COMPENSATION FUND	173	\$ 2,000,000.00	\$ 2,779.84	\$ 2,002,779.84
RISK RETENTION FUND	175	\$ 450,000.00		\$ 450,000.00
UNEMPLOYMENT INSURANCE FUND	175	\$ 20,000.00		\$ 20,000.00
PUBLIC PARKING DEBT SERVICE	381	\$ 29,000.00	\$ 3,494.93	\$ 32,494.93
SEWER DISTRICTS DEBT SERVICE	382	\$ 590,000.00	\$ 26,117.54	\$ 616,117.54
WATER DISTRICT DEBT SERVICE	383		\$ 150,175.04	\$ 150,175.04
GENERAL FUND DEBT SERVICE	384	\$ 10,000,000.00	\$ 3,755,149.36	\$ 13,755,149.36
SCAVANGER WASTE DISTRICT DEBT	385	\$ 120,000.00	\$ 15,433.92	\$ 135,433.92
SUFFOLK THEATER DEBT	386	\$ 55,000.00		\$ 55,000.00
TOWN HALL CAPITAL PROJECTS	406		\$ 77,267.76	\$ 77,267.76
EISEP CAP PROJECT	454		\$ 126.02	\$ 126.02
MUNICIPAL FUEL FUND	625		\$ 18,747.77	\$ 18,747.77
MUNICIPAL GARAGE FUND	626		\$ 29,051.03	\$ 29,051.03
TRUST & AGENCY	735		\$ 440,000.00	\$ 440,000.00
SPECIAL TRUST	736	\$ 900,000.00		\$ 900,000.00
COMMUNITY PRESERVATION FUND	737	\$ 1,000,000.00		\$ 1,000,000.00
CALVERTON PARK - C.D.A.	914	\$ 1,050,000.00	\$ 450.00	\$ 1,050,450.00
				\$ -
TOTAL ALL FUNDS		\$ 23,304,500.00	\$ 4,606,819.63	\$ 27,911,319.63