

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

November 20th, 2007

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

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

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

ELECTED OFFICIALS

**Laverne Tennenberg
Paul Leszczynski
Mason E. Haas
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

**William Rothaar
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 REGULAR TOWN BOARD
RESOLUTION(S) LISTED BELOW:**

- #1070 Town of Riverhead Authorizes Amendment to 2008 Preliminary Budget
- #1071 Building and Grounds Equipment Budget Adoption
- #1072 Transfer for Plant 12 Electrical Upgrade Water Department Budget Adjustment
- #1073 Plant 12 Electrical Service Upgrade Water Department Budget Adoption
- #1074 Transfer for Well Pump Replacement Water Department Budget Adjustment
- #1075 Well Pump Replacement 1A, 4-1 and 7-3 Water Department Budget Adoption
- #1076 Wading River Manor Road – Road Improvement Project Budget Adoption
- #1077 Twomey Avenue – Road Improvement Project Budget Adoption
- #1078 Union Avenue – Road Improvement Project Budget Adoption
- #1079 Pier Avenue – Road Improvement Project Budget Adoption
- #1080 Herricks Avenue – Road Improvement Project Budget Adoption
- #1081 Beach Road – Road Improvement Project Budget Adoption
- #1082 Bayberry Road – Road Improvement Project Budget Adoption

- #1083 Edwards Avenue – Road Improvement Project Budget Adoption
- #1084 Middle Road – Road Improvement Project Budget Adoption
- #1085 Authorizing Compromise and Settlement of Tax Certiorari Proceedings Against Town of Riverhead
- #1086 Adopts a Local Law Amending Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (§108-97. Major Subdivision)
- #1087 Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (§101-39. Definitions-Recreational Motor Vehicles)
- #1088 Rescinds Resolution #956 of October 2, 2007 (Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Chapter 101 Entitled “Vehicles and Traffic” of the Riverhead Town Code)
- #1089 Rescinds TBR #1016
- #1090 Classifies Action and Declares Lead Agency on Special Permit of Peconic Line-X, and Refers Petition to Planning Board
- #1091 Ratifies the Appointment of a Recreation Aide to the Riverhead Recreation Department (Brett Chizever)
- #1092 Authorizes the Release of Cash Security for Mid-Road Properties LLC
- #1093 Authorizes the Release of a Performance Bond for Mid-Road Properties LLC
- #1094 Approves Extension of Performance Bond of Wading River Woods LLC A/K/A “Hounds Gate Condominiums” (Road and Drainage Improvements)

- #1095 Accepts Offer of Sale of Real Property Located in the Town of Riverhead Known as Riverside Meadows (Property Owners: Crystal Bay Construction, Inc.
- #1096 Accepts Offer of Sale of a Parcel of Property Located in the Town of Riverhead (Property Owners: Walter Kobylenski Revocable Trust)
- #1097 Authorizes Supervisor to Release Petty Cash Monies to Receiver of Taxes
- #1098 Authorizes Funding for the Five Town Rural Transit, Inc. (5TRT) Sponsored Transportation Survey to Appel Research, LLC
- #1099 Order Calling Public Hearing Replacement of the Belt Filter Press Riverhead Sewer District
- #1100 Authorizes Engineering Services for Well Repair Riverhead Water District
- #1101 Accepts Cash Security of Micor Enterprises LLC
- #1102 Adopts a Local Law to Amend all Sections of Chapter 62 Entitled “Excavations” of the Riverhead Town Code
- #1103 Adopts a Local Law to Amend Chapter 52 Entitled “Building Construction” of the Riverhead Town Code
- #1104 Authorizes Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2008 Community Development Block Grant Funds
- #1105 Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law to Repeal Chapter 95A Entitled, “Transfer of Development Rights” of the Riverhead Town Code
- #1106 Approves Chapter 90 Application of Baiting Hollow Farm Vineyard, LLC (Outdoor Wine Tasting)

- #1107 Awards Bid for 2008 F-550 Dump Truck with Meyers Snow Plow Package
- #1108 Awards Bid for 4 Wheel Drive Tractor for Use of Buildings and Grounds
- #1109 Authorizes Town Clerk to Advertise for Bids Installation of Water Mains and Appurtenances Extension No.75 Calverton Camelot Subdivision
- #1110 Appoints Temporary Clerks to the Tax Receiver's Office (Patrick Flammia, Nicole Forlenza)
- #1111 Approves Amended Site Plan of Henry Perkins (Concern for Independent Living)
- #1112 Pays Bills

NOVEMBER 20, 2007

Adopted

TOWN OF RIVERHEAD
AUTHORIZES AMENDMENT TO
2008 PRELIMINARY BUDGET

RESOLUTION # 1070

COUNCILMAN BARTUNEK

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

WHEREAS, the Preliminary budget requires adjustments for the General Fund.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board hereby authorizes adjustments in the amount of \$289,500 to the Preliminary Budget as per attached Schedule:

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

<u>Fund</u>	<u>C.C.</u>	<u>Object</u>	<u>Account</u>	<u>Amount</u>
001	031200	512100	Police Overtime	185,000
001	031200	515503	Crossing Guards	3,000
001	031200	524101	Automobiles	80,000
001	031200	524380	File Cabinet	3,000
001	031200	541401	Radios & Scanners Equipment	6,500
001	031200	541500	Automotive Repair	10,000
001	031210	543940	Interpreter Fees	1,000
001	065100	524420	Side Arms Equipment	(1,000)
001	067720	524212	Radar Speed Detection Equipment	(1,000)
001	067720	542201	Prisoner Food & Supplies	1,000
001	081600	547509	Anti Litter Advisory Committee	1,500
001	071100	542301	Breathalyzer & Radar maintenance	500
Total Expenditures				289,500
001	000000	499999	Fund Balance	1,500
				1,500
General Fund Property Tax Cost				\$ 288,000

November 20, 2007

Adopted

TOWN OF RIVERHEAD

BUILDING AND GROUNDS EQUIPMENT

BUDGET ADOPTION

RESOLUTION # 1071

COUNCILMAN DENSIESKI

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

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

	<u>FROM</u>	<u>TO</u>
406.095710.494200.40195 Serial Bond Proceeds	90,000	
406.016250.524175.40195 Building and Grounds Trucks		90,000

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

TRANSFER for PLANT 12 ELECTRICAL UPGRADE
WATER DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 10.72

COUNCILWOMAN BLASS

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

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

BE IT FURTHER RESOLVED, that the Supervisor be, and hereby authorizes the Accounting Department to transfer the funds from the Repair & Maintenance Account to the Capital Project Account.

		<u>FROM</u>	<u>TO</u>
113.000000.499999	Appropriated Fund Balance	\$152,000	
113.099500.597000.30096	Transfer – Capital Project		\$152,000

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

PLANT 12 ELECTRICAL SERVICE UPGRADE

WATER DEPARTMENT

BUDGET ADOPTION

RESOLUTION # 1073

COUNCILMAN BARTUNEK

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

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

		<u>FROM</u>	<u>TO</u>
406.083200.482220.30096	Repair and Maintenance Transfer	152,000	
406.083200.548220.30096	Electrical Services Upgrade		120,000
406.083200.543501.30096	Professional Services - Engineering		20,000
406.083200.547900.30096	Contingency		12,000

THE VOTE

Dunleavy Yes No Bartunek Yes No

Blass Yes No Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

TRANSFER for WELL PUMP REPLACEMENT
WATER DEPARTMENT

BUDGET ADJUSTMENT

RESOLUTION # 1074

COUNCILMAN DUNLEAVY

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

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

BE IT FURTHER RESOLVED, that the Supervisor be, and hereby authorizes the Accounting Department to transfer the funds from the Repair & Maintenance Account to the Capital Project Account.

		<u>FROM</u>	<u>TO</u>
113.000000.499999	Appropriated Fund Balance	\$341,000	
113.099500.597000.30095	Transfer – Capital Project		\$341,000

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

Adopted

TOWN OF RIVERHEAD

WELL PUMP REPLACEMENT 1A, 4-1 and 7-3
WATER DEPARTMENT

BUDGET ADOPTION

RESOLUTION # 1075

COUNCILMAN DENSIESKI

_____ offered the following resolution,

which was seconded by COUNCILWOMAN BLASS_____.

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

		<u>FROM</u>	<u>TO</u>
406.083200.482220.30095	Repair and Maintenance Transfer	341,000	
406.083200.541000.30095	Well Construction		265,000
406.083200.543501.30095	Professional Services - Engineering		51,000
406.083200.547900.30095	Contingency		25,000

THE VOTE

Dunleavy Yes No Bartunek Yes No

Blass Yes No Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

WADING RIVER MANOR RD - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1076

COUNCILWOMAN BLASS

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45104	Serial Bond Proceeds	100,936	
406.051100.541301.45104	Road Paving Exp		100,936

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

TWOMEY AVE - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1077

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45105	Serial Bond Proceeds	374,914	
406.051100.541301.45105	Road Paving Exp		374,914

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

UNION AVE – Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1078

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

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

	<u>FROM</u>	<u>TO</u>
406.095731.494200.45106 Serial Bond Proceeds	140,554	
406.051100.541301.45106 Road Paving Exp		140,554

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

TOWN OF RIVERHEAD

Adopted

PIER AVE - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1079

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45107	Serial Bond Proceeds	118,296	
406.051100.541301.45107	Road Paving Exp		118,296

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

HERRICKS AVE - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1080

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

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45108	Serial Bond Proceeds	274,300	
406.051100.541301.45108	Road Paving Exp		274,300

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

BEACH ROAD - Road Imp Project

Adopted

BUDGET ADOPTION

RESOLUTION # 1081

COUNCILWOMAN BLASS

_____ offered the following resolution,
which was seconded by _____

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45109	Serial Bond Proceeds	36,000	
406.051100.541301.45109	Road Paving Exp		36,000

THE VOTE

Dunleavy Yes No Bartunek Yes No
 Blass Yes No Densieski Yes No
 Cardinale Yes No

November 20, 2007

TOWN OF RIVERHEAD

Adopted

BAYBERRY ROAD - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1082

COUNCILMAN DUNLEAVY
COUNCILMAN BLASS

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

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

	<u>FROM</u>	<u>TO</u>
406.095731.494200.45110 Serial Bond Proceeds	40,000	
406.051100.541301.45110 Road Paving Exp		40,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

TOWN OF RIVERHEAD

EDWARDS AVE – Road Imp Project

Adopted

BUDGET ADOPTION

RESOLUTION # 1083

COUNCILMAN BLASNIK offered the following resolution,

which was seconded by COUNCILMAN BASTIEN

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

	<u>FROM</u>	<u>TO</u>
406.095731.494200.45111 Serial Bond Proceeds	65,000	
406.051100.541301.45111 Road Paving Exp		65,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

TOWN OF RIVERHEAD

Adopted

MIDDLE ROAD - Road Imp Project

BUDGET ADOPTION

RESOLUTION # 1084

COUNCILMAN DENSIESKI

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILWOMAN BLASS

COUNCILMAN BARTUNEK

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

		<u>FROM</u>	<u>TO</u>
406.095731.494200.45112	Serial Bond Proceeds	50,000	
406.051100.541301.45112	Road Paving Exp		50,000

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1085

AUTHORIZING COMPROMISE AND SETTLEMENT OF TAX CERTIORARI PROCEEDINGS AGAINST TOWN OF RIVERHEAD

COUNCILWOMAN BLASS

offered the following resolution, was seconded

by

COUNCILMAN DUNLEAVY

WHEREAS, tax certiorari proceedings were commenced against the Town of Riverhead by certain petitioners seeking reductions in the assessment for certain properties for various tax years as more fully set forth in the attached schedule; and

WHEREAS, Scott DeSimone, Special Counsel to the Town of Riverhead Board of Assessors has recommended settlement of these proceedings as set forth in the attached schedule; and

WHEREAS, the proposed settlements implementing reductions in assessment appear to be just, reasonable, and in the best interests of the Town of Riverhead;

NOW THEREFORE BE IT RESOLVED, the Town Board hereby authorizes Special Counsel and the Board of Assessors to procure any papers necessary to effectuate such settlements and execute the same; and be it further

RESOLVED, the Town Clerk be and is hereby directed to forward a copy of this resolution to the Board of Assessors, the Town Attorney and Scott DeSimone, Special Counsel.

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

<u>CASE NAME & TAX MAP NO.</u>	<u>TAX YEARS</u>	<u>ORIGINAL A/V</u>	<u>PROPOSED NEW A/V</u>
Kolpos Corporation d/b/a Peconic Bay Diner 600-75-1-4.5	2004/05	\$ 191,400	\$ 176,400
	2005/06	\$ 191,400	\$ 151,400
	2006/07	\$ 191,400	\$ 141,400
	2007/08	\$ 191,400	\$ 131,400
Winkal Holdings LLC 600-108-3-12	2002/03	\$ 202,500	\$ 202,500
	2003/04	\$ 202,500	\$ 182,500
	2004/05	\$ 202,500	\$ 162,500
	2005/06	\$ 202,500	\$ 192,500
SAS Industries 600-134-1-14.1	2002/03	\$ 263,300	\$ 188,300
	2003/04	\$ 263,300	\$ 178,300
	2004/05	\$ 263,300	\$ 163,300
	2005/06	\$ 263,300	\$ 148,300
	2006/07	\$ 263,300	\$ 138,300
Autozone Inc. 600-122-1-22.1	2003/04	\$ 220,600	\$ 190,600
	2004/05	\$ 220,600	\$ 180,600
	2005/06	\$ 220,600	\$ 170,600
	2006/07	\$ 220,600	\$ 155,600
Two Rivers Products Co. LLC 600-84-4-32.2	2004/05	\$ 185,000	\$ 170,000
	2005/06	\$ 185,000	\$ 145,000
	2006/07	\$ 185,000	\$ 135,000
833 Realty Corp. 600-104-2-2	2005/06	\$ 126,000	\$ 101,000
	2006/07	\$ 126,000	\$ 96,000
	2007/08	\$ 101,000	\$ 91,000
Hall & Mark 600-126-1-51.3	2005/06	\$ 69,800	\$ 59,800
	2006/07	\$ 69,800	\$ 57,800
	2007/08	\$ 69,800	\$ 55,800
Peconic River Sportsman's Club, Inc. 600-142-2-1.001	2006/07	\$ 366,100	\$ 253,100
	2007/08	\$ 366,100	\$ 253,100
1994 Soundview Inc. (02/03 to 05/06) Great Rock LLC (06/07 to 07/08)	2002/03	\$1,204,100	\$1,204,100
	2003/04	\$1,354,100	\$1,354,100
	2004/05	\$1,358,300	\$1,183,300
	2005/06	\$1,358,300	\$ 983,300
	2006/07	\$1,358,300	\$ 933,300
	2007/08	\$1,358,300	\$ 793,300

11/20/07

TOWN OF RIVERHEAD

Adopted

Resolution # 1086

**ADOPTS A LOCAL LAW AMENDING CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(\$108-97. Major Subdivision.)**

COUNCILMAN DUNLEAVY

_____ 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 amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of November, 2007 at 2:40 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 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 a local law amending Chapter 108 "Zoning", of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

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

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

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 108 entitled, "Zoning" of the Riverhead Town Code at its regular meeting held on November 20, 2007.

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

CHAPTER 108
ZONING
ARTICLE XX
Subdivision Regulations

§108-97. Major subdivision.

F. Application and fee.

- (2) Preliminary plat. A letter of application, together with the requisite number of copies of the preliminary plat, shall be submitted to the Planning Board. All applications for the consideration of a preliminary plat shall be accompanied by a fee of ~~five percent (5%) of the anticipated cost of public improvements (performance bond estimate)~~ \$3,500 per lot and \$500 per acre or part thereof or \$2,500, whichever is greater, if a sketch plan has been submitted.
- (5) Engineering fee. Prior to the adoption of a final conditional approval resolution by the Planning Board, the applicant must post a fee in an amount equal to ~~5%~~ 10% of the estimated improvements, as estimated by the engineering consultant to the Planning Board, ~~which shall be paid to the Town of Riverhead minus all engineering fees previously paid at sketch, preliminary and final plat stages. The Planning Board may waive all or part of said fee where the Planning Board determines that no additional engineering services are required.~~ No applicant shall have any claim for the return of such fee or portion thereof.

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

Dated: Riverhead, New York
November 20, 2007

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

BARBARA GRATTAN, Town Clerk

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1087

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-39. Definitions. – Recreational Motor Vehicles)

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded by

COUNCILMAN DENSIESKI :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of November, 2007 at 2:45 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 the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

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**

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on November 20, 2007.

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

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE IX
Recreational Motor Vehicles

§ 101-39. Definitions.

In this chapter, unless the context requires otherwise, the following terms shall have the meanings indicated:

PUBLIC PROPERTY -- All sidewalks, easements or other areas dedicated or commonly used by the public, as well as all lands in which title is vested in the Town of Riverhead, other political subdivisions or agencies or public authorities thereof, located within the Town of Riverhead, ~~but not~~ including public highways.

- Overstrike represents deletion(s)

Dated: Riverhead, New York
November 20, 2007

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

BARBARA GRATTAN, Town Clerk

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1088

**RESCINDS RESOLUTION #956 OF OCTOBER 2, 2007
(AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC
NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 101
ENTITLED "VEHICLES AND TRAFFIC" OF THE RIVERHEAD TOWN CODE)**

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

WHEREAS, pursuant to Resolution #956 adopted by the Riverhead Town Board on October 2, 2007, the Town Clerk was authorized to publish and post a public notice to consider a local law to amend Chapter 101 entitled "Vehicles and Traffic" of the Riverhead Town Code in the October 11, 2007 issue of the News Review; and

WHEREAS, a public hearing was held on November 7, 2007 at 2:20 p.m. at Riverhead Town Hall to consider the amendment to Chapter 101 of the Riverhead Town Code; and

WHEREAS, it has been determined that there are additional changes to be made in the contents of the revisions to Chapter 101 as proposed in Resolution No. 956 before a resolution can be adopted by the Town Board.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby rescinds Resolution #956 of October 2, 2007; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the members of the Town Board of the Town of Riverhead, Highway Department, Director of Personnel, Office of the Town Attorney and the Town Clerk.

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

10/2/07

Adoptec

TOWN OF RIVERHEAD

Resolution # 956

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

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by
COUNCILMAN DENSIESKI

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice once in the October 11, 2007 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed local law amending Chapter 101, §101-7 of the Riverhead Town Code entitled "Turns", 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 members of the Riverhead Town Board, Highway Department, Director of Personnel, Office of the Town Attorney and the Town Clerk.

THE VOTE

Bartunek
Blass

Yes No
 Yes No

Dunleavy
Densieski

Yes No
 Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of November, 2007 at 2:20 o'clock p.m. to consider a local law amending Section 101-7 of the Riverhead Town Code entitled "Turns" as follows:

§ 101-7. Turns.

~~The following turns in the designated areas are hereby defined:~~

A. Pursuant to the authority granted by §1660 of the New York State Vehicle and Traffic Law, the areas designated below restrict turns such that only right turns shall be permitted at said location and a sign "right turn only" shall be posted at the location.

Sign	Location
Right turn only	West off roadway leading from Roanoke Shopping Plaza to County Road 58
Right turn only	North off roadway leading from Pizza Hut to Roanoke Avenue
Right turn only	East off roadway leading from Radio Shack and Dunkin Donuts/Baskin Robbins to County Road No. 58
Right turn only	West off roadway leading from 7-11 to County Road No. 58
Right turn only	East off roadway leading from Jiffy Lube to County Road No. 58
Right turn only	East off roadway leading from gas station to Route 25 at the intersection of South Jamesport Avenue and Main Road, Jamesport

B. Pursuant to the authority granted by §1660 of the New York State Vehicle and Traffic Law, the areas designated below restrict turns such that a right turn on red is prohibited at said location and a sign "no turn on red" shall be posted at the location:

Sign	Location
-------------	-----------------

No turn on red Harrison Avenue south bound at Osborne Avenue;

No turn on red Osborne Avenue north and south bound at Pulaski Street

No turn on red Pulaski Street east and west bound at Osborne Avenue

No turn on red Griffing Avenue at Pulaski Street north bound

No turn on red Pulaski Street at Griffing Avenue west bound

No turn on red Pulaski Street at North Griffing Avenue east bound

No turn on red North Griffing Avenue at Pulaski Street south bound

No turn on red Edwards Avenue at Route 25 north and south bound

No turn on red Edwards Avenue and Sound Avenue north bound

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

Dated: Riverhead, New York
October 2, 2007

BY ORDER OF THE TOWN BOARD
OF THE TONW OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

November 20, 2007

Adopted

TOWN OF RIVERHEAD

RESCINDS TBR # 1016

RESOLUTION # 1089

COUNCILWOMAN BLASS

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

WHEREAS, the Town Board adopted TBR #1016 on November 7, 2007 to cover the costs of permit fees, and

WHEREAS, the Budget Adjustment is unnecessary since the SPDES permit fees were to be split between the Riverhead Sewer District and the Scavenger Waste District.

NOW THEREFOR BE IT RESOLVED, that TBR #1016 is hereby rescinded and the Town Board will revisit the various issues and may address the issue with a restructure of the policy.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 7, 2007

Adopted

TOWN OF RIVERHEAD

RIVERHEAD SEWER DISTRICT

BUDGET ADJUSTMENT

RESOLUTION # 1016

COUNCILMAN DENSIESKI

offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

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

		<u>FROM</u>	<u>TO</u>
114.081300.547506	Laboratory Fees	3,750	
114.081300.546510	SPDES Permit Fee		3,750

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

November 20, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 1090

**Classifies Action and Declares Lead Agency on Special Permit of
Peconic Line-X, and Refers Petition to Planning Board**

COUNCILMAN DUNLEAVY

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Travis Keller pursuant to Article XXVIA and Section 108-266B.(2) of the Riverhead Town Code, for the operation of a motor vehicle repair facility within an existing 2,600sq.ft. building on a 0.24ac. parcel zoned Business Center (BC); such property more particularly described as SCTM 0600-111-1-19, and

WHEREAS, a Full Environmental Assessment Form and supporting documentation was submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed these materials and has determined the petition to be a Type II action pursuant to 6NYCRR Part 617.5(c)(7) as construction of a non residential facility of less than 4,000sq.ft. gross floor area and not requiring a zone change or use variance, and

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

WHEREAS, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Peconic Line-X which it classifies as a Type II action for the purposes of SEQR compliance, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and upon receipt of their report to schedule the necessary public hearing, and

BE IT FURTHER

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to the applicant or his agent.

THE VOTE

Dunleavy ~~Yes~~ No

Bartunek ~~Yes~~ No

Blass ~~Yes~~ No

Densieski ~~Yes~~ No

Cardinale ~~Yes~~ No

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

11/20/2007

TOWN OF RIVERHEAD

Adopted

Resolution # 1091

**RATIFIES THE APPOINTMENT OF A RECREATION AIDE TO
THE RIVERHEAD RECREATION DEPARTMENT**

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

RESOLVED, that Brett Chizever is hereby appointed to serve as a call-in Recreation Aide effective November 17, 2007 at the rate of \$10.00 per hour, and to serve at the pleasure of the Town Board; and

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

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

BE IT FURTHER, RESOLVED, that the Town Board hereby authorizes the Town Clerk to forward this Resolution to the Recreation Department, Brett Chizever 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	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

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

¹ Rec. Kelly/ Res. Brett Chizever

TOWN OF RIVERHEAD

Resolution # 1092

AUTHORIZES THE RELEASE OF CASH SECURITY FOR MID-ROAD PROPERTIES LLC

COUNCILMAN DENSIESKI offered the following resolution,

which was seconded by COUNCILWOMAN BLASS

WHEREAS, Mid Road Properties LLC had posted cash security in the amount of Ten Thousand Dollars (\$10,000) for the placement of a temporary sales trailer at Middle Road, Calverton, New York, 11933, further described as Suffolk County Tax Map Number 0600-081.00-01-001.01, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Richard Podlas, Building Inspector, has determined that the trailer has been removed to the satisfaction of the Building Department.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the Cash Security in the sum of Ten Thousand Dollars (\$10,000); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Mid-Road Properties, Attn: Yvette Matos, P.O. Box 5750, Bay Shore, New York, 11706, the Building Department; the Accounting Department and the Town Attorney's Office.

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

TOWN OF RIVERHEAD

Resolution # 1093

AUTHORIZES THE RELEASE OF A PERFORMANCE BOND FOR MID-ROAD PROPERTIES LLC

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, Mid Road Properties LLC posted a performance bond in the amount of Seventy-Five Thousand Dollars (\$75,000) for land clearing at Middle Road, Calverton, New York, 11933 (Resolution #708 dated July 2, 2002) further described as Suffolk County Tax Map Number 0600-081.00-01-001.01, pursuant to Section 108-133(I) of the Riverhead Town Code; and

WHEREAS, Richard Podlas, Building Inspector, has determined that land clearing has been completed to the satisfaction of the Building Department.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the release of the performance bond in the sum of Seventy-Five Thousand Dollars (\$75,000); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Mid-Road Properties, Attn: Yvette Matos, P.O. Box 5750, Bay Shore, New York, 11706, the Building Department; the Accounting Department and the Town Attorney's Office.

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

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1094

APPROVES EXTENSION OF PERFORMANCE BOND OF WADING RIVER WOODS LLC A/K/A "HOUNDS GATE CONDOMINIUMS" (ROAD AND DRAINAGE IMPROVEMENTS)

COUNCILMAN DUNLEAVY

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

WHEREAS, the Riverhead Town Board, by Resolution #1058 adopted on November 16, 2004, did accept a performance bond in the amount of \$480,000.00 representing road and drainage improvements to be completed in the condominium project entitled, "Wading River Woods"; and

WHEREAS, by letter from Parviz Farahzad, Member of Wading River Woods LLC, dated October 19, 2007, it has been requested that an extension be granted for the performance bond representing road and drainage improvements to be completed within the condominium project; and

WHEREAS, by Resolution #85, dated November 5, 2007, the Riverhead Planning Board did recommend the approval of a two-year extension for the performance bond posted, with said two-year extension to expire on November 16, 2008; and

WHEREAS, Water Key Money in the amount of \$67,500.00 and Park and Recreation Fees in the amount of \$81,000.00 have been paid.

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 condominium project 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

RESOLVED, that this extension shall extend the period of time to complete the road and drainage improvements in the within condominium project to November 16, 2008; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to Charles Cuddy, Esq., P.O. Box 1547, Riverhead, New York, 11901; Nova Casualty Company, 726 Exchange Street, Suite 1020, Buffalo, New York, 14210; and be it further

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

THE VOTE

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

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1095

**ACCEPTS OFFER OF SALE OF REAL PROPERTY LOCATED
IN THE TOWN OF RIVERHEAD KNOWN AS RIVERSIDE
MEADOWS (Property Owners: Crystal Bay Construction, Inc.)**

COUNCILMAN BARTUNEK

_____ offered the following resolution, was seconded

by COUNCILMAN DENSIESKI :

WHEREAS, the Open Space Committee (“the Committee”) has received an offer for the sale of a parcel of real property from Crystal Bay Construction, Inc., on approximately 7.7158 acres of their agricultural lands located on the n/s of Riverside Drive, e/o East Main Street, Riverhead, New York, at \$230,000.00 per acre, further described as Suffolk County Tax Map #0600-129.00-06.00-017.000 and 0600-127.00-07.00-012.000, to the Town of Riverhead; and

WHEREAS, the Committee has commissioned an appraisal of the value of the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in Chapter 14 of the Code of the Town of Riverhead and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer of sale, the appraisal of Rogers & Taylor Appraisers, Inc., the report of the Open Space Committee, the criteria set forth in Chapter 14 of the Code of the Town of Riverhead and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town, and

WHEREAS, the County of Suffolk and the Town of Riverhead are desirous of sharing the cost of purchasing said real property, and

WHEREAS, the County of Suffolk will acquire a seventy percent (70%) undivided interest in and to the premises, and the Town of Riverhead will acquire a thirty percent (30%) undivided interest in and to the premises, as tenants in common,

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of open space from the subject real property of Crystal Bay Construction, Inc., pursuant to Chapter 14 and Chapter 44, Section 44-5B(2) of the Code of the Town of Riverhead, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of the subject property in an amount not to exceed two hundred thirty thousand dollars (\$230,000.00) per acre and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Michael Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, New York 11777-2217; the Open Space Committee; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<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
Thereupon Duly Declared Adopted

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1096

**ACCEPTS OFFER OF SALE OF A PARCEL OF PROPERTY LOCATED
IN THE TOWN OF RIVERHEAD (Property Owners: Walter Kobylenski
Revocable Trust**

COUNCILMAN DENSIESKI

_____ offered the following resolution, was seconded

by **COUNCILWOMAN BLASS** _____ :

WHEREAS, the Open Space Committee (“the Committee”) has received an offer for the sale of a parcel of property from Walter Kobylenski Revocable Trust, on approximately 41.3 acres of their agricultural lands, located on the n/s of Middle Road, approximately 750’ e/o Deep Hole Road, Calverton, New York, for a price of \$3,800,000.00, further described as Suffolk County Tax Map #0600-080.00-02.00-010.000, to the Town of Riverhead, which parcel falls within the Agricultural Protection Zone “APZ” zoning district; and

WHEREAS, the Committee has commissioned an appraisal of the value of the subject real property; and

WHEREAS, the Committee has assessed the subject real property with respect to the criteria provided in Chapter 14 of the Code of the Town of Riverhead and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of this property; and

WHEREAS, the Town Board has carefully considered the merits of the offer of sale of the subject real property, the report of the Peconic Land Trust, the appraisal by Frederick Wood Associates, the report of the Open Space Committee, the criteria set forth in the Chapter 14 of the Code of the Town of Riverhead and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town,

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of the subject real property of Walter Kobylenski Revocable Trust, pursuant to Chapter 14 and Chapter 44, Section 44-5B(2) of the Code of the Town of Riverhead, and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract, deed and other closing documents necessary for purchase of the subject property in an amount not to exceed three million eight hundred thousand dollars (\$3,800,000.00) and authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget, 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, Post Office Box 779, Riverhead, New York 11901; the Open Space Committee; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Town Attorney's Office.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<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
Thereupon Duly Declared Adopted

11/20/07

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1097

AUTHORIZES SUPERVISOR TO RELEASE PETTY CASH MONIES TO RECEIVER OF TAXES

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

RESOLVED, that the Supervisor be and is hereby authorized to release \$200.00 to the Receiver of Taxes from the Petty Cash Fund Account established for Petty Cash Fund purposes for the office of Receiver of Taxes, pursuant to Section 64-1 of Town Law.

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

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

Tax Receiver

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1098

**AUTHORIZES FUNDING FOR THE FIVE TOWN RURAL TRANSIT, INC. ("5TRT")
SPONSORED TRANSPORTATION SURVEY TO APPEL RESEARCH, LLC**

Councilwoman Blass offered the following resolution which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, there is a demonstrated need in the Town of Riverhead for public transportation improvements; and

WHEREAS, 5TRT, is a non profit public transportation advocacy organization promoting changes to the East End transportation system; and

WHEREAS, 5TRT commissioned a research study on current shortcomings, public opinion and possible future improvements in the transportation system to be executed by Appel Research, LLC in a quantifiable, professional manner; and

WHEREAS, 5TRT provided the survey to the Southampton Town Director of Public Transportation and Traffic Safety who has reviewed the methodology used in conducting this research and the results presented and has determined that the work performed by Appel Research, LLC meets professional standards; and

WHEREAS, the Town of Southampton, as lead applicant, (co-applicants; Riverhead, Southold, Shelter Island and East Hampton) has utilized this 5TRT sponsored survey as supporting documentation for its successful \$400,000 grant application to the NYS Dept. of State; and

WHEREAS, the Town of Riverhead was informed by 5TRT that the cost of doing said research (total project cost of \$41,000) exceeded the funds available to pay for said research by \$12,000; and

WHEREAS, the Board of Directors of 5TRT acknowledge that the process of involving the towns' payment for this research was not handled in a fiscally responsible manner, as the work was performed prior to requesting the financial support of the five east end towns;

WHEREAS, in response to a request for financial support from 5TRT, Southampton, East Hampton, Shelter Island, and Southold have paid Appel Research, LLC their Respective proportional shares of the cost (cost allocation based on US Census population data) as indicated below”

	PERCENT	DOLLARS
EAST HAMPTON	19.21%	\$2,305
RIVERHEAD	18.24%	\$2,189
SHELTER ISLAND	2.27%	\$272
SOUTHAMPTON	44.12%	\$5,295
SOUTHOLD	16.16%	\$1,939
TOTALS	100.00%	\$12,000

THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead approves payment in the amount of \$2,189 to Appel Research, LLC; and

THEREFORE, BE IT RESOLVED, that the Town Clerk shall provide a copy of this resolution to the Community Development Director Andrea Lohneiss, Financial Director Bill Rothaar and 5TRT Board of Directors Member Vince Taldone.

THE VOTE

DUNLEAVY YES ___ NO BARTUNEK YES ___ NO

BLASS YES ___ NO DENSIESKI YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

11/20/07

Adopted

**TOWN OF RIVERHEAD
ORDER CALLING PUBLIC HEARING
REPLACEMENT OF THE BELT FILTER PRESS
RIVERHEAD SEWER DISTRICT**

Adopted _____

Resolution # 1099

COUNCILMAN DUNLEAVY

_____ offered the following resolution which was
seconded by COUNCILMAN DENSIESKI.

WHEREAS, a recommendation has been made to the Town Board of the Town of Riverhead, Suffolk County, New York, as governing body of the Riverhead Sewer District, by H2M, consulting engineers to the Riverhead Water District, by letter dated February 10, 2006, and supplemented November 1, 2007, that there is a need to replace the existing belt filter press, and

WHEREAS, a previous hearing was held and bids have been received, and it is necessary to increase the budget from the previously authorized amount of \$750,000 to \$802,380, with said funds to be allocated and charged as the cost of increasing and improving the facilities of the District and shall be borne by the entire District to be paid from existing funds, and

WHEREAS, it is necessary that a public hearing be held on the question of the increase and improvement of the facilities of the entirety of said District as described above, in accordance with the provisions of Section 202-b of the Town Law,

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, as follows:

1. A public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, in said Town, on the 18th day of December, 2007, at 7:10 p.m. on the question of the increase and improvement of the facilities of the Riverhead Sewer District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

2. The Town Clerk is hereby authorized and directed to cause a copy of the

notice of public hearing to be published in the November 29, 2007, edition of The News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to be posted on the sign board of the town, such publication and posting to be made not less than ten nor more than twenty days before the date designated for the public hearing..

3. The project described in the preambles hereto is hereby determined to be an "unlisted action" under the State Environmental Quality review Act, the implementation of which, as proposed, will not result in any significant environmental effects.

4. The notice of public hearing shall be in substantially the following form:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Riverhead Sewer District pursuant to Section 202-b of the Town Law. The object of such hearing will be the increase and improvement of the Riverhead Sewer District regarding the replacing of the existing belt filter press . All persons wishing to be heard should be present at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on December 18, 2007, at 7:10 p.m. The estimated cost of the project is \$802,380 to be paid from existing district funds.

At said public hearing said Town Board will hear all persons interested in the subject matter thereof.

Dated: Riverhead, NY
November 20, 2007

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

Section 5. This order shall take effect immediately.

And be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Superintendent Reichel, H2M, Accounting Department, and Frank Isler, Esq.

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

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

11/20/07

Adopted

AUTHORIZES ENGINEERING SERVICES FOR
WELL REPAIR
RIVERHEAD WATER DISTRICT

Resolution # 1100

Adopted: _____

COUNCILMAN DENSIESKI

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

WHEREAS, by previous resolution the Riverhead Town Board awarded the annual bid for well maintenance for the Riverhead Water District to Delta Well and Pump Co., Inc., and

WHEREAS, by letter report dated September 12, 2007, H2M, consulting engineers to the Riverhead Water District recommended maintenance work at District wells numbered 1A, 4-1 and 7-3 which is within the scope of work bid by Delta,

NOW, THEREFORE, BE IT

RESOLVED, that H2M be and is hereby authorized to develop repair designs and specifications as set forth in their September 12, 2007, report at a cost not to exceed \$30,000 pursuant to existing contract, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to H2M, Gary Pendzick, Frank Isler, Esq., Accounting Department.

THIS RESOLUTION PREPARED BY FRANK A ISLER FOR THE RIVERHEAD WATER DISTRICT

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

TOWN OF RIVERHEAD

Adopted

Resolution # 1101

ACCEPTS CASH SECURITY OF MICRO ENTERPRISES LLC

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by

COUNCILMAN BARTUNEK

WHEREAS, MiCor Enterprises LLC has posted cash security in the sum of One Thousand Dollars (\$1,000 - Check #1032, dated November 1, 2007) representing the 5% site plan security as noted in the approved site plan dated August 16, 2005, Resolution #832 for exterior alterations to a building located at 21 Roanoke Avenue, Riverhead, New York, 11901, further described as Suffolk County Tax Map # 600-128.-6-9,, pursuant to Section 108-133 (I) of the Riverhead Town Code.

NOW THEREFORE BE IT RESOLVED, that the Riverhead Building Department has accepted and deposited this security in the sum of One Thousand Hundred (\$1, 000); and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a certified copy of this resolution to MiCor Enterprises LLOC, 20 Dewey Lane, Hampton Bays, New York 11946, and copies to the Building Department; the Planning Department and the Town Attorney's Office.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Adopted

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1102

ADOPTS A LOCAL LAW TO AMEND ALL SECTIONS OF CHAPTER 62 ENTITLED "EXCAVATIONS" OF THE RIVERHEAD TOWN CODE

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

COUNCILMAN BARTUNEK

which was seconded by _____:

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 all sections of Chapter 62 entitled "Excavations" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of November, 2007 at 2:25 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, 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 all sections of Chapter 62 entitled, "Excavations" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk shall provide notification of this resolution to the Riverhead Town Planning Board; the Planning Department, Building Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend all sections of Chapter 62 entitled "Excavations" of the Riverhead Town Code at its regular meeting held on the 20th day of November, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 62
Excavations**

§ 62-1. Declaration of policy.

~~It is hereby declared to be the policy of the Town of Riverhead to provide for the proper use of land to prevent all manner of excavations which create pits, holes or hollows in the earth, leaving it in a hazardous or dangerous state, or which cause soil erosion, depleting the land of its natural vegetative cover and supply of organic material and rendering such land unproductive and unsuitable for agricultural purposes and undesirable for building homes, resulting in lower land values. By this chapter the Town Board seeks to remove the danger to health and life caused by deep excavations remaining in the ground and by the stripping of topsoil, thereby resulting in damage to agricultural crops through dust storms in dry weather, by exposure of the bare earth to wind action, and in wet periods by pools of water, which chapter will promote the safety, health and general welfare of the people of the Town of Riverhead.~~

It is hereby declared to be the policy of the Town of Riverhead to promote the health, safety and welfare of the residents of the Town of Riverhead by preventing improper excavation and/or exportation and/or importation of material as defined in this chapter which would create undesirable conditions or environmental harm to properties and resources within the Town. In addition, it is the policy of the Town of Riverhead to protect the Town's highways and roadways from damage caused by the transportation of large volumes of material over those highways and roadways when such material is legally excavated, exported or imported to or from sites within the Town.

§ 62-2. (Reserved) Editor's Note: Former § 62-2, Application of chapter, was repealed 12-16-2003 by L.L. No. 29-2003.

§ 62-3. Definitions.

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

BANK EXCAVATION — Any excavation involving the removal of more than 1,000 cubic feet of material, other than a pit excavation, not carried below the grade of the street, road or highway upon which the property fronts.

EXCAVATION — The extraction, removal or stripping of material from the ground or the breaking of the surface soil in order to facilitate or accomplish the removal, extraction or stripping of material or the processing of such material at the location of the excavation.

MATERIAL — Topsoil, loam, earth, sand and/or gravel.

PIT EXCAVATION — Any excavation involving the removal of more than 1,000 cubic feet of material, leaving a hole or depression below the grade of the surrounding land.

SAFE ANGLE OF REPOSE — The final angle of a slope as determined by combining the natural angle

of repose of the material of the slope with a planting of vegetation having a proper root growth to protect such slope.

IMPORTATION – The act of causing materials as defined in this chapter to be brought to a parcel of real property located within the Town of Riverhead, which materials originated from another parcel of real property located either inside or outside of the Town of Riverhead.

EXPORTATION – The act of causing materials as defined in this chapter to be removed from a parcel of real property located within the Town of Riverhead and transported to another parcel of real property located either inside or outside of the Town of Riverhead.

§ 62-4. Exceptions:

The following uses and operations by an owner or lessee of premises or by his agent are hereby excepted from the application of this chapter:

- A. Removing material when such removal is necessary as an accessory use or is made for the purpose of farming or for the purpose of the construction of an improvement on said property.
- B. Removing material when such removal is necessary to provide public facilities within a realty subdivision approved by the Planning Board.
- C. Excavation by dredging operations within existing navigable waters.
- D. Removing material when such removal is necessary for the construction of a single family residence.
- E. Removal of material for soil borings.
- F. Any topsoil removal operation that would but for its existence prior to the effective date of this chapter be regulated by this chapter, provided that the owner or lessee of the premises or his agent shall file within 90 days of the effective date of this chapter with the Town Clerk of the Town of Riverhead a plan of the area so being utilized and proposed to be utilized, together with a brief statement of the present and contemplated future operations, and further provided that the owner or lessee of the premises or his agent shall pay the fees as set forth in § 62-11 hereof.

§ 62-4 – Exempt Premises

The following uses and operations by an owner or lessee of premises or by his or her agent are hereby exempt from the application of this chapter:

- A. Importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is made for the purpose of farming.
- B. Excavation by dredging operations within existing navigable waters.
- C. Importation, excavation or exportation of material as defined in this chapter when such importation, excavation or exportation is necessary for the construction of a single-family residence.
- D. Excavation or exportation of material as defined in this chapter for soil borings.

§ 62-5. Application for permit.

- A. Before any excavation, exportation or importation is commenced for any purpose other than those excepted exempted in § 62-4 of this chapter, the owner, lessee or agent of the premises shall obtain a written permit therefor from the Town Board of the Town of Riverhead. For that purpose, such owner, lessee or agent shall file with the Building Inspector of the Town of Riverhead a verified application, in duplicate, for such permit, containing a detailed statement of the proposed work, together with a plan prepared by a duly licensed engineer or land surveyor of the State of New York, setting forth in detail or including the following information:
- (1) A detailed statement of the proposed work and three-dimensional extent of the proposed excavation, exportation or importation and exact condition of the plot or premises before the work proposed to be accomplished under the requested permit is commenced, and proposed condition of said plot or premises when the work is completed.
 - (2) An estimate of the total number of cubic feet of material proposed to be excavated, exported and or imported from or to the property during the term of the permit, prepared by a licensed engineer.
 - (3) The elevations of all abutting properties to the extent necessary to indicate the existing drainage condition where the same affects the subject property.
 - (4) A duly acknowledged consent, in writing, of the owner of the premises and mortgagee, if any, including his or their addresses.
 - (5) Receipted tax bills or a certificate from the Receiver of Taxes of the Town of Riverhead and the County Treasurer of Suffolk County, showing payment of all taxes or assessments to date against the property described in the application.
 - (6) A certificate from the Commissioner of Public Works of the municipalities whose highways abut the site of operation, to the effect that the proposed excavation, exportation or importation shown on the plan will not endanger such highways.
 - (7) A certificate from the Commissioner of Agriculture and Markets of the State of New York or his duly appointed agent or representative, stating that any topsoil material as defined in this chapter to be taken in the area described in the application is apparently free from golden nematode of potato.
 - (8) The purpose of the proposed excavation, exportation or importation.
 - (9) The existing and the theoretical maximum groundwater level at the location.
 - (10) The procedures whereby dust or other fugitive or windborne material shall be controlled.
 - (11) The excavation, exportation or importation of material shall be implemented in a manner that achieves a harmonious balance between the existing topography of the site and the authorized activity specified in the permit. It shall be a violation of this chapter for an applicant to excavate, export, or import more material than authorized in the permit or that which is necessary to achieve the desired improvement.
 - (12) An applicant for residential, commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be excavated, exported or imported as certified by a professional engineer, to either the Planning Board or Town Board. The estimate of the volume of materials shall be noted on the approved site plan or subdivision map.
- B. After reviewing the application, the Town Board may require additional information or waive any of the foregoing requirements where deemed necessary. Upon warranted circumstances, the Town Board or its designee reserves the right to require an applicant to submit imported material for testing to determine its physical and/or chemical composition consistent with the declaration of policy pursuant to section 62-1 contained in this chapter. All costs associated with testing the imported material shall be borne by the applicant pursuant to procedures to be determined by the Town Board or its

permit shall be issued pursuant to this section unless the applicant has first obtained site plan approval from the Planning Board pursuant to section 108-129 of the Riverhead Town Code.

- C. The Town Board shall require that a monitor be employed during the term of the permit to ensure compliance with the terms of the permit. The monitor shall be selected by the Town Board and the cost of the monitor shall be paid for by the applicant.
- (1) The monitor shall keep a daily log of all soil material export and import excavated, exported and/or imported for the subject site. The daily log shall include the number of vehicles and the yardage of soil material excavated, imported or exported. The license plate number of each vehicle carrying soil or similar material coming into and leaving the subject site shall be recorded in the monitor's daily log together with the approximate yardage of material carried by the vehicle.
 - (2) The monitor shall provide a weekly report to the Town Board, the Town-designated engineer and the Building Inspector, regarding the progress of the work on the subject property. The report shall include copies of the daily log kept by the monitor. The report shall also include an estimate by the monitor as to the percentage of the work completed pursuant to the permit at the time of the report.
 - (3) Should the monitor determine that the work being completed pursuant to the permit will exceed the limits of the permit or that any other violations of the conditions of the permit or the Riverhead Town Code are occurring, the monitor shall have an obligation to immediately notify the Town Board, the Town-designated engineer and the Building Inspector.
 - (4) At the discretion of the Town Board the requirement that a monitor be employed as set forth herein may be waived.

§ 62-6. Plan for reclamation.

- A. Each application must include a reclamation plan, which may be referred by the Town Board to the Planning Board for its review and recommendations. In its review, the Planning Board may require of the applicant additional data or information bearing upon and relating to the following:
- (1) A comprehensive plan for the rehabilitation of the entire area in which the applicant proposes to conduct excavation, exportation or importation operations; it is intended that the plan include not only that site on which operations will be conducted during the year of the permit applied for, but all the area susceptible to and available to the applicant for excavation, exportation or importation operations in the future, as well as any portion of the area where excavations were performed prior to the date of this enactment. The proposed plan of rehabilitation shall set forth the ultimate contour and grade of the area upon completion of excavation, exportation or importation operations, describing the area, including berm and slope areas, to be refilled, if any, topsoiled, seeded, shrubbed or otherwise landscaped, and shall specify the amount and extent thereof to be performed on or before the expiration of the permit applied for. When applicable, such plan of rehabilitation must provide as the minimum that where partial rehabilitation is planned for the area, it shall bear a proportionate relationship to the estimated number of years of excavation operations contemplated.
- B. Before a permit will be issued, a reclamation plan must be approved by the Town Board of the Town of Riverhead.

§ 62-7. Bank and pit excavations:

- A. ~~No pit excavations shall be made unless provisions for the prevention of any accumulations of water are made, the plan for the prevention of such accumulation to be approved by the Town Board.~~
- B. ~~When required by the Town Board as necessary for the protection of the public, barriers shall be erected to prevent public access to the top of any pits or steeply graded slopes, such barriers to consist of wire fencing of the type known as "chain-link" or "Cyclone" fence, or its equivalent, of such~~

height as shall be specified by the Town Board as necessary for the protection of the public, considering the particular circumstances of the terrain and the location, and such fencing to be substantially erected and with no opening except necessary gates for ingress and egress:

- G. No pit excavation shall be made within 50 feet of any property line or within 100 feet of any street. Within the fifty-foot and one-hundred-foot area, a berm shall be established between the property line and the top of the slope, which berm shall have a minimum slope of one inch per foot from the top of the slope downward to the property line. Where the existing topography is such that a berm area has not heretofore been established and maintained, the plan required under § 62-5A herein shall indicate the berm area available, the drainage to be provided and the proposed method of protecting all slope areas.
- D. Dust down or a similar dust layer shall be spread on access roads and other traveled areas used in connection with every pit or bank excavation where required to protect the public and surrounding area against windblown sand and dust.
- E. No removal of material from the ground shall be so made as to undermine, weaken or deprive of support other lands in the vicinity or to substantially obstruct, impede or change the course of or the natural movement or flow of the water in, or otherwise adversely affect, any public waterway or public body of water or any waterway or body of water which is used as a part of any drainage system.
- F. No removal of material from the ground shall be made so as to expose to possible pollution, by saltwater intrusion or otherwise, any underground water used as a public water supply.

§ 62-87. Denial or suspension of permit.

The Town Board may deny any application for a permit hereunder if it shall find that the proposed excavation, exportation or importation will violate any of the provisions of § 62-7 of this chapter, and either the Town Board or the Building Inspector may revoke or suspend any permit issued hereunder if it shall find that the excavation, exportation or importation of material as defined in this chapter removal of earth thereunder violates any of such provisions.

§ 62-98. Stripping and removal of topsoil material.

No stripping or removal of topsoil excavation, exportation or importation of material as defined in this chapter shall be made within 10 feet of any property line, and upon completion of the work, the premises, if below grade, shall be graded to the level of the abutting highway or the original grade if the same was below the level of the highway. Dust-down or its equal shall be spread to prevent dust from flying, and there shall be left upon the surface of the land from which topsoil material was excavated, exported or imported is removed not less than six inches of topsoil. No topsoil shall be removed between the first day of November and the first day of March in the following year. All areas from which topsoil is removed shall, during the period between August 20 and November 1, inclusive, be prepared into a loose, level seedbed, limed, fertilized and seeded in the following steps:

- A. Apply ground limestone at the rate of one ton per acre.
- B. Apply 5-10-5 fertilizer at the rate of 600 pounds per acre.
- C. Disk area to work limestone and fertilizer into the soil to a depth of at least three inches.
- D. Smooth area with a smoothing harrow.
- E. Sow the following seed mixture at the rate of 100 pounds per acre:

Seed Mixture	Pounds
Timothy	30
Kentucky bluegrass	25
Redtop	10

Perennial-rye-grass	30
Alsike-clover	4
Wild-white-clover	4

F. Brush-in seed lightly.

G. Roll firm with ground roller.

§ 62-109. Irrevocable letter of credit or cash deposit.

- A. Before the issuance of a permit, the applicant and the owner of record of the premises shall execute and file with the Town Clerk an irrevocable letter of credit approved by the Town Board of the Town of Riverhead, in an amount to be fixed by said Board based upon the estimated cost of the reclamation of activity at the site. The amount of the performance security to be posted shall be determined by the Town's designated professional engineer. Further, commencement of work on the site in accordance with the permit issued shall constitute an agreement by the permittee to indemnify the Town of Riverhead for any damage to Town property.
- B. In the event of a violation of any of the provisions of the permit, such irrevocable letter of credit shall be forfeited to the Town of Riverhead.
 - (1) The Town Board shall authorize the return of the letter of credit upon receipt of a letter from a licensed engineer certifying that the excavation, exportation or importation was completed in accordance with the permit and approved site plan. Specifically, the engineer shall certify that the total amount of material ~~removed from~~ excavated, exported or imported from or to the site was less than or equal to the amount specified in the permit. Should the engineer determine that the amount of material ~~removed from~~ excavated, exported or imported from or to the premises was in excess of that allowed in the permit, the applicant will be required to pay an amount equal to triple the otherwise applicable fee the fee for the additional yardage removed excavated, exported or imported, together with the fines imposed for violations of this chapter.

§ 62-110. Fees.

The Town Board or its designee shall charge and collect the following fees for excavation, exportation or importation pursuant to approved site plans, grading plans and realty subdivisions as required by the Zoning Ordinance. Editor's Note: See Ch. 108, Zoning. The officer designated by the Town Board to issue such permits shall charge and collect for each such permit an annual a fee as follows: All fees are due and owing and shall be paid at the time of issuance of the permit. Premises that qualify for one or more of the delineated exemptions in section 62-4 shall not be assessed any fees pursuant to this section.

- A. For residential, commercial and industrial subdivision, site plans or grading plans a fee shall be imposed in the amount of \$2 per cubic yard for all material removed from or returned to the site in accordance with Town requirements for drainage, parking and other Town-required improvements and also for any and all purposes and improvements other than those required for compliance with Town requirements. The determination of the fee to be paid shall be made by the Town Board or the Planning Board or their designee subsequent to a review of the estimate submitted.
- B. ~~All fees pursuant to this chapter shall be due upon final conditional approval of land subdivisions made by the Planning Board and final approval of site plans or grading plans made by the Planning Board or the Town Board.~~
- G. ~~An applicant for commercial and/or industrial subdivision approval or site plan approval shall submit an estimate of the volume of materials to be removed as certified by a professional engineer, to either~~

~~the Planning Board or Town Board. The determination of the fee to be paid shall be made by the Town Board or the Planning Board subsequent to a review of the estimate submitted.~~

§ 62-12. Expiration of permits.

- ~~A. Bank and pit excavations. Such permits shall expire by limitation one year or three years from the date of issuance, unless the data submitted in accordance with the requirements of § 62-6, Plan for reclamation, demonstrates that the completion of such reclamation plan will require a period in excess of one year from the date of issuance of the permit. In that event, the Town Board may issue a permit for a period longer than one year or three years, but in no event to exceed five years. In the event a permit is issued for longer than three years, the applicant is required to submit annually on the third and fourth anniversary date of the original permit the data required by § 62-6 hereof.~~
- ~~B. Topsoil removal. Such permits shall expire by limitation 60 days from the date of issuance unless extended by the Town Board.~~
- ~~(1) No permit or permits shall be granted for removal excavation, exportation or importation of more than four acres of topsoil material from any one tract of land until full compliance with this chapter is had under any existing permit for the same tract, except the preparation of the ground and seeding as provided in § 62-9 hereof.~~
- ~~(2) No permit shall be valid except between March 1 and November 1 of any year.~~

§ 62-1311. Penalties for offenses.

For any and every violation of the provisions of this chapter, the owner, general agent or contractor of a building or premises where such violations have been committed or shall exist, and the lessee or tenant of the premises where such violation has been committed or shall exist, and the owner, general agent, contractor, lessee or tenant of any part of the premises in which part said violation has been committed or shall exist, and the general agent, architect, engineer, surveyor, building contractor or any other person who knowingly permits, takes part in or assists in any such violation or who maintains any premises in which any such violation shall exist shall be guilty of an offense against this chapter. Offenses set forth herein shall be punishable by a fine of not more than \$~~1,000~~2,000. Each day's continued violation shall constitute a separate, additional violation of the chapter.

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

Dated: Riverhead, New York
November 20, 2007

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

DUNLEAVY ___ YES ___ NO BARTUNEK ___ YES ___ NO

BLOSS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

11/20/07

Adopted

TOWN OF RIVERHEAD

Resolution # 1103

ADOPTS A LOCAL LAW TO AMEND CHAPTER 52 ENTITLED "BUILDING CONSTRUCTION" OF THE RIVERHEAD TOWN CODE

COUNCILMAN BARTUNEK

_____ offered the following resolution,

COUNCILMAN DENSIESKI

which was seconded by _____:

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 52 entitled "Building Construction" of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 7th day of November, 2007 at 2:35 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, 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 52 entitled, "Building Construction" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

RESOLVED, that the Town Clerk shall provide notification of this resolution to the Riverhead Town Planning Board; the Planning Department, Building Department and the Office of the Town Attorney.

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

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 52 entitled "Building Construction" of the Riverhead Town Code at its regular meeting held on the 20th day of November, 2007. **Be it enacted** by the Town Board of the Town of Riverhead as follows:

**Chapter 52
Building Construction**

§ 52-8.2. Land clearing permits. [Added 8-2-1994]

Where site plan review is required pursuant to Chapter 108, Zoning, Article XXVI, Site Plan Review, no person, firm or corporation shall undertake or carry on any such activity or use, including any grading, clearing, cutting or filling, excavating or tree removal associated therewith, without first obtaining a land clearing permit from the Building Inspector.

§ 52-10. Building permit fees. [Amended 10-7-1969]

- A. No permit under this chapter shall be issued until the fee as shall be prescribed by resolution of the Town Board shall have been paid, nor shall an amendment to a permit be approved until the additional fee, if any, due to an increase in the estimated cost of the building or structure shall have been paid.
- B. The minimum fee for any permit required under this chapter, whether the same is for the installation of a plumbing system or a heating system, or any other required permit, including the fee for a zoning permit under Zoning Ordinance No. 26 of the Town of Riverhead, Editor's Note: See Ch. 108, Zoning, shall be \$100, unless the applicant is exempt under this chapter. **[Amended 1-16-1973; 11-20-1984; 3-3-1998; 5-4-2004 by L.L. No. 11-2004; 7-18-2006 by L.L. No. 22-2006]**
- C. Construction related to improving access, safety and independent living for the disabled and elderly at entrances to and within buildings shall be exempt from building permit fees. **[Added 7-18-2006 by L.L. No. 22-2006** Editor's Note: This local law also redesignated former Subsections C through H as D through I, respectively.]
- D. Editor's Note: Former Subsection D, pertaining to exemptions for religious, charitable and educational organizations, was repealed 12-2-2003 by L.L. No. 27-2003. For each building permit where the construction cost shall exceed \$1,000, an additional fee of \$12 per thousand dollars, or fraction thereof, in addition to the minimum fee of \$100. The basis for computing construction costs shall be the square feet of the floor area of the proposed building in relation to the proposed use of said building and/or the cost thereof may be based on current Marshall Swift Valuation cost estimates using local regional multipliers and/or as follows: **[Amended 1-16-1973; 11-20-1984; 12-4-1984; 12-29-1989; 12-17-1991; 5-20-1997; 3-3-1998; 12-2-2003 by L.L. No. 27-2003]**
 - (1) Dwellings, one- and two-family: main story, \$75 per square foot; additional stories, \$40 per square foot.
 - (2) Multiple-family dwellings, apartments, condominiums, hotels, motels, boardinghouses, labor camps and nursing and convalescent homes: main story, \$90 per square foot; additional stories, \$55 per square foot.
 - (3) Private garages, attached or detached: \$40 per square foot. **[Amended 3-7-2006 by L.L. No. 12-2006]**
 - (4) Accessory and utility buildings: main story, \$50 per square foot; additional stories, \$25 per square foot.
 - (5) Building permit fees shall be waived for all home modifications related to improving access for

persons with mobility impairments, including, but not limited to, ramps and kitchen and bathroom renovations. **[Added 7-18-2006 by L.L. No. 22-2006** Editor's Note: This local law also redesignated former Subsection D(5) through (7) as D(7) through (9) respectively.]

- (6) The building fee permit shall be reduced by \$300, or waived, whichever is lesser, for a new construction of single-family dwellings in which the applicant opts to incorporate the following universal design "basic access" features: **[Added 7-18-2006 by L.L. No. 22-2006]**
 - (a) At least one stepless entrance to the dwelling, which may be located at any entrance (front, rear, side or garage);
 - (b) First-floor doors with at least thirty-two-inch clear passage;
 - (c) First-floor bathroom (half-bath or more) that allows for full entry of wheelchair with the ability to close the door, with reinforcements between wall studs (commonly called "blocking") to allow for future installation of grab bars.
- (7) Mercantile, business and office buildings, garages and service stations, places of public assembly, assembly halls and clubhouses: main story, \$80 per square foot; additional stories, \$70 per square foot.
- (8) Factory buildings and warehouses (finished types): main story, \$80 per square foot; additional stories, \$75 per square foot.
- (9) Factory buildings and warehouses (unfinished types): main story, \$80 per square foot; additional stories, \$75 per square foot.
- (10) The building permit fee shall be waived for all modifications to commercial buildings or places of public accommodation related to removing architectural barriers to access and improving access for persons with mobility impairments, including, but not limited to, ramps and bathroom renovations. **[Added 7-18-2006 by L.L. No. 22-2006** Editor's Note: This local law also redesignated former Subsection D(8) through (13) as D(11) through (16), respectively.]
- (11) Foundation only: \$60 per linear foot.
- (12) The fee for a permit to demolish a building shall be \$60 for a small building up to 1,000 square feet and \$95 for a large building of more than 1,000 square feet.
- (13) The fee for a duplicate certificate of occupancy shall be \$150, and letters of preexisting use and inspection above the maximum shall be \$150 each.
- (14) The fee for a renewal permit shall be 75% of the original fee paid. The fee must be paid within 30 days of the expiration date.
- (15) The fee to move a building to a new location: 50% of the fee computed in accordance with Subsection C above.
- (16) All fees paid pursuant to this section are nonrefundable. **[Added 12-2-2003 by L.L. No. 27-2003]**

E. Agricultural buildings. [Added 3-7-2006 by L.L. No. 12-2006]

- (1) Permanent greenhouses and farm buildings constructed solely for wholesale agricultural use and not as an accessory use to a residence: a flat fee of \$200 for any structures 2,000 square feet or less. For structures larger than 2,000 square feet \$0.06 per square foot in addition to the flat fee.
- (2) Any structure approved pursuant to this section which is subsequently utilized on a permanent basis for any nonagricultural use or retail shall be subject to pay, nunc pro tunc, the standard building permit fees required for nonagricultural buildings. The owner of said structure shall be required to pay said fees within 30 days of receipt of written notice from the Building Department.
- (3) All fees paid pursuant to this section are nonrefundable.

F. Residential or commercial energy conservation devices. [Added 3-7-2006 by L.L. No. 12-2006]

- (1) Residential or commercial energy conservation devices constructed or installed in or upon a structure which qualify for any federal, state or local tax exemption, tax credit or tax rebate, including, but not limited to, solar panels: a flat fee of \$150.

(2) This section is to be applied retroactively as of July 1, 2005.

- G. Duplicate inspection fee. The Building Inspector may charge a duplicate inspection fee for any inspection that must be repeated due to the failure of the applicant to meet the inspection criteria. The duplicate inspection fee for residential properties shall be \$200. The duplicate inspection fee for commercial properties shall be \$350. **[Added 12-2-2003 by L.L. No. 27-2003]**
- H. Preconstruction fee. If any land clearing ~~or excavation~~ or building or commencement of any construction activity is without the benefit of applicable Town permits, all fees associated with any land clearing ~~or excavation~~ or building or construction activity will be equal to triple the otherwise applicable fee for all permits as provided by the Town Code. **[Added 4-6-1999 by L.L. No. 4-1999; amended 12-2-2003 by L.L. No. 27-2003]**
- I. Electronic records retention fees. An electronic records retention fee must also be paid in accordance with the fee schedule which shall be determined from time to time by resolution of the Town Board of the Town of Riverhead. **[Added 4-19-2005 by L.L. No. 11-2005]**

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

Dated: Riverhead, New York
November 20, 2007

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

DUNLEAVY ___ YES ___ NO BARTUNEK ___ YES ___ NO

BLASS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

11/20/07

Town of Riverhead

Resolution 1104

Authorizes Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2008 Community Development Block Grant Funds
COUNCILMAN DENSIESKI

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

WHEREAS, the Town of Riverhead annually requests Community Development Block Grant funds for the United States Department of Housing and Urban Development for benefit to low and moderate income persons and for the prevention of slum and blight; and

WHEREAS, the Town of Riverhead has complied with the citizen participation requirements of the CDBG program; and

WHEREAS, the Town of Riverhead possesses the legal authority to make a grant application and to execute a community development and housing program.

THEREFORE, BE IT RESOLVED, that the Riverhead Town Board hereby ratifies the execution and submission of a grant application to the Suffolk County Department of Community Development as grantee of Community Development Block Grant funds, as attached on Schedule A, for FY 2008 from the United States Department of Housing and Urban Development; and

BE IT FURTHER RESOLVED, that upon approval by the Grantor, the Town Board authorizes the Supervisor to execute the required agreement between Suffolk County and the Town of Riverhead and to undertake the program as approved; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to provide a certified copy of this resolution to Joseph T. Sanseverino (Suffolk County Community Development Director, H. Lee Dennison Bldg., PO Box 6100, Hauppauge, NY 11788) and Community Development.

THE VOTE

Dunleavy Yes No	Bartunek Yes No
Blass Yes No	Densieski Yes No
Cardinale Yes No	<i>Abstain</i>

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

Attachment A

2008 CDBG Application

Bread and More Soup Kitchen	\$ 5,000
Open Arms Soup Kitchen and Senior Companion Program	\$ 5,000
CAP	\$ 5,000
Dominican Sisters	\$ 5,000
PCC/Maureen's Haven	\$ 5,000
Home Improvement Program	\$100,000
Administration	\$ 40,000
Total	\$165,000

11/20/07

TOWN OF RIVERHEAD

Resolution # 1105

Adopted

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO REPEAL CHAPTER 95A ENTITLED, "TRANSFER OF DEVELOPMENT RIGHTS" OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN BLASS

_____ offered the following resolution,

COUNCILMAN DUNLEAVY

which was seconded by _____:

RESOLVED, that the Town Clerk is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider a local law to repeal Chapter 95A entitled, "Transfer of Development Rights" of the Riverhead Town Code, once in the November 29th, 2007 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 18th day of December, 2007 at 7:00 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to repeal Chapter 95A entitled, "Transfer of Development Rights" of the Riverhead Town Code as follows:

~~Chapter 95A: TRANSFER OF DEVELOPMENT RIGHTS~~

~~§ 95A-1. Legislative authority.~~

~~In accordance with § 261-a of the New York State Town Law, the Town Board is hereby authorized and empowered to approve and implement the transfer of development rights subject to any conditions which the Town Board deems necessary, appropriate and consistent with the purposes of this section and § 261-a of New York State Town Law.~~

~~§ 95A-2. Purpose.~~

~~This chapter is hereby enacted to achieve the goals of preserving and protecting the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special~~

character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.

§ 95A-3. Transfer of Development Rights Map.

The sending and receiving districts shall be designated and mapped with specificity on a map entitled "Transfer of Development Rights Map of the Town of Riverhead," hereinafter referred to as "TDR Map of the Town of Riverhead," and approved by the Riverhead Town Board after a public hearing.

§ 95A-4. Definitions.

The following terms, phrases and their derivatives shall have the meanings given herein:

~~CONSERVATION EASEMENT—An easement, covenant, restriction or other interest in real property created and subject to the provisions of Article 49 of the Environmental Conservation Law (ECL), which limits or restricts development, management or use of such real property for the purpose of preserving or maintaining the scenic, open, historic, archaeological, architectural or natural condition, character, significance or amenities of real property in a manner consistent with the public policies and purpose set forth in § 49-0301 of Article 49 of the ECL, provided that no such easement shall be acquired or held by the state which is subject to the provisions of Article XIV of the Constitution.~~

~~DEVELOPMENT RIGHTS—The rights permitted to a lot, parcel or area of land under Chapter 108, Zoning, respecting permissible development density and quantified for a reasonable and uniform value.~~

~~RECEIVING DISTRICT—One or more designated districts or areas of land to which development rights generated from one or more sending districts may be transferred and in which increased development is permitted to occur by reason of such transfer.~~

~~SENDING DISTRICTS—One or more designated districts or areas of land in which development rights are designated for use in one or more receiving districts.~~

~~TRANSFER OF DEVELOPMENT RIGHTS (TDR)—The process by which development rights are transferred from one lot, parcel or area of land in any sending district to another lot, parcel or area of land in one or more receiving districts.~~

§ 95A-5. Procedure for designating sending and receiving districts.

A. Sending district. Prior to designation of a sending district, the Town Board shall make the following findings:

- (1) That the land consists of natural, scenic, recreational, agricultural, forest or open land or sites for special historical, cultural, aesthetic or economic values sought to be protected.
- (2) That the sending district is consistent with a comprehensive plan pursuant to § 272-a of the New York State Town Law.

- ~~(3) That a generic environmental impact statement (GEIS), pursuant to Article 8 of the Environmental Conservation Law (ECL), has been prepared and that no material changes in circumstances have occurred since the adoption of the final GEIS and findings statement.~~
- ~~(4) Where the transfer of development rights affects districts in two or more school, special assessment or tax districts, that the sending district does not unreasonably transfer the tax burden among the taxpayers of such districts.~~
- ~~(5) Evaluation that the impact of TDR upon the potential development of low and moderate income housing lost in sending districts and gained in receiving districts and findings of whether there is approximate equivalence between potential low and moderate income housing units lost in the sending district and gained in the receiving district and that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of low or moderate income housing caused by the transfer of development rights.~~
- ~~(6) Recommendation of the Planning Board.~~

~~B. Receiving district. Prior to the designation of receiving areas, the Town Board shall find as follows:~~

- ~~(1) After evaluating the effects of potential increased development which is possible under transfer of development rights, that the receiving district contains adequate transportation, water supply, waste disposal and fire protection, and that there will be no significant environmentally damaging consequences and that such increased development is compatible with the development otherwise permitted by the town and by the federal, state and county agencies having jurisdiction to approve permissible development within the district.~~
- ~~(2) That the receiving district is consistent with a comprehensive plan pursuant to § 272-a of the Town Law.~~
- ~~(3) That a generic environmental impact statement (GEIS), pursuant to Article 8 of the Environmental Conservation Law (ECL), has been prepared and that no material changes in circumstances have occurred since the adoption of the final GEIS and findings statement.~~
- ~~(4) Where the transfer of development rights affects districts in two or more school, special assessment or tax districts, that the sending district does not unreasonably transfer the tax burden among the taxpayers of such districts.~~
- ~~(5) Evaluation of the impact of TDR upon the potential development of low and moderate income housing lost in sending districts and gained in receiving districts and findings of whether there is approximate equivalence between potential low and moderate income housing units lost in the sending district and gained in the receiving district and that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of low or moderate income housing caused by the transfer of development rights.~~
- ~~(6) Recommendation of the Planning Board.~~

~~C. An applicant for the allocation of development rights upon real property within the~~

sending area shall present documentation satisfactorily to the Planning Board indicating:

- (1) The location and land areas of the site which the applicant proposes to transfer (sending area).
- (2) The location and land area of the site to which such rights are proposed to be transferred (receiving area), the proposed total number of dwelling units or additional square footage of commercial property that would result on the site from such a transfer and a statement of the character of the proposed development.
- (3) A discussion as to the reasonably anticipated beneficial effects of the proposed transfer and how it will achieve the goals of this chapter.
- (4) The Town Board shall refer the application to the Planning Board for its review and recommendations.
- (5) The preparation of a certificate of development rights suitable for recording in the Suffolk County Clerk's office shall be forwarded to and reviewed by the Town Attorney and shall contain the following:
 - (a) Suffolk County Tax Map Number.
 - (b) The number of TDR's transferred.
 - (c) The number of TDR's retained.
 - (d) The purchaser, owner or transferee of such development rights.
 - (e) Simultaneously herewith, filed with the Town of Riverhead Assessors, the New York State Board of Equalization and Assessment Real Property Transfer Report (Form EA-5217, or its equivalent) indicating that the interest in real property is transferable development rights pursuant to this chapter.
 - (f) Any additional information deemed necessary by the Town Board.
- (6) Notice to Assessors' office.
- (7) Preparation of a conservation easement in compliance with Article 49 of the Environmental Conservation Law.

~~§ 95A-6. Designation of sending and receiving districts.~~

The Town Board shall designate sending and receiving districts on the map entitled "TDR Map of the Town of Riverhead" pursuant to the following:

- A. Owners of land designated by the Town Board as sending or receiving districts shall be entitled, as of right, to apply for the TDR program.
- B. Owners of land requesting designation of a sending or receiving district shall petition the Town Board for such designation in the same manner as a change of zone petition pursuant to Article XVIII of Chapter 108, Zoning, of the Code of the Town of Riverhead.

~~§ 95A-7. Preservation of agricultural land.~~ Editor's Note: See also Ch. 44, Agricultural Lands Preservation.

Consistent with the purposes of this chapter, preservation of prime agricultural land is of utmost concern. The preservation of agricultural land will achieve the goals of preserving the rural character of Riverhead and support an economically viable farm industry. Land designated as sending districts shall consist of the following minimum threshold for eligibility:

- A. Land designated by the County of Suffolk as Class 1 or Class 2 Prime Agricultural Soil.
- B. Competitive priority among all eligible agricultural land shall be based on the following:
 - (1) Agricultural significance due to open space value, scenic beauty, historical significance and environmental sensitivity.
 - (2) Soil quality and productivity of soil.
 - (3) Irrigation needs and water availability.
 - (4) Economic value based on size of farmland and capital investment in buildings and production facilities.
 - (5) Annual sales of agricultural products for the previous seven years.
 - (6) Whether land is contiguous to properties deeded to the Suffolk County Farmland Preservation Program.

§ 95A-8. Administration.

The following documentation and language shall be included in the application for transfer of development rights:

- A. Conservation easement. A conservation easement shall be an instrument executed by the grantor in a form to be recorded as a deed that puts the world on notice that all or some of the development rights have been transferred from said burdened parcel. Said conservation easement shall be enforceable by the town in addition to any other person or entity granted enforcement rights by the terms of the instrument. The conservation easement shall contain clauses pertaining to the duration of the conservation easement; extinguishment of the conservation easement; modification of the conservation easement, which shall not diminish or impair development rights within any receiving district; enforcement of the conservation easement; and a certificate of development rights.
- B. Certificate of development rights. Any development rights which have been transferred by conservation easement shall be evidenced by a certificate of development rights which shall be issued by the town to the transferee in a form suitable for recording of deed with the Suffolk County Clerk's office in the same manner as other conveyances of interest in land affecting its title.
- C. Within one year after the development rights are transferred, the assessed valuation placed on the affected properties for real property tax purposes shall be adjusted to reflect the transfer of development rights.
- D. Development rights shall be transferred reflecting the normal market in land, including sales between owners of property in sending and receiving districts.
- E. Transferred development rights clearinghouse. ~~[Amended 10-14-1997 by L.L. No.~~

~~14-1997]~~

- ~~(1) The Town Board finds that in order to effect a successful development rights program, the marketability of rights is essential. To this end, the town hereby establishes a transferred development rights clearinghouse which is empowered to receive, purchase or sell development rights and to further support a private market in transferred development rights as hereinafter provided.~~
- ~~(2) The TDR clearinghouse shall be governed by the Farmland Preservation Committee which shall act as the clearinghouse advisory board.~~
- ~~(3) The TDR clearinghouse shall be empowered as follows:
 - ~~(a) To apply for, receive and accept, with the approval of the Town Board, grants or loans from any federal, state or other public or private source to effect any authorized purpose.~~
 - ~~(b) To propose to the Town Board the adoption of rules and regulations necessary to operate the clearinghouse.~~
 - ~~(c) To receive, purchase or sell development rights credits to further the objectives of this chapter.~~~~

~~F. The Planning Board shall be authorized to calculate the number of development rights existing upon property within a sending area and shall be further authorized, upon such calculation, to formally issue a document by resolution allocating the number of development rights associated with such real property. [Added 10-14-1997 by L.L. No. 14-1997]~~

~~G. The Planning Board shall establish and maintain a registry of development rights which have been either allocated or redeemed; such registry shall include: [Added 10-14-1997 by L.L. No. 14-1997]~~

- ~~(1) The name and address of the owner, the property designation number and the number of development rights allocated to such real property.~~
- ~~(2) The name and address of the owner, the property designation number and the number of development rights redeemed from such real property.~~
- ~~(3) The name and address of the owner, the real property designation and the certificate number of that real property encumbered by the filing of those conservation easements necessary to implement the provisions of this chapter.~~
- ~~(4) An annual enumeration of the total number of development rights either allocated or redeemed by school district, hamlet and property designation number.~~

~~§ 95A-9. Calculation of development rights. [Amended 10-14-1997 by L.L. No. 14-1997]~~

~~A. When an application for the allocation of development rights for transfer is made to the Planning Board, such Board shall calculate the total number of development rights upon real property within a sending area as follows:~~

- ~~(1) One development right per 80,000 square feet of total property area. The Planning Board shall not subtract those land areas described in § 108-95C(1)(a) through (h) from such calculation.~~

B. When an application for the redemption of development rights is made to the town in order to effect an increase in permitted land use intensity in designated receiving areas, development rights shall be redeemed as follows:

- (1) In a receiving area lying within an industrial use district, each development right shall be equal to 150 gallons of sanitary wastewater, with the maximum density within an industrial receiving area not to exceed 600 gallons per 43,560 square feet of real property after transfer.
- (2) In a receiving area lying within a residential use district, each development right shall be equal to one residential dwelling unit, with the maximum density within a residential use district not to exceed one dwelling unit per 20,000 square feet of real property after transfer.

§ 95A-10. Taxable status of development rights.

The Town Assessor shall take all steps necessary to track and assess TDR and shall forward such information to the Town Tax Receiver.

§ 95A-11. Irreversible transfer of development rights.

No development rights shall be transferred back to the sending parcel once the TDR's have been transferred. No development rights may be transferred out of a parcel which has previously had all of its development rights transferred out under this chapter or Suffolk County acquisition of development rights program or other easement, transfer, restrictive covenant or dedication pursuant to § 247 of General Municipal Law.

§ 95A-12. Farmland Preservation Program Study Area Map. [Added 10-14-1997 by L.L. No. 14-1997]

A. Pursuant to § 261-a of the Town Law and pursuant to § 95A-5 of this Town Code, the Town Board and Planning Board hereby find that the map bearing the title, "Town of Riverhead Farmland Preservation Program Study Area," as prepared by the H₂M Group (1996), graphically depicts sending districts which:

- (1) Consist of lands which exhibit natural, scenic, forested or agricultural lands and which possess an economic value to be protected.
- (2) Is consistent with a comprehensive plan pursuant to § 272-a of the Town Law.
- (3) Is in conformance with a draft generic environmental impact statement prepared in accordance with Article 8 of the Environmental Conservation Law.
- (4) Will not result in unduly impacting fiscally upon one school district in the favor of another.

B. The Town Board and the Planning Board further find that such map depicts a receiving district which:

- (1) Consists of lands adequately served by that infrastructure necessary to support that increased development yield as provided by this chapter.
- (2) Is consistent with a comprehensive plan pursuant to § 272-a of the Town Law.
- (3) Is in conformance with a draft generic environmental impact statement prepared in accordance with Article 8 of the Environmental Conservation Law.
- (4) Will not result in unduly impacting fiscally upon one school district in the favor

of another.

C. Based upon its findings, the Riverhead Town Board hereby adopts the map entitled, "Farmland Preservation Program Study Area" as prepared by the HLM Group (1996) as the official designation of TDR sending and receiving districts pursuant to § 261-a of the Town Law and § 95A-5 of the Riverhead Town Code.

***Overstrike represents deletion**

Dated: Riverhead, New York
November 20, 2007

**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
Cardinale yes ___ no
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

11/20/07

TOWN OF RIVERHEAD

Adopted

Resolution # 1106

**APPROVES CHAPTER 90 APPLICATION OF BAITING HOLLOW FARM
VINEYARD, LLC
(Outdoor Wine Tasting)**

COUNCILMAN DUNLEAVY

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK
_____ :

WHEREAS, on November 1, 2007, Richard Rubin, on behalf of Baiting Hollow Farm Vineyard, LLC, had submitted a Chapter 90 Application for the purpose of conducting a Late Harvest Holiday Celebration (outdoor wine tasting) to be held at 2114 Sound Avenue, Baiting Hollow, New York, from November 21, 2007 through December 31, 2007, between the hours of 10:00 a.m. and 6:00 p.m., Monday through Thursday and 10:00 a.m. and 7:00 p.m., Friday through Sunday; and

WHEREAS, Richard Rubin has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

WHEREAS, the required Chapter 90 Application fee has been paid; and

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

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

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

RESOLVED, that the Chapter 90 Application of Baiting Hollow Farm Vineyard, LLC, for the purpose of conducting a Late Harvest Holiday Celebration (outdoor wine tasting) to be held at 2114 Sound Avenue, Baiting Hollow, New York, on the aforementioned dates and times, is hereby approved; 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 (Tents & Membrane Structures); and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 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 Baiting Hollow Farm Vineyard, LLC, P.O. Box 245, Baiting Hollow, New York, 11933, Attn: Richard Rubin; and the Riverhead Fire Marshal; and be it further

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

THE VOTE

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

November 20, 2007

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1107

AWARDS BID FOR 2008 F-550 DUMP TRUCK
WITH MEYERS SNOW PLOW PACKAGE

COUNCILMAN BARTUNEK

_____ offered the following resolution which was
seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and post a Notice to Bidders for the purchase of a new 2008 dump truck; and

WHEREAS, two (2) bids were received, opened and read aloud on the 9th day of October, 2007 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York.

NOW, THEREFORE, BE IT RESOLVED, that the bid for the 2008 F-550 6.4l V8 Turbo Diesel Dump Truck with a Meyers Snow Plow package be and is hereby awarded to Riverhead Motors, Inc. in the amount of Forty Six Thousand Five Hundred Seventy One & 00/100 (\$46,571.00); and

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

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Riverhead Motors, Inc., 1655 Route 58, Riverhead, NY 11901, Christine Fetten, P.E., Purchasing Department 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	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

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

Adopted

11/20/07

**AUTHORIZES TOWN CLERK TO ADVERTISE FOR BIDS
INSTALLATION OF WATER MAINS AND APPURTENANCES
EXTENSION NO. 75
CALVERTON CAMELOT SUBDIVISION**

Adopted _____
Resolution # 1109

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

WHEREAS, public bids were previously advertised for construction for Extension No. 75 of the Riverhead Water District, and

WHEREAS, bids were received which were in excess of the budgeted amount,

NOW, THEREFORE, BE IT

RESOLVED, that all bids previously received by this Board for the project as mentioned herein be and are hereby rejected in their entirety, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached Notice to Bidders in the November 29, 2007, edition of the The News Review, with regard to receiving bids for Calverton Camelot Subdivision, Extension No. 75 of the Riverhead Water District, and be it further

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

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Gary Pendzick, H2M, and Frank Isler, Esq.

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

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

NOTICE TO BIDDERS – RIVERHEAD WATER DISTRICT

The Town Board of Riverhead will receive bids for the “**Installation of Water Mains and Appurtenances**” for the Riverhead Water District at the Town Clerk’s office, Town Hall, 200 Howell Avenue, Riverhead, New York 11901, until **11:00 A.M.**, on **Tuesday, December 11, 2007**, at which time and place all bids will be publicly opened and read aloud for:

RE-BID

PROJECT NO.: RDWD 02-57

EXTENSION No. 75 - CALVERTON CAMELOT SUBDIVISION

RIVERHEAD TOWN No.: 030027

Plans and specifications may be examined on or after November 29, 2007 at the Office of the Town Clerk between the hours of 8:30 A.M. and 4:30 P.M. weekdays, except holidays. Plans may be obtained by visiting the Town of Riverhead website: www.riverheadli.com and click on “Bid Requests”. The Town of Riverhead is not responsible for providing hard copies of plans and specifications.

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

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

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

ACTING AS THE GOVERNING BODY
OF THE RIVERHEAD WATER
DISTRICT

BARBARA GRATTAN, TOWN CLERK

DATED: November 29, 2007

11/20/07

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1110

APPOINTS TEMPORARY CLERKS TO THE TAX RECEIVER'S OFFICE

COUNCILMAN DUNLEAVY

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

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

NOW, THEREFORE, BE IT RESOLVED, that Patrick Flammia and Nicole Forlenza be and are hereby appointed as temporary clerks effective December 19, 2007 at an hourly rate of compensation of

Patrick Flammia	\$10.00 per hour
Nicole Forlenza	\$10.00 per hour

and

BE IT FURTHER RESOLVED that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Patrick Flammia; Nicole Forlenza; Maryann Wowak Heilbrunn, Receiver of Taxes; 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	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT THEREFORE DULY ADOPTED

November 20th, 2007

TOWN OF RIVERHEAD

Adopted

Resolution # 1111

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

COUNCILMAN BARTUNEK

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

WHEREAS, a site plan was submitted by Concern for Independent Living to convert an existing four story building (Henry Perkins) into a 50 unit community residence facility, located at 260 West Main St., Riverhead, New York, known and designated as Suffolk County Tax Map Number 0600-128-3-26 & 27; and

WHEREAS, the site plan was approved by Town Board Resolution #440 dated May 16th, 2006 which was amended by Town Board Resolution #637 dated July 5th, 2006 to change "assisted living facility" to "community residence facility;"

WHEREAS, a 20-page amended site plan (including a cover page, pages PB-00 to PB-18, and pages SD-101 and SD-102) was submitted by Concern for Independent Living including changes to the exterior of the building (including finishes, colors, and windows); relocation of a generator, gas rig, reduced pressure zone enclosures, and drainage structures, and the addition of fencing; and

WHEREAS, the Planning Department has reviewed the amended site plan including elevations dated September 14th, 2007 prepared by Richard R. Ferrara, Registered Architect, of Delacour & Ferrara Architects; and

WHEREAS, the Town Board has carefully considered the merits of the amended 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, 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 H19905 of the Office of the Financial Administrator of the Town of Riverhead; and

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

NOW, THEREFORE, BE IT

RESOLVED, that in the matter of the amended site plan application of 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 6NYCRR Part 617.

NOW, THEREFORE, BE IT FURTHER

RESOLVED, that the amended site plan including elevations submitted by Concern for Independent Living to convert an existing four story building (Henry Perkins) into a 50 unit community residence facility prepared by Richard R. Ferrara, Registered Architect, of Delacour & Ferrara Architects dated September 14th, 2007, are hereby approved by the Town Board 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 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 for 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;
4. That any outdoor lighting shall be installed pursuant to Article XLV of the **Riverhead Town Code** and no lighting shall be 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, Concern for Independent Living hereby authorizes and consents to the Town of Riverhead to enter premises at 260 West Main St., 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 new utilities shall be constructed underground;
12. That pursuant to Section 108-133(I) 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 land clearing and/or 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 the applicant shall be required to file and obtain all the necessary site inspections as prescribed in section 108-131E of the **Code of the Town of Riverhead**;
16. That an as-built drawing depicting the completed site improvements, including all drainage structures, shall be provided to the Planning Department as recommended by the Town's consulting engineer, due to a site visit that indicated some structures were not consistent with the amended plan; and be it further

RESOLVED, that the Planning Department is hereby authorized to forward a certified copy of this resolution to Ralph Fasano, Executive Director, Concern for Independent Living, 312 Expressway Dr. South, Medford, New York 11763; the Riverhead Building Department; the Town Attorney; the Town Clerk; the Water District; the Sewer District; the Fire Marshall; the Tax Assessor; and the Town's Consulting Engineer.

Planning Department

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

Adopted

RESOLUTION # <u>1112</u> ABSTRACT #07-42 November 8, 2007 (TBM 11/20/07)				
COUNCILMAN DENSIESKI offered the following Resolution which was seconded by				
COUNCILWOMAN BLASS				
FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		808,229.85	808,229.85
RECREATION PROGRAM FUND	6		39.97	39.97
CHILD CARE CENTER BUILDING FUN	9		2,373.00	2,373.00
ECONOMIC DEVELOPMENT ZONE FUND	30		2,919.19	2,919.19
HIGHWAY FUND	111		68,050.28	68,050.28
WATER DISTRICT	112		56,789.14	56,789.14
RIVERHEAD SEWER DISTRICT	114		49,705.67	49,705.67
REFUSE & GARBAGE COLLECTION DI	115		5,274.30	5,274.30
STREET LIGHTING DISTRICT	116		40,605.17	40,605.17
AMBULANCE DISTRICT	120		105,013.31	105,013.31
CALVERTON SEWER DISTRICT	124		701.22	701.22
RIVERHEAD SCAVANGER WASTE DIST	128		10,067.84	10,067.84
WORKERS' COMPENSATION FUND	173		2,153.34	2,153.34
CDBG CONSORTIUM ACOUNT	181		538.58	538.58
PUBLIC PARKING DEBT SERVICE	381		17,830.30	17,830.30
SEWER DISTRICTS DEBT SERVICE	382		69,522.48	69,522.48
WATER DISTRICT DEBT SERVICE	383		120,249.89	120,249.89
GENERAL FUND DEBT SERVICE	384		2,386,366.24	2,386,366.24
SCAVANGER WASTE DISTRICT DEBT	385		53,334.29	53,334.29
COMMUNITY DEVELOPMENT AGENCY C	405		2,438.75	2,438.75
LOCAL ST & HIGHWAY CAP PROJECT	451		13,541.00	13,541.00
YOUTH SERVICES CAP PROJECT	452		4,550.92	4,550.92
SENIORS HELP SENIORS CAP PROJE	453		2,558.49	2,558.49
MUNICIPAL GARAGE FUND	626		13,825.10	13,825.10
TRUST & AGENCY	735		824,974.99	824,974.99
COMMUNITY PRESERVATION FUND	737		625.82	625.82
TOTAL ALL FUNDS			4,662,279.13	4,662,279.13

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

RESOLUTION # <u>1112</u> ABSTRACT #07-43 November 15, 2007 (TBM 11/20/07)				
offered the following Resolution which was seconded by				
FUND NAME		CD-NONE	CHECKRUN TOTALS	GRAND TOTALS
GENERAL FUND	1		279,351.37	279,351.37
RECREATION PROGRAM FUND	6		1,238.71	1,238.71
CHILD CARE CENTER BUILDING FUN	9		150.29	150.29
ECONOMIC DEVELOPMENT ZONE FUND	30		476.91	476.91
HIGHWAY FUND	111		49,455.48	49,455.48
WATER DISTRICT	112		132,693.51	132,693.51
RIVERHEAD SEWER DISTRICT	114		47,634.05	47,634.05
REFUSE & GARBAGE COLLECTION DI	115		324,118.71	324,118.71
STREET LIGHTING DISTRICT	116		5,687.10	5,687.10
PUBLIC PARKING DISTRICT	117		3,825.90	3,825.90
BUSINESS IMPROVEMENT DISTRICT	118		120.92	120.92
AMBULANCE DISTRICT	120		1,970.96	1,970.96
EAST CREEK DOCKING FACILITY FU	122		1,296.31	1,296.31
CALVERTON SEWER DISTRICT	124		2,420.86	2,420.86
RIVERHEAD SCAVANGER WASTE DIST	128		16,675.69	16,675.69
WORKERS' COMPENSATION FUND	173		9,772.95	9,772.95
TOWN HALL CAPITAL PROJECTS	406		197,260.21	197,260.21
YOUTH SERVICES CAP PROJECT	452		1,348.53	1,348.53
MUNICIPAL GARAGE FUND	626		6,657.48	6,657.48
TRUST & AGENCY	735		31,098.61	31,098.61
SPECIAL TRUST	736		105,000.00	105,000.00
CALVERTON PARK - C.D.A.	914		24.43	24.43
TOTAL ALL FUNDS			1,218,278.98	1,218,278.98

NOVEMBER 20, 2007

Adopted

TOWN OF RIVERHEAD

ADOPTS TOWN OF RIVERHEAD 2008 ANNUAL BUDGET

RESOLUTION # 1113

COUNCILMAN DUNLEAVY

_____ offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the adoption of the Town of Riverhead 2008 Annual Budget; and

WHEREAS, a public hearing was held on the 7th day of November, 2007 at 2:00 p.m., at Town Hall, 200 Howell Avenue, Riverhead, New York; the date, time and place specified in said public notice; and all persons wishing to be heard were heard.

NOW, THEREFORE, BE IT RESOLVED, that the Town of Riverhead 2008 Annual Budget with previously adopted changes is hereby adopted.

THE VOTE

Dunleavy Yes No

Bartunek Yes No

Blass Yes No

Densieski Yes No *abstain*

Cardinale Yes No

December 4, 2007

Adopted

TOWN OF RIVERHEAD

Resolution # 1114

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW TO AMEND CHAPTER 106 ENTITLED "WATERWAYS" OF THE RIVERHEAD TOWN CODE (§ 106-8 SPEED; RECKLESS OPERATION)

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

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider a proposed local law to amend Chapter 106 entitled, "Waterways" of the Riverhead Town Code, once in the December 13th, 2007 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 copy of this resolution to the Riverhead Bay Constable, and the Office of the Town Attorney.

THE VOTE

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

THIS RESOLUTION WAS ___ WAS NOT THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
NOTICE TO PUBLISH AND POST PUBLIC NOTICE TO AMEND CHAPTER 106-8**

PLEASE TAKE NOTICE that the Town Board of the Town of Riverhead will consider a proposed local law to amend Chapter 106 entitled, "Waterways" of the Riverhead Town Code at its regular meeting held on December 18, 2007 at 7:15pm as follows:

Chapter 106
Waterways

106-8. Speed; reckless operation.

I. No person shall use a boat equipped or operated with an outboard motor in excess of 10 Horsepower on the Peconic River.

. Underline represents addition(s)

DATED: December 4, 2007
Riverhead, New York
BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD
BARBARA GRATTAN, TOWN CLERK