

TOWN BOARD MEETING
AGENDA
PHILIP CARDINALE, Supervisor

December 7th, 2004

Edward Densieski, Councilman
George Bartunek, Councilman

Barbara Blass, Councilwoman
Rose Sanders, Councilwoman

Barbara Grattan, Town Clerk
Dawn Thomas, Town Attorney

ELECTED OFFICIALS

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

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

DEPARTMENT HEADS

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

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

PUBLIC COMMENT ON ANY RESOLUTIONS LISTED BELOW:
COMMUNITY DEVELOPMENT AGENCY MEETING:

- #16** A Resolution Calling a Public Hearing on the Town of Riverhead Community Development Agency's Acquisition of Land Located Adjacent to the Suffolk Theater on East Main Street, Riverhead, New York, and the Incidental Expenses in Connection Therewith, and on the Disposition of Said Land to a Designated Qualified and Eligible Sponsor as Part of the Suffolk Theater Urban Renewal Project, Pursuant to the Town of Riverhead East Main Street Urban Renewal Plan Adopted October 19, 1993
- #17 A Resolution Calling a Public Hearing on the Town of Riverhead Community Development Agency's Acquisition of Land Located Adjacent to the Suffolk Theater on East Main Street, Riverhead, New York, and the Incidental Expenses in Connection Therewith, and on the Disposition of Said Land to a Designated Qualified and Eligible Sponsor as Part of the Suffolk Theater Urban Renewal Project, Pursuant to the Town of Riverhead East Main Street Urban Renewal Plan Adopted October 19, 1993
- #18** Authorizes Preparation of Greater Downtown Urban Renewal Plan
- #19 Authorizes Chairman of CDA to Execute Contract with NYS Department of Economic Development for the 2004-2005 Empire Zone Administrative Grant

REGULAR TOWN BOARD MEETING:

- #1102** Highway Fund Budget Adjustment
- #1103 Scavenger Waste Debt Service Budget Adjustment
- #1104 Recreation Fund Budget Adjustment
- #1105 Teen Center Budget Adjustment
- #1106 Accepts Cash Security of Two Rivers Products Co., LLC-Hunt Enterprises (McDonald's Restaurant, Riverhead)
- #1107 Appoints Detention Attendants to the Police Department (D. Burgess, P. Dzenkowski, J. Garcia, J. Maiorana, J. McKenna, B. Naber)
- #1108 Approves Special Permit Petition of Kent Animal Shelter

- #1109 Approves Temporary Sign Permit of Frank Beaulieu
- #1110 Authorization to Discard Fixed Assets
- #1111 Authorizes Extension of Time to Remit Real Property Taxes for Senior Citizens Receiving an Exemption Pursuant to Section 467 of RPTL
- #1112 Authorizes the Supervisor to Execute Agreement with the Suffolk County Department of Economic Development (Empire Zone)
- #1113 Authorizes the Supervisor to Execute Stipulation of Settlement of a "Class Action" Grievance
- #1114 Authorizes Supervisor to Execute Application to NYS Department of Transportation for Local Safe Streets and Traffic Calming Grant
- #1115 Classifies Action and Declares Lead Agency on Special Permit (Site Plan) of Beacon Wireless Management (et al) and Refers Petition to Planning Board and Zoning Board of Appeals
- #1116 Promotes P.O. Michael Henry to the Position of Detective Grade III
- #1117 Ratifies the Appointment of a Volleyball Official to the Riverhead Recreation Department
- #1118 Ratifies the Appointment of a Volleyball Official to the Riverhead Recreation Department
- #1119 Ratifies the Submission of a Grant Application to the New York State Archives
- #1120 Awards Bid- RWD-Replacement of Well 5-2, Contract W-Well Work
- #1121 Middle Road Paving Phase I Capital Project Budget Adoption

- #1122 Scheduling a Public Hearing Pursuant to Article 12 of the New York State Town Law to Declare Certain Premises as not Required for the Purposes of the Riverhead Public Parking Improvement District No. 1 and Authorizing the Sale and Transfer of thereof to the Town of Riverhead Community Development Agency, an Urban Renewal Agency of the State of New York, Pursuant to the Town of Riverhead's East Main Street Urban Renewal Plan, Adopted October 19, 1993
- #1123 Approves the Application for Fireworks Permit of Riverhead Business Improvement District Management Association
- #1124 Ratifies Execution and Submission of Grant Application to Suffolk County for Fiscal Year 2005 Community Development Block Grant Funds
- #1125 Incorporation of Certain Roads into the Town of Riverhead's Highway System Pursuant to New York State Highway Law Section 189- Highways by Use
- #1126 Authorizes the Town Clerk to Post and Publish Public Notice of Public Hearing to Consider an Amendment of Chapter 52 and Chapter 108 of the Riverhead Town Code of the Town of Riverhead Entitled, "Building Construction" and "Zoning"
- #1127 Appoints Conservation Advisory Council Chair Member
- #1128 Establishing Calverton Sewer Rent Pursuant to Town Code Section 89-46 Calverton Sewer District
- #1129 Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 of the Riverhead Town Code Entitled, "Zoning" (XXXXIII Planned Industrial Park (PIP) District- 108-230)
- #1130 General Town Debt Service Budget Adjustment
- #1131 Authorizes the Supervisor to Execute an Agreement between Long Island Power Authority (LIPA) and the Town of Riverhead
- #1132 General Fund Budget Adjustment
- #1133 Pays Bills

12/7/04

Adopted

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Resolution # 16

At a meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on December 7, 2004 at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Chairman Cardinale, and upon roll being called, the following were

PRESENT:

Chairman Philip J. Cardinale
Member Rose Sanders
Member Barbara Blass
Member Edward Densieski
Member George Bartunek

ABSENT:

The following resolution was offered by Member COUNCILMAN BARTUNEK
who moved its adoption, seconded by Member COUNCILWOMAN SANDERS, to wit:

RESOLUTION DATED DECEMBER 7, 2004

A RESOLUTION CALLING A PUBLIC HEARING ON THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY'S ACQUISITION OF LAND LOCATED ADJACENT TO THE SUFFOLK THEATRE ON EAST MAIN STREET, RIVERHEAD, NEW YORK, AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH, AND ON THE DISPOSITION OF SAID LAND TO A DESIGNATED QUALIFIED AND ELIGIBLE SPONSOR AS PART OF THE SUFFOLK THEATRE URBAN RENEWAL PROJECT, PURSUANT TO THE TOWN OF RIVERHEAD EAST MAIN STREET URBAN RENEWAL PLAN ADOPTED OCTOBER 19, 1993.

WHEREAS, by Articles 15 and 15-A and Section 680-c of Article 15-B of the General Municipal Law of the State of New York, as amended (collectively, the "Act"), the Town of Riverhead Community Development Agency (the "Agency") was created with the authority and power to, among other things, acquire, construct, reconstruct, and equip certain projects in accordance with the ACT and to issue its revenue bonds to pay costs of such projects; and

WHEREAS, The Agency is the owner of certain real property located at 118 East Main Street, Riverhead, New York, more particularly described as SCTM Parcel No. 0600-129-1-7 and more commonly known as the "Suffolk Theatre"; and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) entering into an Agreement for the sale of the Suffolk Theatre to Pike Realty Company, LLC, (ii) the acquisition of land owned by the Riverhead Public Parking Improvement District No. 1 located adjacent to the Suffolk Theatre on East Main Street, Riverhead, New York, and the disposition of said land to Pike Realty Company, LLC pursuant to the proposed Agreement of Sale for the Suffolk Theatre, a copy of which is on file with the Town Clerk, and (iii) the payment of incidental expenses in connection therewith and pursuant to General Municipal Law and in accordance with the established rules and procedures prescribed by the Agency; and

WHEREAS, Sections 555(2), 556(2), and 507(2)(c) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of acquisition and disposition of property; and

WHEREAS, the Town of Riverhead (the "Town"), on October 19, 1993 adopted the East Main Street Urban Renewal Plan (the "Plan"), which Plan includes the redevelopment and reuse of the Suffolk Theatre in the Central Business District Urban Renewal Area of the Town (the "Area"); and

WHEREAS, the renovation, redevelopment and reuse of the Suffolk Theatre will arrest and prevent conditions of deterioration or blight in the portion of the Area in which the same is proposed to be located and is necessary for the overall redevelopment of the Area, which entire Area, including the portion in which the Suffolk Theatre is located, has been determined in the Plan to be vastly under utilized; and

WHEREAS, the Town, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA"), by Town Board Resolution #949 adopted October 19, 2004, declared itself "lead agency" for the conveyance of the Suffolk Theatre and determined said conveyance to be an unlisted action without a significant impact on the environment; and

WHEREAS, the Agency now desires to call a public hearing on the acquisition of 6,882.39 square feet of certain real property adjacent to the Suffolk Theatre and owned by the Riverhead Public Parking Improvement District No. 1 which property is a portion of premises known as SCTM Parcel No. 0600-128-06-66.2, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk; and

WHEREAS, a majority of the Town Board of the Town will attend such public hearing; NOW THEREFORE BE IT RESOLVED by the Members of the Agency as follows:

Section 1. A public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town on December 21, 2004, at 2:15 o'clock P.M., Prevailing Time, on the question of the acquisition of 6,882.39 square feet of certain real property adjacent to the Suffolk Theatre and owned by the Riverhead Public Parking Improvement District No. 1 which property is a portion of premises known as SCTM Parcel No. 0600-128-06-66.2, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in News Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than ten (10) days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially the form attached:

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY,
TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on December 21, 2004 at 2:15 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the acquisition of 6,882.39 square feet of certain real property adjacent to the Suffolk Theatre and owned by the Riverhead Public Parking Improvement District No. 1 which property is a portion of premises known as SCTM Parcel No. 0600-128-06-66.2, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law. The estimated cost of acquisition of said real property is \$14,000. It is proposed that Pike Realty Company, LLC will acquire the Suffolk Theatre from the Agency upon the closing contemplated by the Agreement of Sale. Pike Realty Company, LLC will restore, renovate, redevelop, reopen and operate the Suffolk Theatre.

Dated: Riverhead, New York
December 7, 2004

By Order of the Members of The Town of
Riverhead Community Development Agency,
Town of Riverhead, Suffolk County, New York

By: _____
Andrea Lohneiss, Secretary

Section 4. This resolution shall take effect immediately.

Adopted

12/7/04

TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY

Resolution # 17

At a meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on December 7, 2004 at 7:00 o'clock P.M., Prevailing Time.

The meeting was called to order by Chairman Cardinale, and upon roll being called, the following were

PRESENT:

Chairman Philip J. Cardinale
Member Rose Sanders
Member Barbara Blass
Member Edward Densieski
Member George Bartunek

ABSENT:

The following resolution was offered by Member COUNCILMAN DENSIECKI
who moved its adoption, seconded by Member COUNCILWOMAN BLASS to-wit:

RESOLUTION DATED DECEMBER 7, 2004

A RESOLUTION CALLING A PUBLIC HEARING ON THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY'S ACQUISITION OF LAND LOCATED ADJACENT TO THE SUFFOLK THEATRE ON EAST MAIN STREET, RIVERHEAD, NEW YORK, AND INCIDENTAL EXPENSES IN CONNECTION THEREWITH, AND ON THE DISPOSITION OF SAID LAND TO A DESIGNATED QUALIFIED AND ELIGIBLE SPONSOR AS PART OF THE SUFFOLK THEATRE URBAN RENEWAL PROJECT, PURSUANT TO THE TOWN OF RIVERHEAD EAST MAIN STREET URBAN RENEWAL PLAN ADOPTED OCTOBER 19, 1993.

WHEREAS, by Articles 15 and 15-A and Section 680-c of Article 15-B of the General Municipal Law of the State of New York, as amended (collectively, the "Act"), the Town of Riverhead Community Development Agency (the "Agency") was created with the authority and power to, among other things, acquire, construct, reconstruct, and equip certain projects in accordance with the ACT and to issue its revenue bonds to pay costs of such projects; and

WHEREAS, The Agency is the owner of certain real property located at 118 East Main Street, Riverhead, New York, more particularly described as SCTM Parcel No. 0600-129-1-7 and more commonly known as the "Suffolk Theatre"; and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) entering into an Agreement for the sale of the Suffolk Theatre to Pike Realty Company, LLC, (ii) the acquisition of land owned by Riverhead Enterprises located adjacent to the Suffolk Theatre on East Main Street, Riverhead, New York, and the disposition of said land to Pike Realty Company, LLC pursuant to the proposed Agreement of Sale for the Suffolk Theatre, a copy of which is on file with the Town Clerk, and (iii) the payment of incidental expenses in connection therewith and pursuant to General Municipal Law and in accordance with the established rules and procedures prescribed by the Agency; and

WHEREAS, Sections 555(2), 556(2), and 507(2)(c) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the Agency on the question of acquisition and disposition of property; and

WHEREAS, the Town of Riverhead (the "Town"), on October 19, 1993 adopted the East Main Street Urban Renewal Plan (the "Plan"), which Plan includes the redevelopment and reuse of the Suffolk Theatre in the Central Business District Urban Renewal Area of the Town (the "Area"); and

WHEREAS, the renovation, redevelopment and reuse of the Suffolk Theatre will arrest and prevent conditions of deterioration or blight in the portion of the Area in which the same is proposed to be located and is necessary for the overall redevelopment of the Area, which entire Area, including the portion in which the Suffolk Theatre is located, has been determined in the Plan to be vastly under utilized; and

WHEREAS, the Town, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA"), by Town Board Resolution #949 adopted October 19, 2004, declared itself "lead agency" for the conveyance of the Suffolk Theatre and determined said conveyance to be an unlisted action without a significant impact on the environment; and

WHEREAS, the Agency now desires to call a public hearing on the acquisition of 653.09 square feet of certain real property adjacent to the Suffolk Theatre and owned by Riverhead Enterprises which property is a portion of premises known as SCTM Parcel No. 0600-129-01-8.1, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk; and

WHEREAS, a majority of the Town Board of the Town will attend such public hearing; NOW THEREFORE BE IT RESOLVED by the Members of the Agency as follows:

Section 1. A public hearing will be held at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town on December 21, 2004, at 2:20 o'clock P.M., Prevailing Time, on the question of the acquisition of 653.09 square feet of certain real property adjacent to the Suffolk Theatre and owned by Riverhead Enterprises which property is a portion of premises known as SCTM Parcel No. 0600-129-01-8.1, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in News Review, the newspaper hereby designated as the official newspaper for this purpose and one having general circulation in, and available to residents of, the Town, such publication to be made not less than ten (10) days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten (10) days before the date designated for the hearing.

Section 3. The Notice of Public Hearing shall be in substantially the form attached:

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY,
TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town of Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on December 21, 2004 at 2:20 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing on the acquisition of 653.09 square feet of certain real property adjacent to the Suffolk Theatre and owned by Riverhead Enterprises which property is a portion of premises known as SCTM Parcel No. 0600-129-01-8.1, and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, the incidental expenses in connection therewith and the disposition of said real property to Pike Realty Company, LLC as part of the sale of the Suffolk Theatre pursuant to the proposed Agreement of Sale with Pike Realty Company, LLC, a copy of which is on file with the Town Clerk, and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law. The estimated cost of acquisition of said real property is \$24,000. It is proposed that Pike Realty Company, LLC will acquire the Suffolk Theatre from the Agency upon the closing contemplated by the Agreement of Sale. Pike Realty Company, LLC will restore, renovate, redevelop, reopen and operate the Suffolk Theatre.

Dated: Riverhead, New York
December 7, 2004

By Order of the Members of The Town of
Riverhead Community Development Agency,
Town of Riverhead, Suffolk County, New York

By: _____
Andrea Lohneiss, Secretary

Section 4. This resolution shall take effect immediately.

12/7/04

Adopted

Community Development Agency
Town of Riverhead

Resolution # 18

Authorizes Preparation of Greater Downtown Urban Renewal Plan

COUNCILMAN BARTUNEK offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI:

WHEREAS, pursuant to General Municipal Law Article 15-b, Title 116, Section 680-c, the Town of Riverhead Community Development Agency was established for the purposes outlined in Article 15 and Article-a of the General Municipal Law; and

WHEREAS, the Riverhead Community Development Agency is an urban renewal agency; and

WHEREAS, pursuant to Article 15 Urban Renewal Law and Article-a of the General Municipal Law, the Supervisor, as Chairman, and the Town Board constitute the members of the Urban Renewal Agency; and

WHEREAS, the Planning Department has recommended to the Town Board that the creation of an Urban Renewal Plan should be considered a Type I Action pursuant to New York State Environmental Conservation Law; and

NOW THEREFORE BE IT RESOLVED, that the CDA hereby authorizes the CDA Director and the Planning Director to prepare or cause to be prepared an Urban Renewal Plan in conformance with the General Municipal Law, such plan to incorporate that land area as depicted on the map accompanying this resolution; and

BE IT FURTHER RESOLVED, that the subject area is depicted on the attached map; specifically to include lands adjacent to the East Main Street Urban Renewal Area and extending along West Main Street to Court Street and north to Railroad Avenue, adjacent to the Railroad Avenue Urban Renewal Area and east to include Second and Third Streets.

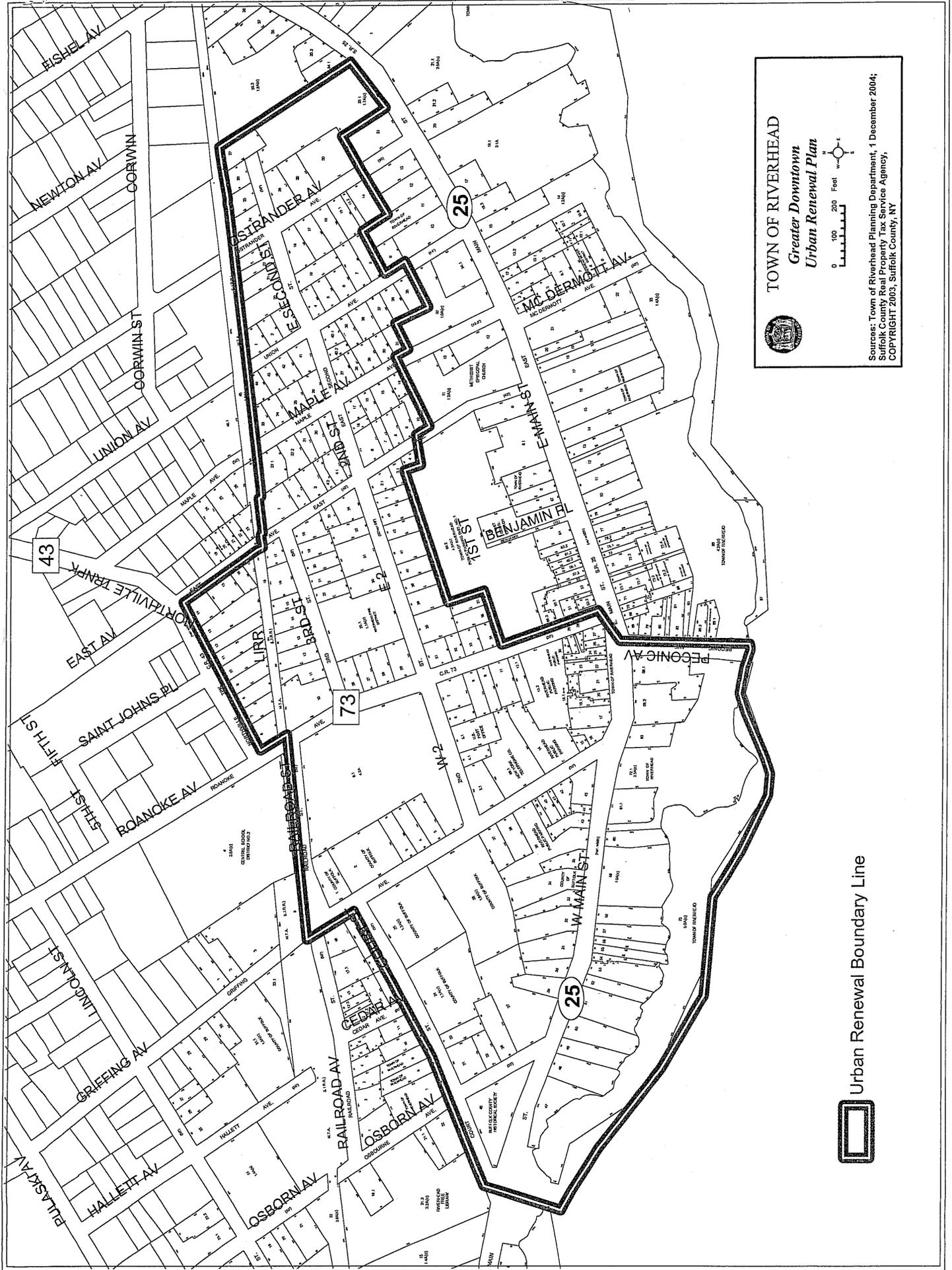
BE IT FURTHER RESOLVED, that in the matter of the subject Urban Renewal Plan, the Riverhead Town Board hereby declares itself to be the Lead Agency and determines the action to be Type I without a significant impact upon the environment and that an Environmental Impact Statement need not be prepared; and

BE IT FURTHER RESOLVED, that in the Planning Director be authorized to publish a Notice of Non-Significance as required by the Environmental Conservation Law;

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohnes and Planning Director Richard Hanley.

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED




TOWN OF RIVERHEAD
Greater Downtown
Urban Renewal Plan

0 100 200 Feet
 

Sources: Town of Riverhead Planning Department, 1 December 2004;
 Suffolk County Real Property Tax Service Agency,
 COPYRIGHT 2003, Suffolk County, NY


 Urban Renewal Boundary Line

Adopted

December 7, 2004

Town of Riverhead Community Development Agency

Resolution # 19

**AUTHORIZES CHAIRMAN OF CDA TO EXECUTE CONTRACT WITH NYS
DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THE 2004-2005
EMPIRE ZONE ADMINISTRATIVE GRANT**

COUNCILWOMAN BLASS

offered the following resolution,

Which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, the Town of Riverhead Community Development Agency is the administrative agency for the local Empire Zone Administrative Board known as the Suffolk County/Town of Riverhead Empire Zone Administrative Board; and

WHEREAS, the New York State Department of Economic Development has awarded \$15,000 to the CDA for administrative costs associated with marketing and operation of the zone; and

WHEREAS, the Town of Riverhead will provide \$24,000 in in-kind services and Suffolk County will provide cash in the amount of \$29,000, Town of Babylon will contribute \$25,000 and the Town of Southampton will contribute \$1,000 for a total annual budget of \$94,000;

THEREFORE, BE IT RESOLVED, that the CDA hereby authorizes the Chairman to execute a contract for funds in the amount of \$15,000.

AND BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Community Development Director Andrea Lohneiss, Director of the Empire Zones Program Randy Coburn, Empire Zone Coordinator Tracy Stark, and Chairman of the Suffolk County Empire Zone Board Kevin S. Law.

The Vote

Member Blass <u>✓</u>	Member Densieski <u>✓</u>
Member Bartunek <u>✓</u>	Member Sanders <u>✓</u>
Supervisor Cardinale <u>✓</u>	

CEMBER 7, 2004

Adopted

TOWN OF RIVERHEAD

HIGHWAY FUND

BUDGET ADJUSTMENT

RESOLUTION # 1102

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by COUNCILWOMAN SANDERS

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

	<u>FROM</u>	<u>TO</u>
111.052300.432000 SERVICE OTHER DEPARTMENTS	\$39,000	
111.051100.546303 GENERAL REPAIRS, GAS & OIL		\$18,000
111.051100.541301 BLACKTOP AND ROAD OIL		20,000
111.051400.549000 MISC. EXPENSE		1,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

CEMBER 7, 2004

TOWN OF RIVERHEAD

Adopted

RECREATION PROGRAM FUND

BUDGET ADJUSTMENT

RESOLUTION # 1104

COUNCILMAN DENSIESKI 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>
006.072089.421046 DANCE REGISTRATION INCOME	\$ 450	
006.076201.518700 DANCE INSTRUCTORS		\$ 450
006.072089.421042 INSTRUCTIONAL PROGRAM FEES	2000	
006.076204.518700 RECREATION INSTRUCTION		2000
006.072089.421045 SOFTBALL LEAGUE FEE	1700	
006.076250.515667 SOFTBALL SCOREKEEPERS		425
006.076250.543607 SOFTBALL UMPIRES		800
006.076250.544300 SOFTBALL AWARDS		475
006.0762760.542000 NON LEAGUE SPORT SUPPLIES	1500	
006.076260.518700 NON LEAGUE SPORTS INSTRUCTION		1500

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

DECEMBER 7, 2004

Adopted

TOWN OF RIVERHEAD

TEEN CENTER

BUDGET ADJUSTMENT

RESOLUTION # 1105

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

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

		<u>FROM</u>	<u>TO</u>
005.072025.464400	CONCESSION SALES	\$850	
005.071400.542200	FOOD SUPPLIES		\$850

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

TOWN OF RIVERHEAD

Adopted

Resolution # 1106

ACCEPTS CASH SECURITY OF TWO RIVERS PRODUCTS CO., LLC – HUNT ENTERPRISES INC.(MCDONALD’S RESTAURANT, RIVERHEAD)

COUNCILWOMAN BLASS offered the following resolution,

which was seconded by COUNCILMAN DENSIESKI

WHEREAS, Two Rivers Products Co., LLC – Hunt Enterprises Inc. for McDonald’s Restaurant, Riverhead, has posted a cash security (check #090824) in the sum of Five Thousand Dollars (\$5,000) representing the 5% site plan security as noted in the approved site plan dated September 2004, Resolution #783 for new siding and roof located at 1120 Route 58, Riverhead, New York , Suffolk County Tax Map # 600-84.-4-30.1, pursuant to Section 108-133 (I) of the Riverhead Town Code;

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby accepts the 5% security in the sum of Five Thousand Dollars (\$5,000); and,

BE IT FURTHER RESOLVED, that the Town Clerk of the Town of Riverhead is hereby authorized to forward a certified copy of this resolution to Two Rivers Products Co., LLC – Hunt Enterprises Inc., 10 Rabro Drive, Hauppauge, New York 11788, the Building Department; the Planning Department and the Town Attorney’s Office.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

Adopted

December 7, 2004

TOWN OF RIVERHEAD

Resolution # 1107

APPOINTS DETENTION ATTENDANTS TO THE POLICE DEPARTMENT

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

WHEREAS, the need for Detention Attendants exists in the Police Department;
and,

WHEREAS, pursuant to interviews and completed background investigations, a recommendation has been made by the Chief of Police to hire Donald Burgess, Peggylee Dzenkowski, James Garcia, Joseph Maiorana, Jan McKenna and Barry Naber for this position.

NOW, THEREFORE, BE IT RESOLVED, effective December 8, 2004, Donald Burgess, Peggylee Dzenkowski, James Garcia, Joseph Maiorana, Jan McKenna and Barry Naber are appointed to the position of Detention Attendant at an hourly rate of pay as set forth in the current Town Board resolution that sets salaries of Detention Attendants; and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Donald Burgess, Peggylee Dzenkowski, James Garcia, Joseph Maiorana, Jan McKenna, Barry Naber, the Chief of Police and the Office of Accounting.

THE VOTE

Bartunek yes ___ no Sanders yes ___ no
 Blass yes ___ no Densiieski yes ___ no
 Cardinale yes ___ no

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

December 7, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1108

**APPROVES SPECIAL PERMIT PETITION OF KENT ANIMAL
SHELTER**

COUNCILMAN DENSIECKI

offered the following resolution which

COUNCILWOMAN SANDERS

was seconded by _____

WHEREAS, the Town Board of the Town of Riverhead is in receipt of a special permit petition from Pamela Green, on behalf of the Kent Animal Shelter, pursuant to Section 108-51A and Article XXVIA of the Riverhead Town Code to construct a 300 square foot office addition to an existing kennel/animal shelter located on River Road, Calverton, New York; such property more particularly described as Suffolk County Tax Map Number 0600-1380106.2, and

WHEREAS, the Riverhead Town Board by resolution #986 of 2004 declared themselves Lead Agency, and

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

WHEREAS, the proposed 300 square foot expansion is considered to be less than ten percent (10%) of the existing facility and pursuant to Section 108-51 of the Riverhead zoning Code, a public hearing held by the Town Board is not required, and

WHEREAS, the Town Board has carefully considered the merits of the petition, the SEQRA record created to date, the report of the Planning Department, the report of the Planning Board, the commentary offered at the relevant public hearing as well as all other pertinent planning, zoning and environmental information, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board hereby determines the petition to be an Unlisted action pursuant to 6NYCRR Part 617 and further determines that the action will not cause significant adverse impacts upon either the natural and social environment and that an Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that in the matter of the special permit petition of Roanoke Realty, LLC the Riverhead Town Board hereby makes the following findings:

1. That the premises is located within the RB-40 Zoning Use District;
2. That the subject premises is used as an animal shelter, a pre-existing, non-conforming use;
3. That the proposed addition is a 300 square foot office expansion;
4. that the health, safety, welfare, comfort and order of the Town will not be adversely affected by the proposed expansion;
5. That the proposed use is in harmony with and promotes the general purpose and intent of the Town of Riverhead Zoning Ordinance; and

BE IT FURTHER

RESOLVED, that based upon its findings, the Riverhead Town Board hereby grants the special permit petition of Kent Animal Shelter to allow the construction of a 300 square foot office addition to a non-conforming animal shelter located at River Road, Calverton, New York, and

BE IT FURTHER

RESOLVED, that pursuant to Section 108-133.2A of the Riverhead zoning Ordinance, the time frame for the commencement of the subject special permit use shall be two (2) years from the date of this approval, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to the Planning Board, Building Department, and Kent Animal Shelter or their agent.

Rh/planning

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

December 7, 2004

Adopted

TOWN OF RIVERHEAD
Resolution # 1109

APPROVES TEMPORARY SIGN PERMIT OF FRANK BEAULIEU

COUNCILWOMAN BLASS offered the following resolution, which was seconded by

COUNCILWOMAN SANDERS

WHEREAS, a temporary sign permit and sketch were submitted by Valerie Goode (agent) for property located at west side of Edwards Avenue, Calverton, New York also known as SCTM# 117.00-01-008.06; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Riverhead hereby approves the temporary sign permit application for Frank Beaulieu submitted by Valerie Goode for a real estate sign and be it

RESOLVED, that said temporary sign permit shall expire on ~~March 7, 2005~~ and the applicant shall removed the affected sign, in its entirety, on or before said date; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Colony Realty, Att: Valerie Goode, PO Box 678, Main Road, Jamesport, New York 11947, the Planning Department and the Building Department.

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Adopted

AUTHORIZATION TO DISCARD FIXED ASSETS

RESOLUTION # 1110

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

WHEREAS, broken equipment that has been salvaged for parts and is no longer usable; and

WHEREAS, after careful consideration, by the Accounting Department a it has been determined that this equipment has no residual value and should be discarded. The Accounting Department hereby requests that the Town Board excess this property so that it may be removed from the records.

NOW, THEREFORE BE IT RESOLVED that the Accounting Department is hereby authorized to discard the following items:

Keyboards	24368	Mice	23737	Printers	CPU's
24650	24340	22400	22594	22193	24379
22417	21802	22416	21931	22074	24381
22401	24224	22408	21562	21973	20998
22405	21455	22869	21810	23665	20990
24197	24335	23138	21630	20037	24241
23040	23486	23403	21097	23061	24195
23414	23335	23637	22842	6599	21856
22023	24367	22861			22044
22841	24369	22404	Monitors	Calculator	21553
21555	23401	21962	22845	6034	21801
22858	24297	24375	24811	20711	22410
23463	23365	24372	22092		22418
24229		21366	24196	Router	22402
24370		21329	20983	21707	22022
23045		21461			22095
22846		21457		Fax Machine	21602
24337		24376		20285	21563
21466		24377			21893
24366		24372		Decollator	22568
		22219		7876	22549
		22385			23282

THE VOTE

Sanders Yes No

Blass Yes No

Densieski Yes No

Bartunek Yes No

Cardinale Yes No

11/16/04

Adopted

TOWN OF RIVERHEAD

RESOLUTION # 1111

AUTHORIZES EXTENSION OF TIME TO REMIT REAL PROPERTY TAXES FOR SENIOR CITIZENS RECEIVING AN EXEMPTION PURSUANT TO SECTION 467 OF RPTL

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

WHEREAS, Section 925-b of the Real Property Tax Laws of the State of New York allows an extension of time to pay real property taxes for all residents receiving a Senior Citizens Tax Exemption pursuant to §467; and

WHEREAS, due to a lapse of time between receipt of Social Security checks and the deadline for payment of taxes on May 31; and

WHEREAS, the law allows for an extension of time of up to five business days without penalty or interest; and

WHEREAS, Receiver of Taxes Maryann Wowak Heilbrunn recognizes the need to assist our seniors in the payment of their real property taxes without penalization due to the time lapse between Social Security checks and the May 31 deadline;

THEREFORE, the payment of real property taxes for Senior Citizens receiving an exemption pursuant to §467 of the New York State Real Property Tax Law is hereby extended to Monday, June 6, 2005.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead authorizes the Town Clerk to forward a certified copy of this resolution to Maryann Wowak Heilbrunn, Receiver of Taxes.

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

Adopted

11/03/04

TOWN OF RIVERHEAD

Resolution # 1112

AUTHORIZES THE SUPERVISOR TO EXECUTE AGREEMENT WITH THE SUFFOLK COUNTY DEPARTMENT OF ECONOMIC DEVELOPMENT (Empire Zone)

COUNCILWOMAN SANDERS offered the following resolution, was seconded

by COUNCILWOMAN BLASS:

WHEREAS, Town of Riverhead and the County of Suffolk have entered into an agreement for the purpose of providing financial support to assist the Town of Riverhead County of Suffolk Empire Zone the term of which agreement was from October 2, 2000 through July 31, 2004; and

WHEREAS, the parties desire to extend the prior agreement and to make it commensurate with the County's fiscal year which runs from January through December; and

NOW, THEREFORE, be it

RESOLVED, that the Supervisor is hereby authorized to execute the attached Agreement with the Suffolk County Department of Economic Development; and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Kevin Law, Esq. Deputy County Executive, Andrea Lohneiss, Director Town of Riverhead CDA, the office of the Town Attorney and the Office of Accounting.

THE VOTE

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

THE RESOLUTION WAS NOT THEREFORE DULY ADOPTED

Amendment of Agreement

This is the **Fourth Amendment of an Agreement**, last dated October 2, 2000, (**Agreement**) between the **County of Suffolk (County)**, a municipal corporation of the State of New York, having its principal office at the County Center, Riverhead, New York 11901, acting through its duly constituted **Department of Economic Development (Department)** located at H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099, and **Town of Riverhead Community Development Agency (Contractor)**, a municipal corporation of the State of New York, having its principal place of business at 200 Howell Avenue, Riverhead, New York, 11901

The parties hereto desire to modify the Agreement by extending the term of Agreement to December 31, 2004 to coincide with the County fiscal year, increasing the Total Cost of Agreement to provide funding for the period January 1, 2004 through December 31, 2004 (2004 Budget Period) and amending other provisions to comply with current County standards. Sufficient funding exists in the 2004 Suffolk County Operating Budget.

Term of Agreement: Shall be October 2, 2000 through December 31, 2004

Total Cost of Agreement: Shall not exceed \$121,000 [of which \$29,000 is for the 2004 Budget Period]

Terms and Conditions: Shall be as set forth in Exhibit A-4

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

**Town of Riverhead
Community Development Agency**

By: _____
Phil Cardinale
Chairman

Fed. Taxpayer ID #: @

Date: _____

Approved as to Legality:

**Christine Malafi
Suffolk County Attorney**

By: _____
Patricia M. Jordan
Assistant County Attorney

Date

County of Suffolk

By: _____
Paul Sabatino II
Chief Deputy County Executive

Date: _____

**Approved:
Department of Economic Development**

By: _____
Carolyn E. Fahey
Intergovernmental Relations Coordinator

Date: _____

Exhibit A-4

Whereas, the County and Contractor have entered into an Agreement (Law No.04-ED-002) last dated October 2, 2000, for a term from October 2, 2000 through July 31, 2004 for the purpose of providing financial support to assist the Calverton Enterprise Park Economic Development Zone Administrative Board; and

Whereas, the County and Contractor have entered into a First Amendment of Agreement (Law No. 04-ED-002A) increasing the Total Cost of the Agreement by an additional \$ \$23,000; and

Whereas, the County and Contractor have entered into a Second Amendment of Agreement (Law No. 04-ED-002B) increasing the Total Cost of the Agreement by an additional \$23,000; and

Whereas, the County and Contractor have entered into a Third Amendment of Agreement (Law No. 04-ED-002C) increasing the Total Cost of Agreement by \$23,000 for the 2003 Budget Period, adding the Suffolk County Legislative Requirements for Contracts and amending other provisions as necessary; and

Whereas, the parties hereto desire to modify the Agreement and First, Second and Third Amendments of Agreement by extending the term of Agreement to December 31, 2004 to coincide with the County fiscal year, increasing the Total Cost of Agreement by \$29,000 for the period January 1, 2004 through December 31, 2004 (2004 Budget Period) and amending other provisions as set forth below;

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

1. **Total Cost of Agreement:**

The Total Cost of Agreement \$121,000 is comprised as follows:

- a. \$23,000 for October 2, 2000 through December 31, 2000.
- b. \$23,000 for January 1, 2001 through December 31, 2001.
- c. \$23,000 for January 1, 2002 through December 31, 2002.
- d. \$23,000 for January 1, 2003 through December 31, 2003.
- e. \$29,000 for January 1, 2004 through December 31, 2004.

2. **Funding For Year 2004:**

Contractor agrees that the funding for year 2004 is subject to the amount of funds appropriated and any subsequent modifications thereof by the Suffolk County Legislature, and no liability shall be incurred by the County under this Agreement for the 2004 Budget Period beyond the amount of funds appropriated by the Legislature for that period and for the program covered by this Agreement.

3. **Termination:**

Effective January 1, 2004, the following subparagraphs (a), (b), (c), (d) and (e) are added to paragraph #7 of Exhibit A and are made part of the Agreement:

- (a) If the Contractor falsifies its records or reports, or misuses its funds from whatever source, the County may terminate this Agreement in whole or with respect to any identifiable part of

the program, effective immediately, or, at its option, effective at a later date specified in the notice of such termination to the Contractor.

(b) A failure to maintain the amount and types of insurance required by this Agreement may result in immediate termination of this Agreement, in the sole discretion of the County. No prior notice to cure and of intent to terminate shall be required.

(c) An emergency or other condition involving possible loss of life, threat to health and safety, destruction of property or other condition deemed to be dangerous, in the sole discretion of the County, may result in immediate termination of this Agreement, in whole or with respect to any identifiable part of the program, in the sole discretion of the County. In such event, no prior notice to cure and of intent to terminate shall be required.

(d) Failure to comply with federal, State or local laws, rules, regulations, or County policies or directives, may result in immediate termination of this Agreement, at the sole discretion of the County. In such event, no prior notice to cure and of intent to terminate shall be required.

(e) Upon termination, the Contractor agrees to promptly reimburse to the County, by check payable to the Suffolk County Treasurer, the balance of any funds paid to the Contractor by the County. Upon termination, any funds paid to the Contractor by the County which were used by the Contractor in a manner that failed to comply with the terms and conditions of this Agreement must be promptly reimbursed. If there is no response or if satisfactory repayments are not made, the County may recoup such payments from any amounts due or becoming due to the Contractor from the County under this Agreement or otherwise. The provisions of this subparagraph shall survive the expiration or termination of the Agreement.

4. **Payments Contingent upon State Funding**

Payments under this Agreement are subject to and contingent upon continued funding by the State of New York. If, for any reason, the amount of such funding to the County is reduced or not made available to the County, this Agreement may be terminated in whole or in part, or the amount payable to the Contractor may be reduced, at the discretion of the Department; provided that any such termination or reduction shall not apply to allowable costs incurred by the Contractor prior to such termination or reduction to the extent that such funding is available to the Department for payment of such costs; and provided, further, that the Department shall give the Contractor not less than 30 days' prior written notice of such termination or reduction of funding.

5. **Gratuities:**

The Contractor represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of any agreement, and that he has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County Chapter 386 of the Suffolk County Code.

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

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

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

1. Contractor's/Vendor's Name _____
Address _____
City and State _____ Zip Code _____

2. Contracting Department's Name _____
Address _____

3. Payee Identification or Social Security No. _____
Type of Business Corporation Partnership Sole Proprietorship Other

5.a Is contractor/vendor entering into or has contractor/vendor entered into a contract with Suffolk County in excess of \$1,000? Yes No.

5.b Has contractor/vendor entered into three or more contracts, including the one for which you are now completing this form, with Suffolk County, any three of which, when combined, exceed \$1,000? Yes No.

6. Table of Organization. List names and addresses of all principals; that is, all individuals serving on the Board of Directors or comparable body, names and addresses of all partners, and names and addresses of all corporate officers. Conspicuously identify any person in this table of organization who is also an officer or an employee of Suffolk County. (Attach additional sheet if necessary.)

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

8. Does contractor/vendor derive 50% or more of its total revenues from its contractual or vendor relationship with Suffolk County? ___ Yes ___ No.

9. If you answered yes to 8 above, you must submit with this disclosure statement, a complete financial statement listing all assets and liabilities as well as a profit and loss statement. These statements must be certified by a Certified Public Accountant. (Strike this out if not applicable.)

10. The undersigned shall include this Contractor's/Vendor's Public Disclosure Statement with the contract. (Describe general nature of the contract.) _____

11. Remedies. The failure to file a verified public disclosure statement as required under local law shall constitute a material breach of contract. Suffolk County may resort, use or employ any remedies contained in Article II of the Uniform Commercial Code of the State of New York. In addition to all legal remedies, Suffolk County shall be entitled, upon a determination that a breach has occurred, to damages equal to fifteen percent (15%) of the amount of the contract.

12. If you are one of the entities listed below at a) through c) or you qualify under d) below, you are exempt from completing paragraphs numbered 1 through 11 herein:

- a) Hospital
- b) Educational or governmental entities
- c) Not-for-profit corporations
- d) Contracts providing for foster care, family day-care providers or child protective services

Please check to the left side of the appropriate exemption.

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

Dated: _____ Signed: _____

Printed Name of Signer: _____

Title of Signer: _____

Name of Contractor/Vendor: _____

UNIFORM CERTIFICATE OF ACKNOWLEDGMENT
(Within New York State)

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

On the _____ day of _____ in the year 2004 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

(Signature and office of individual taking acknowledgement)

UNIFORM CERTIFICATE OF ACKNOWLEDGEMENT
(Without New York State)

STATE OF _____)
COUNTY OF _____) ss.:

On the _____ day of _____ in the year 2004 before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies) and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual(s) made such appearance before the undersigned in _____

(Insert the city or other political subdivision and the state or country or other place the acknowledgement was taken)

(Signature and office of individual taking acknowledgement)

SUFFOLK COUNTY DEPARTMENT OF LABOR - LIVING WAGE UNIT
LIVING WAGE CERTIFICATION/DECLARATION - SUBJECT TO AUDIT

If either of the following definitions of 'assistance' (*Living Wage Law Chapter 347 - 2*) applies to the contractor's/beneficiary's services or transaction with Suffolk County, the contractor/beneficiary must complete Sections 1, 3, 4 below; and Form LW-1 (Number of Application for County Assistance). If the following definitions do not apply, the contractor/beneficiary must complete Sections 2, 3 and 4 below. Completed forms must be submitted to the awarding agency.

"Any grant, loan, tax incentive or abatement, bond financing subsidy or other form of assistance of more than \$50,000 which is realized by or provided to an employer of at least ten (10) employees by or through the authority or approval of the County of Suffolk," or

"Any service contract or subcontract let to a contractor with ten (10) or more employees by the County of Suffolk for the furnishing of services to or for the County of Suffolk (except contracts where services are incidental to the delivery of products, equipment or commodities) which involve an expenditure equal to or greater than \$10,000. For the purposes of this definition, the amount of expenditure for more than one contract for the same service shall be aggregated. A contract for the purchase or lease of goods, products, equipment, supplies or other property is not an 'assistance' for the purposes of this definition."

Section I The *Living Wage Law* applies to this contract. I/we hereby agree to comply with all the provisions of Suffolk County Local Law No. 12-2001, the Suffolk County *Living Wage Law* (the Law) and, as such, will provide to all full, part-time or temporary employed persons who perform work or render services on or for a project, matter, contract or subcontract where this company has received Assistance, from the County of Suffolk as defined in the Law (Assistance) a wage rate of no less than \$9.29 (\$7.75 for child care providers) per hour worked with health benefits, as described in the Law, or otherwise \$10.58 (\$9.00 for child care providers) per hour or the rates as may be adjusted annually in accordance with the Law. (Chapter 347-3 B)

Check if applicable

I/we further agree that any tenant or leaseholder of this company that employs at least ten (10) persons and occupies property or uses equipment or property that is improved or developed as a result of Assistance or any contractor or subcontractor of this company that employs at least ten (10) persons in producing or providing goods or services to this company that are used in the project or matter for which this company has received Assistance shall comply with all the provisions of the Law, including those specified above. (Chapter 347-2)

I/we further agree to permit access to work sites and relevant payroll records by authorized County representatives for the purpose of monitoring compliance with regulations under this Chapter of the Suffolk County Code, investigating employee complaints of noncompliance and evaluating the operation and effects of this Chapter, including the production for inspection & copying of payroll records for any or all employees for the term of the contract or for five (5) years, whichever period of compliance is longer. All payroll and benefit records required by the County will be maintained for inspection for a similar period of time. (Chapter 347-7 D)

The County Department of Labor shall review the records of any Covered Employer at least once every three years to verify compliance with the provisions of the Law. (Chapter 347-4 C)

Section II The *Living Wage Law* does not apply to this contract for the following reason(s): _____

Check if applicable

Section III
 Contractor Name: _____ Federal Employer ID#: _____
 Contractor Address: _____ Amount of Assistance: _____
 _____ Vendor #: _____
 Contractor Phone #: _____

Description of project or service: _____

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

 Authorized Signature Date

 Print Name and Title of Authorized Representative

SUFFOLK COUNTY DEPARTMENT OF LABOR - LIVING WAGE UNIT

NOTICE OF APPLICATION FOR COUNTY ASSISTANCE(Contract)
Living Wage Law, Suffolk County Code, Chapter 347 (2001)

To Be Completed By Applicant/ Employer/Contractor

- 1) NAME: _____
- 2) VENDOR #: _____ (if known)
- 3) CONTRACT ID #: _____ (if known)
- 4) CONTACT : _____
- 5) TELEPHONE #: _____
- 6) ADDRESS: _____
- 7) TERM OF CONTRACT (DATES): _____
- 8) PROJECT NAME: (IF DIFFERENT FROM #1) _____
- 9) AMOUNT: _____
- 10) AWARDING AGENCY: _____

11) BRIEF DESCRIPTION OF PROJECT OR SERVICE:

12) **PROJECTED EMPLOYMENT NEEDS:** (attach a statement listing, by job classification, the total workforce dedicated to performing this contract or service, including calculation of estimated net increase or decrease in jobs as a result of funding).

13) **PROJECTED WAGE LEVELS:** (attach a statement listing projected wage levels, compensated days off and medical benefits for total workforce dedicated to fulfilling the terms of this contract, broken down annually for each year of the term of the contract).

12/7/04

Adopted

Town of Riverhead

Resolution # 1113

**AUTHORIZES THE SUPERVISOR TO EXECUTE STIPULATION OF SETTLEMENT
OF A "CLASS ACTION" GRIEVANCE**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, on October 29, 2003 a "class action" grievance was filed regarding Water District Plant Operators, and

WHEREAS, the parties have resolved the issues between them, and

WHEREAS, a stipulation of settlement has been agreed to between the parties.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Town Board of the Town of Riverhead hereby approves this Stipulation of Settlement and authorizes the Town Supervisor to execute same with his signature; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to John Bauer, Esq.; Dawn C. Thomas, Town Attorney and Jack Hansen, Financial Administrator.

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

STIPULATION

Made this _____ day of December 2004, between the Town of Riverhead, 200 Howell Avenue, Riverhead, New York (Town) and Civil Service Employees Association, Inc., Local 1000, AFSCME, AFL-CIO, Riverhead Unit of the Suffolk Local #852 having its principal office at 3 Garet Place, Commack, New York (CSEA),,

WHEREAS, on June, 2004, a "class action" grievance was filed regarding Water District Plant Operators I which grievance claimed that changes were made to the employees schedules without the mutual consent of the employees in violation of Article III(2)(c) (Flex Time), and

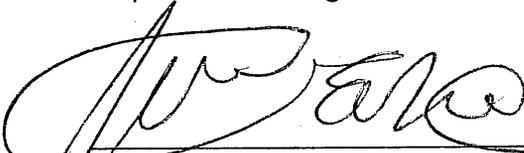
WHEREAS, the Town, without acknowledging a violation of any provision of the agreement has determined that it is in the best interest of the Town of Riverhead to resolve the aforementioned grievance,

NOW, THEREFORE, it is mutually agreed as follows:

1. Commencing January 1, 2005, The Water District Plant Operators I will be scheduled between the hours of 8:00 am and 4:30 pm between Monday and Friday of each week. Any hours worked beyond the regular weekday schedule shall be considered "flex time" and scheduled only pursuant to an agreement as required by Article III(2)(c).
2. The Town of Riverhead Water District agrees to compensate Water Treatment Plant I operators for hours worked beyond 8:00 am through 4:30 pm during June 1, 2004 and October 1, 2004 with night differential pay.

3. This stipulation shall not, in any way, constitute "past practice" for the Town of Riverhead or the CSEA and is and shall remain specific to this grievance.

Philip J. Cardinale, Supervisor



Matthew E. Hattorff, for CSEA

12/7/04

TOWN OF RIVERHEAD

Adopted

RESOLUTION 1114

Authorizes Supervisor to Execute Application to NYS Department of Transportation for Local Safe Streets and Traffic Calming Grant

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

WHEREAS, the NYS Department of Transportation has solicited proposals for projects that involve traffic calming and pedestrian or bicycling safety capital projects; and

WHEREAS, eligible project elements may include installation of roundabouts, speed tables, sidewalk gap fillers and bike lanes which have high potential to reduce excessive travel speeds, reduce traffic volume and reduce the occurrence and/or severity of potential accidents on local streets; and

WHEREAS, the Town Board has authorized the traffic engineering firm of Dunn Engineering to undertake a data collection and analysis and conceptual design study of the area incorporating the intersections of Horton Avenue and Middle Road and Osborne Avenue and Middle Road which have been the locations of numerous accidents due to both excessive speeds and poor visibility as well as relatively high volumes of truck traffic for the low design standards and residential/agricultural nature of the roadway; and

WHEREAS, the resulting analysis has been incorporated into a grant application incorporating input obtained through consultation with the Town Engineer and Community Development Director to be submitted to the DOT on or before December 17, 2004 for \$486,000 or approximately 90% of an estimated total project cost of \$551,000.

THEREFORE, BE IT RESOLVED that the Town Board hereby authorizes the submission of an application to the NYS Department of Transportation for grant funds in the amount of approximately \$486,000 on or before December 17, 2004; and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to Andrea Lohneiss, CD Director, Ken Testa, Town Engineer, and Vincent Corrado, Dunn Engineering.

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
 THEREFORE DULY ADOPTED

December 7, 2004

TOWN OF RIVERHEAD

Resolution # 1115

CLASSIFIES ACTION AND DECLARES LEAD AGENCY ON SPECIAL PERMIT (SITE PLAN) OF BEACON WIRELESS MANAGEMENT (et al) AND REFERS PETITION TO PLANNING BOARD AND ZONING BOARD OF APPEALS

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

WHEREAS, the Riverhead Town Board is in receipt of a special permit petition from Edward Densieski pursuant to Articles XXVIA and XLI of the Riverhead Town Code, for the construction of a 150ft. monopole (flagpole) for the location of public utility wireless communication antennas adjacent to an existing commercial building located on a 1.5ac. parcel currently zoned Industrial A, such property more particularly described as SCTM 0600-118-4-8.1, 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 an Unlisted action for which coordinated review is optional and in this case unnecessary, and

WHEREAS, the Planning Department has prepared a staff SEQR memorandum outlining the project's impacts, and

WHEREAS, the Town Board desires the recommendations of the Riverhead Planning Board respecting planning and zoning issues prior to a determination of significance, and

WHEREAS, Section 216 B. (4) of the Town Code calls for these facilities to be setback from all property lines for a distance equal to their height; a standard not met by the proposed monopole, and

WHEREAS, Section 108-133.4 of the code requires all necessary variances be secured from the Zoning Board of Appeals prior to the Town Board acting on the special permit petition, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declares itself to be the lead agency for the special permit application of Beacon Wireless Management (et al) which it classifies as an Unlisted action, and

BE IT FURTHER

RESOLVED, that this classification be considered effective on the related site plan approval, and

BE IT FURTHER

RESOLVED, that the applicant be hereby directed to apply for building permit as a means to instigate referral to the Zoning Board of Appeals to obtain the prerequisite tower setback relief, 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 is hereby authorized to forward a certified copy of this resolution to the Planning Department and to the applicant or his agent.

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

December 7, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1116

PROMOTES P.O. MICHAEL HENRY TO THE POSITION OF DETECTIVE GRADE III

COUNCILMAN BARTUNEK offered the following resolution, which was seconded by

~~COUNCILMAN DENSIESKI~~

WHEREAS, Police Officer Michael Henry has been assigned to the East End Drug Task Force and then to the Detective Squad of the Riverhead Police Department since April 28, 2003; and

WHEREAS, a recommendation has been forwarded by Chief David J. Hegermiller to promote Michael Henry to the position of Detective Grade III.

NOW THEREFORE BE IT RESOLVED, that effective December 12, 2004, Michael Henry is promoted to the position of Detective Grade III at an annual salary as is provided in the current labor contract that exists between the Riverhead Police Benevolent Association and the Town of Riverhead; and,

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forwarded a copy of this resolution to Michael Henry, the Chief of Police and the Office of Accounting.

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

12/7/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1117

RATIFIES THE APPOINTMENT OF A VOLLEYBALL OFFICIAL TO THE RIVERHEAD RECREATION DEPARTMENT

COUNCILMAN DENSIJECKI _____ offered the following resolution,

which was seconded by **COUNCILWOMAN BLASS** _____

RESOLVED, that Greg Scanlon is hereby appointed as a Volleyball Official effective, December 6, 2004 to and including May 21, 2005, to be paid at the rate of \$9.00 per game, 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; and

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

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Resolution. Greg Scanlon

12/7/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1118

**RATIFIES THE APPOINTMENT OF A VOLLEYBALL OFFICIAL
TO THE RIVERHEAD RECREATION DEPARTMENT**

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

RESOLVED, that Betty Grady is hereby appointed as a Volleyball Official effective, December 6, 2004 to and including May 21, 2005, to be paid at the rate of \$9.00 per game, 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; and

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

THE VOTE

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

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

¹ Rec. Colleen/ Resolution. Betty Grady

12/7/04

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 1119

RATIFIES THE SUBMISSION OF A GRANT APPLICATION
TO THE NEW YORK STATE ARCHIVES

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

WHEREAS, the New York State Archives has released a Request for Proposals for funding under the Local Government Records Management Improvement Fund (LGRMIF) to improve records management in New York's local governments; and

WHEREAS, the LGRMIF contains a subcategory of funding to support projects targeting Geographic Information Systems (GIS) needs assessment and implementation projects focused on records management needs of local governments; and

WHEREAS, the Town of Riverhead wishes to adopt an enterprise GIS, which is a web-based computer architecture that supports interdepartmental access to multiple layers of information on a centralized GIS platform; and

WHEREAS, the current GIS in use by Riverhead Town requires further assessment and planning in order to reach its full potential as an enterprise GIS,

NOW, THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Grants Coordinator Jennifer Mesiano and Planner Eric Roseman to complete and submit a grant application supporting an enterprise GIS needs assessment project to the New York State Archives and authorizes the Town Supervisor and Town Clerk (as Records Management Officer) to sign the grant application.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Planning Director Richard Hanley, Grants Coordinator Jennifer Mesiano, and the Office of Accounting.

THE VOTE

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

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

12/7/04

Adopted

AWARDS BID
RIVERHEAD WATER DISTRICT
REPLACEMENT OF WELL 5-2
CONTRACT W - WELL WORK
RESOLUTION #1120
Adopted _____

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

WHEREAS, this Town Board did authorize the advertisement for bids for the replacement of Well 5-2, specifically well work, and

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

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

WHEREAS, by letter dated November 11, 2004, H2M, consulting engineers to the Riverhead Water District, did recommend that the bid be awarded as follows:

Contract W - Well Work
To: Layne Christensen Company
Holbrook, NY
\$236,200

NOW, THEREFORE, BE IT

RESOLVED, that the bids for the replacement of Well 5-2 be and is hereby awarded as follows:

Contract W - Well Work
To: Layne Christensen Company
Holbrook, NY
\$236,200

and be it further

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

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

security and it is further

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

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

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

DECEMBER 7, 2004

Adopted

TOWN OF RIVERHEAD

MIDDLE ROAD PAVING PHASE I CAPITAL PROJECT

BUDGET ADOPTION

RESOLUTION # 1121

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILMAN DENSIESKI

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

	<u>FROM</u>	<u>TO</u>
406.051100.487451.45089 TRANSFER FROM CHIPS	\$50,000	
406.051100.541301.45089 ROAD RESURFACING EXP.		\$50,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

12/7/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1122

SCHEDULING A PUBLIC HEARING PURSUANT TO ARTICLE 12 OF THE NEW YORK STATE TOWN LAW TO DECLARE CERTAIN PREMISES AS NOT REQUIRED FOR THE PURPOSES OF THE RIVERHEAD PUBLIC PARKING IMPROVEMENT DISTRICT NO. 1 AND AUTHORIZING THE SALE AND TRANSFER THEREOF TO THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY, AN URBAN RENEWAL AGENCY OF THE STATE OF NEW YORK, PURSUANT TO THE TOWN OF RIVERHEAD'S EAST MAIN STREET URBAN RENEWAL PLAN, ADOPTED OCTOBER 19, 1993

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

WHEREAS, the Town of Riverhead Community Development Agency (CDA) is the owner of certain real property located at 118 East Main Street, Riverhead, New York, more particularly described as SCTM Parcel No. 0600-129-1-7 and more commonly known as the "Suffolk Theatre"; and

WHEREAS, the CDA is considering entering into an Agreement pursuant to Article 15 of the General Municipal Law for the sale and transfer of the Suffolk Theatre to Pike Realty Company, LLC; and

WHEREAS, pursuant to the proposed Agreement of Sale for the Suffolk Theatre, a copy of which is on file with the Town Clerk, the CDA is to acquire and convey to Pike Realty Company, LLC, as part of the Suffolk Theatre Urban Renewal Project, a portion of real property owned by the Riverhead Public Parking Improvement District No. 1 that is adjacent to the Suffolk Theatre; and

WHEREAS, the conveyance of said property as part of the Suffolk Theatre Urban Renewal Project has been determined by the Town Board of the Town of Riverhead, as lead agency, to be an unlisted action without a significant impact on the environment, as more fully set forth in Resolution #949 of the Town Board adopted October 19, 2004; **NOW THEREFORE**

BE IT RESOLVED, that the Town Board of the Town of Riverhead, as governing body of the Riverhead Public Parking Improvement District No. 1 hereby determines to hold a public hearing pursuant to Article 12 Section 198 of the New York State Town Law on December 21, 2004 at 2:10 o'clock in the afternoon to declare a certain portion of District property, 6,882.39 square feet of the parcel known as SCTM No. 0600-128.00-06.00-066.002 and as more particularly depicted upon the map of Joseph Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which map has been filed with the Town Board, as not

required for the purposes of the aforesaid Improvement District and authorizing the sale and transfer of said property to the Town of Riverhead Community Development Agency, an Urban Renewal Agency of the State of New York, pursuant to the Town of Riverhead's East Main Street Urban Renewal Plan, previously adopted October 19, 1993, for the purchase price of \$14,000. Pike Realty Company, LLC, at its sole cost and expense, shall develop a site plan in a form acceptable to the Town Board to expand the existing Suffolk Theatre and to improve the adjacent parking lot with suitable curbing and plantings; and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to publish the attached notice of public hearing in one issue of the News Review, the official newspaper of the Town of Riverhead having general circulation in the Town, on Thursday, December 9, 2004, and

BE IT FURTHER RESOLVED, that the Town Clerk shall provide a certified copy of this resolution to: Richard A. Ehlers, Esq., the Town Attorney and the Community Development Director.

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

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that pursuant to Article 12 Section 198 of the New York State Town Law, a public hearing shall be held before the Town Board of the Town of Riverhead, in its capacity as the Board for the Public Parking Improvement District No. 1, on the 21st day of December, 2004 at 2:10 o'clock in the afternoon of that day at the Town Hall located at 200 Howell Avenue, Riverhead, New York, to hear all interested persons with regard to declaring a portion of the Parking District's premises as more particularly shown on the Survey of Joseph A. Ingegno, Land Surveyor, dated December 13, 1993 and last revised November 8, 2004, which survey has been filed with the Town Board and the Town Clerk, as not required for the purposes of the Riverhead Public Parking Improvement District No. 1 and authorizing the sale and transfer thereof to the Town of Riverhead Community Development Agency, an Urban Renewal Agency of the State of New York pursuant to the Town of Riverhead's East Main Street Urban Renewal Plan previously adopted October 19, 1993, for the sum of \$14,000.00 and the subsequent conveyance of said property as part of the closing upon the proposed Agreement of Sale between the Town of Riverhead Community Development Agency and Pike Realty Company, LLC for the sale of the "Suffolk Theatre", which proposed Agreement is on file with the Riverhead Town Clerk.

This Urban Renewal project (the Suffolk Theatre project) has been determined by the Town Board of the Town of Riverhead, as lead agency, to be an unlisted action without significant impact upon the environment, as more fully set forth in Resolution No. 949 of the Town Board adopted October 19, 2004.

Date: Riverhead, New York
December 7, 2004

BY ORDER OF THE TOWN BOARD OF
THE TOWN OF RIVERHEAD
BARBARA GRATTAN, TOWN CLERK

12/7/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1123

**APPROVES THE APPLICATION FOR FIREWORKS PERMIT OF
RIVERHEAD BUSINESS IMPROVEMENT DISTRICT MANAGEMENT
ASSOCIATION**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, the Riverhead Business Improvement District Management Association has submitted a Fireworks Permit Application for the purpose of conducting a fireworks display to be held on Town property, Grangebel Park, Riverhead, New York on December 31, 2004 between the hours of 6:30 p.m. and 7:30 p.m.; and

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

NOW THEREFORE BE IT RESOLVED, that the fireworks permit application of the Business Improvement District, for the purpose of conducting a fireworks display to be held on Town property, Grangebel Park, Riverhead, New York on December 31, 2004 between 6:30 and 7:30 p.m., is hereby approved with the following conditions:

- The required fire suppression equipment and personnel shall be provided by the Riverhead Fire Department whom must be at the site prior to commencement of firework's display.
- Scheduling a pre-event inspection between 12:00 noon and 3:00 p.m. on the day of the event having the fireworks technician(s), the Riverhead Fire Marshal and the Riverhead Fire Chief in attendance.
- Fireworks and technicians must arrive at Grangebel Park no later than 3:00 p.m. on the day of the event.
- Fire Marshal to be present 30 minutes prior to commencement of display for purpose of final inspection and safety review.
- Fireworks display shall be limited to shells not larger than 3" in diameter.
- Fire Marshal shall have final authorization to allow the fireworks display or cancel the display if there are unsafe conditions, lightning and/or winds in excess of 30 miles per hour; and be it further

RESOLVED, the Town of Riverhead Buildings and Grounds Department is authorized to install temporary snow fence in accordance with approved fireworks site and safety plan and remove same following the event; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Business Improvement District, P.O. Box 913, Riverhead, New York, 11901, Bay Fireworks, 110 Route 110, Suite 102, Huntington Station, New York, 11746; the Riverhead Fire Department; Bruce Johnson, Fire Marshal; the Office of the Town Attorney and the Riverhead Police Department.

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

12/7/04

Adopted

Town of Riverhead

Resolution # 1124

Ratifies execution and submission of grant application to Suffolk County for fiscal year 2005 Community Development Block Grant Funds.

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

WHEREAS, the Town of Riverhead annually requests Community Development Block Grant funds from 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 Community Development Block Grant Program; and

WHEREAS, the Town of Riverhead possesses 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 for FY 2005 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 Building, PO Box 6100, Hauppauge, NY 11788 and Andrea Lohneiss, Community Development Director.

THE VOTE:

Barbara Blass	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	George Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Rose Sanders	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Edward Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Phil Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No			
	<i>Abstain</i>				

2005 FUNDING ALLOCATIONS

Bread and More soup kitchen	\$ 4,300
Open Arms soup kitchen	\$ 2,850
Alternatives Counseling	\$ 4,000
CAP drug and alcohol education	\$ 7,000
Literacy program	\$ 5,000
Dominican Sisters	\$ 3,000
Family Service League	<u>\$ 2,500</u>
	\$ 28,650 (limited to 15%)
Downtown Sidewalks	\$ 50,000
Home Improvement Program	\$ 92,000
Administration (including inspector's salary)	<u>\$ 20,350</u> (limited to 11%)
	\$162,350
Total	\$191,000

December 7, 2004

Adopted

TOWN OF RIVERHEAD

Resolution # 1125

**INCORPORATION OF CERTAIN ROADS INTO THE TOWN OF RIVERHEAD'S
HIGHWAY SYSTEM PURSUANT TO NEW YORK STATE HIGHWAY LAW SECTION
189 HIGHWAYS BY USE.**

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN BARTUNEK :

WHEREAS, pursuant to New York State Highway Law §189 - Highways by Use, all lands/roads that have been used by the public as a highway for a period of ten years or more and which lands/roads have been maintained, repaired and controlled by the Town for ten years or more shall be a public highway with the same force and effect as if it had been laid out and recorded as a public highway; and

WHEREAS, pursuant to New York State Highway Law §189 - Highways by Use, applicable case law and applicable opinions of the New York State Attorney General the width of these public highways shall be determined by the extent of the traveled portion of the individual roadway; and

WHEREAS, The Riverhead Town Board held a public hearing on November 3, 2004 whereby it was established, through expert testimony of the Town of Riverhead Deputy Highway Superintendent, that the 74 roads listed in Exhibit "A" attached hereto have been:

1. Open to the public for a period in excess of ten-years.
2. The 10-year period of public use was continuous and uninterrupted.
3. The Town of Riverhead Highway Department has maintained and exercised control over these roads for a period in excess of ten-years.
4. These roads have been repaired, paved, plowed, and drainage has been installed where necessary for a period in excess of ten-years.

WHEREAS, there exists in the Town of Riverhead 74 roads listed in Exhibit "A" which are eligible to become public roads pursuant to New York State Highway Law §189 - Highways by Use.

NOW THEREFORE BE IT RESOLVED, Pursuant to New York State Highway Law §189 - Highways by Use and the public hearing held November 3, 2004, the Town Board hereby incorporates the 74 roads listed in Exhibit "A" into the Town of Riverhead's highway system with the same force and effect as if they had been duly laid out and recorded as a highway; and be it further

TA/SMW Roads public hearing

RESOLVED, that pursuant to New York State Highway Law §189 Highways by Use, applicable case law and applicable opinions of the New York State Attorney General the Town Highway Superintendent shall not be required to open each of these public highways to 3 rods in width. The width of these public highways shall be determined by the extent of the traveled portion of the individual roadway; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to; the Highway Department; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office; the Town Supervisor's Office; the Building Department; the Zoning Board of Appeals and the Town Attorney's Office.

THE VOTE

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

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

Exhibit "A"

Jamesport Area:

1. 7th St.
2. 6th St.,
3. Willow St.
4. Ziemacki La.

Aqueboque Area:

1. Beach Ave.
2. Harbor Rd.
3. Tyte Dr.

Riverhead Area:

1. Atwater St.
2. Bay Ct.
3. Buckskin La.
4. Center Dr.
5. Cranberry St.
6. Crows Nest Dr.
7. Cruise St.
8. Cutlass St.
9. Eight Bells Rd.
10. Elton Pl.
11. Hallett Ave S/O Lincoln St.
12. Hornpipe Rd.
13. Jackson St./Rd.
14. Marine St.
15. Midland St.
16. Midway Dr.
17. Millbrook La.
18. Nautical Dr.,
19. North Corwell Ave.
20. Oak Dr.
21. Overbrook St.
22. Peninsula Path
23. Pirate St.
24. Sea Breeze Dr.
25. South Dr.
26. Treasure Dr.

Manorville Area:

1. Horton Ct.
2. Oakwood Dr.

Wading River Area:

1. Apple La.
2. Beach Rd.
3. Beech St.
4. North, Cross Rd.
5. East Rd.
6. East Winds Dr.
7. 8th St.
8. 18th St.
9. 11th St.
10. 5th St.
11. 15th St.
12. Fire La.
13. 1st St.
14. Forest Hollow,
15. 4th St.
16. 14th St.
17. Gladys Dr.
18. Greenbriar Rd.
19. Hill St.
20. Maple Rd.
21. 9th St.
22. 19th St.
23. Oliver St.
24. Rita Ct.
25. 2nd St.
26. 21/2 St.
27. 7th St.
28. 17th St.
29. 6th St.
30. 16th St.
31. South Rd.
32. Terry Rd.
33. 10th St.
34. 3rd St.
35. 12th St.
36. 20th St.
37. 21st St.
38. Wildwood Ave.
39. Wildwood Rd.

12/7/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1126

AUTHORIZES TOWN CLERK TO POST AND PUBLISH PUBLIC NOTICE FOR PUBLIC HEARING TO CONSIDER AN AMENDMENT OF CHAPTERS 52 AND 108 OF THE TOWN CODE OF THE TOWN OF RIVERHEAD ENTITLED "BUILDING CONSTRUCTION" AND "ZONING"

COUNCILWOMAN SANDERS

offered the following

resolution, which was seconded by COUNCILMAN DENSIESKI:

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached public notice to consider an amendment of Chapters 52 and 108 of the Town Code of the Town of Riverhead entitled "Building Construction" and "Zoning" respectively in the December 16th, 2004 issue of News Review Newspapers, 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 Fire Marshal, Town Attorney, Building Department and Code Enforcement division.

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 29th day December 2004 at 2:05 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to repeal and replace Chapters 52 and 108 entitled, "Building Construction" and "Zoning" of the Riverhead Town Code as follows:

§ 52-12. Stop orders.

Whenever the Building Inspector has reasonable grounds to believe that work on any building, structure, or any type of land clearing is being **performed** in violation of the provisions of the Uniform Building Code of the State of New York, the Town of Riverhead zoning code or if work being done is not in conformity with the provisions of an application, plans or specifications on the basis of which a building permit was issued, or if work is being done in an unsafe and dangerous manner, he or she shall notify the owner of the property or the owner's agent or the person performing the work to suspend all work, and any such persons shall forthwith stop such work and suspend all building and/or land clearing activities until the stop order has been rescinded. Such order and notice shall be in writing and shall state the conditions under which the work may be resumed, and may be served upon the person or entity to whom it is directed either by delivering it personally to him or by posting the same upon a conspicuous portion of the building under construction or on the site and sending a copy of the same by registered mail to such person. The Building Inspector may designate one or more persons with authority to enforce the Town Code pursuant to § 3-1 to issue a Stop Order as set forth in this section on a case by case basis.

§ 108-74.1. Stop orders. [Added 5-25-1976]

The Building or Zoning Inspector, upon investigation of any violation of this chapter, shall have the authority hereby to post a stop order in a form approved by the Town Board. Said stop order shall be posted at the site of said violation. It shall be a further violation of this chapter to remove said stop order or to continue the use or construction specified in said stop order until the violation is corrected or adjudicated. The Building Inspector may designate one or more persons with authority to enforce the Town Code pursuant to § 3-1 to issue a Stop Order as set forth in this section on a case by case basis.

December 7, 2004

TOWN OF RIVERHEAD

Resolution # 1127

APPOINTS CONSERVATION ADVISORY COUNCIL CHAIR MEMBER

COUNCILMAN BARTUNEK

_____ offered the following

resolution, which was seconded by **COUNCILMAN DENSIESKI**

WHEREAS, a position exists for chair to the Conservation Advisory Council (CAC) and

WHEREAS, a recommendation was made by the Town Board Personnel Committee to appoint Sean McCabe to be the chair

NOW, THEREFORE, BE IT RESOLVED, that Sean McCabe is hereby appointed to the position Member Chair to the CAC, effective June 18, 2004; with a prorated salary of \$800.00.

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

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

12/07/04

Adopted

TOWN OF RIVERHEAD

Resolution # 1129

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 OF THE RIVERHEAD TOWN CODE ENTITLED "Zoning" (XXXXIII Planned Industrial Park (PIP) District, § 108-230)

COUNCILWOMAN BLASS

_____ offered the following resolution, was seconded by

COUNCILMAN BARTUNEK

RESOLVED, the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (XXXXIII Planned Industrial Park (PIP) District, § 108-230) once in the December 9, 2004 issue of the News Review, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of December, 2004 at 2:25 o'clock p.m. to consider a local law to amend Chapter 108 of the Riverhead Town Code entitled, "Zoning" (XXXXXIII Planned Industrial Park (PIP) District, § 108-230) as follows:

§ 108-230. Uses.

In the Planned Industrial Park (PIP) District, regularly scheduled or unscheduled passenger service, air taxi, air charter, fixed-based operator as currently defined by the FAA, or any variation thereof shall not be permitted. ~~n~~No building, structure or premises shall be used, arranged or designed to be used, and no building or structure shall hereafter be erected, constructed, reconstructed or altered, unless otherwise provided in this chapter, except for the following permitted uses and their customary accessory uses:

A. Permitted uses:

- (1) Light industrial uses, including component design, manufacturing, processing, fabrication, repair, testing and assembly, provided that such uses are conducted within enclosed buildings.
- (2) Warehousing, indoor storage, distribution and wholesaling of nonhazardous and nonflammable materials.
- (3) Research and testing laboratories and pilot plants.
- (4) General, executive, ~~administration~~ administrative, governmental, business and professional offices.
- (5) Public utility and service facilities, excluding incinerators which shall not be permitted.
- (6) ~~Automotive, truck and bus assembly repair and storage, provided that all such repair and assembly is conducted within enclosed buildings.~~ Major aircraft and engine maintenance, such as annual inspections, conversion, reconfiguration and refurbishment provided that such uses are conducted within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffer as may be determined to be necessary by the Town Board as part of site plan approval.
- (7) ~~Aviation uses and support services, including flight schools and testing facilities but excluding general aviation and regularly scheduled passenger service~~ Aircraft component design, fabrication, manufacture, and assembly provided that such uses are conducted within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffer as may be determined to be necessary by the Town

Board as part of site plan approval.

- (8) Audio, radio, television video and film studios and broadcast stations.
- (9) Business, technical and vocational schools, excluding flight schools.
- (10) ~~Animal hospitals.~~
- (11) ~~Automobile and automobile component design, fabrication, manufacture, assembly and testing; provided that such uses are conducted within enclosed buildings.~~
- (~~10~~ 10) ~~Outdoor~~ Indoor recreational uses.
- (~~11~~ 11) Food and agricultural product processing, including canning, preserving, drying and freezing.
- (~~12~~ 12) ~~Package, Overnight mail, and~~ express mail package and postal sorting and distribution.

B. Accessory uses. Accessory uses shall include those uses customarily incidental and subordinate to any of the aforementioned principal uses when located within the same CDP-PIP District. Accessory uses shall be for the sole use of the employees, tenants and visitors invitees of the industrial park and not for use by the general public and shall include the following: :

- (1) Auditoriums, located within buildings housing permitted uses.
- (2) Day nursery or day-care centers.
- (3) Banks, automatic teller machines or financial institutions.
- (~~4~~) ~~Office appliance or business supply sales.~~
- (~~5~~ 4) Restaurants, cafeterias or eating and drinking establishments located within buildings housing permitted uses.
- (~~6~~ 5) Retail stores for the sale of books, beverages, confections, drugs, dry goods, flowers, foodstuffs, gifts, jewelry, periodicals, photo supplies, stationery and tobacco located within buildings housing permitted uses.
- (~~7~~ 6) Beauty and barber shops located within buildings housing permitted uses.
- (~~8~~ 7) Health clubs or indoor recreation establishments located within buildings housing permitted uses.
- (~~9~~ 8) Security and management facilities.
- (~~10~~ 9) Outdoor storage of equipment, materials or vehicles when suitably screened by walls,

fences, berms and/or vegetation or a combination thereof to a height of at least six feet to an extent that provides adequate sound and visual buffer as may be determined to be necessary by the Town Board as part of site plan approval.

(11 10) Off-street parking and loading facilities. Operation, fueling, storage and maintenance of aircraft which are owned, leased or operated by an owner, lessee or operator in furtherance of and subordinate to a permitted use of property within the PIP District and further provided that such aircraft are stored or maintained within enclosed buildings, and when not within enclosed buildings, are suitably screened to an extent that provides adequate sound and visual buffer as may be determined to be necessary by the Town Board as part of site plan approval and subject to the grant of a runway use agreement.

(12 11) Fences and walls. Testing of aircraft provided said testing is done in furtherance of a permitted use within enclosed buildings or on the 10,000 foot runway and subject to the grant of a runway use agreement.

(13) — Signs.

(14) — Trash receptacles and enclosures.

(15) — Railroad passenger and freight station.

(16) — Sanitary sewer lifting and pump station.

(17) — Telephone exchange.

(18) — Public transit stations.

Dated: Riverhead, New York
December 7, 2004

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

* Underline represents addition(s)

DECEMBER 7, 2004

Adopted

TOWN OF RIVERHEAD

GENERAL TOWN DEBT SERVICE

BUDGET ADJUSTMENT

RESOLUTION # 1130

COUNCILWOMAN BLASS

offered the following resolution,

which was seconded by

COUNCILWOMAN SANDERS

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

	<u>FROM</u>	<u>TO</u>
384.000000.390599 APPROPRIATED FUND BALANCE	\$139,693	
384.097100.560000.04124 MASTER PLAN III, PRINCIPAL		\$ 11,250
384.097100.560000.04127 '03 COMPUTERIZATION PRINCIPAL		52,700
384.097100.560000.04128 FARMLAND RIGHTS, PRINCIPAL		14,500
384.097100.570000.04127 '03 COMPUTERIZATION, INTEREST		10,800
384.097100.571000.04128 FARMLAND RIGHTS, INTEREST		12,010
384.097100.571000.04006 R&G PAYING AGENT FEES		70
384.097100.571000.04008 RIMLAND - PAYING AGENTFEES		80
384.097100.571000.04009 HIGHWAY - PAYING AGENT FEES		250
384.097100.571000.04013 HIGHWAY - PAYING AGENT FEES		155
384.097100.571000.04024 PAYING AGENT FEES		30
384.097100.571000.04025 PAYING AGENT FEES		508
384.097100.571000.04026 PAYING AGENT FEES		135
384.097100.571000.04034 PAYING AGENT FEES		175
384.097100.571000.04038 COMPACTOR TRUCK, PAYING AGENT FEES		25
384.097100.571000.04039 ST. LIGHT TRUCK, PAYING AGENT FEES		35
384.097100.571000.04040 PAYING AGENT FEES		25
384.097100.571000.04044 PAYING AGENT FEES		250
384.097100.571000.04050 PAYING AGENT FEES		30
384.097100.571000.04051 PAYING AGENT FEES		25
384.097100.571000.04061 PAYING AGENT FEES, SUFFOLK THEATRE		435
384.097100.571000.04062 PAYING AGENT FEES, CORWIN BENJAMIN		170
384.097100.571000.04063 PAYING AGENT FEES, HOWELL AVE. PROPERTY		70
384.097100.571000.04064 PAYING AGENT FEES, BACKHOE		25
384.097100.571000.04065 PAYING AGENT FEES, DRAINAGE '96		470
384.097100.571000.04066 PAYING AGENT FEES, BULKHEADING		360

GENERAL TOWN DEBT SERVICE

BUDGET ADJUSTMENT, Continued

	<u>FROM</u>	<u>TO</u>
384.097100.571000.04067	PAYING AGENT FEES, '96 AMBULANCE	35
384.097100.571000.04084	PAYING AGENT FEES	550
384.097100.571000.04091	PAYING AGENT FEES	5
384.097100.571000.04096	PAYING AGENT FEES	20
384.097100.571000.04098	PAYING AGENT FEES	110
384.097100.571000.04117	PAYING AGENT FEES, LANDFILL	16,320
384.097100.571000.04118	PAYING AGENT FEES, DEVELOPMENT RIGHTS II	11,120
384.097100.571000.04119	PAYING AGENT FEES, HIGHWAY PAVING	2,475
384.097100.571000.04123	PAYING AGENT FEES, R.R. ST. URBAN RENEWAL	1,250
384.097100.571000.04125	PAYING AGENT FEES, TRENT SETTLEMENT	1,910
384.097100.571000.04127	PAYING AGENT FEES, '03 COMPUTER	410
384.097100.571000.04128	PAYING AGENT FEES, FARMLAND RIGHTS	430
384.097300.571000.04107	PAYING AGENT FEES, PD RADIO SYSTEM	325
384.097100.571000.04109	PAYING AGENT FEES, SUFFOLK THEATRE III	150

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

Adopted

12/7/04

TOWN OF RIVERHEAD

Resolution #1131

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT BETWEEN
LONG ISLAND POWER AUTHORITY (LIPA) AND
THE TOWN OF RIVERHEAD

COUNCILMAN BARTUNEK offered the following resolution, was seconded by

COUNCILWOMAN SANDERS :

WHEREAS, on October 6, 1978, the Town Board executed an agreement with Long Island Power Authority (LIPA) regarding the maintenance of a roadway and spillway dam lying beneath a roadway located on the southerly side of Route 25, Riverhead, which roadway is utilized as access to an electric substation; and

WHEREAS, the Town Board and LIPA wish to modify the October 6, 1978 agreement to address the maintenance and repair in connection with the aforementioned agreement.

NOW, THEREFORE, BE IT RESOLVED that the Town Board of the Town of Riverhead hereby authorizes the Supervisor to execute an agreement (copy attached herewith) between the Town of Riverhead and LIPA; and be it further

RESOLVED, that the Town Clerk is hereby directed to deliver a certified copy of this resolution to Long Island Power Authority, 333 Earle Ovington Boulevard, Suite 403, Hempstead, New York, 11553, Attn: Bill Davidson; the Town Supervisor; the Town Attorney; the Highway Department and the Office of Accounting.

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

AGREEMENT

Township of Riverhead with the Long Island Power Authority

Agreement dated the day of , 2004 by and between the **Township of Riverhead**, a municipal corporation existing under the laws of the State of New York, with offices at 200 Howell Avenue, Riverhead, New York 11901 (hereinafter the "Town") and **Long Island Power Authority (LIPA)**, a public authority corporation under the laws of the State of New York, having principal offices located at 333 Earle Ovington Boulevard, Suite 403, Hempstead, New York 11553.

WITNESSETH

Whereas, the Town of Riverhead and LILCO entered into an agreement dated October 6th 1978 and recorded in the office of the Suffolk County Clerk in Liber 8542 at page 448 regarding the maintenance of a roadway and spillway dam lying beneath the roadway located on the southerly side of Route 25 near the hamlet of Riverhead which roadway was and is utilized as access to an electric substation located at the terminus of the roadway, and

Whereas the aforementioned agreement required that, following certain specified improvements to the roadway which benefited the Town, that the Town would provide repair, maintenance and operation of the roadway and spillway dam, and

Whereas, the parties are in full compliance with the existing maintenance agreement,

Whereas, LILCO predecessor's in interest, LIPA and the Town of Riverhead wish to modify said agreement to address the need to repair the roadway and spillway dam,

NOW, THEREFORE, in consideration of the mutual promises and covenants herein contained, it is agreed by and between the Town and LLIPA as follows:

1. That the prior agreement between the parties shall remain in full force and effect and shall be incorporated herein by reference.

2. That the Town and LIPA agree to share equally the cost of the repair of the subject roadway and spillway dam as set forth in the specifications attached hereto as Exhibit A.

3. That upon telephone request to the Town, the Town agrees to plow only the subject roadway so that LIPA may access the substation when the depth of snow on the roadway is greater than three (3) inches.

4. That the Town agrees to improve the southerly existing access to the substation to a width of _____ with (material).

TOWN OF RIVERHEAD

LONG ISLAND POWER AUTHORITY

By: _____
PHILIP J. CARDINALE
Town Supervisor

By: _____

ACKNOWLEDGEMENT

STATE OF NEW YORK

ss.:

COUNTY OF SUFFOLK

On the day of 2004, before me personally came Philip J. Cardinale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Town Supervisor and that by his signature in the instrument, the individual or person on behalf of the individual acted, executed the instrument

STATE OF NEW YORK

ss.:

COUNTY OF SUFFOLK

On the day of 2004, before me personally came Philip J. Cardinale, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity as Town Supervisor and that by his signature in the instrument, the individual or person on behalf of the individual acted, executed the instrument

DECEMBER 7, 2004

Adopted

TOWN OF RIVERHEAD

GENERAL FUND

BUDGET ADJUSTMENT

RESOLUTION # 1132

COUNCILWOMAN BLOSS

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>
001.012610.421070 JUSTICE FINES & FEES	\$ 6,000	
001.011100.543905 JUSTICE, ADMIN CONSULTANTS		\$ 6,000
001.014200.543400 TOWN ATTY, EDUCATION EXP.	300	
001.014200.512500 TOWN ATTY, O/T		100
001.014200.542802 TOWN ATTY, SUPPLEMENTAL LAW BOOK EXP.		200
001.016250.541150 BLDG & GROUNDS, REPAIRS & MAINT.	7,755	
001.016250.524000 BLDG & GROUNDS, EQUIP.		205
001.016250.541500 BLDG & GROUNDS, MOTOR VEHICLE EXP.		7,500
001.016250.542500 BLDG & GROUNDS, SUPPLIES		50
001.000000.390599 APPROPRIATED FUND BALANCE	85,000	
001.031200.512100 POLICE, UNIFORM O/T		75,000
001.031200.512500 POLICE, NON-UNIFORM O/T		10,000
001.000000.390599 APPROPRIATED FUND BALANCE	8,500	
001.036200.512500 SAFETY INSPECTOR, O/T		7,000
001.036200.541500 SAFETY INSPECTOR, CAR EXP.		1,500
001.000000.390599 APPROPRIATED FUND BALANCE	7,500	
001.036250.512500 CODE ENFORCEMENT, O/T		7,500

GENERAL FUND

BUDGET ADJUSTMENT, Continued

	<u>FROM</u>	<u>TO</u>
001.0000000.390599 APPROPRIATED FUND BALANCE	11,750	
001.081600.512500 SANITATION, O/T		750
001.081600.541530 SANITATION, REPAIRS & PARTS		5,000
001.081600.545300 SANITATION, LAND LEASES		6,000

THE VOTE

Bartunek Yes No

Sanders Yes No

Blass Yes No

Densieski Yes No

Cardinale Yes No

12.07.04

ADOPTED

TOWN OF RIVERHEAD

Resolution # 1133

PAYS BILLS

THE VOTE

5 Yes's

The Resolution Was Thereupon Duly Declared Adopted