

**RESOLUTION LIST
JULY 17, 2012**

- Res. #543 Capital Project Closures Budget Adjustment**
- Res. #544 General Town Grumman Memorial Budget Adjustment**
- Res. #545 Water Department Budget Adjustment**
- Res. #546 Authorizes Supervisor to Execute No-Cost Time Extension for the Calverton Freight Rail Access Rehabilitation (PIN #0935.61)**
- Res. #547 Authorizes Supervisor to Execute No-Cost Time Extension for the Grangebel Park Improvements Project (PIN #0759.14)**
- Res. #548 Terminates a Leave of Absence and Ratifies the Reappointment of Part-Time Police Officers to Active Duty Status**
- Res. #549 Authorizes the Town Clerk to Publish and Post a Help Wanted Ad for Call-In Fire Prevention Inspectors**
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- Res. #554 Terminates Detention Attendants**
- Res. #555 Declares Lead Agency, Classifies and Determines Significance of Action: Town of Riverhead Sewer District Treatment Plant TMDL Upgrade**
- Res. #556 Authorizes Town Clerk to Publish and Post a Public Notice Wading River Corridor Study an Amendment to the Town of Riverhead Comprehensive Plan Adopted November 2003**
- Res. #557 Ratifies an Appointment for a Call-In Recreation Aide I to the Recreation Department (Sarah Freeborn)**

- Res. #558** **Ratifies the Appointment of a Fill-In Summer Recreation Aide to the Recreation Department (Amanda Smith)**
- Res. #559** **Appoints a Recreation Specialist to the Recreation Department (Justin Cobis)**
- Res. #560** **Appoints a Call-In Park Attendant III to the Recreation Department (Christian Clinton)**
- Res. #561** **Appoints a Recreation Specialist to the Recreation Department (Maria Dounelis)**
- Res. #562** **Authorizes Sewer District Employee to Attend Course**
- Res. #563** **Adopts a Local Law to Amend Chapter 101 Entitled “Vehicles & Traffic” of the Riverhead Town Code (§101-3. Stop and Yield Intersections; Railroad Crossings; Parking Fields)**
- Res. #564** **Authorizes Town Clerk to Publish and Post Public Notice of Public Hearing to Consider a Proposed Local Law for an Amendment of Chapter 101 “Vehicles & Traffic” of the Riverhead Town Code (§101-12. No Parking Certain Hours; Roads Leading to Water)**
- Res. #565** **Amends Resolution #476 of 2012 (Approves Chapter 90 Application of Church of the Harvest “Riverhead Community Appreciation Day” – July 28, 2012)**
- Res. #566** **Approves Extension of Security Posted by Campo Brothers in Connection with the Subdivision Entitled “Cedar Cove” (Road and Drainage Improvements)**
- Res. #567** **Authorizes the Supervisor to Execute a Professional Services Agreement with the Raynor Group, P.E. & L.S. PLLC (Maple Avenue Parking)**
- Res. #568** **Approves the Chapter 90 Application of Miller Environmental Group (Geothermal Energy Expo – September 28th and 29th, 2012)**
- Res. #569** **Approves the Chapter 90 Application of the Long Island Moose Classic Car Club (Car Show - September 9, 2012)**
- Res. #570** **Adopts a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (§108-60. Off Street Parking)**

- Res. #571** Approves Site Plan of Metro Terminals of Long Island, LLC - Lot 32
- Res. #572** Approves Chapter 90 Application of Riverhead Foundation for Marine Research and Preservation (5K Run for the Ridley – October 20, 2012)
- Res. #573** Authorizes Settlement of Legal Action Against South Shore Docks, Inc.
- Res. #574** Amends Resolution 448-12 Adopting Water Rates
- Res. #575** Authorizes the Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled “Zoning” of the Riverhead Town Code (Article XXXIV – Multifamily Residential Professional Office Zone)
- Res. #576** Authorizes Town Clerk to Publish and Post Public Notice to Consider a Local Law to Amend Chapter 108 Entitled, “Zoning” of the Riverhead Town Code (Business CR Zoning Use District [Rural Neighborhood Business])
- Res. #577** Authorizes the Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend the Zoning Use District Map of the Town of Riverhead to Provide for Multi-Family Residential Zoning Use District to the Exclusion of the Existing Business CR Zoning Use District
- Res. #578** Authorizes the Supervisor to Execute an Agreement with an Employee
- Res. #579** Authorizes the Supervisor to Execute Contracts of Sale for Properties Located on Horton Avenue for Horton Avenue Hazard Mitigation (Major Federal Disaster Declaration FEMA-1899-DR-NY)
- Res. #580** Authorizes Town Clerk to Publish and Post a Public Notice to Consider a Local Law to Amend Article IV Early Retirement Incentive Program for Eligible Full-Time Police Officers of Chapter 37 Entitled “Retirement” of the Riverhead Town Code
- Res. #581** Pays Bills
- Res. #582** Modifies a Hearing Officer’s Recommendation

07.03.12 TABLED
07.17.12 UNTABLED
07.17.12 WITHDRAWN

07.03.12
120537

TOWN OF RIVERHEAD

Resolution # 537

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND THE ZONING USE DISTRICT MAP OF THE TOWN OF RIVERHEAD TO PROVIDE FOR MULTI-FAMILY RESIDENTIAL ZONING USE DISTRICT TO THE EXCLUSION OF THE EXISTING BUSINESS CR ZONING USE DISTRICT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend the Zoning Use District Map of the Town of Riverhead to provide for the Multi-Family Residential Zoning Use District to the exclusion of the existing Business CR Zoning Use District once in the July 12, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

07.17.12

On a motion by Councilman Dunleavy, seconded by Councilwoman Giglio, resolution #537 was **UNTABLED** and **WITHDRAWN**

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

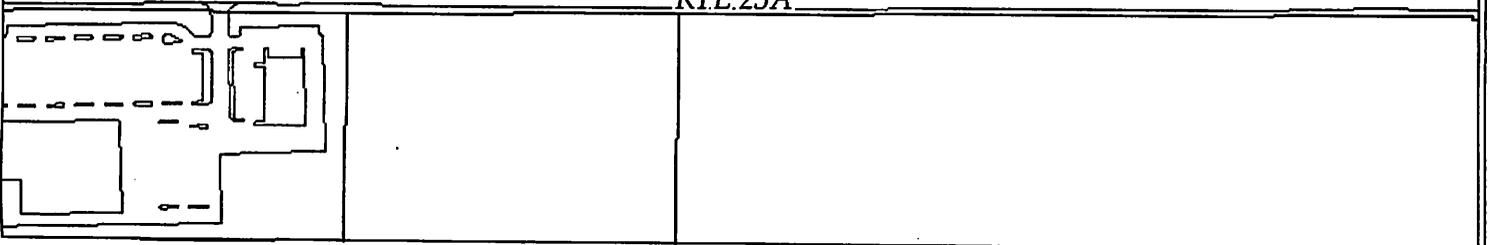
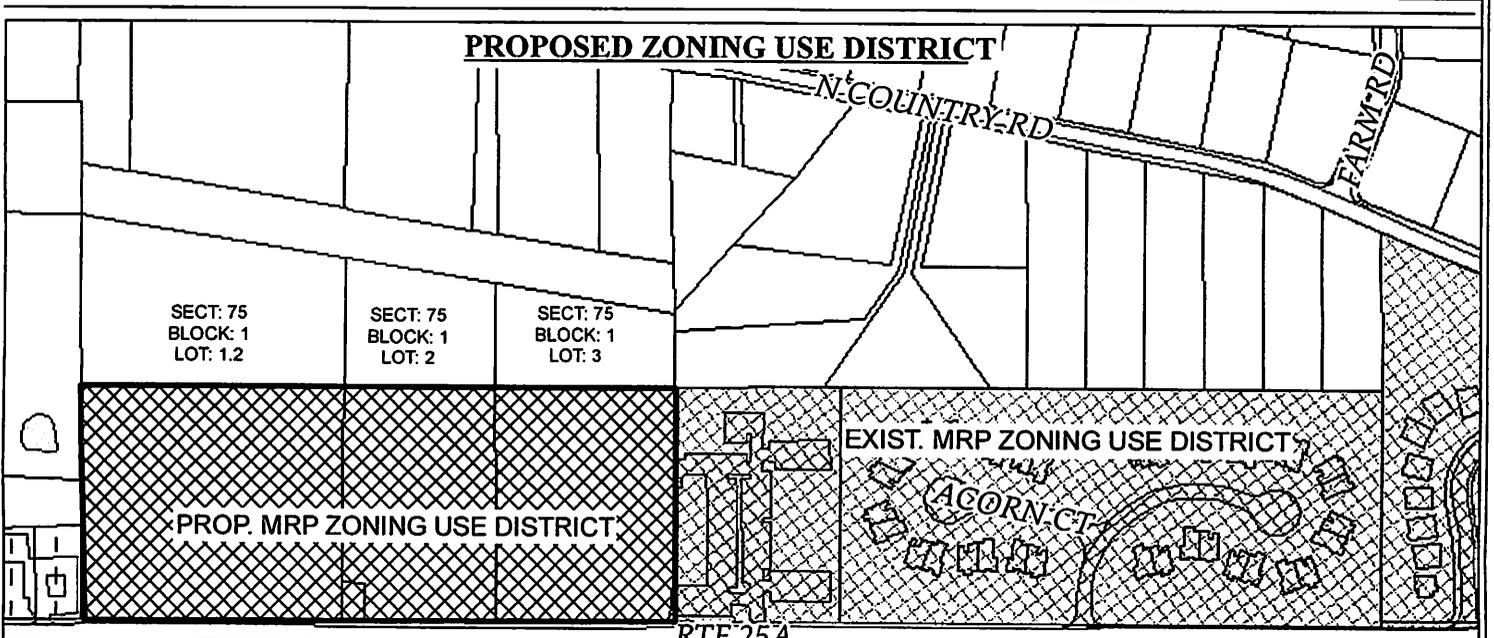
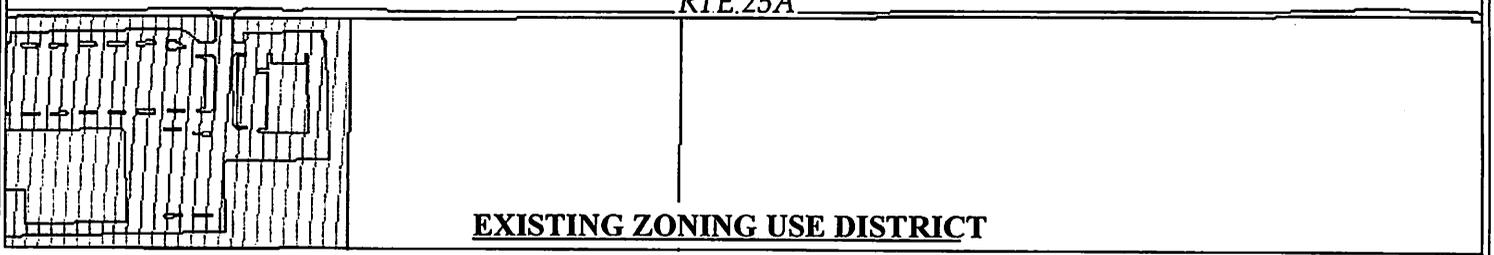
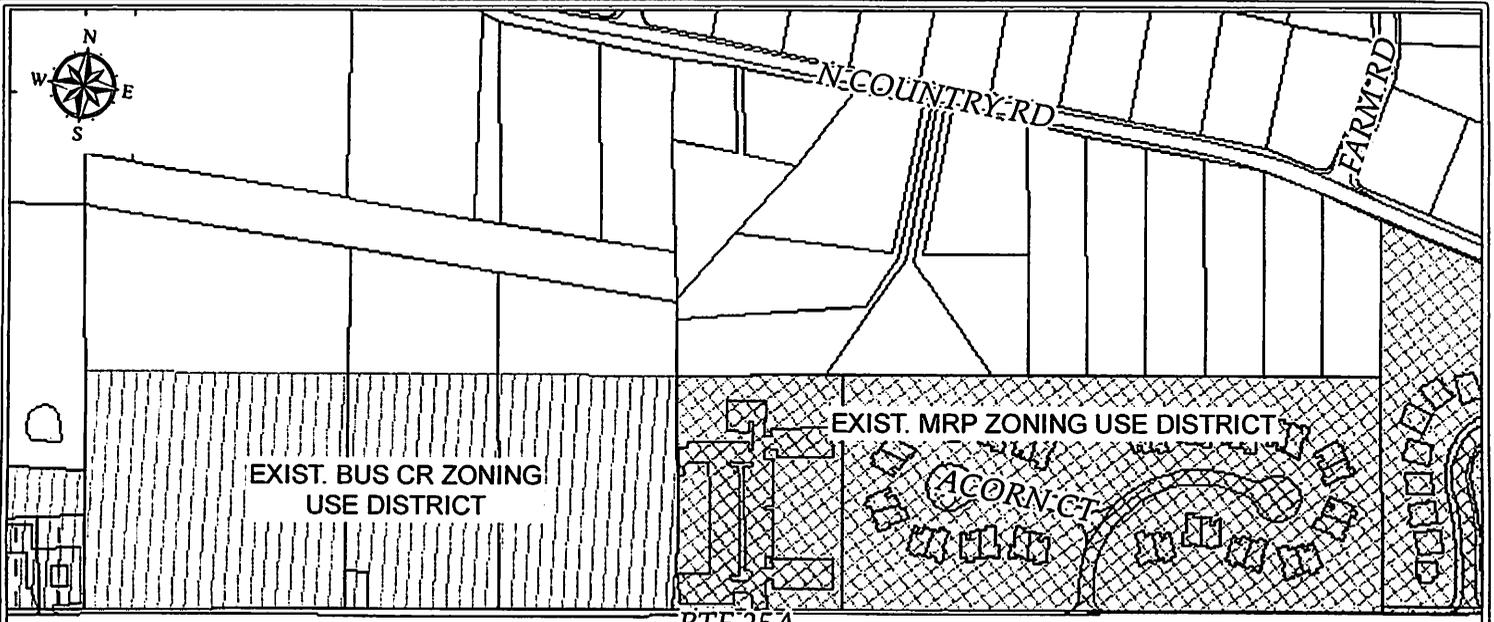
**TOWN OF RIVERHEAD
PUBLIC NOTICE**

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 7th day of August, 2012 at 2:35 o'clock p.m., to consider a local law to amend the Zoning Use District Map of the Town of Riverhead to provide for the Multi-Family Residential Zoning Use District to the exclusion of the existing Business CR Zoning Use District on real property located at Route 25A, Hamlet of Wading River, New York, such real property more particularly described on the attached map.

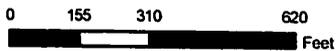
Dated: Riverhead, New York
July 3, 2012

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

DIANE M. WILHELM, Town Clerk



DATE: 7/3/2012



map of
**MRP ZONING USE
 MODIFICATION**



TOWN OF RIVERHEAD

200 Howell Ave.
Riverhead, New York 11901

07.03.12 Tabled
07.17.12 UNTABLED
07.17.12 WITHDRAWN

07.03.12
120538

TOWN OF RIVERHEAD

Resolution # 538

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
“ZONING” OF THE RIVERHEAD TOWN CODE
(ARTICLE XXXIV – Multifamily Residential Professional Office Zone)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the July 12, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Tabled

07.17.12

On a motion by Councilman Dunleavy, seconded by Councilwoman Giglio, resolution #538 was **UNTabled** and **WITHDRAWN**

THE VOTE:

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

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 7th day of August, 2012 at 2:20 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XXXIV
Multifamily Residential Professional Office Zone**

§ 108-169. Uses.

In the Multifamily Residential Professional Office Zone District no building, structure or premises shall be used, arranged or designed to be used and no building or structure shall hereafter be erected, reconstructed or altered, unless otherwise provided in this chapter, except for one of the following permitted uses and their customary accessory uses.

A. Permitted uses:

- (1) Multifamily residential condominiums.
- (2) Day-care centers or nursery schools.
- (3) Professional offices of:
 - (a) Accountants.
 - (b) Architects.
 - (c) Artists.
 - (d) Attorneys.
 - (e) Audiologists.
 - (f) Bookkeepers.
 - (g) Chiropractors.
 - (h) Dentists.
 - (i) Engineers.
 - (j) Income tax preparer.
 - (k) Insurance agents or brokers.
 - (l) Interior designers.
 - (m) Journalists.
 - (n) Medical doctors.
 - (o) Optometrists.
 - (p) Osteopaths.
 - (q) Podiatrists.
 - (r) Person or persons determined by the Town Board to be engaged in a profession similar to those set forth above.
- (4) One-family townhomes or multifamily units.

(5) Agricultural production, including but not limited to the following:

- (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.
 - (b) Fruits, including apples, peaches, grapes, cherries and berries.
 - (c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - (d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - (e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs.
 - (f) Christmas trees grown in a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
 - (g) Commercial horse boarding operation.
- (6) Professional studios and performing arts studios.

B. Special permit uses:

- (1) Public libraries/museums.
- (2) Public facilities, including fire houses and police stations.
- (3) Institutions, including schools, places of worship, and community centers.

B.C. Accessory uses:

- (1) Those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot and not involving the conduct of a business unless as otherwise specified below.
- (2) The sale at retail of homegrown or homemade products, provided that all retail uses shall be subject to site plan approval pursuant to Article XXVI of the Riverhead Town Code and the provisions of Chapter 108. The farmer may sell supporting farm products and farm products not grown by the farmer, provided that the area devoted to the sale of said products at no time exceeds 40% of the total merchandising area.

§108-170. Development standards.

- A. Lot area. The minimum lot area shall be 160,000 square feet.
- B. Lot width. The minimum width (frontage) shall be 400 feet.
- C. Yards.

- (1) Front. The minimum front yard shall be 50 feet. No building, structure, storage, tennis court, swimming pool, or parking or other similar accessory uses shall be located in the front yard so provided. Sidewalks, walkways, and access driveways shall be exempt from this requirement.
- (2) Side. The minimum side yard shall be 25 feet.

- (3) Rear. The minimum rear yard shall be 50 feet, except that the minimum rear yard shall be 25 feet when adjacent to a property within a Multifamily Residential Professional Office Zone District.

D. Building area.

- (1) The maximum building area ~~for professional office uses~~ shall be 15% 17%.
- (2) The number of dwelling units permitted for residential uses shall be based on the number of bedrooms per dwelling unit and the type of community water and sewage system provided, which number shall be incorporated as a filed restriction in all deeds and titles related to the condominium site as follows:
- (a) One-bedroom dwelling units: four and zero-tenths per acre.
- (b) Two-bedroom dwelling units: three and zero-tenths per acre.

E. Floor area ratio. The maximum floor area ratio shall be 0.20.

F. Impervious surface coverage. The maximum impervious surface coverage for all uses shall be 75%.

E. G. Height. The maximum height of buildings and structures shall be 35 feet and the maximum stories shall be two and a half.

H. Unit size. The maximum size of dwelling units, exclusive of up to 400 square feet for attached or detached garages, shall be as follows:

- (a) One-bedroom dwelling units: 1,400 square feet.
- (b) Two-bedroom dwelling units: 1,800 square feet.

§ 108-171. Landscaping, screening and buffering.

A. Screening and buffering shall meet the minimum requirements of § 108-64.1 of this chapter.

B. Open space. A minimum of 20% of the lot area shall be preserved as open space. To the extent possible, existing woodlands, stands of or individual trees, and other unique, indigenous, or significant vegetation should be protected.

~~B. C.~~ Yard landscaping. Within all the required yards the existing vegetation shall be retained. Any proposals for disturbance shall be subject to site plan approval and Architectural Review Board recommendation.

~~C. D.~~ Preservation of existing vegetation. Site plans for the development of property located in a Multifamily Residential Professional Office Zone District shall include an indication of existing mature trees and other instances of indigenous/or significant vegetation or other natural features so as to ensure their preservation and thereby retain an open space environment which enhances the character of the Town.

~~D. E.~~ Parking Areas.

- (1) The visual impact of parking areas shall be softened by interrupting continuous rows of parking spaces with planting and by creating planted canopies over parking areas.

- (2) Any open parking areas of 15 spaces or more shall be provided with internal landscaping covering not less than 10% of the total area of the parking area.
- (3) Landscaping shall be reasonably dispersed throughout the parking area. Primary landscape materials shall be shade trees. Secondary materials may include shrubs and ground cover which shall compliment the tree planting and the surrounding natural environment.

§ 108-172. Access and parking requirements.

A. Parking.

- (1) The parking requirement for professional office uses is one space per ~~450~~ 250 square feet of floor area.
- (2) The parking requirement for residential uses is 1 1/2 spaces per dwelling unit.
- (3) If a mix of uses is proposed the Planning Board may entertain a proposal for shared parking from the applicant. If the applicant requests less parking because of the sharing of spaces between uses the applicant shall submit a shared parking study to justify the reduced number of parking spaces. However, in no case shall the parking requirement be reduced by more than 15%.

B. Access. No more than one access shall be provided per lot.

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

Dated: Riverhead, New York
July 3, 2012

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

DIANE M. WILHELM, Town Clerk

07.03.12 TABLED
07.17.12 UNTABLED
07.17.12 WITHDRAWN

07.03.12
120539

TOWN OF RIVERHEAD

Resolution # 539

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(BUSINESS CR ZONING USE DISTRICT [RURAL NEIGHBORHOOD BUSINESS])**

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the July 12, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12

On a motion by Councilman Dunleavy, seconded by Councilwoman Giglio, resolution #539 was **UNTABLED** and **WITHDRAWN**

THE VOTE:

YES – 5 Giglio, yes; Gabrielsen, yes; Wooten, yes; Dunleavy, yes; Walter, yes

NO - 0

**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 7th day of August, 2012 at 2:30 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

ARTICLE LV
Business CR Zoning Use District (Rural Neighborhood Business)

§ 108-294. Uses.

In the Business CR Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

D. Prohibited uses:

- (1) ~~Retail stores~~ Buildings with a floor area exceeding 10,000 square feet.

§ 108-296. Supplementary guidelines.

A. Design standards.

The design standards and parking standards listed in the provisions below (§ 108-296A and B) are intended as a guide or measure for improvements in parcels in this zoning district and the word "shall" recited in the provisions below, with the exception of § 108-296B(1) which requires adherence to the parking schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the board responsible for review.

- (9) ~~Where the Town Official Map indicates a service access road, a fifty-foot-wide easement shall be provided within the rear yard for construction of an access road.~~ The provision of improved cross access between those parcels located on the south side of NYS Route 25A between the westerly town boundary and Wading River Manorville Road.
- (16) Signs shall be provided in accordance with §108-56. the Signing Ordinance. Signs for commercial uses within shopping centers shall be a uniform design to the greatest extent practicable.

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

Dated: Riverhead, New York
July 3, 2012

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

DIANE M. WILHELM, Town Clerk

07.17.12
120543

ADOPTED

TOWN OF RIVERHEAD

Resolution # 543

CAPITAL PROJECT CLOSURES

BUDGET ADJUSTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, various Capital Projects have been considered complete and the remaining residual funds are to be transferred back to their designated funding source;

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Accounting Department to close the necessary projects, modify the budgets and complete the following transfer of funds:

		<u>FROM</u>	<u>TO</u>
406.099010.595736.70110	Transfer to Special Trust	17,235.10	
406.099010.595736.70111	Transfer to Special Trust	2,924.16	
736.095031.481406	Special Trust Transfer from Capital		20,159.26
406.099010.595122.40161	Transfer to East Creek	9,444.84	
122.095031.481406	East Creek Transfer from Capital		9,444.84
406.099010.595111.40203	Transfer to Highway	19,239.59	
406.099010.595111.45113	Transfer to Highway	39.33	
406.099010.595111.45109	Transfer to Highway	836.79	
406.099010.595111.45112	Transfer to Highway	43,163.21	
111.095031.481406	Highway Transfer from Capital		63,278.92

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120544

ADOPTED

TOWN OF RIVERHEAD

Resolution # 544

GENERAL TOWN
Grumman Memorial

BUDGET ADJUSTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Monies have been received for the Gifts and Donations Grumman Memorial Fund Account.

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

		<u>FROM</u>	<u>TO</u>
001.092705.471109	Gifts & Donation Grumman Memorial	300	
001.016260.542500	Supplies - Grumman Memorial		300

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120545

ADOPTED

TOWN OF RIVERHEAD

Resolution # 545

WATER DEPARTMENT

BUDGET ADJUSTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, \$ 13,620.00 has been received as Insurance proceeds for control system damage to Plant 10; and

WHEREAS, the Superintendent of Water requests the funds reimburse the appropriation that was utilized for the repair;

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

		<u>FROM</u>	<u>TO</u>
112.092680.466000	Insurance Recovery	13,620	
112.083200.541100	Water District Repairs		13,620

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120546

ADOPTED

TOWN OF RIVERHEAD

Resolution # 546

AUTHORIZES SUPERVISOR TO EXECUTE NO-COST TIME EXTENSION FOR THE CALVERTON FREIGHT RAIL ACCESS REHABILITATION (PIN #0935.61)

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, resolution 1095 of 2009 the Town of Riverhead entered into an agreement with the New York State Department of Transportation (NYS DOT) for Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project located in the Town of Riverhead, in Suffolk County, (hereinafter "the Municipality/Sponsor") and is eligible for and has been awarded funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 100% Federal funds to support, among other things, important infrastructure projects that help attract businesses, improve commerce and revitalize local economies; and

WHEREAS, the agreement with New York State Department of Transportation for the Calverton Industrial Enterprise Park Freight Rail Access Rehabilitation (PIN #0935.61) Economic Recovery Project expired March 31, 2012; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead Board authorizes the Supervisor to sign a No-Cost Time Extension with the New York State Department of Transportation extending the agreement through December 31, 2013 to allow additional time for project close out and reimbursement purposes; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Accounting Department, the Town Attorney, the Engineering Department and the Community Development Agency; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120547

ADOPTED

TOWN OF RIVERHEAD

Resolution # 547

AUTHORIZES SUPERVISOR TO EXECUTE NO-COST TIME EXTENSION FOR THE GRANGEBEL PARK IMPROVEMENTS PROJECT (PIN #0759.14)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, The Community Development Department applied for and received an award for Grangebel Park Improvements (see attached extension to contract); and

WHEREAS, the agreement with New York State Department of Transportation for the Grangebel Park Improvements (PIN #0759.14) expired July 31, 2011; and

NOW, THEREFORE, BE IT RESOLVED, the Town of Riverhead Board authorizes the Supervisor to sign a No-Cost Time Extension with the New York State Department of Transportation extending the agreement through December 31, 2013 to allow additional time for project close out and reimbursement purposes; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Accounting Department, the Town Attorney, the Engineering Department and the Community Development Agency; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120548

ADOPTED

TOWN OF RIVERHEAD

Resolution # 548

TERMINATES A LEAVE OF ABSENCE AND RATIFIES THE REAPPOINTMENT OF PART-TIME POLICE OFFICERS TO ACTIVE DUTY STATUS

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, Resolution #42, duly adopted by the Riverhead Town Board on January 4, 2012, appointed nine individuals to the position of Part-time Police Officer; and

WHEREAS, all nine individuals were placed on a leave of absence until their successful completion of required training at the Suffolk County Police Academy; and

WHEREAS, they did successfully complete their required training at the Suffolk County Police Academy.

NOW, THEREFORE BE IT RESOLVED, that this leave of absence is terminated and effective June 15, 2012, the Town Board hereby ratifies the reappointment of David Curtin, Christian Hickey, John Hinton, Shawn Hubbard, Brian Mulligan, Patrick Sheridan and Travis Young and places them on part-time active duty status at an hourly rate of pay of \$19.00; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120549

ADOPTED

TOWN OF RIVERHEAD

Resolution # 549

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A HELP WANTED AD
FOR CALL-IN FIRE PREVENTION INSPECTORS**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, that the Town Clerk be and is hereby directed to publish the attached Help Wanted Ad in the July 26, 2012 issue of The News Review; and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

HELP WANTED

PLEASE TAKE NOTICE that the Town of Riverhead is seeking qualified individuals to serve in the position of Call-In Fire Prevention Inspectors. Applicants must meet the minimum qualifications and necessary special requirements of the Suffolk County Department of Civil Service title of Fire Prevention Inspector, and must be currently certified as a New York State Code Compliance Technician (Fire Inspector) or as a New York State Building Code Official. Applications are to be submitted to the Personnel Office, 1295 Pulaski Street, Riverhead, NY, between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday. No applications will be accepted after 4:00 p.m. on August 10, 2012. EOE

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

07.17.12
120550

ADOPTED

TOWN OF RIVERHEAD

Resolution # 550

ACCEPTS THE RESIGNATION OF AN ACCOUNT CLERK

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town has received a letter from Rosemary Smith, an Account Clerk in the Riverhead Town Accounting Department, indicating her intent to resign effective July 9, 2012.

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Rosemary Smith, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120551

ADOPTED

TOWN OF RIVERHEAD

Resolution # 551

ACCEPTS THE RESIGNATION OF A CROSSING GUARD

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town has received a letter from Geraldyn Highland, a Crossing Guard in the Riverhead Town Police Department, indicating her intent to resign effective June 29, 2012.

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Geraldyn Highland, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120552

ADOPTED

TOWN OF RIVERHEAD

Resolution # 552

ACCEPTS THE RESIGNATION OF A HOMEMAKER

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Town has received a letter from Eileen Thieme, a Homemaker in the Riverhead Town Seniors EISEP Program, indicating her intent to resign effective July 19, 2012.

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Eileen Thieme, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120553

ADOPTED

TOWN OF RIVERHEAD

Resolution # 553

ACCEPTS THE RETIREMENT OF A HEAVY EQUIPMENT OPERATOR

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town has received a letter from William Fink, a Heavy Equipment Operator in the Riverhead Town Highway Department, indicating his intent to resign effective July 20, 2012.

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

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to William Fink, the Personnel Officer and the Financial Administrator. Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device, and if needed, a certified copy of same can be obtained from the office of the Town Clerk.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120554

ADOPTED

TOWN OF RIVERHEAD

Resolution # 554

TERMINATES DETENTION ATTENDANTS

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Police Department has maintained a minimum attendance standard since January 1, 2005 for all Call-In Detention Attendants to ensure that Detention personnel stay current in facility policy and procedures; and

WHEREAS, said standard requires that each Detention Attendant respond to a call-in request at least once per calendar quarter in order to remain active on the Detention Attendant call-in list.

NOW THEREFORE BE IT RESOLVED, that effective June 27, 2012 the following personnel are hereby removed from the call-in Detention Attendant list and their status as call-in Detention Attendants hereby terminated:

Stephen Bishop, Barbara Bouchard, Emil Breitenbach, Jr.,
Dylan Brooks, and Shawn Hubbard.

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 555

DECLARES LEAD AGENCY, CLASSIFIES AND DETERMINES SIGNIFICANCE OF ACTION: TOWN OF RIVERHEAD SEWER DISTRICT TREATMENT PLANT TMDL UPGRADE

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Town of Riverhead is obligated by a revised State Pollution Discharge Elimination System (SPDES) discharge permit to upgrade the Riverhead Advanced Wastewater Treatment Facility (RAWTF) in order to meet stricter nitrogen discharge limits imposed under the Total Maximum Daily Load (TMDL) standards developed by the Peconic Estuary Program (PEP) Comprehensive Conservation and Management Plan (CCMP) and for water quality improvement of impaired waters under Section 303(d) of the Clean Water Act, and

WHEREAS, the Town is seeking a low interest long term loan toward the \$17.9 million project from the Environmental Facilities Corporation (EFC) and a necessary part of securing the funding is a specifically tailored and coordinated State Environmental Quality Review (SEQR) for the purpose of State Environmental Review Process (SERP), and

WHEREAS, the Riverhead Planning Department prepared a Full Environmental Assessment Form (Part I) and addendum and initiated coordinated SEQR review of the Unlisted action with involved and interested agencies as directed by EFC to solicit their jurisdiction, comments and interest in functioning as the lead agency in the review; with no interest in the latter being expressed or substantive comment received, and

WHEREAS, the Town is required to demonstrate compliance with the EFC directed environmental review including a resolution classifying the upgrade action and declaring its insignificant impact and the preparation of a notice of negative declaration of significance with proof of its publication in the Environmental Notice Bulletin (ENB) notwithstanding that the Town did classify and so determine under a bond resolution (Town Board Resolution #284) adopted March 31st 2009, and

WHEREAS, the Planning Department has prepared a Part II and Part III analysis based on the EAF and other supporting documentation and has created a SEQR report outlining the action's impact on the natural and social environment with a finding of no significant environmental impact and a recommendation that a negative declaration of significance be rendered, now

THEREFORE BE IT RESOLVED, that the Riverhead Town Board declares itself to be the lead agency in the SEQR (SERP) review of the RAWTF TMDL upgrade, which it classifies as an Unlisted action, and

BE IT FURTHER RESOLVED, that the action is determined to be without the potential for significant environmental impact and that an EIS need not be prepared, and

BE IT FURTHER RESOLVED, that the Planning Department be directed to publish an appropriate notice of significance in the Environmental Notice Bulletin, and

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Planning Department, the Riverhead Sewer District and the EFC, and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared TABLED

07.17.12
120556

ADOPTED

TOWN OF RIVERHEAD

Resolution # 556

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE -
WADING RIVER CORRIDOR STUDY AN AMENDMENT TO THE TOWN OF
RIVERHEAD COMPREHENSIVE PLAN ADOPTED NOVEMBER 2003**

Councilman Wooten offered the following resolution,
which was seconded by Councilman Gabrielsen

WHEREAS, by Resolution Number 534 of 2011, the Riverhead Town Board did enter into a professional services agreement with BFJ Planning, P.C. to prepare a land use and planning study for the New York State Route 25A Corridor in the Wading River Hamlet; such planning study to be prepared to support a contemplated amendment to the Town of Riverhead Comprehensive Plan adopted November 3, 2003; and

WHEREAS, subsequent to the preparation of a Draft Route 25A – Wading River Planning and Zoning Report, a Draft Comprehensive Plan Amendment and a number of focus group meetings and public workshops, BFJ Planning P.C. did transmit to the Town Board the Route 25A – Wading River Planning and Zoning Report (dated July 12, 2012) a final proposed Comprehensive Plan Amendment, proposed zoning text and map amendments as well a full Environmental Assessment Form; and

WHEREAS, the Town Board has carefully considered the aforementioned Final Route 25A – Wading River Planning and Zoning Report, the final Comprehensive Plan Amendment for the Route 25A Corridor, the relevant Environmental Assessment Form, proposed zoning text and map amendments, and desires to conduct a public hearing pursuant to Section 272-a 6. of the Town Law; now

THEREFORE BE IT

RESOLVED, that the Town Clerk be authorized to publish and post the attached notice of public hearing in the July 26, 2012 edition of the official newspaper of the Town of Riverhead; and

BE IT FURTHER RESOLVED, that the Town Clerk refer the Route 25A – Wading River Planning and Zoning Report (BFJ Planning, July 12, 2012), the final

Route 25A Corridor Study (Comprehensive Plan Amendment) and its attending full Environmental Assessment Form to the Suffolk County Planning Commission pursuant to Section 272-a 5. of the Town Law.

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead, at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 21st day of August, 2012 at 7:05 p.m. o'clock to consider a proposed amendment to the Town of Riverhead Comprehensive Plan (adopted November 2003) as prepared by BFJ Planning P.C., dated July 12, 2012, such public hearing to be held pursuant to Section 272-a 6. of the Town Law.

Dated: Riverhead, New York
July 17, 2012

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

07.17.12
120557

ADOPTED

TOWN OF RIVERHEAD

Resolution # 557

RATIFIES AN APPOINTMENT FOR A CALL-IN RECREATION AIDE I TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

NOW THEREFORE BE IT RESOLVED, that effective July 9th ,2012 this Town Board hereby appoints Sarah Freeborn to the position of Call-in Recreation Aide I, Level 1, to be paid the rate of \$7.50 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120558

ADOPTED

TOWN OF RIVERHEAD

Resolution # 558

RATIFIES THE APPOINTMENT OF A FILL-IN SUMMER RECREATION AIDE TO THE RECREATION DEPARTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, a Seasonal Fill-In Summer Recreation Aide is needed by the Riverhead Town Recreation Department,

NOW THEREFORE BE IT RESOLVED, that effective July 5, 2012, through and including August 24, 2012, this Town Board hereby appoints Amanda Smith to the position of Fill-In Summer Recreation Aide, Level 1, to be paid the rate of \$9.00 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 559

APPOINTS A RECREATION SPECIALIST TO THE RECREATION DEPARTMENT

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

NOW THEREFORE BE IT RESOLVED, that effective July 18th ,2012, this Town Board hereby appoints Justin Cobis to the position of Recreation Specialist, Level 1, to be paid the rate of \$20.00 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120560

ADOPTED

TOWN OF RIVERHEAD

Resolution # 560

APPOINTS A CALL-IN PARK ATTENDANT III TO THE RECREATION DEPARTMENT

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, a Park Attendant III is needed by the Riverhead Town Recreation Department for work at the Town parks,

NOW THEREFORE BE IT RESOLVED, that effective July 18th, 2012, this Town Board hereby appoints Christian Clinton to the position of Call-in Park Attendant III, Level 3, to be paid the rate of \$11.60 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 561

APPOINTS A RECREATION SPECIALIST TO THE RECREATION DEPARTMENT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

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

NOW THEREFORE BE IT RESOLVED, that effective July 18th ,2012, this Town Board hereby appoints Maria Dounelis to the position of Recreation Specialist, Level 1, to be paid the rate of \$20.00 per hour and

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 562

AUTHORIZES SEWER DISTRICT EMPLOYEE TO ATTEND COURSE

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, SUNY Morrisville is sponsoring Wastewater Treatment Operators Certification Courses having a specific course entitled, "Activated Sludge Wastewater Treatment Process" to be held on October 1, 2012 through October 4, 2012; and

WHEREAS, it is the desire of Michael Reichel, Sewer District Superintendent, that a Sewer District employee attend such course.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes a Sewer District employee to attend the aforementioned course to be held at SUNY Morrisville on October 1, 2012 through October 4, 2012; and be it

RESOLVED, that all related, receipted, expenses incurred by the Sewer District Employee, not to exceed a total cost of \$1,250.00 (\$500.00 – course fee, \$375.00 – lodging and \$375.00 – meals and expenses) shall be reimbursed upon his return; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120563

ADOPTED

TOWN OF RIVERHEAD

Resolution # 563

ADOPTS A LOCAL LAW TO AMEND CHAPTER 101 ENTITLED "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE
(§101-3. Stop and yield intersections; railroad crossings; parking fields.)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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

WHEREAS, a public hearing was held on the 3rd day of July, 2012 at 2:05 o'clock p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that the local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law amending Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code at its regular meeting held on July 17, 2012.

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

Chapter 101
VEHICLES AND TRAFFIC
ARTICLE III
Traffic Regulations

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

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

Intersection	Stop Sign On	Entrance From
<u>Fifth Street</u>	<u>St. John's Place</u>	<u>South</u>

- Underline represents addition(s)

Dated: Riverhead, New York
July 17, 2012

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

DIANE M. WILHELM, Town Clerk

07.17.12
120564

ADOPTED

TOWN OF RIVERHEAD

Resolution #564

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE OF PUBLIC HEARING TO CONSIDER A PROPOSED LOCAL LAW FOR AN AMENDMENT OF CHAPTER 101 "VEHICLES & TRAFFIC" OF THE RIVERHEAD TOWN CODE (§101-12. No parking certain hours; roads leading to water.)

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, that the Town Clerk is hereby authorized to post and publish the attached public notice to consider a proposed local law to consider the amendment of Chapter 101 entitled, "Vehicles & Traffic" of the Riverhead Town Code, once in the July 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of August, 2012 at 7:20 p.m. at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, to consider a proposed local law to amend Chapter 101 of the Riverhead Town Code entitled, "Vehicles & Traffic" as follows:

Chapter 101
Vehicles and Traffic
ARTICLE VII

§ 101-12. No parking certain hours; roads leading to water.

Parking is hereby prohibited during the hours designated upon any street or portion thereof as follows:

Street	Side	Hours	Location
Meeting House Creek Road (in the Hamlet of Aquebogue)	Both	6:00 a.m. to 10:00 p.m.	Beginning at the Harbor Road intersection and thence southerly to the southerly terminus of Meeting House Creek Road

§ 101-17. Parking by permit.

The parking of vehicles bearing valid beach parking permits is hereby permitted in the following locations where parking is otherwise prohibited:

Street	Side	Location
Meeting House Creek Road	Both	From the southerly side of Harbor Road southerly to and along the bulkhead abutting the beach <u>Beginning at the Harbor Road intersection and running thence in a southerly direction to the southerly terminus of Meeting House Creek Road</u>

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

Dated: Riverhead, New York
July 17, 2012

**BY ORDER OF THE BOARD
OF THE TOWN OF RIVERHEAD
DIANE M. WILHELM, Town Clerk**

07.17.12
120565

ADOPTED

TOWN OF RIVERHEAD

Resolution # 565

AMENDS RESOLUTION #476 OF 2012
(Approves Chapter 90 Application of Church of the Harvest "Riverhead Community Appreciation Day" – July 28, 2012)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on May 14, 2012, Church of the Harvest submitted a Chapter 90 Application for the purpose of conducting an event entitled "Riverhead Community Appreciation Day" to include music, literature and food, to take place in the Peconic Riverfront parking lot located south of the East End Arts Council, Riverhead, New York on Saturday, July 28, 2012 between the hours of 1:00 p.m. and 10:00 p.m.; and

WHEREAS, by Resolution #476 dated June 19, 2012, the Town Board approved the Chapter 90 Application of the Church of the Harvest's "Riverhead Community Appreciation Day" event; and

WHEREAS, on July 9, 2012, Church of the Harvest amended their previously approved Chapter 90 Application to include a car show as part of their special event to be held between the hours of 5:00 p.m. to 7:00 p.m.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby amends Resolution #476 dated June 19, 2012, to include a car show to take place between the hours of 5:00 p.m. and 7:00 p.m., as part of the approved Chapter 90 event; and be it further

RESOLVED, that all other terms and conditions of Resolution #476 dated June 19, 2012 shall remain in full force and effect; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Church of the Harvest, P.O. Box 1082, Riverhead, New York, 11901; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120566

ADOPTED

TOWN OF RIVERHEAD

Resolution # 566

**APPROVES EXTENSION OF SECURITY POSTED BY CAMPO BROTHERS IN
CONNECTION WITH THE SUBDIVISION ENTITLED "CEDAR COVE"
(ROAD AND DRAINAGE IMPROVEMENTS)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Town Board, by Resolution #1145 adopted on December 15, 2009, did accept Bank of Smithtown Irrevocable Letter of Credit #100434 in the amount of \$202,000.00 representing road and drainage improvements to be completed within the subdivision entitled, "Cedar Cove"; and

WHEREAS, by letter dated April 18, 2012, Michael R. Strauss, Esq., attorney for Campo Brothers, has requested that an extension be granted for the performance security representing the road and drainage improvements to be completed within the subdivision; and

WHEREAS, pursuant to Riverhead Planning Board Resolution #2012- 0032 dated May 3, 2012, it is recommended that the performance security be extended for an additional two-year period; and

WHEREAS, Water Key Money in the amount of \$17,500.00 and Park and Recreation Fees in the amount of \$21,000.00 have been paid in connection with this subdivision.

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

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

RESOLVED, that this extension shall extend the performance security posted representing the road and drainage improvements to be completed within the subdivision to June 1, 2014; and be it further

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Michael R. Strauss, Esq., 1303 Main Street, Suite 4, Port Jefferson, NY 11777; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 567

AUTHORIZES THE SUPERVISOR TO EXECUTE A PROFESSIONAL SERVICES AGREEMENT WITH THE RAYNOR GROUP, P.E. & L.S., PLLC (MAPLE AVENUE PARKING)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by resolution 364 of 2011, adopted on May 18, 2011, the Town Board of the Town of Riverhead, acting on behalf of the Riverhead Public Parking District No. 1, authorized execution of a lease agreement with 300 East Main Street, LLC, to provide approximately 50 parking spaces for municipal purposes; and

WHEREAS, on or about August 19, 2011, an agreement was signed by and between Town of Riverhead and 300 East Main Street, LLC; and

WHEREAS, under that agreement, the Town of Riverhead agreed to make certain improvements to that municipal parking area; and

WHEREAS, the Town of Riverhead requires professional services to provide surveying & preliminary design services to the Town regarding said improvements; and

WHEREAS, The Raynor Group, P.E. & L.S., PLLC has submitted a proposal to provide surveying & preliminary design services at the current hourly rate for an amount not to exceed \$5,500.00.

NOW THEREFORE BE IT RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a Professional Services Agreement with The Raynor Group, P.E. & L.S., PLLC for a total sum not to exceed \$5,500.00, which Agreement shall be in substantially the same form annexed hereto; and be it further

RESOLVED, that Town Clerk the Town Clerk be and is hereby directed to forward a certified copy of this resolution to The Raynor Group, P.E. & L.S., PLLC, 860 Montauk Highway, P.O. Box 720, Water Mill, New York 11976; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

PROFESSIONAL SERVICES AGREEMENT

This agreement made this _____ day of July 2012 by and between the Town of Riverhead, a Municipal Corporation, having its principal offices at 200 Howell Avenue, Riverhead New York (hereinafter referred to as the "TOWN"), and THE RAYNOR GROUP, P.E. & L.S., PLLC, with its principal place of business at 860 Montauk Highway, P.O. Box 720, Water Mill, New York 11976 (hereinafter referred to as the CONSULTANT").

W I T N E S S E T H

Whereas, by resolution 364 of 2011, the Town authorized a lease between the Town and 300 East Main Street, LLC for use of portions of the parking lot at 300 East Main Street, Riverhead, NY 11901 for purposes of public parking, and

Whereas, on or about August 19, 2011, the Town and 300 East Main Street, LLC did enter into an agreement for municipal parking within portions of the parking lot at 300 East Main Street, Riverhead, NY 11901, and

Whereas, as consideration the Town agreed to make certain improvements to the public parking area, and

Whereas, the Town requires surveying and preliminary design services in connection with those improvements, and

Whereas, the Consultant has submitted a proposal dated July 2, 2012 which is annexed hereto as Exhibit A to provide surveying and preliminary design services at the accepted hourly rate in an amount not to exceed \$5,500.00, and

Whereas, the Consultant is, by skill training and expertise, qualified to render such services, and

Now, therefore, the parties hereto mutually agree as follows:

1. SERVICES

That Consultant shall provide, at the Town's request surveying and preliminary design services as set forth in proposal dated July 2, 2012, which is incorporate and made part hereof.

2. COMPENSATION

In consideration for these services rendered by the Consultant under this agreement, the Town agrees to pay the Consultant at the approved hourly rate, a copy of which is annexed hereto and made part hereof as Exhibit B.

3. PAYMENTS

Consultant shall submit invoices to the Town every month and will indicate time and expenses incurred during that period pursuant to the tasks identified herein. Invoices shall be due and payable to Consultant within 30 days of their receipt by the Town. The Town has the right to withhold payment for portions of work not completed, after notification to Consultant unless the schedule is extended for reasons beyond the control of Consultant, including extra agency review or other unanticipated events.

4. TERM OF AGREEMENT

The Agreement shall commence upon the execution of this agreement by the Town Supervisor pursuant to authorization of the Town Board and shall expire upon completion of the work specified herein to the satisfaction of the Town

5. TERMINATION

This Agreement may be terminated at any time by either party upon 30 days written notice to the other party. In the event of such termination, Town shall have no further obligation to Consultant except to make any payments which may have become due under this Agreement. In such event, the Consultant shall be paid such part of the fee as shall have been determined to fairly compensate the Consultant, in the sole opinion of the Town for work done by it.

6. MODIFICATIONS TO AGREEMENT

This Agreement may only be modified in writing and such modification is subject to approval by the Town Board of the Town pursuant to a duly adopted resolution.

7. PERFORMANCE OF PROFESSIONAL SERVICES

Consultant will perform its service hereunder in a timely manner. Consultant shall not be responsible for delays occasioned by factors beyond its control nor by factors which could not reasonably have been foreseen at the time this Agreement was executed.

Consultant shall be entitled to rely on information provided by the Town provided said information is sealed by a licensed professional where appropriate or directly provided to Consultant by the Town.

Consultant shall perform its services in accordance with the professional standards applicable to the services provided, i.e. information technology, at the time such services are rendered.

Estimates made by Consultant of probable costs and detailed cost projections represent consultant's judgment with respect thereto. It is recognized, however, that Consultant has no control over actual site conditions or the cost of materials or equipment. However, Consultant will advise the Town prior to ordering any materials or equipment prices if said prices have increased beyond that quoted herein.

All drawing, specifications, reports, notes and data developed pursuant to this Agreement are instruments of service, and as such, the original documents will become the property of the Town.

Except as otherwise provided herein, the parties agree that Consultant's liability under this agreement and for the project shall be limited to the total contract cost to the Town as specified herein and any modifications made thereto.

8. CONFIDENTIALITY - HOLD SAFE & HARMLESS

Consultant understands and recognizes that in conducting the work authorized by this agreement its employees and or agents may have access to confidential or sensitive Town documents and/or records. Consultant agrees that it shall not copy, utilize, distribute or otherwise provide unauthorized access to any Town documents and/or records. Consultant agrees to indemnify and hold the Town harmless from any and all damages it may incur by reason of the unauthorized distribution, use or exposure of Town documents together with the Town's reasonable attorneys fees incurred in connection with such unauthorized distribution, use or exposure of confidential Town documents.

Consultant shall immediately notify the Town in writing should its employees or agents become aware that copying, use, distribution or other unauthorized exposure of Town documents has occurred.

9. CONTROLLING LAW

This Agreement shall be construed according to the laws of the State of New York.

IN WITNESS WHEREOF, this Agreement has been duly executed by the parties hereto.

TOWN OF RIVERHEAD

THE RAYNOR GROUP, P.E. &
L.S., PLLC

By: _____
Sean M. Walter, Supervisor

By: _____
Vincent A. Gaudiello

07.17.12
120568

ADOPTED

TOWN OF RIVERHEAD

Resolution # 568

**APPROVES THE CHAPTER 90 APPLICATION OF
MILLER ENVIRONMENTAL GROUP
(Geothermal Energy Expo – September 28th and 29th, 2012)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on July 2, 2012, Miller Environmental Group submitted a Chapter 90 Application for the purpose of conducting a “Geothermal Energy Expo” for display and seminar of services for a Geothermal installation to be held on their property located at 538-558 Edwards Avenue, Calverton, New York, on Friday, September 28, 2012 and Saturday, September 29, 2012, between the hours of 9:00 a.m. and 4:00 p.m.; and

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

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

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

WHEREAS, the applicant has paid the applicable Chapter 90 Application Fee; and

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

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

RESOLVED, that the Chapter 90 Application of Miller Environmental Group for the purpose of a conducting a “Geothermal Energy Expo” for display and seminar of services for a Geothermal installation to be held on their property located at 538- 558 Edwards Avenue, Calverton, New York, on Friday, September 28, 2012 and Saturday, September 29, 2012, between the hours of 9:00 a.m. and 4:00 p.m., is hereby

approved; and be it further

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

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

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to Miller Environmental Group, 538 Edwards Avenue, Calverton, New York, 11933; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120569

ADOPTED

TOWN OF RIVERHEAD

Resolution # 569

APPROVES THE CHAPTER 90 APPLICATION OF THE LONG ISLAND MOOSE CLASSIC CAR CLUB (Car Show – September 9, 2012)

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on July 6, 2012, the Long Island Moose Classic Car Club submitted a Chapter 90 Application for the purpose of conducting a car show, said event to include food concessions, to be held on Sunday, September 9, 2012, having a rain date of Sunday, September 16, 2012, at the Tanger Shopping Mall (Office Max parking lot), located at 1947 Old Country Road, Riverhead, New York, between the hours of 9:00 a.m. and 4:00 p.m.; and

WHEREAS, the Long Island Moose Classic Car Club has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

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

WHEREAS, the Long Island Moose Classic Car Club has requested the applicable Chapter 90 Application fee be waived due to its not-for-profit status; and

WHEREAS, the Long Island Moose Classic Car Club has requested the applicable temporary event sign fee be waived due to its not-for-profit status; and

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

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

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

RESOLVED, that the Chapter 90 Application of the Long Island Moose Classic Car Club for the purpose of conducting a car show, said event to include food concessions, to be held on Sunday, September 9, 2012, having a rain date of Sunday,

September 16, 2012, at the Tanger Shopping Mall (Office Max parking lot), located at 1947 Old Country Road, Riverhead, New York, between the hours of 9:00 a.m. and 4:00 p.m., is hereby approved; and be it further

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

RESOLVED, that the Town Board hereby waives the applicable temporary special event sign fee due to the applicant's not-for-profit status; and be it further

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

RESOLVED, that approval for this event shall be subject to the receipt of required Suffolk County Department of Health permit(s), including the Temporary Food Service Permit; and be it further

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

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Long Island Moose Classic Car Club, c/o Charles Cali, 45 Laurin Road, Calverton, New York, 11933; and be it further

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

THE VOTE

Giglio Yes No Gabrielsen Yes No

Wooten Yes No Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120570

ADOPTED

TOWN OF RIVERHEAD

Resolution # 570

**ADOPTS A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED "ZONING" OF THE
RIVERHEAD TOWN CODE
(\$108-60. Off-street parking.)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider an amendment to Chapter 108 entitled, "Zoning" (§108-60. Off-street parking.) of the Riverhead Town Code; and

WHEREAS, a public hearing was held on the 5th day of June, 2012 at 2:05 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in said public notice, and all persons wishing to be heard were heard.

NOW THEREFORE BE IT RESOLVED, that a local law to consider an amendment to Chapter 108 entitled, "Zoning" (§108-60. Off-street parking.) of the Town Code of the Town of Riverhead is hereby adopted as specified in the attached notice of adoption; and be it further

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

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF ADOPTION**

PLEASE TAKE NOTICE, that the Town Board of the Town of Riverhead adopted a local law to amend Chapter 108 entitled, "Zoning" at its regular meeting held on July 17, 2012.

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

Zoning
ARTICLE XIII
Supplementary Use Regulations

§ 108-60. Off-street parking.

F. The minimum acceptable pavement improvements required for parking areas shall be as follows:

- (1) For retail businesses, a home occupation or home professional office with a maximum required number of four parking spaces: a crushed stone aggregate with a sieve size no greater than 3/4 inch placed at a rate of 25 pounds per square yard on a compacted four-inch-thick stone blend base and stabilized subgrade.
- (2) For a business and commercial building with a maximum required number of 12 parking spaces: a two-inch-thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on a compacted four-inch-thick stone blend or approved equal aggregate base and stabilized subgrade.
- (3) For a business or commercial building with a maximum required number of parking spaces exceeding 12 spaces: a one-and-one-half-inch-thick wearing course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on one two-and-one-half-inch-thick binder base course, after compaction, of New York State Department of Transportation Type 6F Top Course Asphalt mix placed on compacted four-inch-thick stone blend or approved equal aggregate subbase and stabilized subgrade.
- (4) For retail businesses accessory to an agricultural use or zoning districts where pervious parking surface is recommended pursuant to the supplementary guidelines, or as required as part of the review or approval process: a crushed stone aggregate with a sieve size no greater than 3/4 inch placed at a rate of 25 pounds per square yard on a compacted four-inch-thick stone blend base and stabilized subgrade.

(5)When deemed appropriate by the Town Engineer and Planning Department consulting engineer and approved by the applicable Board approving the site plan, the following alternative pervious paving techniques may also be allowed:

- (a) Porous asphalt, porous concrete, or permeable pavers over appropriate base and subbase material;
- (b) Other pervious paving techniques not specifically listed when deemed suitable as to use and location.

Since alternative pervious pavement techniques may require maintenance not required for conventional paving systems, the applicable Board may require as part of the covenants approving a site plan a maintenance agreement and periodic inspections.

~~(5)~~(6) For designated handicapped accessible parking spaces, access aisles and pathways: the surface improvement must conform to the design requirements and standard specifications of the Americans with Disabilities Act, while the balance of the parking improvement (subsurface layers) must comply with the minimum requirements as noted in Subsection through ~~(4)~~ (5) of this section.

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

Dated: Riverhead, New York
July 17, 2012

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

DIANE M. WILHELM, Town Clerk

TOWN OF RIVERHEAD

Resolution # 571

APPROVES SITE PLAN OF METRO TERMINALS OF LONG ISLAND, LLC-LOT 32

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, a site plan was submitted by Metro Terminals of Long Island, LLC, for a facility to be used for fuel storage (of biofuel, diesel fuel, and #2 oil) and fuel loading/unloading from the rail spur including the addition of a dike around the two existing 350,000 gallon tanks, relocating within the dike the 250,000 gallon tank located elsewhere on the site, and adding 3 additional tanks totaling 36,000 gallons within the dike, extending the overhead pipe rack from Lot 28, and related improvements including containment, drainage, landscaping, fencing, etc. upon real property located on the west side of Scott Ave. in Calverton, New York, known and designated as Suffolk County Tax Map Number 0600-135.2-1-7; and

WHEREAS, the Planning Department has reviewed the three-page site plan prepared by Michael Mapes, P. E., dated June 11, 2012 and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved with conditions;

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

WHEREAS, the site plan review fee, as required by Section 108-131 B(3) of the Code of the Town of Riverhead has been received by the Office of the Financial Administrator of the Town of Riverhead as per receipt no. L9004; and

WHEREAS, the Town Board has reviewed the site plan aforementioned;

WHEREAS, that in the matter of the site plan application of Metro Terminals of Long Island, LLC the Riverhead Town Board hereby declares itself to be the Lead Agency and further determines the Action to be an Unlisted Action pursuant to 6NYCRR Part 617;

WHEREAS, Planning Department staff has prepared SEQRA report dated April 26, 2011 and finding no significant environmental impacts recommends the Town Board adopt a Negative Declaration;

WHEREAS, the Town of Riverhead Conservation Advisory Council in Resolution #2012-12 dated June 1, 2012 recommended approval;

WHEREAS, the Zoning Board Appeals (in appeal no. 12-18 dated April 26, 2012) granted relief for the installation of three storage tanks having distances from the front yard property line of 53.5, 58.9, and 65.5 ft., respectively, instead of the required 75 ft. and to install a containment dike having a distance from the front property line of 49.2 ft. instead of the required 75 ft., having a distance of 15.9 ft. from the rear yard property line instead of the required 50 ft. and having a distance of 15 ft. from the side yard property line instead of the required 39 ft.

NOW THEREFORE BE IT RESOLVED, after careful review and consideration, the Town Board of the Town of Riverhead, be and hereby adopt a Negative Declaration; and

BE IT FURTHER RESOLVED, that the Metro Terminals of Long Island, LLC, site plan dated June 11, 2012, for a facility to be used for fuel storage (of biofuel, diesel fuel, and #2 oil) and fuel loading/unloading from the rail spur including the addition of a dike around the two existing 350,000 gallon tanks, relocating within the dike the 250,000 gallon tank located elsewhere on the site, and adding 3 additional tanks totaling 36,000 gallons within the dike, extending the overhead pipe rack from Lot 28, and related improvements including containment, drainage, landscaping, fencing, etc. is hereby approved by the Town Board with the following conditions:

1. That the provisions of the **Riverhead Town Code**, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;
2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution shall be recorded with the Suffolk County Clerk and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;
3. That the form, design, location, and color of all signage shall be submitted for the sign permit procedure prior to being installed at the property (the site plan approval does not indicate approval of signage); that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the **Riverhead Town Code** shall be complied with, and that all tenants shall be apprised of said requirements as well as any restrictions imposed as a condition of the site plan approval granted herein;
4. That the applicant shall comply with the **Riverhead Town Code**, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and requiring the enclosure of dumpsters;
5. That any and all landscaped and paved areas shall be regularly maintained in an orderly and professional manner and kept free of weeds and litter; and that any planters, planter boxes, window boxes or other container plantings shall likewise be maintained on a year-round basis;
6. That all new utilities shall be constructed underground;

7. That the topsoil shall conform to the specifications of the New York State Department of Transportation in regard to pH, organic content, and gradation;
8. That all nursery stock and installation methods thereof shall meet the latest "American Standards for Nursery Stock," as published by the American Association of Nurserymen;
9. The applicant must satisfy all requirements of the New York State Building Code;
10. That pursuant to Section 108-133(I) of the **Code of the Town of Riverhead**, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a land clearing or building permit, shall post a letter of credit in an amount equaling one hundred percent (100%) of the site improvement costs as estimated by the Planning Board. The Supervisor, upon approval from the Town Attorney as to form, is hereby authorized to accept said letter of credit, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The land clearing or building permit shall not be issued until the Town Clerk certifies that the letter of credit has been filed in the Office of the Town Clerk of the town of Riverhead. Said security shall be in full force and effect for the term of the clearing or building permit or any renewal thereof;
11. That the applicant shall be required to request, pay the applicable fees, and obtain all the necessary site inspections as prescribed in section 108-131E of the **Code of the Town of Riverhead**;
12. The areas of 5,905 sq. ft., 10,771 sq. ft., and 8,398 sq. ft. labeled as Natural Area and described by bearings and distances on the site plan will remain natural to meet the requirement for 25,000 sq. ft. of Area to Remain Natural required for this lot by the Calverton Camelot II subdivision table of lot restrictions to meet the requirements of the Pine Barrens Overlay District;
13. That no Building Permit (temporary or permanent) shall be issued until the Town Supervisor signs a mylar site plan which must be submitted and signature shall be conditional upon the following:
 - i. That the mylar site plan includes a Town Board certification box, on each page of the plans, in the format approved by the Planning Department;
 - ii. That the mylar site plan is revised as follows:
 1. To show a gate where the fence is shown crossing the railroad spur to the south of the tanks;
 2. To properly describe the modified drainage easement area (limits) with bearings and distances;
 - iii. That three paper site plans matching the mylar are submitted to the Planning Department;

- iv. That certification of clean title to the satisfaction of the Town Attorney is submitted;
 - v. That the applicant shall submit a digital copy of the mylar site plan in a common computer-aided design (CAD) file format, among them DGN, DXF, and DWG, and the digital CAD drawing shall be projected in the NAD 1983 State Plane New York Long island FIPS 3104 (feet) coordinate system;
14. That no construction depicted on the site plan shall commence until an erosion and sediment control plan as required by Town code section 108-234.A(13) is submitted to the Planning Department and is approved by the Town's consulting engineer;
 15. That any applicable permits and compliance regulations will be obtained from the Town Fire Marshall prior to the storage of fuel on site;
 16. That no Certificates of Occupancy (temporary or permanent) shall be issued until the New York State Department of Environmental Conservation issues a valid operating license for a Major Oil Storage Facility for this site or issues a valid combined operating license for a Major Oil Storage Facility for this site and lot 28 to the north and a copy of the valid license is submitted to the Planning & Building Departments of the Town of Riverhead;
 17. That no Certificates of Occupancy (temporary or permanent) shall be issued until covenants and/or easement agreements regarding drainage and rail access and adjoining parcels to the satisfaction of the Town Attorney are submitted and/or recorded, if applicable.
 18. That in furtherance of section 108-131 E (1) (c), no Certificate of Occupancy shall be issued until the applicant submits a signed and sealed "As-Built" survey in accordance to section 108-129 E of the Town Code; and

BE IT FURTHER RESOLVED, that the Town Clerk be is hereby authorized to forward a certified copy of this resolution to Paul Pullo, Metro Terminals of Long Island, LLC, 500 Kingland Ave., Brooklyn, NY 11222; Edward Miller, Operations Manager, Metro Terminals of Long Island, LLC; 801 Scott Ave., Calverton, NY 11933; Michael Mapes, P. E., 163 Peninsula Path, Riverhead, NY 11901; and be it

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120572

ADOPTED

TOWN OF RIVERHEAD

Resolution # 572

**APPROVES CHAPTER 90 APPLICATION OF RIVERHEAD FOUNDATION FOR
MARINE RESEARCH AND PRESERVATION
(5K RUN FOR THE RIDLEY – October 20, 2012)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, on May 3, 2012, the Riverhead Foundation for Marine Research and Preservation (Riverhead Foundation) submitted a Chapter 90 Application for the purpose of conducting a 5K Foot Race, said course to begin on East Main Street, continuing on East Main Street, Riverside Drive, River Avenue and ending at McDermott Avenue, to be held on Saturday, October 20, 2012 between the hours of 6:00 a.m. and 12:00 noon; and

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

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

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

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

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

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

RESOLVED, that the Chapter 90 Application of the Riverhead Foundation For Marine Research and Preservation for the purpose of conducting a 5K Foot Race at the aforementioned locations to be held on Saturday, October 20, 2012 between the hours of 6:00 a.m. and 12:00 noon is hereby approved; and be it further

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

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

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

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

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

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

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120573

ADOPTED

TOWN OF RIVERHEAD

Resolution # 573

**AUTHORIZES SETTLEMENT OF LEGAL ACTION
AGAINST SOUTH SHORE DOCKS, INC.**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, on or before October 26, 2011, pursuant to bid award, South Shore Docks, Inc. undertook certain repairs and construction at the town beach at Jamesport, New York; and

WHEREAS, on October 26, 2011, during that work damage to the existing electric service at Jamesport occurred resulting in a charge under Town Code section 64-15 A being served against South Shore Docks; and

WHEREAS, subsequent to commencement of that legal action, the parties entered into negotiations; and

WHEREAS, the parties have agreement on terms and conditions of a Stipulation of Settlement.

NOW BE IT RESOLVED, that the Town Board of the Town of Riverhead, be and hereby authorizes the settlement proposal; and it is further

RESOLVED that Town Attorney and Deputy Town Supervisor are hereby authorized to sign the Stipulation of Settlement on behalf of the Town as well as any other documents necessary to effectuate the settlement of the litigation; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Planning Department, the Building Department, the Accounting Department, and the Town Attorney.

THE VOTE

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

Walter ABSTAIN

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120574

ADOPTED

TOWN OF RIVERHEAD

Resolution # 574

AMENDS RESOLUTION 448-12 ADOPTING WATER RATES

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, by resolution 448-12 adopted June 5, 2012, the Riverhead Town Board as governing body of the Riverhead Water District adopted a schedule of rates and charges pursuant to Riverhead Town Code section 105-17, and

WHEREAS, it has come to the attention of the Riverhead Town Board that the billing software is designed for the computation of 1,000 galloon units which requires an amendment of the rate of ¾ inch service from 4,500 gallons to 5,000 gallons, and

WHEREAS, the bulk rate for wholesale water needs is to be set at \$.25 above the rate charged to in-district consumers.

NOW THEREFORE BE IT RESOLVED, that the rates set by resolution 448-12 are hereby amended as set forth in the attached Exhibit A effective as of July 1, 2012, and be it further

RESOLVED, that the Riverhead Town Clerk shall cause Exhibit A to be published in the Riverhead Town Code as an appendix to Chapter 105, and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

EXHIBIT A

RATE INCREASES FOR RIVERHEAD WATER DISTRICT

SERVICE/METER CHARGES

Turn Off.....	\$30.00
Turn On.....	\$30.00
Service Line Inspection.....	\$50.00
Large Tap Fee.....	\$400.00
5/8 to 3/4 Adapter.....	\$35.00
Meter/Register Repair.....	\$75.00
Reconnect Fee.....	\$275.00

QUARTERLY BILLING RATES

5/8" & 3/4"....	\$10.90.....	5,000 Gals
1".....	\$19.90...	12,000 Gals

MONTHLY BILLING RATES

1.5".....	\$32.90.....	8,000 Gals
2".....	\$38.90.....	10,000 Gals
3".....	\$57.90.....	14,000 Gals
4".....	\$75.90.....	20,000 Gals
6".....	\$126.90.....	32,000 Gals
8".....	\$259.90.....	80,000 Gals
10".....	\$339.90.....	100,000 Gals
12".....	\$414.90.....	120,000 Gals

\$1.40 additional per thousand over the minimum

Bulk wholesale rate \$1.65 per thousand

07.17.12
120575

ADOPTED

TOWN OF RIVERHEAD

Resolution #575

**AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED
"ZONING" OF THE RIVERHEAD TOWN CODE
(ARTICLE XXXIV – Multifamily Residential Professional Office Zone)**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the July 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of August, 2012 at 7:05 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

**CHAPTER 108
ZONING
ARTICLE XXXIV
Multifamily Residential Professional Office Zone**

§ 108-169. Uses.

In the Multifamily Residential Professional Office Zone District no building, structure or premises shall be used, arranged or designed to be used and no building or structure shall hereafter be erected, reconstructed or altered, unless otherwise provided in this chapter, except for one of the following permitted uses and their customary accessory uses.

A. Permitted uses:

- (1) Multifamily residential condominiums.
- (2) Day-care centers or nursery schools.
- (3) Professional offices of:
 - (a) Accountants.
 - (b) Architects.
 - (c) Artists.
 - (d) Attorneys.
 - (e) Audiologists.
 - (f) Bookkeepers.
 - (g) Chiropractors.
 - (h) Dentists.
 - (i) Engineers.
 - (j) Income tax preparer.
 - (k) Insurance agents or brokers.
 - (l) Interior designers.
 - (m) Journalists.
 - (n) Medical doctors.
 - (o) Optometrists.
 - (p) Osteopaths.
 - (q) Podiatrists.
 - (r) Person or persons determined by the Town Board to be engaged in a profession similar to those set forth above.
- (4) One-family townhomes or multifamily units.

(5) Agricultural production, including but not limited to the following:

- (a) Field crops, including corn, wheat, oats, rye, barley, hay, potatoes, and dry beans.
 - (b) Fruits, including apples, peaches, grapes, cherries and berries.
 - (c) Vegetables, including tomatoes, snap beans, cabbage, carrots, beets and onions.
 - (d) Horticultural specialties, including nursery stock, ornamental shrubs, ornamental trees and flowers.
 - (e) Livestock and livestock products, including cattle, sheep, hogs, goats, horses, poultry, farmed deer, farmed buffalo, fur-bearing animals, milk, eggs and furs.
 - (f) Christmas trees grown in a managed Christmas tree operation, whether dug for transplanting or cut from the stump.
 - (g) Commercial horse boarding operation.
- (6) Professional studios and performing arts studios.

B. Special permit uses:

- (1) Public libraries/museums.
- (2) Public facilities, including fire houses and police stations.
- (3) Institutions, including schools, places of worship, and community centers.

B.C. Accessory uses:

- (1) Those uses customarily incidental to any of the above permitted uses or specially permitted uses when located on the same lot and not involving the conduct of a business unless as otherwise specified below.
- (2) The sale at retail of homegrown or homemade products, provided that all retail uses shall be subject to site plan approval pursuant to Article XXVI of the Riverhead Town Code and the provisions of Chapter 108. The farmer may sell supporting farm products and farm products not grown by the farmer, provided that the area devoted to the sale of said products at no time exceeds 40% of the total merchandising area.

§108-170. Development standards.

- A. Lot area. The minimum lot area shall be 160,000 square feet.
- B. Lot width. The minimum width (frontage) shall be 400 feet.
- C. Yards.

- (1) Front. The minimum front yard shall be 50 feet. No building, structure, storage, tennis court, swimming pool, or parking or other similar accessory uses shall be located in the front yard so provided. Sidewalks, walkways, and access driveways shall be exempt from this requirement.
- (2) Side. The minimum side yard shall be 25 feet.

- (3) Rear. The minimum rear yard shall be 50 feet, except that the minimum rear yard shall be 25 feet when adjacent to a property within a Multifamily Residential Professional Office Zone District.

D. Building area.

- (1) The maximum building area ~~for professional office uses~~ shall be 15% 17%.
- (2) The number of dwelling units permitted for residential uses shall be based on the number of bedrooms per dwelling unit and the type of community water and sewage system provided, which number shall be incorporated as a filed restriction in all deeds and titles related to the condominium site as follows:
- (a) One-bedroom dwelling units: four and zero-tenths per acre.
- (b) Two-bedroom dwelling units: three and zero-tenths per acre.

E. Floor area ratio. The maximum floor area ratio shall be 0.20.

F. Impervious surface coverage. The maximum impervious surface coverage for all uses shall be 75%.

E. G. Height. The maximum height of buildings and structures shall be 35 feet and the maximum stories shall be two and a half.

H. Unit size. The maximum size of dwelling units, exclusive of up to 400 square feet for attached or detached garages, shall be as follows:

- (a) One-bedroom dwelling units: 1,400 square feet.
- (b) Two-bedroom dwelling units: 1,800 square feet.

§ 108-171. Landscaping, screening and buffering.

A. Screening and buffering shall meet the minimum requirements of § 108-64.1 of this chapter.

B. Open space. A minimum of 20% of the lot area shall be preserved as open space. To the extent possible, existing woodlands, stands of or individual trees, and other unique, indigenous, or significant vegetation should be protected.

~~B. C.~~ Yard landscaping. Within all the required yards the existing vegetation shall be retained. Any proposals for disturbance shall be subject to site plan approval and Architectural Review Board recommendation.

~~C. D.~~ Preservation of existing vegetation. Site plans for the development of property located in a Multifamily Residential Professional Office Zone District shall include an indication of existing mature trees and other instances of indigenous/or significant vegetation or other natural features so as to ensure their preservation and thereby retain an open space environment which enhances the character of the Town.

~~D. E.~~ Parking Areas.

- (1) The visual impact of parking areas shall be softened by interrupting continuous rows of parking spaces with planting and by creating planted canopies over parking areas.

- (2) Any open parking areas of 15 spaces or more shall be provided with internal landscaping covering not less than 10% of the total area of the parking area.
- (3) Landscaping shall be reasonably dispersed throughout the parking area. Primary landscape materials shall be shade trees. Secondary materials may include shrubs and ground cover which shall compliment the tree planting and the surrounding natural environment.

§ 108-172. Access and parking requirements.

A. Parking.

- (1) The parking requirement for professional office uses is one space per ~~450~~ 250 square feet of floor area.
- (2) The parking requirement for residential uses is 1 1/2 spaces per dwelling unit.
- (3) If a mix of uses is proposed the Planning Board may entertain a proposal for shared parking from the applicant. If the applicant requests less parking because of the sharing of spaces between uses the applicant shall submit a shared parking study to justify the reduced number of parking spaces. However, in no case shall the parking requirement be reduced by more than 15%.

B. Access. No more than one access shall be provided per lot.

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

Dated: Riverhead, New York
July 17, 2012

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

DIANE M. WILHELM, Town Clerk

07.17.12
120576

ADOPTED

TOWN OF RIVERHEAD

Resolution # 576

**AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE TO
CONSIDER A LOCAL LAW TO AMEND CHAPTER 108 ENTITLED, "ZONING" OF
THE RIVERHEAD TOWN CODE
(BUSINESS CR ZONING USE DISTRICT [RURAL NEIGHBORHOOD BUSINESS])**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code once in the July 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of August, 2012 at 7:15 o'clock p.m. to consider a local law to amend Chapter 108 entitled, "Zoning" of the Riverhead Town Code as follows:

ARTICLE LV
Business CR Zoning Use District (Rural Neighborhood Business)

§ 108-294. Uses.

In the Business CR Zoning Use District, no building, structure, or premises shall be used or arranged or designed to be used, and no building or structure shall be hereafter erected, reconstructed, or altered, unless otherwise provided in this chapter, except for the following permitted uses or specially permitted uses and their customary accessory uses:

D. Prohibited uses:

- (1) ~~Retail stores~~ Buildings with a floor area exceeding 10,000 square feet.

§ 108-296. Supplementary guidelines.

A. Design standards.

The design standards and parking standards listed in the provisions below (§ 108-296A and B) are intended as a guide or measure for improvements in parcels in this zoning district and the word "shall" recited in the provisions below, with the exception of § 108-296B(1) which requires adherence to the parking schedule, is intended to obtain compliance with the provisions to the extent practicable as determined by the board responsible for review.

- (9) ~~Where the Town Official Map indicates a service access road, a fifty-foot-wide easement shall be provided within the rear yard for construction of an access road.~~ The provision of improved cross access shall be provided between those parcels located on the south side of NYS Route 25A between the westerly town boundary and Wading River Manorville Road.
- (16) Signs shall be provided in accordance with §108-56. the Signing Ordinance. Signs for commercial uses within shopping centers shall be a uniform design to the greatest extent practicable.

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

Dated: Riverhead, New York
July 17, 2012

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

DIANE M. WILHELM, Town Clerk

07.17.12
120577

ADOPTED

TOWN OF RIVERHEAD

Resolution #577

AUTHORIZES THE TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND THE ZONING USE DISTRICT MAP OF THE TOWN OF RIVERHEAD TO PROVIDE FOR MULTI-FAMILY RESIDENTIAL ZONING USE DISTRICT TO THE EXCLUSION OF THE EXISTING BUSINESS CR ZONING USE DISTRICT

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

RESOLVED, the Town Clerk is hereby authorized to publish the attached public notice to consider a local law to amend the Zoning Use District Map of the Town of Riverhead to provide for the Multi-Family Residential Zoning Use District to the exclusion of the existing Business CR Zoning Use District once in the July 26, 2012 issue of the News-Review Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy of the proposed amendment to be posted on the sign board of the Town; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD
PUBLIC NOTICE**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at 200 Howell Avenue, Riverhead, New York on the 21st day of August, 2012 at 7:10 o'clock p.m., to consider a local law to amend the Zoning Use District Map of the Town of Riverhead to provide for the Multi-Family Residential Zoning Use District to the exclusion of the existing Business CR Zoning Use District on real property located at Route 25A, Hamlet of Wading River, New York, such real property more particularly described on the attached map.

Dated: Riverhead, New York
July 17, 2012

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

DIANE M. WILHELM, Town Clerk

H

N COUNTRY RD

EXIST. BUS CR ZONING USE DISTRICT

EXIST. MRP ZONING USE DISTRICT

EXIST. BUS CR ZONING USE DISTRICT

RTE 25A

EXISTING ZONING USE DISTRICT

PROPOSED ZONING USE DISTRICT

N COUNTRY RD

SECT: 75
BLOCK: 1
LOT: 1.2

SECT: 75
BLOCK: 1
LOT: 2

SECT: 75
BLOCK: 1
LOT: 3

PROP. MRP ZONING USE DISTRICT

EXIST. MRP ZONING USE DISTRICT

PROP. MRP ZONING USE DISTRICT

RTE 25A

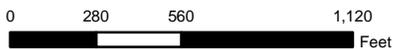
SECT: 75
BLOCK: 1
LOT: 10

SECT: 75
BLOCK: 1
LOT: 11

Property Lines courtesy of Suffolk County Real Property Tax Service Agency (C) 2012

DATE: 7/3/2012

PLANNING DEPARTMENT



map of
MRP ZONING USE
MODIFICATION



TOWN OF RIVERHEAD

200 Howell Ave.
Riverhead, New York 11901

07.17.12
120578

ADOPTED

TOWN OF RIVERHEAD

Resolution # 578

**AUTHORIZES THE SUPERVISOR TO EXECUTE AN
AGREEMENT WITH AN EMPLOYEE**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

NOW, THEREFORE, it is hereby

RESOLVED, that the Town Board hereby approves an agreement and authorizes the Town Supervisor to execute same, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a copy of this resolution to the Personnel Director and the Office of the Town Attorney.

THE VOTE

Giglio Yes No

Gabrielsen Yes No

Wooten Yes No

Dunleavy Yes No

Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120579

ADOPTED

TOWN OF RIVERHEAD

Resolution # 579

AUTHORIZES THE SUPERVISOR TO EXECUTE CONTRACTS OF SALE FOR PROPERTIES LOCATED ON HORTON AVENUE FOR HORTON AVENUE HAZARD MITIGATION (MAJOR FEDERAL DISASTER DECLARATION FEMA-1899-DR-NY)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, by Resolution #749 adopted by the Town Board on September 21, 2010, the Town Board authorized the retention of an experienced grant writer to provide grant writing services for a grant to the Federal Emergency Management Agency ("FEMA") for federal funding assistance due to unprecedented flooding and damage/destruction of homes in the vicinity of Horton Avenue from storms in March and April 2010; and

WHEREAS, pursuant to Resolution #911 adopted on December 7, 2010, the Town Board authorized the Supervisor to submit the grant application; and

WHEREAS, the Town Board, by Resolution #290 adopted on April 20, 2011, authorized additional grant writing services related to the relief requested and filed with FEMA requesting grant funding through New York State's Office of Emergency Management Hazard Mitigation Grant Program DR-1899 for acquisition of ten (10) properties (an estimated twelve homes) located on Horton Avenue that experienced significant damage as a result of the March 2010 federally declared disaster (DR-1899); and

WHEREAS, the New York State's Office of Emergency Management for the Hazard Mitigation Grant Program DR-1899 approved the Town's grant application for assistance related to funding the acquisition of ten (10) properties located on Horton Avenue; and

WHEREAS, by Resolution #962 adopted by the Town Board on December 27, 2011, the Town Board authorized the Town Attorney to order appraisals of the properties identified for purchase as required pursuant to the terms of the Hazard Mitigation Grant Program DR-1899; and

WHEREAS, the Town, with the assistance of FEMA and New York State Office of Emergency Management and the Office of the Town Attorney, successfully negotiated for the acquisition of many of the parcels slated for acquisition; and

NOW THEREFORE BE IT RESOLVED, that Town Board of the Town of Riverhead does hereby authorize the Town Attorney's Office to retain the services of such licensed professionals as may be required to effectuate the transfer of title to the subject properties identified in the grant; authorize the Supervisor to execute contracts of sale and such other documents necessary to effectuate the transfer of title to the subject properties; and authorize the Financial Administrator to set up an account for the projected costs for the purchase of the parcels identified in the grant in an amount to reflect purchase price identified in contracts of sale, together with the expert services identified above not to exceed \$10,000.00 per contract of sale; and

RESOLVED, that the Town Clerk is directed to forward a copy of this resolution to the Chief of Police, Office of the Town Attorney and Accounting Department; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 580

AUTHORIZES TOWN CLERK TO PUBLISH AND POST A PUBLIC NOTICE TO CONSIDER A LOCAL LAW TO AMEND ARTICLE IV. EARLY RETIREMENT INCENTIVE PROGRAM FOR ELIGIBLE FULL-TIME POLICE OFFICERS OF CHAPTER 37 ENTITLED "RETIREMENT" OF THE RIVERHEAD TOWN CODE

Councilman Wooten offered the following resolution,

which was seconded by Councilman Dunleavy

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law to amend Article IV. Early Retirement Incentive Program for Eligible Full-Time Police Officers of Chapter 37 entitled "Retirement" once in the July 26, 2012, issue of the News-Review, the newspaper hereby designated as the official newspaper for this purpose and post same on the signboard at Town Hall; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

**PUBLIC NOTICE
TOWN OF RIVERHEAD**

PLEASE TAKE NOTICE that a public hearing will be held before the Town Board of the Town of Riverhead at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, on the 7th day of August, 2012 at 2:15 o'clock p.m. to consider a local law to amend Article IV. Early Retirement Incentive Program for Eligible Full-Time Police Officers of Chapter 37 entitled "Retirement" of the Riverhead Town Code as follows:

**CHAPTER 37
RETIREMENT**

ARTICLE IV. Early Retirement Incentive Program for Eligible Full-Time Police Officers who are Members of the Riverhead Police Benevolent Association, Inc. (PBA)

Section 37-16 Legislative Intent and Findings:

The Town of Riverhead is pleased to offer an early retirement incentive program ("ERIP") in order to bridge budget deficits. This plan is strictly voluntary, and is designed to support positive employee morale by reducing or eliminating the need for involuntary lay-offs. This ERIP is the result of a cooperative effort between the Town of Riverhead ("the Town"), and the Riverhead Police Benevolent Association, Inc., ("the PBA").

Section 37-17 The Eligibility Group:

The eligibility group is the set of individuals who will be offered the opportunity to participate in the ERIP.

Section 37-18 Eligibility Requirements:

- A. ~~Full-time PBA bargaining unit members who: (i) have at least 20 years of credited service in the New York State Police and Fire Retirement System ("the NYSPFRS") as of March 15, 2011 (ii) are eligible for and actually retire and vest into the NYSPFRS on or before May 26, 2011; (iii) are employed by the Town on the day before the effective date of their retirement; (iv) are not resigning for purposes of retirement pursuant to any prior Stipulation of Agreement with the Town or any State-offered retirement or separation incentive or similar program; and (v) are one of the employees to fully comply with all of the terms and conditions set forth in the Incentive. Those employees shall be eligible to participate in this Incentive and shall be referred to as an "Eligible Employee."~~

- A. Any full-time PBA bargaining unit member who is: (i) eligible for and actually retires and vests into the New York State Police & Fire Retirement System on or before December 31, 2012; and (ii) not resigning for purposes of retirement pursuant to any prior Stipulation of Agreement with the Town or any State-offered retirement or separation incentive or similar program; and (iii) one of the employees to fully comply with all of the terms and conditions set forth in the Incentive. This employee will be eligible to participate in this Incentive and will be referred to as an “Eligible Employee.”
- B. The Eligible Employee must deliver to the Supervisor, by no later than ~~May 2, 2011~~ October 11, 2012, an unaltered irrevocable letter of resignation for retirement purposes in the form attached to the Town Incentive-related documents prepared by the Town, referencing that resignation is to be effective on or before ~~May 26, 2011~~ December 31, 2012.
- C. In order for this incentive to be activated, a minimum number of unit members, to be determined by the Town in its sole discretion on or about ~~May 2, 2011~~ October 11, 2012, must opt for the incentive. In the event the incentive is not activated, any resignation letter tendered by an employee will be deemed null and void, and the Eligible Employee may continue working in the Town. The employee may also elect to resign his/her position for retirement purposes, but will not receive the Incentive.
- D. This Incentive is effective solely for the ~~2011~~ 2012 calendar year.
- E. The Eligible Employee must, at the time of submitting the unaltered irrevocable letter of resignation for retirement purposes referenced in Section 37-18 (B) above, execute the unaltered Waiver and General Release of Claims form attached to the retirement incentive-related documentation prepared by the Town.
- F. An Eligible Employee shall forfeit eligibility for this Incentive if he/she opts for any retirement or separation incentive offered pursuant to New York State law during the ~~2011~~ 2012 calendar year.
- G. Additional eligibility requirements are set forth elsewhere in this Agreement.
- H. The Town reserves the sole, non-reviewable discretion to defer, due to staffing concerns, one or more Eligible Employee’s actual date of separation from Town employment until not later than December 31, 2013. In this event, all other terms and conditions of this Incentive will remain in full force and effect, although any applicable dates will be adjusted to

reflect the deferral of the employee's separation from employment. If the employee refuses to consent to the Town's deferral determination, then the employee will not be deemed to be eligible for the Incentive.

Section 37-19 BENEFIT:

~~A. Fully paid health insurance premiums by the Town for a period of 48 months following an Eligible Employee's retirement for all Eligible Employees who are enrolled in a family health insurance plan at the time of their retirement and who remain enrolled in a family health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall pay 75% of the cost of health insurance for the deceased employee's dependents, at the time of death, for the remaining months of this 48 month period of time, in accordance with applicable provisions of the New York State Health Insurance Program and applicable law. After the first 48 months, the Town's contribution of health insurance premiums shall be as per Article III(1)(A) of the parties' collective bargaining agreement.~~

~~-or-~~

A. An Eligible Employee who complies with the terms and conditions of this Agreement pursuant to the Town's Incentive Program will (1) receive a payment of \$1,000 for each year of completed service as a police officer with the Town up to \$25,000; (2) the Town will pay for the employee's portion of family health insurance coverage premiums for the first five years of retirement and will continue to pay for 100% of individual coverage premiums per the CBA. If individual coverage is selected during the five year period immediately following retirement, then the employee will also receive, at the end of each quarter (i.e., March, June, September and December) during each one year period (five maximum) during which the employee remains in individual coverage, a payment equal to the difference in the premiums between family and individual coverage during that year period, minus applicable taxes. The monies in (1) may, at the employee's discretion, be used to pay for cost of the employee's contribution to family retiree health insurance premium payments after five years. Employees may also use any or all of their contractual payments for unused leave time upon retirement for the same purpose. Those contractual payments for unused leave time upon retirement not being utilized as set forth in the preceding sentence will be equally spread over the three calendar years following the effective date of the employee's retirement and paid in quarterly installments beginning February of each year (i.e., February, April, July and October).

~~B. A lump sum payment of \$400 per month, payable in quarterly installments, for a period of 48 months following an employee's retirement for all~~

~~Eligible Employees who are enrolled in an individual health insurance plan at the time of their retirement, for which the Town contributes 100% of the premium cost, and who remain enrolled in an individual health insurance plan for this 48 month period. In the event an Eligible Employee dies during this 48 month period, the Town shall continue to make these payments to the Eligible Employee's estate for the remaining months of this 48 month period of time.~~

B. Notwithstanding any contrary practice or provision in the parties' collective negotiations agreement, any contractual payment due to an employee for unused leave time upon retirement will be spread out and paid in equal quarterly amounts as a separate payment during the three fiscal years, installments beginning February of each year (i.e., February, April, July and October) commencing February 2013.

C. Eligible Employees shall remain eligible for the "Severance" payment pursuant to Article XV of the parties' collective bargaining agreement except that Eligible Employees shall not be required to provide four months notice of their intent to retire. Instead, Eligible Employees shall receive the "Severance" payment provided they comply with the notice provisions of the Incentive set forth in Section 37-18 (B) and (E) above.

D. Employees who are eligible and opt for the Incentive will be eligible to earn new accruals of any type after the date on which this Incentive Agreement is fully ratified and approved by the parties unless the employee's date of separation of employment is deferred by the Town pursuant to §37-18 H., in which case the employee will be entitled, pursuant to the provisions of the collective negotiations agreement, to earn a maximum of one additional year's accruals depending upon the new date of separation from employment selected by the Town.

D.

SECTION 37-20 INAPPLICABILITY OF OTHER CONTRACTUAL INCENTIVES:

Notwithstanding anything to the contrary in the collective bargaining agreement(s) between the Town and the PBA, any Eligible Employee who opts for this Incentive shall be deemed ineligible for any resignation or retirement incentive provided for in that collective bargaining agreement.

E.

SECTION 37-21 RATIFICATION AND APPROVAL:

The terms and conditions of this Incentive ~~were ratified and approved by~~

the Town Board on March 15, 2011 are subject to ratification and approval by the Town Board.

F.

SECTION 37-22 INVALIDITY OR ILLEGALITY:

If any provision of this Incentive is deemed to be invalid by any court, administrative agency or other neutral of competent jurisdiction, then this entire Incentive shall be deemed null and void from its inception.

SECTION 37-23 COMPLETE AGREEMENT:

This Agreement constitutes the entire agreement between the Town and the PBA. This Agreement, including this paragraph, may only be modified by written agreement executed by both parties.

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

Dated: Riverhead, New York
July 17, 2012

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

DIANE M. WILHELM, TOWN CLERK

07.17.12
120581

ADOPTED

TOWN OF RIVERHEAD

Resolution # 581

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

FUND NAME			7/5/2012	GRAND TOTALS
ABSTRACT #12-26 July 05, 2012 (TBM 7/17/12)				
GENERAL FUND	1		41,686.50	41,686.50
TRUST & AGENCY	735		851,864.45	851,864.45
TOTAL ALL FUNDS			893,550.95	893,550.95

THE VOTE

Giglio Yes No Gabrielsen Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120581

ADOPTED

TOWN OF RIVERHEAD

Resolution # 581

PAYS BILLS

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

FUND NAME			7/12/2012	GRAND TOTALS
ABSTRACT #12-27 July 12, 2012 (TBM 7/17/12)				
GENERAL FUND	1		1,382,888.21	1,382,888.21
POLICE ATHLETIC LEAGUE	4		175.00	175.00
RECREATION PROGRAM FUND	6		30,087.37	30,087.37
MULTI YEAR OPERATING GRANT FUN	99		212.66	212.66
HIGHWAY FUND	111		74,642.36	74,642.36
WATER DISTRICT	112		134,949.39	134,949.39
RIVERHEAD SEWER DISTRICT	114		261,407.32	261,407.32
REFUSE & GARBAGE COLLECTION DI	115		213,667.33	213,667.33
STREET LIGHTING DISTRICT	116		10,616.69	10,616.69
PUBLIC PARKING DISTRICT	117		3,035.49	3,035.49
AMBULANCE DISTRICT	120		1,276.61	1,276.61
EAST CREEK DOCKING FACILITY FU	122		1,024.90	1,024.90
CALVERTON SEWER DISTRICT	124		9,174.07	9,174.07
RIVERHEAD SCAVANGER WASTE DIST	128		47,362.88	47,362.88
WORKERS' COMPENSATION FUND	173		2,458.23	2,458.23
RISK RETENTION FUND	175		16,272.95	16,272.95
MAIN STREET REHAB PROGRAM	177		30,349.39	30,349.39
CDBG CONSORTIUM ACOUNT	181		743.94	743.94
GENERAL FUND DEBT SERVICE	384		890.62	890.62
COMMUNITY DEVELOPMENT AGENCY C	405		6,805.95	6,805.95
TOWN HALL CAPITAL PROJECTS	406		296,514.47	296,514.47
WATER DISTRICT CAPITAL PROJECT	412		2,450.14	2,450.14
RIVERHEAD SEWER CAPITAL PROJEC	414		5,690.16	5,690.16
CALVERTON SEWER CAPITAL PROJEC	424		1,415.28	1,415.28
TRUST & AGENCY	735		1,072,992.96	1,072,992.96
CALVERTON PARK - C.D.A.	914		2,757.00	2,757.00
TOTAL ALL FUNDS			3,609,861.37	3,609,861.37

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

07.17.12
120582

ADOPTED

TOWN OF RIVERHEAD

Resolution # 582

**MODIFIES A HEARING OFFICER'S
RECOMMENDATION**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, pursuant to Civil Service Law Section 75, a Hearing Officer was appointed to conduct a hearing on disciplinary charges which were preferred against an Employee on or about August 2, 2011 ("the Charges"); and

WHEREAS, the Hearing Officer conducted hearings on January 9, 2012, February 10, 2012 and March 14, 2012; and

WHEREAS, the parties submitted post-hearing briefs on or about May 22, 2012; and

WHEREAS, the Hearing Officer issued a decision on June 26, 2012 ("the Decision") in which she recommended that the Employee be found guilty of Charge 1, Specification 1 and not guilty of Charge 1, Specification 2 and Charge 2, Specifications 1 and 2; and

WHEREAS, Charge 1, Specification 1 alleged that, during his workday, the Employee placed his hand and/or hands on and/or around the neck of a coworker without having any work-related reason for doing so; and

WHEREAS, the testimony at pages 12-13 of the January 9, 2012 hearing transcript confirms that the Employee grabbed his coworker's neck and squeezed it; and

WHEREAS, the testimony at page 29 of the January 9, 2012 hearing transcript confirms that the Employee was choking his coworker; and

WHEREAS, the testimony at page 62 of the January 9, 2012 hearing transcript confirms that the Employee grabbed a hold of his coworker; and

WHEREAS, in response to being asked whether he would have acted differently with regard to the incident that lead to the Charges, the Employee, on page 315 of the March 14, 2012 hearing transcript, testified as follows: "Would I have reacted

differently? I would try to, I would try to, you know, do something different maybe. I don't know. But that's the way we do it, that's how we do it," thereby, in sum and substance, showing little, if any, remorse for his conduct; and

WHEREAS, the Employee instead offered numerous excuses for his conduct including, but not limited to, warm weather (page 196 of the February 10, 2012 and page 280 of the March 14, 2012 transcript), a purported staffing shortage (page 280 of the March 14, 2012 transcript), discomfort and dissatisfaction with the job assignment (pages 280-281 and 285 of the March 14, 2012 transcript), purported flaring tempers among employees (pages 280, 285, 288 and 289 of the March 24, 2012 hearing transcript) and a purported history of being targeted by Highway Department supervisors (Town Exhibits 3A, 3B and 3C); and

WHEREAS, despite having found the Employee guilty of Charge 1, Specification 1; i.e., during his workday, placing his hand and/or hands on and/or around the neck of a coworker without having any work-related reason to do so, the Hearing Officer did not find the Employee guilty of Charge 2, Specification 1; i.e., violating the Town's Workplace Violence Policy by, during his workday, placing his hand and/or hands on and/or around the neck of a coworker without having any work-related reason to do so; and

WHEREAS, the Town's Workplace Violence Policy, as set forth in Joint Exhibit 3, prohibits employees from engaging in "any physical assault, threatening behavior, verbal abuse occurring where the public employee performs any work-related duty in the course of his or her employment;"and

WHEREAS, the Town believes that the conduct for which the Employee was found guilty as set forth in Charge 1, Specification 1 also constitutes a violation of the Town's Workplace Violence Policy for which the Employee was charged in Charge 2, Specification 1; and

WHEREAS, as set forth in Town Exhibit 1, the Employee has engaged in a pattern of misconduct and/or insubordination including leaving his job assignment early without permission to do so, screaming obscenities at a coworker who purportedly reported that the Employee had left his job assignment early, refusing to follow a supervisor's directive, purposefully destroying Town property and, during his workday, placing his hand and/or hands on and/or around the neck of a coworker, without having any work-related reason to do so; and

WHEREAS, the Town believes that the Employee has exhibited a pattern of increasingly aggressive behavior; and

WHEREAS, the Town has serious concerns about the Employee's ability to control his temper; and

WHEREAS, the Hearing Officer expressed a similar concern when she noted on page 15 of the Decision that the Employee should ignore “outside influences and concerns not directly related to him of the work he is asked to do,” and

WHEREAS, pursuant to a February 6, 2012 disciplinary decision, the same Hearing Officer recommended that the Employee receive a 60-day unpaid suspension for intentionally damaging Town property and failing to report his misconduct; and

WHEREAS, the Town believes that the Charge upon which the Hearing Officer found the Employee guilty constitutes a more serious offense than the one for which the Employee received a 60-day unpaid suspension, especially because it occurred relatively soon after that incident and the Employee has shown no remorse for his conduct; and

WHEREAS, despite having found the Employee guilty of Charge 1, Specification 1, the Hearing Officer recommended that the employee be immediately returned to work; and

WHEREAS, the Town, having carefully reviewed and considered the hearing record, accordingly, believes a more severe penalty is warranted than was recommended by the Hearing Officer.

NOW, THEREFORE, BE IT RESOLVED that the Town adopts the Hearing Officer’s Decision that the Employee is guilty of Charge 1, Specification 1, not guilty of Charge 1, Specification 2 and not guilty of Charge 2, Specification 2; and

BE IT FURTHER RESOLVED that the Town rejects that portion of the Hearing Officer’s Decision finding that the Employee is not guilty of Charge 2, Specification 1; and

BE IT FURTHER RESOLVED that the Town finds that the Employee is guilty of Charge 2, Specification 1; and

BE IT FURTHER RESOLVED that the Town rejects that portion of the Decision which recommends that the Employee should be immediately returned to work; and

BE IT FURTHER RESOLVED that, effective July 18, 2012, the Employee is terminated for the reasons set forth in the hearing and above in this Resolution.

RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution Matt Hattorff, CSEA President, the Personnel Director, Financial Administrator and the Town Attorney; and be it further

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

THE VOTE

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

The Resolution Was Thereupon Duly Declared Adopted

On a motion by Councilman Wooten, seconded by Councilman Gabrielsen, resolution #582 was **TAKEN OFF THE FLOOR**

THE VOTE:

YES – 4 Giglio, yes; Gabrielsen, yes; Wooten, yes; Walter, yes
NO – 1 Dunleavy, no