

9/7/93

# 565 ORDER CALLING PUBLIC HEARING, RE: INCREASE AND IMPROVEMENT TO THE RIVERHEAD WATER DISTRICT, CONSTRUCTION OF NEW PUBLIC WATER SUPPLY WELL NO. 7-3

Councilman COUNCILMAN PRUSINOWSKI offered the following resolution which was seconded by Councilperson ~~COUNCILMAN STARK~~

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly authorized H2M to prepare a map, plan and estimate of cost relating to the increase and improvement of the facilities of the Riverhead Water District of said Town, specifically the construction of a new public water supply well No. 7-3, and

WHEREAS, such overall plan encompasses the construction of a new well at Plant No. 7 where Well 7-1 was previously abandoned utilizing some of the equipment (i.e. controls) that are available from Well 7-1, and

WHEREAS, the maximum amount proposed to be expended for said overall construction is \$470,000 which shall be allocated and charged as the cost of increasing and improving the facilities of the Riverhead Water District and shall be borne by the entire District to be paid from existing funds; and

WHEREAS, it is now desired to call a public hearing on the question of the increase and improvement of the facilities of the entirety of said Riverhead Water District as described above, in accordance with the provisions of Section 202-b of the Town Law;

NOW, THEREFORE, IT IS HEREBY

ORDERED, by the Town Board of the Town of Riverhead, Suffolk County, New York, as follows:

Section 1. A public hearing will be held at the Town Hall, 200 Howell Avenue, Riverhead, New York, in said Town, on the 21st day of September, 1993, at 7:30 o'clock p.m., prevailing time, on the question of the increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, in the manner described in the preambles hereof, and to hear all persons interested in the subject thereof, concerning the same, and to take such action as is required or authorized by law.

Section 2. The Town Clerk is hereby authorized and directed to cause a copy of the notice of public hearing to be published once in the Suffolk Life Newspaper, the newspaper hereby designated as the official newspaper for this purpose, and also to cause a copy thereof to be posted on the sign board of the Town,

such publication and posting to be made not less than ten, nor more than twenty days before the date designated for the public hearing.

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

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

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Town Board of the Town of Riverhead, Suffolk County, New York, at 7:30 o'clock p.m. prevailing time, on September 21, 1993, for the purpose of conducting a public hearing in relation to an increase and improvement of the facilities of the Riverhead Water District in the Town of Riverhead, Suffolk County, New York, consisting of the construction of a new public water supply well No. 7-3 to be located at Plant No. 7 at a maximum estimated cost of \$470,000, to be paid from existing funds.

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

Dated: Riverhead, New York  
September 7, 1993

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

Section 5. This order shall take effect immediately.

and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Superintendent Pendzick; and Pierre G. Lundberg, Esq.

THE VOTE

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

&lt;resolutions&gt;

# 566

AUTHORIZES TOWN CLERK TO PUBLISH AND POST PUBLIC NOTICE  
TO CONSIDER A LIKE KIND EXCHANGE OF RIVERHEAD WATER  
DISTRICT PROPERTY

COUNCILMAN STARK offered the following resolution, which was seconded by COUNCILMAN PRUSINOWSKI :

WHEREAS, the Town Board as Commissioners of the Riverhead Water District, have negotiated a like kind exchange of certain property; and

WHEREAS, this like kind exchange will benefit the Town of Riverhead Water District; and

WHEREAS, the parcels to be exchanged are described as follows:

Parcel I - Owned by the Riverhead Water District. Front portion of Riverhead Water District parcel located at Route 58, Riverhead, New York, being a rectangular parcel 50 +/- feet in width and 654 +/- feet in length adjacent to land owned by Leo Sternlicht Jr.

Parcel II - Owned by Leo Sternlicht Jr. Rear portion of a parcel, SCTM #0600-125-1-3, described as a triangular parcel up to the center line of the LILCO transmission lines; and

WHEREAS, pursuant to Section 198 of New York State Town Law, the exchange of like kind property in excess of one thousand (\$1,000) dollars in value is subject to a public hearing.

NOW THEREFORE BE IT RESOLVED, the Town Clerk is hereby authorized to schedule a public hearing to consider the like kind exchange of Riverhead Water District property; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to the Riverhead Water District, Leo Sternlicht Jr. and the Town Attorney.

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 21st day of September, 1993, at 7:25 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a like kind exchange of Riverhead Water District Property.

**Dated:** Riverhead, New York  
September 7, 1993

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

**BARBARA GRATTAN, Town Clerk**

**THE VOTE**

Gilliam	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Creighton	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Stark	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Prusinowski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
			Janoski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**THE RESOLUTION WAS  WAS NOT**   
**THEREUPON DULY DECLARED ADOPTED**

9/7/93

# 567 RELEASES WATERMAIN BOND, "LANDWORKS PARTNERSHIP"

Councilperson ~~COUNCILMAN CREIGHTON~~ offered the following resolution which was seconded by Councilperson ~~COUNCILWOMAN GILLIAM~~

RESOLVED, that the watermain extension bond posted on subdivision known as "Landworks Partnership" dated July 15, 1988, in the amount of \$51,000 from MIC Property and Casualty Insurance Corporation be and is hereby released, and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to return the original watermain bond to Tulio Bertoli.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski \_\_\_ Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

<resolutions>

# 568

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE AMENDMENT OF SECTION 101-19 OF THE VEHICLES AND TRAFFIC LAW OF THE RIVERHEAD TOWN CODE

COUNCILWOMAN GILLIAM offered the following resolution, which was seconded by COUNCILMAN CREIGHTON :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached public notice to consider the amendment of Section 101-19 of the Riverhead Town Code; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward this resolution to the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Brookhaven, Southold and Southampton; and the L.I. Pine Barrens Review Commission.

The document is shown in a copy of file with the Town Clerk which may be reviewed during normal business hours Monday through Friday.

Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

SARAH CREIGHTON, TOWN CLERK

**THE VOTE**

Gilliam  Yes \_\_\_ No    Creighton  Yes \_\_\_ No  
Stark \_\_\_ Yes \_\_\_ No    Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 21st day of September, 1993, at 7:10 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the amendment of Section 101-19 of the Riverhead Town code as follows:

101-19. Parking for handicapped.

The following areas are designated parking places for handicapped persons with a valid handicapped parking permit:

<u>Area</u>	<u>Description</u>
<u>West Main Street</u>	<u>Southerly side of the street beginning at the easterly terminus of the driveway on the westerly side of the building and running forty (40) feet east along East Main Street.</u>
<u>All Other Areas</u>	<u>The same are As shown on a sketch on file with the Town Clerk, which may be reviewed during normal business hours Monday through Friday.</u>

Dated: Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

1/7/93

# 569 DECLARES LEAD AGENCY AND DETERMINES SIGNIFICANCE OF ACTION DESE PARTNERS - CHANGE OF ZONE

COUNCILMAN PRUSINOWSKI offered the following resolution which was seconded by COUNCILMAN STARK

WHEREAS, the Riverhead Town Board is in receipt of a petition from Perry DeLalio, Sr. for DESE Partners to rezone a 2.07 acre parcel known as SCTM No. 0600-122-2-2.1 from Industrial "A" to Business "C", and

WHEREAS, a radius map and Full EAF were submitted as part of the petition, and

WHEREAS, the Riverhead Planning Department has reviewed the EAF and supporting documentation and recommends the petition be considered an Unlisted Action for which coordinated SEQR review is optional and in this case unnecessary, and

WHEREAS, the Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant effect upon the environment, now

THEREFORE, BE IT

RESOLVED, that the Riverhead Town Board declare itself to be the Lead Agency in the Change of Zone application of DESE Partners, and

BE IT FURTHER

RESOLVED, that the application be considered an Unlisted action which will not have a significant effect upon the environment and that a Draft Environmental Impact Statement need not be prepared, and

BE IT FURTHER

RESOLVED, that the Planning Department be directed to publish and post those notices as required by 6NYCRR, Part 617, and

BE IT FURTHER

RESOLVED, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and to forward a certified copy of this resolution to the Planning Department and the applicant.

**THE VOTE**

Gilliam	Yes	No	Creighton	Yes	No
Stark	Yes	No	Prusinowski	Yes	No
			Janoski	Yes	No

**THE RESOLUTION WAS  WAS NOT**   
**THEREUPON DULY DECLARED ADOPTED**

9/7/93

# 570 AUTHORIZES THE APPOINTMENT OF ARTHUR J. GALLAGHER & CO. AS BROKER OF RECORD FOR PROPERTY AND CASUALTY EXCESS INSURANCE POLICIES

COUNCILMAN STARK offered the following resolution, which was seconded by COUNCILMAN PRUSINOWSKI.

RESOLVED, that the Town of Riverhead hereby appoints Arthur J. Gallagher & Co. as Insurance Broker of record for purposes of Property and Casualty Excess Insurance Policies including Workers Compensation Insurance.

RESOLVED, that Arthur J. Gallagher & Co. is hereby directed to forward Property and Casualty Excess Insurance policies to the Town Board for their review and formal approval by resolution.

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Arthur J. Gallagher & Co. and the Accounting Department.

**THE VOTE**

Gilliam  Yes  No    Creighton  Yes  No  
Stark  Yes  No    Prusinowski  Yes  No  
Janoski  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

RESOLUTION #571

AUTHORIZING SUBMISSION OF RESTORE APPLICATION

COUNCILMAN CREIGHTON offered the following resolution which was seconded by COUNCILWOMAN GILLIAM

**WHEREAS**, the Town of Riverhead Community Development Office has an ongoing housing rehabilitation program providing emergency repairs to substandard units owned and/or occupied by low and moderate income persons; and

**WHEREAS**, the New York State Division of Housing and Community Renewal has funds available under its RESTORE Program to provide grants to municipalities for emergency home repair assistance to low and moderate income residents aged 60 and older; and

**WHEREAS**, the Town of Riverhead was awarded a RESTORE Grant totalling \$65,000 for the period December 1, 1991 through November 30, 1993 which has successfully been administered by providing emergency home repairs to 35 low and very low income elderly households during this period; and

**WHEREAS**, the Town of Riverhead is proposing to submit an application to the Division of Housing and Community Renewal on or before September 30, 1993 for a \$50,000 grant to fund additional emergency repairs for low income elderly residents of Riverhead Town.

**THEREFORE, BE IT RESOLVED**, that the Supervisor be and is hereby authorized and directed to execute all necessary documents required to request RESTORE funding from the New York State Division of Housing and Community Renewal; and

**BE IT FURTHER RESOLVED**, That the town Clerk is hereby authorized to forward a certified copy of this resolution to Andrea Lohneiss, Community Development Director.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

Resolution#572 Addressing Mitigation of Water Pollution Due to Highway Runoff

COUNCILWOMAN GILLIAM offered the following resolution which was seconded by COUNCILMAN GREIGHTON.

WHEREAS, the Town of Riverhead has long recognized the negative impact of stormwater runoff upon both surface waters and freshwater wetlands; and

WHEREAS, stormwater runoff from roadways and farmland is considered to be a primary source of non-point pollution of our creeks, the Long Island Sound, and the Peconic Estuary system and one which can and should be addressed; and

WHEREAS, the Conservation Advisory Council has proposed replacement of existing drainage structures contiguous to the Peconic Bay with siltchambers designed to reduce the contamination of surface waters and wetland systems due to stormwater runoff; and

WHEREAS, the New York State Department of Transportation Transportation Enhancement Program provides funding for mitigation of water pollution due to highway runoff; and

WHEREAS, the Town Board desires to pursue development of a proposal for design, construction and construction inspection of highway stormwater management and pollution mitigation with priority given to those Town roadways located in those areas with the greatest potential for contamination.

THEREFORE, BE IT RESOLVED, that pursuant to Article 12-F, Section 239x of the General Municipal Law, the Town Board hereby assigns to the Riverhead Conservation Advisory Council the responsibility for preparation of a comprehensive stormwater management inventory to accomplish the following:

- a. Identification of all areas of direct discharge into the Peconic Estuary;
- b. Identification of the location of existing drainage structures and recharge basins;
- c. Recommendations and prioritization of specific areas for improved stormwater management facilities to prevent pollution of the estuary and freshwater wetlands resulting from pesticides, fertilizers, siltation and automobile byproducts.

AND, BE IT FURTHER RESOLVED, that it is the intent of the Town Board to pursue Transportation Enhancement Program funding in the short term and that said inventory and prioritization of locations appropriate for mitigation of water pollution due to stormwater runoff is hereby requested within 60 days in order for an application to be completed and submitted in a timely manner.

AND, BE IT FURTHER RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to Betty Brown, Chairman, Conservation Advisory Council, Richard Hanley, Planning Director, Charles Bloss, Highway Superintendent, and Andrea Lohneiss, Community Development Director.

**THE VOTE**

Gilliam	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Creighton	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusinowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
					Janoski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

9/7

~~8/13/93~~

# 573 DECLARES LEAD AGENCY AND DETERMINES SIGNIFICANCE OF ACTION FOR WILLIAM OSBORNE - SPECIAL PERMIT (SITE PLAN)

**COUNCILMAN PRUSINOWSKI** offered the following resolution which was seconded by **COUNCILMAN STARK**

**WHEREAS**, the Riverhead Town Board is in receipt of a Special Permit petition pursuant to Section 108-47 (B) (15) of the Town Code to undertake a body and fender repair use within an existing structure on a 1.1 acre parcel zoned Industrial 'A' and known as SCTM 0600-119-1-12.1 From William Osborne , and

**WHEREAS**, a survey and Full EAF were submitted as part of the petition, and

**WHEREAS**, the Riverhead Planning Department has reviewed the EAF and supporting documentation and recommends the petition be considered an Unlisted Action for which coordinated SEQR review is optional and in this case unnecessary, and

**WHEREAS**, the Planning Department, by preparation and evaluation of its SEQR staff report, has further recommended that the action will not have a significant effect upon the environment, now

**THEREFORE, BE IT**

**RESOLVED**, that the Riverhead Town Board declare itself to be the Lead Agency in the Special Permit petition of William Osborne, and

**BE IT FURTHER**

**RESOLVED**, that the application be considered to be an Unlisted action which will not have a significant effect on the environment and that a Draft Environmental Impact Statement need not be prepared, and

**BE IT FURTHER**

**RESOLVED**, that this classification and determination be considered effective for any related subsequent site plan approval, and

**BE IT FURTHER**

**RESOLVED**, that the Riverhead Planning Department be directed to publish and past those notices required by 6NYCRR Part 617, and

**BE IT FURTHER**

**RESOLVED**, that the Town Clerk be directed to refer the petition to the Riverhead Planning Board for their review and recommendation and to forward a certified copy of this resolution to the Planning Department and the applicant.

**THE VOTE**

Gilliam	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Creighton	<input type="checkbox"/>	Yes	<input type="checkbox"/>	No
Stark	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No	Prusinowski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No
					Janoski	<input checked="" type="checkbox"/>	Yes	<input type="checkbox"/>	No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 574

ADOPTS CHANGE OF ZONE FOR PROPERTY OWNED BY THE  
RIVERHEAD WATER DISTRICT

COUNCILMAN STARK offered the following resolution, which was seconded by COUNCILMAN PRUSINOWSKI :

**WHEREAS**, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider a change in the zoning use district on a parcel of real property located on Route 58, Riverhead, New York, known and designated as SCTM #0600-125.-1-part of 4, being 51' x 654' in size from Industrial B to Business B; and

**WHEREAS**, a public hearing was held on the 15th day of June, 1993, at 7:20 '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; and

**WHEREAS**, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding the amendment to the Riverhead Town Code and that this amendment will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act.

**NOW, THEREFORE, BE IT**

**RESOLVED**, that the zoning use district on the real property located on Route 58, Riverhead, New York, has been changed from Industrial B to Business B and is hereby adopted as specified in the attached notice of adoption; and be it further

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

**RESOLVED**, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Planning Department, Building Department, Young & Young Surveyors, the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Brookhaven, Southold and Southampton; and the L.I. Pine Barrens Review Commission.

**TOWN OF RIVERHEAD  
NOTICE OF ADOPTION**

**PLEASE TAKE NOTICE**, that the Town Board of the Town of Riverhead adopted the change of zone of a 51' x 654' parcel of real property owned by the Riverhead Water District, located on Route 58, Riverhead, New York, known and designated as SCTM #0600-125.-1-part of 4, from Industrial B to Business B.

Dated: Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

**THE VOTE**

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9-7-93

&lt;resolutions&gt;

# 575 AUTHORIZES THE ADOPTION OF LOCAL LAW #5 OF 1993  
ENTITLED TRANSFER OF DEVELOPMENT RIGHTS

~~COUNCILMAN CREIGHTON~~ offered the following resolution, which was seconded by ~~COUNCILWOMAN GILLIAM~~:

WHEREAS, pursuant to New York State Town Law Section 261-a, the Town board wishes to adopt a local law entitled Transfer of Development Rights; and

WHEREAS, a public hearing was held on August 17, 1993, at 7:10 p.m. o'clock at the Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York, wherein all interested persons were heard; and

WHEREAS, the purpose of this local law is to preserve and protect the natural, scenic and agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board has issued its negative declaration regarding Local Law #5 of 1993 entitled Transfer of Development Rights and that this local law will not have a significant impact upon the environment pursuant to the State Environmental Quality Review Act; and

WHEREAS, Farmland Preservation is critical to the continued enhancement of the quality of life for the residents of the Town of Riverhead; and

WHEREAS, this local law is intended to preserve open space and farm land; and

WHEREAS, consistent with the Planning Board recommendation in their adoption of the 1989 Farmland and Preservation Study, that upon completion of the specific Hamlet Studies, development rights shall be provided for by local law.

NOW THEREFORE BE IT RESOLVED, that Local Law #5 of 1993 entitled Transfer of Development Rights is hereby enacted as herein attached; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward this resolution to the Towns of Brookhaven, Southold and

Southampton; and the L.I. Pine Barrens Review Commission; and the Comptroller of the State of New York.

PROPOSED LOCAL LAW 23-1993  
TRANSFER OF DEVELOPMENT RIGHTS

- Section 1. Authority.
- Section 2. Purpose.
- Section 3. Map designating sending and receiving districts.
- Section 4. Definitions.
- Section 5. Procedure for designating the sending and receiving districts.
- Section 6. Designation of sending and receiving districts.
- Section 7. Agricultural land as sending districts.
- Section 8. Administration.
- Section 9. Calculation of development rights.
- Section 10. Transferable status of development rights.
- Section 11. Irrevocable transfer of development rights.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
 Stark \_\_\_ Yes \_\_\_ No \_\_\_ Puzinowski  Yes \_\_\_ No \_\_\_  
 Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
 THEREUPON DULY DECLARED ADOPTED

Section 1. Authority.

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

**PROPOSED LOCAL LAW #5-1993**

**TRANSFER OF DEVELOPMENT RIGHTS**

This local law is intended to preserve and protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, scientific or economic interest and to encourage the use of land in accordance with the purposes of this section and Section 261-a of New York State Town Law.

- Section 1. Authority.
- Section 2. Purpose.
- Section 3. Map designating sending and receiving districts.
- Section 4. Definitions.
- Section 5. Procedure for designating TDR sending and receiving districts.
- Section 6. Designation of sending and receiving districts.
- Section 7. Agricultural land as sending districts.
- Section 8. Administration.
- Section 9. Calculation of development rights.
- Section 10. Taxable status of development rights.
- Section 11. Irreversible transfer of development rights.

The purpose of this law is to preserve and protect the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character, significance or scientific or cultural interest, and to encourage the use of land in accordance with the purposes of this section and Section 261-a of New York State Town Law. It is provided that no such interest shall be acquired or held by the state which is subject to the provisions of Article Fourteen of the Constitution.

**DEVELOPMENT RIGHTS** -- The right conveyed to a lot, parcel or area of land under Chapter 185 regarding agricultural development density and qualified for a reasonable and uniform value.

**RECEIVING DISTRICT** -- One or more designated districts or areas of land to which development rights generated from one or more sending districts may be transferred and in which

**Section 1. Authority.**

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

**Section 2. Purpose.**

This local law is hereby enacted to achieve the goals of preserving and protecting the natural, scenic or agricultural qualities of open lands, to enhance sites and areas of special character or special historical, cultural, aesthetic or economic interest or value and to enable and encourage flexibility of design and careful management of land in recognition of land as a basic and valuable natural resource.

**Section 3. Map designating sending and receiving districts.**

The sending and receiving districts shall be designated and mapped with specificity on a map entitled "TRANSFER OF DEVELOPMENT RIGHTS MAP OF THE TOWN OF RIVERHEAD", hereinafter referred to as "TDR MAP OF THE TOWN OF RIVERHEAD", and approved by the Riverhead Town Board after a public hearing.

**Section 4. Definitions.**

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

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

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

**RECEIVING DISTRICT** -- One or more designated districts or areas of land to which development rights generated from one or more sending districts may be transferred and in which

increased development is permitted to occur by reason of such transfer.

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

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

**Section 5. Procedure for designating TDR sending and receiving districts.**

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

- (1) That the land consists of natural, scenic, recreational, agricultural, forest or open land or sites for special historical, cultural, aesthetic or economic values sought to be protected;
- (2) That the sending district is consistent with a comprehensive plan pursuant to Section 263 of New York State Town Law;
- (3) That a generic environmental impact statement (GEIS), pursuant to Article 8 of the Environmental Conservation Law (E.C.L.) has been prepared and that no material changes in circumstances has occurred since the adoption of the final GEIS and findings statement;
- (4) Where the transfer of development rights affects districts in two or more school, special assessment or tax districts, the sending district does not unreasonably transfer the tax burden between the taxpayers of such districts;
- (5) Evaluate the impact of TDR upon the potential development of low- and moderate-income housing lost in sending districts and gained in receiving districts and find whether there is approximate equivalence between potential low- and moderate-income housing units lost in the sending district and gained in the receiving district and that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of low- or moderate-income housing caused by the transfer of development rights;
- (6) Recommendation of the Planning Board.

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

- (1) After evaluating the effects of potential increased development which is possible under transfer of development rights, the receiving district contains adequate transportation, water supply, waste disposal and fire protection, and that there will be no significant environmentally damaging consequences and such increased development is compatible with the development otherwise permitted by the town and by the federal, state and county agencies having jurisdiction to approve permissible development within the district;
- (2) That the receiving district is consistent with a comprehensive plan pursuant to Section 263 of Town Law;
- (3) That a generic environmental impact statement (GEIS), pursuant to Article 8 of the Environmental Conservation Law (E.C.L.) has been prepared and that no material changes in circumstances has occurred since the adoption of the final GEIS and findings statement;
- (4) Where the transfer of development rights affects districts in two or more school, special assessment or tax districts, the sending district does not unreasonably transfer the tax burden between the taxpayers of such districts;
- (5) Evaluate the impact of TDR upon the potential development of low- and moderate-income housing lost in sending districts and gained in receiving districts and find whether there is approximate equivalence between potential low- and moderate-income housing units lost in the sending district and gained in the receiving district and that the town has or will take reasonable action to compensate for any negative impact upon the availability or potential development of low- or moderate-income housing caused by the transfer of development rights;
- (6) Recommendation of the Planning Board.

C. An applicant for the transfer of development rights shall present documentation satisfactory to the Town Board indicating:

- (1) The location and land areas of the site which the applicant proposes to transfer (sending area);
- (2) The location and land area of the site to which such rights are proposed to be transferred (receiving area), the proposed total number of dwelling units or additional square foot of commercial property that would result on the site from such a transfer and a statement of the character of the proposed development

- (3) A discussion as to the reasonably anticipated beneficial affects of the proposed transfer and how it will achieve the goals of this local law;
- (4) The Town Board shall refer the application to the Planning Board for its review and recommendations;
- (5) The preparation of a certificate of development rights suitable for recording in the Suffolk County Clerk's Office shall be forwarded to and reviewed by the Town Attorney and shall contain the following:
  - (i) Suffolk County Tax Map Number;
  - (ii) Number of TDRS transferred;
  - (iii) Number of TDRS retained;
  - (iv) The purchaser, owner or transferee of such development rights;
  - (v) Simultaneously herewith, filed with the Town of Riverhead Assessors, New York State Board of Equalization and Assessment Real Property Transfer Report (Form EA-5217, or its equivalent) indicating that the interest in real property is transferable development rights pursuant to this chapter;
  - (vi) Any additional deemed necessary by the Town Board.
- (6) Notice to Assessors' Office;
- (7) Preparation of a conservation easement in compliance with Title 49 of the Environmental Conservation Law.

**Section 6. Designation of sending and receiving districts.**

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

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

**Section 7. Agricultural land as sending districts.**

Consistent with the purposes of this local law, preservation of prime agricultural land is of utmost concern. The preservation of agricultural land will achieve the goals of preserving the rural character of Riverhead and support an

economically viable farm industry. Land designated as sending districts shall consist of the following minimum threshold for eligibility:

- A. Land designated by the County of Suffolk as Class 1 or Class 2 Prime Agricultural Soil, and
- B. Competitive priority among all eligible agricultural land shall be based on the following:
  - (1) Agricultural significance due to open space value, scenic beauty, historical significance and environmental sensitivity;
  - (2) Soil quality and productivity of soil;
  - (3) Irrigation needs and water availability;
  - (4) Economic value based on size of farm land and capital investment in buildings and production facilities;
  - (5) Annual sales of agricultural products for the previous seven (7) years;
  - (6) Whether land is contiguous to properties deeded to the Suffolk County Farmland Preservation Program.

**Section 8. Administration.**

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

- A. Conservation easement. A conservation easement shall be an instrument executed by the grantor in a form to be recorded as a deed that puts the world on notice that all or some of the development rights have been transferred from said burdened parcel. Said conservation easement shall be enforceable by the Town in addition to any other person or entity granted enforcement rights by the terms of the instrument. The conservation easement shall contain clauses pertaining to: the duration of the conservation easement; extinguishment of the conservation easement; modification of the conservation easement, which shall not diminish or impair development rights within any receiving district; enforcement of the conservation easement; and a certificate of development rights.
- B. Certificate of development rights. Any development rights which have been transferred by conservation easement shall be evidenced by a certificate of development rights which shall be issued by the Town to the transferee in a form suitable for recording of deed

with the Suffolk County Clerk's Office in the same manner as other conveyances of interest in land affecting its title.

- C. Within one (1) year after the development rights are transferred, the assessed valuation placed on the affected properties for real property tax purposes shall be adjusted to reflect the transfer of development rights.
- D. Development rights shall be transferred reflecting the normal market in land, including sales between owners of property in sending and receiving districts.
- E. The Town may establish a development rights bank in a special municipal account authorized to the following to be managed by the Community Development Agency in accordance with the following:
  - (i) Development rights may be retained or sold in the best interest of the Town;
  - (ii) Accept gifts, donations, bequests or other development rights.

**Section 9. Calculation of development rights.**

Development rights shall be calculated by the Town Board as shown on the following table:

- A. **Agriculture A:** 1 Development Right per 43,560 square feet as calculated in accordance with Article XX of Riverhead Town Code.
- B. **Business C-R:** 1 Development Right per 43,560 square feet as calculated in accordance with Article XX of Riverhead Town Code.

**Section 10. Taxable status of development rights.**

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

**Section 11. Irreversible transfer of development rights.**

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

NO. 576

DATED: September 7, 1993

## SETS STIPEND FOR MEMBERS OF BOARD OF ASSESSMENT REVIEW

**COUNCILWOMAN GILLIAM** offered the following resolution  
which was seconded by \_\_\_\_\_.

**COUNCILMAN CREIGHTON**  
**WHEREAS**, Resolution #129 dated February 19, 1992 appointed Richard Spanburgh to be a member of the Board of Assessment Review with no rate of remuneration and,

**WHEREAS**, Resolution #283 dated April 4, 1989 appointed Marjorie Acevedo to be a member of the Board of Assessment Review with no rate of remuneration, and,

**WHEREAS**, Resolution #242 dated April 20, 1993 appointed Bruce Stupke to be a member of the Board of Assessment Review with no rate of remuneration, now,

**THEREFORE, BE IT RESOLVED**, that Richard Spanburgh, Marjorie Acevedo and Bruce Stupke as members of the Board of Assessment Review receive a stipend of \$55.00 per session,

**AND BE IT FURTHER RESOLVED**, that Richard Spanburgh, who shall serve as Chairman of the Board of Assessment Review will receive an additional stipend of \$10.00 per session.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

DATE SEPTEMBER 7, 1993

# 577 APPOINTS PROVISIONAL ACCOUNT CLERK TYPIST

**COUNCILMAN PRUSINOWSKI** OFFERED THE FOLLOWING RESOLUTION,  
WHICH WAS SECONDED BY **COUNCILMAN STARK**.

**WHEREAS**, due to the resignation of Amy Jersey, a vacancy now exists in the Accounting Department for an Account Clerk Typist.

**NOW, THEREFORE, BE IT RESOLVED**, that Doris Strange be and is hereby appointed to the provisional position of Account Clerk Typist effective September 13, 1993, at the annual salary of \$21,067.96 as set forth in Group 9, Step P of the July 1, 1992 CSEA Clerical and Supervisory Schedule; and

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

**THE VOTE**

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

September 7, 1993

# 578 AUTHORIZES ROBERT O'ROURKE TO HOLD AUTO PARTS SWAP MEET CAR SHOW

Councilman ~~Stark~~ offered the following resolution which was seconded by Councilperson

**COUNCILMAN PRUSINOWSKI**

WHEREAS, Robert O'Rourke has made an application to hold an open-air Auto Parts Swap Meet and Car Show to be held on October 3, 1993 (rain date October , 1993) from 9:00 a.m. to 5:00 p.m. at premises owned by World Life Entertainment, Inc. (commonly known as Riverhead Raceway), Route 58, Riverhead, New York; and

WHEREAS, a certificate of insurance is on file with the Town Clerk; and

NOW, THEREFORE, BE IT RESOLVED, that Robert O'Rourke be and is hereby authorized to hold an open-air Auto Parts Swap Meet and Car Show on October 3, 1993, the time and premises described above; and

BE IT FURTHER RESOLVED, that this approval is conditioned upon the applicant's removal of all trash, rubbish and other debris within 24 hours of said Auto Parts Swap Meet and Car Show; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Robert O'Rourke and the Riverhead Police Department.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 579 REAPPOINTS MEMBERS TO THE LANDMARK PRESERVATION COMMISSION

COUNCILMAN CREIGHTON offered the following resolution, which was seconded by COUNCILWOMAN GILLIAM:

**RESOLVED**, that the following persons be reappointed to the Landmark Preservation Commission for the following terms:

THREE YEARS:

Donald A. Denis, A.I.A  
Alice K. Graff

TWO YEARS:

Edwin S. Lapham, Esq.  
Mile Kucera

ONE YEAR:

Laurel Sisson

and be it further

**REVOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to the Landmark Preservation Commission.

**THE VOTE**

Gilliam  Yes  No    Creighton  Yes  No  
Stark  Yes  No    Prusinowski  Yes  No  
Janoski  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

AWARDS FOR THREE YEARS TO BE USED BY THE  
RECREATION DEPARTMENT

COUNCILMAN PRUSINOWSKI

August 17, 1993

No. 580

Amends Resolutions # 159, 160, 161, 162, 163, 305, 306

COUNCILWOMAN GILLIAM offered the following resolution seconded by COUNCILMAN CREIGHTON.

WHEREAS, Federal Law has set a minimum wage at \$4.25,

NOW, THEREFORE, BE IT RESOLVED, that the above numbered resolutions for Recreation Aides Danielle Grau, Doreen James, Cheryl Walsh-Edwards, Ann Janecek, Jim Janecek, Colleen Fox, and Amy Chorzempa be amended to change the hourly rate from \$4.00 per hour to \$4.25 per hour.

NOW, THEREFORE, BE IT FURTHER RESOLVED, that the Town Clerk shall notify the Payroll Department of this change of pay rate.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 581

AWARDS BID FOR THREE (3) VEHICLES TO BE USED BY THE RIVERHEAD POLICE DEPARTMENT

COUNCILMAN PRUSINOWSKI offered the following resolution, which was seconded by COUNCILMAN STARK:

**WHEREAS**, the Town Clerk was authorized to publish and post a notice to bidders for the purchase of three (3) vehicles for use by the Riverhead Police Department; and

**WHEREAS**, bids were received on August 27, 1993, at 11:00 a.m., at Town Hall, 200 Howell Avenue, Riverhead, New York, the date, time and place specified in the notice to bidders for that purpose; and

**WHEREAS**, one (1) bid was received and reviewed by the Town Board.

**NOW, THEREFORE, BE IT RESOLVED**, that the bid for three (3) vehicles for use by the Riverhead Police Department be and is hereby awarded to Sayville Ford Fleet and Government Sales, at a cost of sixteen thousand three hundred thirty and 00/100 dollars (\$16,330.00) each; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to return all bid bonds received in connection with the above bid; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Sayville Ford, 620 Johnson Avenue, Bohemia, New York, 11716, Chief Joseph Grattan and the Purchasing Department.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_    Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_    Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 582

REJECTS REQUESTS FOR PROPOSAL AND AUTHORIZES TOWN CLERK TO REPUBLISH AND REPOST REQUEST NOTICE FOR PROPOSAL (RIMLAND BUILDING)

COUNCILMAN STARK

offered the following resolution, which was

seconded by COUNCILMAN PRUSINOWSKI:

**WHEREAS**, the Town Clerk was authorized to publish and post a notice for requests for proposals to develop property owned by the Town of Riverhead for property located at 20-24 East Main Street, Riverhead, New York, SCTM #0600-128-6-50, more commonly known as "The Rimland Building"; and

**WHEREAS**, one (1) proposal was received and reviewed by the Town Board; and

**WHEREAS**, the Town Board, after due consideration, has decided that the proposal should be rejected.

**NOW, THEREFORE, BE IT RESOLVED**, that the proposal received by the Town Board for the development of property known as "The Rimland Building" be and is hereby rejected; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to publish and post notice for a request for proposal as prepared by the Town Attorney in the **Suffolk County Life, Newsday** and the business section of **The New York Times**; and be it further

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

**THE VOTE**

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 583 ACCEPTS RESIGNATION OF WAYNE SAILOR AS PART-TIME POLICE OFFICER

COUNCILMAN CREIGHTON offered the following resolution, which was seconded by COUNCILWOMAN GILLIAM:

WHEREAS, by letter dated August 11, 1993, Wayne Sailor submitted his letter of resignation as Part-time Police Officer to Chief Grattan; and

WHEREAS, said letter of resignation was accepted.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead accepts the resignation of Wayne Sailor; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Wayne Sailor, Police Chief Grattan and the Accounting Department.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 584 APPOINTS TYREE BACON TO THE POSITION OF PART-TIME POLICE OFFICER

COUNCILWOMAN GILLIAM offered the following resolution, which was seconded by COUNCILMAN CREIGHTON:

**WHEREAS**, the position of Part-Time Police Officer exists in the Riverhead Police Department; and

**WHEREAS**, Tyree Bacon has been recommended to serve in this position.

**NOW, THEREFORE, BE IT RESOLVED**, that Tyree Bacon be and is hereby appointed as Part-Time Police Officer at the hourly rate of \$10.50; and be it futher

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Tyree Bacon, Police Chief Grattan and the Accounting Department.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

NO. 585DATE: SEPTEMBER 7, 1993

**COUNCILMAN PRUSINOWSKI** OFFERED THE FOLLOWING RESOLUTION  
WHICH WAS SECONDED BY **COUNCILMAN STARK**.

**BE IT RESOLVED**, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED  
TO ESTABLISH THE FOLLOWING BUDGET ADOPTION:

BUDGET ADOPTION  
PECONIC RIVER PARKING LOT IMPROVEMENTS  
CAPITAL PROJECT

408.097300.494100.10019      PROCEEDS FROM BONDS      FROM:  
\$77,500.00

TO:  
406.056500.523007.10019      CONSTRUCTION      \$70,000.00  
406.056500.543502.10019      ENGINEERING      2,500.00  
406.056500.547500.10019      CONTINGENCY ACCT      5,000.00

**THE VOTE**

Gilliam  Yes  No      Creighton  Yes  No  
Stark  Yes  No      Prusinowski  Yes  No  
Janoski  Yes  No

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

September 7, 1993

# 586 AUTHORIZES TOWN CLERK TO POST AND PUBLISH ATTACHED NOTICE TO BIDDERS FOR THE CONSTRUCTION OF ROAD, PARKING LOT AND DRAINAGE FACILITIES, EAST MAIN STREET PARKING IMPROVEMENTS.

Councilman **COUNCILMAN STARK** offered the following resolution which was seconded by Councilman **COUNCILMAN PRUSINOWSKI**.

RESOLVED, that the Town Clerk be and is hereby authorized to post and publish the attached Notice to Bidders for the construction of road, parking lot and drainage facilities in the East Main Street parking area improvements at Riverhead, New York.

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Ken Testa, Town Engineer.

**THE VOTE**

Gilliam  Yes \_\_\_ No      Creighton  Yes \_\_\_ No  
 Stark  Yes \_\_\_ No      Prusinowski  Yes \_\_\_ No  
 Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
 THEREUPON DULY DECLARED ADOPTED

September 13, 1993

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that SEALED BIDS for the construction of road, parking lot, and drainage facilities, in the Town of Riverhead, will be received by the Town Clerk of the Town of Riverhead at the Town Hall, 200 Howell Avenue, Riverhead, New York, until 11:00 A.M. prevailing time, on Monday, September 27, 1993 at which time and place they will be publicly opened and read for the following contract:

**EAST MAIN STREET PARKING AREA IMPROVEMENTS  
AT RIVERHEAD, TOWN OF RIVERHEAD,  
SUFFOLK COUNTY, NEW YORK**

Plans and specifications may be obtained on or after Friday, September 17, 1993, at Town Hall, 200 Howell Avenue, Riverhead, New York, upon deposit of Fifty Dollars, (\$50.00) for each set furnished. Deposits shall be made by cash, check, or bank money order. No exceptions shall be made.

Deposits for plans and specifications will be refunded to bidders who return these within ten (10) days in good condition; other deposits will either be partially or not refunded if the plans and specifications have not been returned in good condition within thirty (30) days after bids have been opened.

Each proposal must be accompanied by a certified check or bid bond in the amount of five percent (5%) of the total bid, made payable to Joseph F. Janoski, Supervisor, Town of Riverhead, as set forth in the information to Bidders.

The Town Board reserves the right to reject any or all bids, to waive any informalities, and to accept such alternate bids which, in the opinion of the Town Board, will be in the best interests of the Town of Riverhead.

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

BARBARA A. GRATTAN, TOWN CLERK  
TOWN OF RIVERHEAD  
RIVERHEAD, NEW YORK, 11901

DATED: September 15, 1993

TB 9/7/93

TOWN OF RIVERHEAD

RESOLUTION # 587

TRANSFER OF FUNDS

COUNCILMAN CREIGHTON  
COUNCILPERSON OFFERED THE FOLLOWING RESOLUTION  
WHICH WAS SECONDED BY COUNCILPERSON  
COUNCILWOMAN GILLIAM

RESOLVED, THAT THE SUPERVISOR BE AND IS HEREBY AUTHORIZED TO  
TRANSFER THE FOLLOWING FUNDS:

<u>APPROPRIATION</u>		<u>FROM</u>	<u>TO</u>
111.051300.524000	PURCH. OF EQUIP.	<u>\$30,000.00</u>	
111.051300.541400	REPAIR OF EQUIP.		<u>\$30,000.00</u>

COUNCILWOMAN OFFERED THE FOLLOWING RESOLUTION TO BE TABLED, WHICH  
WAS SECONDED BY COUNCILMAN CREIGHTON.

THE VOTE

Gilliam  Yes  No Creighton  Yes  No  
Sarkis  Yes  No Pashnowski  Yes  No  
Janold  Yes  No

~~THE RESOLUTION WAS XXXXXXXXXX NOT PASSED~~  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~

**TABLED**

SEE NEXT PAGE FOR FOLLOW UP (MEETING OF 9/21/93 RES. WAS PASSED)

9/7/93

TABLED

TOWN OF RIVERHEAD

RESOLUTION # 587

TRANSFER OF FUNDS

**COUNCILMAN CREIGHTON**

COUNCILPERSON OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY COUNCILPERSON

**COUNCILWOMAN GILLIAM**

RESOLVED, THAT THE SUPERVISOR BE AND IS HEREBY AUTHORIZED TO TRANSFER THE FOLLOWING FUNDS:

<u>APPROPRIATION</u>		<u>FROM</u>	<u>TO</u>
11.051300.524000	PURCH. OF EQUIP.	<u>\$30,000.00</u>	
11.051300.541400	REPAIR OF EQUIP.		<u>\$30,000.00</u>

COUNCILWOMAN OFFERED THE FOLLOWING RESOLUTION TO BE TABLED, WHICH WAS SECONDED BY COUNCILMAN CREIGHTON.

Sept. 21, 1993 Meeting

COUNCILMAN STARK OFFERED THE ABOVE RESOLUTION TO BE BROUGHT OFF THE TABLE, WHICH WAS SECONDED BY COUNCILMAN PRUSINOWSKI.

The vote, Gilliam, yes, Creighton, yes, Stark, yes, Prusinowski, yes, & Janoski, yes.

Sept. 21, 1993 Board Meeting

Councilman Stark offered the above resolution, which was seconded by Councilman Prusinowski.

**THE VOTE**

THE RESOLUTION WAS ADOPTED.

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
 Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
 Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS ~~XXXXXXXXXXXX~~ ADOPTED

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
 Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
 Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS X WAS NOT      
THEREUPON DULY DECLARED ADOPTED

*nm*

9/7/93

# 588 APPOINTS DARRIN FULTON TO THE POSITION OF PART-TIME DETENTION ATTENDANT

COUNCILWOMAN GILLIAM offered the following resolution, which was

seconded by COUNCILMAN CREIGHTON:

**WHEREAS**, the position of Part-Time Detention Attendant exists in the Riverhead Police Department; and

**WHEREAS**, Darrin Fulton has been recommended to serve in this position.

**NOW, THEREFORE, BE IT RESOLVED**, that Darrin Fulton be and is hereby appointed as Part-Time Detention Attendant at the hourly rate of \$11.20; and be it further

**RESOLVED**, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Darrin Fulton, Police Chief Grattan and the Accounting Department.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prasinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 589

AUTHORIZES THE TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER THE REPEAL OF ARTICLE I "SENIOR CITIZENS EXEMPTION"

COUNCILMAN PRUSINOWSKI offered the following resolution, which was seconded by COUNCILMAN STARK :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider the repeal of Article I of Chapter 95 "Senior Citizens Exemption", Section 95-1 through 95-4 inclusive, and Section 95-20 to be replaced by Local Law entitled, "Senior Citizen Property Tax Exemption".

Riverhead, New York  
September 7, 1993

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

**THE VOTE**

Gilliam  Yes \_\_\_ No    Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No    Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

**TOWN OF RIVERHEAD  
PUBLIC NOTICE**

**PLEASE TAKE NOTICE**, that a public hearing will be held on the 21st day of September, 1993, at 7:15 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider the repeal of Article I of Chapter 95 "Senior Citizens Exemption" as follows: Section 95-1 Title.; Section 92-2 Purpose.; Section 95-3 Conditions for exemption.; Section 95-4 Penalties for Offense. and Section 95-20 Extension for fifty-percent exemption.

A copy of the entire text of the sections to be repealed shall be posted on the sign board and available for review in the Office of the Town Clerk.

Dated: Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

9/7/93

# 590 AUTHORIZES THE TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER A LOCAL LAW ESTABLISHING SENIOR CITIZEN PROPERTY TAX EXEMPTION

COUNCILMAN STARK offered the following resolution, which was seconded by COUNCILMAN PRUSINOWSKI :

RESOLVED, that the Town Clerk be and is hereby authorized to publish the attached public notice to consider a local law establishing Senior Citizen Property Tax Exemption in the Town of Riverhead, once in the Suffolk County Life.

Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD  
BARBARA BRONSTEIN, Town Clerk

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_ Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_ Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

TOWN OF RIVERHEAD  
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 21st day of September, 1993, at 7:20 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider a local law to provide continued relief from the burden of real property taxes for certain elderly persons by removing the local option of increasing income limits and, further, to make permanent and run concurrently with the maximum allowable income under New York State Real Property Tax Law Section 467.

A copy of the entire text of the proposed local law shall be posted on the sign board and available for review in the Office of the Town Clerk.

Dated: Riverhead, New York  
September 7, 1993

BY ORDER OF THE TOWN BOARD  
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

FROM		TO	
547900	CONTINGENCY ACCT.	548000	
547900	JUSTICE, MISL. SUPPLIES	548000	
547900	SHARED SERV., TELEPHONE MAINT	548000	
547900	SHARED SERV., LIGHTS, HEAT, WATER	548000	
547900	FOODS, NITE DIFFERENTIAL	548000	
547900	POLICE, HOLIDAY PAY	548000	
547900	C.A.B. PROGRAMS	548000	
547900	APPROPRIATION FUND BALANCE	548000	
547900	SAFETY INSPECTION, CAR REG.	548000	
547900	SUPPLIES	548000	
547900	TOWN BOARD LITIGATION	548000	
547900	WATCH, EQUIPMENT	548000	
547900	WARRANT DEPT., EQUIPMENT	548000	
547900	POLICE SEASONAL EMPLOYEES	548000	
547900	POLICE VEHICLES	548000	
547900	POLICE PAINT MAINT.	548000	
547900	POLICE FIRE PATROL SERVICE	548000	
547900	POLICE RENTALS & REPAIRS	548000	
547900	C.A.B. SAFETY EQUIP. C.A.B.	548000	
547900	SAFETY INSPECTION, OFFICE REG.	548000	
547900	EQUIPMENT	548000	

DATE: SEPTEMBER 7, 1993

COUNCILMAN CREIGHTON OFFERED THE FOLLOWING RESOLUTION WHICH

CONDEED BY COUNCILWOMAN GILLIAM

RESOLVED, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO  
 ISH THE FOLLOWING BUDGET ADJUSTMENT:

BUDGET ADJUSTMENT  
 GENERAL FUND

FROM:

19900.547900	CONTINGENCY ACCT.	\$10,650.00
11100.542100	JUSTICE, MISC. SUPPLIES	425.00
16200.541407	SHARED SERV., TYPEWRITER MAINT.	425.00
16200.546000	SHARED SERV., LIGHTS, HEAT, WATER	1,800.00
31200.516100	POLICE, NITE DIFFERENTIAL	22,315.00
31200.516650	POLICE, HOLIDAY PAY	50,000.00
31250.542112	J.A.B., PROGRAMS	140.00
00000.499999	APPROPRIATION FUND BALANCE	29,350.00
36200.541500	SAFFETY INSPECTION, CAR EXP.	500.00
16250.542500	SUPPLIES	5,000.00

TO:

001.010100.543301	TOWN BOARD LITIGATION	\$40,000.00
001.011100.524000	JUSTICE, EQUIPMENT	850.00
001.016200.524000	SHARED SERV., EQUIPMENT	1,800.00
001.031200.518605	POLICE SEASONAL EMPLOYEES	20,000.00
001.031200.524101	POLICE VEHICLES	50,000.00
001.031200.542301	POLICE RADAR MAINT.	255.00
001.031200.524410	POLICE BIKE PATROL EQUIP.	1,900.00
001.031200.524214	POLICE RADIOS & SCANNERS	160.00
001.031250.524910	J.A.B. SAFETY EQUIP. (D.A.R.E.)	140.00
001.036200.542100	SAFETY INSPECTION, OFFICE EXP.	500.00
001.016250.524000	EQUIPMENT	5,000.00

**THE VOTE**

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
 Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
 Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
 THEREUPON DULY DECLARED ADOPTED

NO. 592

DATE: SEPTEMBER 7, 1993

**COUNCILWOMAN GILLIAM**

OFFERED THE FOLLOWING RESOLUTION

WHICH WAS SECONDED BY

**COUNCILMAN CREIGHTON**

**BE IT RESOLVED**, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO ESTABLISH THE FOLLOWING BUDGET ADOPTION:

BUDGET ADOPTION  
TOWN OF RIVERHEAD  
D.A.R.E. FUND

008.092705.471000

DONATIONS (PLEDGES)

FROM:  
\$4,500.00

008.031250.540000

D.A.R.E. CONTRACT.EXP.

TO:  
\$4,500.00

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_    Creighton  Yes \_\_\_ No \_\_\_  
Stark  Yes \_\_\_ No \_\_\_    Prusinowski  Yes \_\_\_ No \_\_\_  
Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT   
THEREUPON DULY DECLARED ADOPTED

9/7/93

# 593

RELEASES CERTIFICATE OF DEPOSIT OF LEWIN DEVELOPMENT CORP.

COUNCILMAN PRUSINOWSKI offered the following resolution, which was seconded by COUNCILMAN STARK :

WHEREAS, the Riverhead Town Board approved the site plan of Lewin Development Corp. subject to the posting of a bond, covering the costs of the site improvement as required by Section 108-133 I. of the Riverhead Town Code; and

WHEREAS, a Certificate of Deposit in the amount of \$4,750.00 has been filed with the Town Clerk; and

NOW, THEREFORE, BE IT

RESOLVED, that the Certificate of Deposit in the amount of \$4,750.00 covering the costs of the site plan be and is hereby released; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Building Department and Virginia Lewin.

**THE VOTE**

Gilliam  Yes \_\_\_ No \_\_\_    Creighton  Yes \_\_\_ No \_\_\_  
 Stark  Yes \_\_\_ No \_\_\_    Prusinowski  Yes \_\_\_ No \_\_\_  
 Janoski  Yes \_\_\_ No \_\_\_

THE RESOLUTION WAS  WAS NOT \_\_\_  
 THEREUPON DULY DECLARED ADOPTED

NO. 594

DATE: SEPTEMBER 7, 1993

**COUNCILMAN STARK** OFFERED THE FOLLOWING RESOLUTION  
WHICH WAS SECONDED BY ~~COUNCILMAN PRUSINOWSKI~~

**BE IT RESOLVED**, THAT THE SUPERVISOR BE AND HEREBY IS, AUTHORIZED TO ESTABLISH THE FOLLOWING BUDGET ADOPTION:

BUDGET ADOPTION  
OF  
JOHNSTONE FARMS WATER EXTENSION II  
CAPITAL PROJECT

406.092705.421050.60007 DEVELOPER FEES FROM: \$35,000.00

		TO:
406.083200.523002.60007	CONSTRUCTION	\$27,000.00
406.083200.543315.60007	LEGAL SERVICES	800.00
406.083200.543501.60007	ENGINEERING	4,500.00
406.083200.547900.60007	CONTINGENCY	2,700.00

**THE VOTE**

Gilliam  Yes \_\_\_ No Creighton  Yes \_\_\_ No  
Stark  Yes \_\_\_ No Prusinowski  Yes \_\_\_ No  
Janoski  Yes \_\_\_ No

THE RESOLUTION WAS  WAS NOT \_\_\_  
THEREUPON DULY DECLARED ADOPTED

9/7/93

1053

ITION #595

34-93 Stark AUGUST 20, 1993 (TBM 09-07-93)  
SON offered the following resolution, which was  
y COUNCILPERSON Prusinowski RESOLVED, that the SUPERVISOR  
hereby authorized to pay the following:

Page 1 of 2

*****ACCOUNTS*****	*****TOTALS*****
TOWN 001	\$443,150.75
METER 002	\$552.80
CE 003	\$0.00
ATHLETIC LEAGUE 004	\$255.00
ON PROGRAM 006	\$7,958.01
NUTRITION SITE COUNCIL 007	\$0.00
111	\$81,668.83
112	\$46,414.36
MAINTENANCE 113	\$0.00
114	\$15,623.91
GARBAGE COLLECTION 115	\$25,148.70
IGHTING 116	\$3,873.97
ARKING 117	\$8,962.46
IMPROVEMENTS DISTRICT 118	\$0.00
IZATION SELF INSURANCE 174	\$21,192.03
ENTION FUND 175	\$151.90
MENT INSURANCE RESERVE 176	\$0.00
REHAB 177	\$0.00
REVOLVING LOAN 178	\$1,132.34
LAL REHAB 179	\$1,787.29
ONARY/SMALL CITIES 180	\$0.00
SORTIUM ACCOUNT 181	\$0.00
EL. CORP WORKING 182	\$0.00
184	\$0.00
ARKING DEBT 381	\$25,073.75
TRICT DEBT 382	\$0.00
383	\$227,406.57
FUND DEBT SERVICE 384	\$650,347.72
R WASTE DISTRICT DEBT 385	\$14,353.46
, CAPITAL PROJECTS 406	\$104,464.43
ORED SERIES 408	\$33,351.85
S CAP. PROJECT 440	\$0.00
451	\$0.00
VICES 452	\$1,303.35
ELPING SENIORS 453	\$2,157.58
454	\$1,660.86
, FUEL FUND 625	\$0.00
, GARAGE 626	\$6,394.17
GENCY 735	\$463,521.36
TRUST 736	\$0.00
WENGER WASTE 918	\$10,975.35
GRAND TOTAL*****	\$2,199,482.80

9/7/93

RESOLUTION #595

RESOLUTION #35-93-----SEPTEMBER 02, 1993 (TBM 09-07-93)  
PERSON Stark offered the following resolution, which was  
adopted by COUNCILPERSON Prusinowski. RESOLVED, that the SUPERVISOR  
is hereby authorized to pay the following:

*****ACCOUNTS*****	*****TOTALS*****
GENERAL TOWN	001 \$338,099.40
WATER METER	002 \$115.33
BALANCE	003 \$1,660.00
YOUTH ATHLETIC LEAGUE	004 \$13,978.84
RECREATION PROGRAM	006 \$9,475.65
RECREATION CENTER	005 \$50.00
REPAIR	111 \$184,796.43
	112 \$45,562.06
REPAIR & MAINTENANCE	113 \$0.00
	114 \$19,669.75
REPAIR & GARBAGE COLLECTION	115 0.1 \$20,023.33
STREET LIGHTING	116 \$6,707.75
PARKING	117 \$2,217.00
SEWER IMPROVEMENTS DISTRICT	118 \$6,991.65
LIABILITY SELF INSURANCE	174 \$0.00
RETENTION FUND	175 \$0.00
EMPLOYMENT INSURANCE RESERVE	176 \$0.00
REPAIR REHAB	177 \$3,200.00
MUNICIPAL REVOLVING LOAN	178 \$1,132.34
REPAIR REHAB	179 \$3,196.83
MEMBERSHIP/SMALL CITIES	180 \$0.00
CONSORTIUM ACCOUNT	181 \$1,311.42
LEVEL CORP WORKING	182 \$0.00
	184 \$86.00
PARKING DEBT	381 \$0.00
DISTRICT DEBT	382 \$0.00
DEBT	383 \$9,800.00
FUND DEBT SERVICE	384 \$0.00
SEWER WASTE DISTRICT DEBT	385 \$0.00
SMALL CAPITAL PROJECTS	406 \$180,866.44
HUNDRED SERIES	408 \$8,584.27
SEWER CAP. PROJECT	440 \$0.00
	451 \$0.00
SEWER SERVICES	452 \$1,701.89
HELPING SENIORS	453 \$1,665.14
	454 \$1,402.98
LIQUID FUEL FUND	625 \$518.39
LIQUID GARAGE	626 \$5,420.44
AGENCY	735 \$386,623.73
TRUST	736 \$0.00
SEWER WASTE	918 \$18,377.78
*GRAND TOTAL*****	\$1,273,234.84

**THE VOTE**

Gilliam  Yes  No  
Creighton  Yes  No  
Stark  Yes  No  
Prusinowski  Yes  No

**THE RESOLUTION WAS ~~NOT~~ ADOPTED  
THEREUPON DULY DECLARED ADOPTED**