

495 AUTHORIZES ADDENDUM TO BID SPECIFICATIONS FOR "TRANSPORTATION AND DISPOSAL OF SOLID WASTE"

Councilperson Civiletti offered the following resolution, which was seconded by Councilperson Prusinowski.

WHEREAS, by resolution #400 adopted July 2, 1991, this Town Board did authorize the Town Clerk to publish and post Notice to Bidders soliciting bids for the disposal of municipal solid waste; and

WHEREAS, it has been requested by prospective bidders that the content of said bid specifications be clarified in specific sections.

NOW, THEREFORE, BE IT RESOLVED, that this Town Board does adopt the attached as Addendum No. 1 to Town of Riverhead Bid Specifications for "Transportation and Disposal of Solid Waste" as authorized by resolution #400 of July 2, 1991; and

BE IT FURTHER RESOLVED, that Addendum No. 1 be incorporated within the Bid Specifications for "Transportation and Disposal of Solid Waste" and that the Bid Specifications and Bid Addendum be forwarded to all interested individuals.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD
TRANSPORTATION AND DISPOSAL OF SOLID WASTE
BID SPECIFICATIONS

ADDENDUM NO. 1

FIRST:

Bids will be received, opened and read aloud by the Riverhead Town Clerk on August 28, 1991, at 11:00 a.m.

SECOND:

All bid amounts shall be stated in August, 1991, dollars. The contract to be entered into with the successful bidder shall provide for changes in the Consumer Price Index as follows:

One (1.00) plus or minus the percentage change (expressed as a decimal fraction) in the Consumer Price Index (New York Metropolitan Area as published by the U.S. Department of Labor) between August, 1991, and the month which contains the anniversary date of the Commencement Date and is closest to and preceding the month for which the fee is being calculated.

Bids for all categories of MSW and recyclables will be adjusted to account for fluctuations in the Consumer Price Index.

THIRD:

Bidders are divided into two categories as follows:

Category One Bidders: A bidder whose facility will receive raw MSW and recyclables, as provided in the bid, from collection vehicles at its facility and whose facility is within a twenty (20) mile radius of Riverhead Town Hall.

Category Two Bidders: A bidder whose facility will not receive raw MSW and recyclables, as provided in the bid, from collection vehicles at its facility or is located outside of a twenty (20) mile radius of Riverhead Town Hall.

Category two bidders will receive MSW and recyclables at a transfer station owned and operated by the Town of Riverhead at Youngs Avenue or such other location within the Town of Riverhead as the Town of Riverhead may, in its sole judgment, determine.

Category two bidders will be responsible for all transportation costs and expenses from the Town transfer station to the processing facility and provide the necessary containers for loading at the transfer station.

Containers will be loaded by Town employees.

Bids submitted by Category Two Bidders will be evaluated by the Town by increasing the bid, for comparison purposes only, by adding the cost of permitting, construction and operation of the transfer station.

The Town engineer will assist the Town in determining the anticipated expense of a transfer station.

FOURTH:

Correspondence dated August 5, 1991, copy attached, is incorporated herein. Correspondence dated August 5, 1991, to Mark Wagner, is attached hereto and incorporated herein. Correspondence dated August 5, 1991, to Anthony Noto is attached hereto and incorporated herein and is superseded by this addendum.

FIFTH:

Bids which include index pricing other than the Consumer Price Index stated in part "second" herein will not be rejected as non-responsive if the bidder completely described the indexing methods, provides the qualifications of the indexing agency and includes a copy of the indexing agency's written regulations, guidelines and most recent indexing pronouncement. The Town reserves the right to reject any indexing proposal in its sole discretion.

Please specify:

Bidder is (A) Category One (B) Category Two

496 AMENDS RESOLUTION #488 OF AUGUST 6, 1991

Councilperson Stark offered the following resolution, which was seconded by Councilperson Creighton.

WHEREAS, by resolution #488 adopted August 6, 1991, this Town Board did establish the Aquebogue Hamlet Study Task Force and name those individuals who will serve on this citizen task force; and

WHEREAS, this Town Board has been notified by Bernadette Troyan her inability to presently serve.

NOW, THEREFORE, BE IT RESOLVED, that the name of Bernadette Troyan be replaced with the name of Peter Troyan; and

BE IT FURTHER RESOLVED, that the Town Clerk be and hereby is directed to forward a copy of this resolution to Peter Troyan and Richard Hanley.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

497ADOPTS LOCAL LAW ELECTING A RETIREMENT INCENTIVE PROGRAM

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Creighton :

WHEREAS, the Town Clerk was authorized to publish and post a public notice to hear all interested persons to consider the adoption of a local law electing a retirement incentive program as authorized by Chapter 178, Laws of 1991 for eligible employees of the Town of Riverhead; and

WHEREAS, a public hearing was held on the 6th day of August, 1991, at 7:55 o'clock p.m., at the Jamesport Community Center, South Jamesport Avenue, South Jamesport, 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 adoption of a local law electing a retirement incentive program as authorized by Chapter 178, Laws of 1991 for eligible employees of the Town of Riverhead be and is hereby adopted as follows:

BE IT ENACTED by the Town Board of the Town of Riverhead as follows:

- Section 1. The Town of Riverhead hereby elects to provide all its eligible employees with a retirement incentive program authorized by Chapter 178, Laws of 1991.
- Section 2. The commencement date of the retirement incentive program shall be upon adoption of this local law and filing with the Secretary of State and New York State Employees Retirement System.
- Section 3. The open period during which eligible employees may retire and receive the additional retirement benefit shall be thirty days in length, specifically, from October 1 through October 31, 1991, inclusive.
- Section 4. The actuarial present value of the additional retirement benefits payable pursuant to the provisions of this local law shall be funded over a five year period. The amount of the annual payment in each of the five years shall be determined by the Actuary of the New York State and Local Employees' Retirement System, and shall be paid by the Town of Riverhead for each employee who received the retirement benefits payable under this local law.

Section 5. This act shall become effective immediately upon filing with the Secretary of State.

and be it further

RESOLVED, that the Town Board hereby elects to make three (3) equal installments of termination pay to eligible employees effective the date of termination; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to publish a copy of this resolution 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 Secretary of State, the New York State and Local Retirement System and the Accounting Department.

Dated: Riverhead, New York
August 13, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

WHEREAS, any letter of credit submitted pursuant to this resolution must be approved by the Board of Finance of the Town of Riverhead on or before the date of the expiration of the term of the resolution, which is January 31, 1992;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board hereby elects to make three (3) equal installments of termination pay to eligible employees effective the date of termination; and be it further

498 AMENDS BOND REQUIREMENTS RE: "VILLAGE GREEN AT BAITING HOLLOW"

Councilperson Creighton offered the following resolution which was seconded by Councilperson Stark,

WHEREAS, the Riverhead Planning Board has approved the realty subdivision known as "Village Green at Baiting Hollow", which approval required the posting of certain bonds to assure the construction of the improvements therein and the payment of necessary fees, and

WHEREAS, Village Green has previously posted and this board has accepted letters of credit drawn on CrossLand Savings FSB #1050 and #1049, and

WHEREAS, since certain of the improvements have been completed and the fees paid it is now proper for this Board to reduce the bonded amounts as follows:

Letter of Credit #1050 covering the costs of installation of underground water mains and water key money in the amount of \$2,500 per lot be and hereby is reduced from \$995,000 to \$-0- covering the installation of the water mains and \$342,500 covering key money at the aforesaid rate, totaling \$346,997.11;

Letter of Credit #1049 covering the site improvements for roads, drainage, and street lighting, as more particularly described in the Planning Board's final plat resolution and recreation fees in the amount of \$2,000 per lot from \$1,626,000.00 to the total of \$100,000.00 as previously approved by this Board's resolution dated July 16, 1991, #445, covering roads, drainage, and street lighting, and \$274,000.00 covering recreation fees totaling \$374,000, and

WHEREAS, Village Green has requested a one year extension for the payment of water key money and recreational fees which pursuant to the terms of the approving resolutions were due in full two years from July 18, 1989, and

WHEREAS, any letter of credit submitted pursuant to this resolution must be approved by the Riverhead Town Board by subsequent resolution and have an expiration date 6 months beyond July 18, 1992, which is January 18, 1993,

NOW, THEREFORE, BE IT

RESOLVED, that CrossLand Savings FSB irrevocable letter of credit #1050 be and hereby is reduced as set forth above to the amount of \$342,500.00 and CrossLand Savings FSB irrevocable

letter of credit #1049 be and hereby is reduced as set forth above to the amount of \$374,000, and be it further

RESOLVED, that the extension to pay all key money and recreation fees be and hereby is granted; all water key money and recreation fees must be paid by July 18, 1992, and such letter of credit must have a maximum expiration date not earlier than January 18, 1993, and be it further

RESOLVED, that the Town Clerk shall forward certified copies of this resolution to Village Green at Baiting Hollow (attn: Norge Bertolli); Pierre Lundberg, Esq.; Gary Pendzick; Clerk of the Planning Board.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

499

AUTHORIZES HOURLY PAY INCREASE FOR SPECIAL POLICE OFFICERS

COUNCILPERSON Stark offered the following resolution, which was seconded by COUNCILPERSON Creighton:

RESOLVED, that the hourly rate of pay for Special Police Officers be and is hereby increased to \$10.50, said increase to be effective August 21, 1991; and be it further

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

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF BOWEN
IRVING J. DUNDAS, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

8/20/91

967

500

AUTHORIZES TOWN CLERK TO PUBLISH AND POST NOTICE TO BIDDERS FOR THE CONSTRUCTION OF A RECHARGE BASIN AT PIER AVENUE

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Prusinowski :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the attached notice to bidders for the construction of a recharge basin at Pier Avenue, Northville, Riverhead, New York, once in the AUGUST 28, 1991, issue of The Suffolk County Life.

DATED: Riverhead, New York
August 20, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

NOTICE TO BIDDERS

NOTICE IS HEREBY GIVEN that SEALED BIDS for the construction of a recharge basin, 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~~, ^{Wednesday}, September 11, 1991, at which time and place they will be publicly opened and read for the following contract:

**PIER AVENUE RECHARGE BASIN
AT NORTHVILLE, TOWN OF RIVERHEAD,
SUFFOLK COUNTY, NEW YORK**

Plans and specifications may be obtained on or after Friday, August 30, 1991, 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, certified 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

IRENE J. PENDZICK, TOWN CLERK
TOWN OF RIVERHEAD
RIVERHEAD, NEW YORK, 11901

DATED: August 28, 1991

501ORDER FOR PUBLIC HEARING ON CONSTRUCTION OF STREET IMPROVEMENT (WILDWOOD HILLS)

COUNCILPERSON Prusinowski offered the following resolution, which was seconded by COUNCILPERSON Civiletti :

WHEREAS, pursuant to Section 200 of Town Law, a petition dated the 11th day of July, 1991, has been duly presented to the Town Board of the Town of Riverhead, according to law, proposing that the said Town Board authorize and approve the improvement of Ravine Road, Cliff Road, Oak Road, Cedar Road, Dogwood Road and Locust Road, by improving the bed of the described roads; and

WHEREAS, the maximum amount proposed to be expended for the improvement as stated in the said petition is one hundred fifty thousand (\$150,000.00) dollars.

NOW, THEREFORE, IT IS HEREBY

ORDERED, that the Town Board of the Town of Riverhead shall hold a public hearing on the 3rd day of September, 1991, at 7:50 p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to consider said petition and hear all persons interested in the subject thereof concerning the same; and it is further

ORDERED, that the Town Clerk of the Town of Riverhead is hereby authorized and directed to publish a copy of this order, certified by her, in the Suffolk County Life, to post a copy of same on the signboard at Town Hall, as well as conspicuously in five (5) public places along the above-described roads in the time and manner required by law.

Dated: Riverhead, New York
August 20, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

Irene J. Pendzick, Town Clerk

The vote, Stark yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

502 APPROVES APPLICATION OF RIVERHEAD RACEWAY FOR AN AUTO PARTS SWAP MEET

Councilperson Creighton offered the following resolution which was seconded by Councilperson Stark.

WHEREAS, Riverhead Raceway, by Robert F. O'Rourke, Sr., submitted an application for an auto parts swap meet to be held at the Riverhead Raceway, Route 58, Riverhead, New York, on Sunday, October 6, 1991 (rain date: Sunday, October 20, 1991) from 9:00 a.m. to 5:00 p.m.; and

WHEREAS, certificates of insurance are filed in the Office of the Town Clerk; and

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

NOW, THEREFORE, BE IT RESOLVED, that the application of Riverhead Raceway to hold an auto parts swap meet at the Riverhead Raceway, Route 58, Riverhead, New York on Sunday, October 6, 1991 (rain date October 20, 1991) from 9:00 a.m. to 5:00 p.m. be and is hereby approved; and

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

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

TOWN OF RIVERHEAD

RESOLUTION # 503
AWARDS BID FOR ONE (1) USED TRACTOR LOADER

COUNCILPERSON Stark OFFERED THE FOLLOWING RESOLUTION
WHICH WAS SECONDED BY COUNCILPERSON Creighton

WHEREAS, THE TOWN CLERK WAS AUTHORIZED TO ADVERTISE FOR BIDS
ON THE PURCHASE OF ONE (1) USED TRACTOR LOADER FOR THE USE OF
THE RIVERHEAD HIGHWAY DEPARTMENT, AND

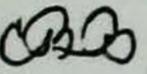
WHEREAS, BIDS WERE RECEIVED AND READ ALOUD ON THE 5TH OF
AUGUST AT 11:00 A.M. AT THE TOWN HALL, 200 HOWELL AVENUE,
RIVERHEAD, NEW YORK THE DATE, TIME AND PLACE GIVEN IN THE NOTICE
TO BIDDERS, AND

WHEREAS, ONE BID WAS RECEIVED

NOW, THEREFORE, BE IT RESOLVED, THAT THE BID FOR THE
PURCHASE OF ONE (1) USED TRACTOR LOADER BE AND IS HEREBY AWARDED
TO TRUX, INC., 1655 OLD COUNTRY ROAD, RIVERHEAD, NEW YORK 11901
IN THE AMOUNT OF \$7,470.00.

AND BE IT FURTHER RESOLVED, THAT THE TOWN CLERK BE AND IS
HEREBY AUTHORIZED TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION
TO TRUX, INC. AND THE RIVERHEAD HIGHWAY DEPARTMENT.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,
Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

CBB


The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,
Creighton, yes, Janoski, yes.
The resolution was thereupon duly declared adopted.

504 APPOINTS EISEP AIDE WITH THE TOWN OF RIVERHEAD SENIORS OFFICE

Councilperson Civiletti offered the following resolution which was seconded by Councilperson Prusinowski.

RESOLVED, that Wanda Legette be and is hereby appointed to the position of EISEP Aide with the Town of Riverhead Seniors Office at the hourly rate of compensation of \$6.13 effective August 20, 1991; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Wanda Legette, Lyn McDonald and the Office of Accounting.

WHEREAS, Special Council to the Town, based upon calculations submitted by the Financial Administrator, has approved of the form of the proposed stipulation,

BE IT FURTHER RESOLVED, for the reasons set forth therein, the stipulation in the form attached hereto is approved as being in the best interests of the Town, and the Supervisor is hereby authorized to execute same on behalf of the Town.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

505 AUTHORIZES SETTLEMENT OF LAWSUIT OF
JESSE R. HUGHES AGAINST THE TOWN OF RIVERHEAD.

STIPULATION

For a Judgment Pursuant to Article 75
of the Constitution of the State of New York

Councilman Prusinowski offered
the following resolution, which was seconded by
Councilman Civiletti;

SUFFOLK COUNTY DEPARTMENT OF CIVIL
SERVICE, ALAN SCHNEIDER, Director

WHEREAS, Special Counsel to the Town, based
upon calculations submitted by the Financial Administrator,
has approved of the form of the annexed stipulation,

BE IT RESOLVED, for the reasons set forth therein,
the stipulation in the form annexed hereto is approved
as being in the best interests of the Town, and the
Supervisor is hereby authorized to execute same on behalf
of the Town.

1994, placed on a one year medical leave of absence
after hearing held by the Respondent Town of Riverhead pursuant
to §73 of the New York State Civil Service Law, and

WHEREAS, Petitioner, pursuant to statute enacted by
the Suffolk County Department of Civil Service which affirmed the
action taken by the Respondent Town of Riverhead, and

WHEREAS, Petitioner commenced an Article 75 proceeding

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes,
Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

WHEREAS, Special Term of the Supreme Court, State of
New York, County of Suffolk, (Underwood) ruled in favor of
Petitioner herein and directed his reinstatement to the position

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF SUFFOLK

-----x

In the Matter of the Application of
JESSE R. HUGHES,

Petitioner,

STIPULATION

For a Judgment Pursuant to Article 78
of the Civil Practice Law & Rules

- against -

Index No. 86-003

SUFFOLK COUNTY DEPARTMENT OF CIVIL
SERVICE, ALAN SCHNEIDER, Director;
TOWN OF RIVERHEAD, JOSEPH JANOSKI,
Supervisor,

Respondent.

-----x

WHEREAS, Petitioner in the above entitled action was,
on March 14, 1984, placed on a one year medical leave of absence
after hearing held by the Respondent Town of Riverhead pursuant
to §72 of the New York State Civil Service Law; and

WHEREAS, Petitioner, pursuant to statute appealed to
the Suffolk County Department of Civil Service which affirmed the
action taken by the Respondent Town of Riverhead, and

WHEREAS, Petitioner commenced an Article 78 proceeding
alleging multiple causes of action against the Respondent herein
challenging said affirmance of the leave of absence; and

WHEREAS, Special Term of the Supreme Court, State of
New York, County of Suffolk, (Underwood) ruled in favor of
Petitioner herein and directed his reinstatement to the position

of Police Officer based upon procedural irregularities found by that Court; and

WHEREAS, on or about the 19th day of December, 1988 the Appellate Division of the Supreme Court, State of New York, Second Department unanimously affirmed said determination of Special Term; and

WHEREAS, the Respondent herein sought and was granted leave to appeal the determination of the Appellate Division to the Court of Appeals of the State of New York and upon said appeal the Court of Appeals of the State of New York on the 19th day of September, 1989 dismissed Petitioner's Article 78 proceeding in full; and

WHEREAS, Petitioner brought on a motion seeking to renew or reargue the determination of the Court of Appeals on the basis that certain aspects of the Petitioner's Article 78 proceeding had never been ruled upon by any Court; and

WHEREAS, the Court of Appeals of the State of New York on the 30th day of November, 1989 modified the order of September 19, 1989 to the extent of remanding the matter to the Appellate Division, Second Department; and

WHEREAS, the parties are desirous of terminating the proceeding in the Appellate Division and of resolving all of the causes of action contained in Petitioner's Article 78 proceeding and any and all other proceedings that have previously been

commenced by Petitioner in any Court of competent jurisdiction concerning the subject of his employment with the Town of Riverhead and to finally satisfy, settle and resolve any and all causes of action or claims of any kind whatsoever that may exist between the parties, may have previously existed between the parties or may exist in the future between the parties with reference to the Petitioner's employment as a Police Officer by the Town of Riverhead.

IT IS HEREIN STIPULATED AND AGREED as follows:

FIRST: That Petitioner shall accept and the Town of Riverhead shall pay to the Petitioner the sum of ONE HUNDRED TWENTY-FIVE THOUSAND (\$125,000) DOLLARS in salary in full satisfaction of all back pay and wage claims and any and all other claims of any kind whatsoever against the Town of Riverhead, including FICA contributions any and all retirement contributions to be paid by the Town of Riverhead to the New York State Police and Firemen's Retirement System and/or any other applicable retirement system to which Petitioner may be a member.

SECOND: The Petitioner shall give to each Respondent a general release and discontinuance for the proceedings pending under Index No. 86-003 and any and all other proceedings commenced by the Petitioner against the Respondent herein in

consideration of the Respondent Riverhead's payment to or on behalf of Petitioner of the settlement proceeds herein.

THIRD: The settlement proceeds herein shall be paid to the Petitioner, or on his behalf, including federal and state withholding taxes, FICA and retirement contributions, within 30 days of the date of entry of an Order of the Supreme Court, Suffolk County, (Index No. 86-003) approving this settlement in the following manner:

1. Forthwith \$52,160.68 to Jesse R. Hughes and Reynold A. Mauro, As Attorney;
2. Forthwith federal and state withholding and FICA and Retirement payments in the sum of \$62,839.19
3. The balance or \$10,000.13 to be retained, in escrow, until clearance or further billings are received from the New York State Policemen's and Firemen's Retirement System, after which any further billing shall be paid to the Retirement System and the balance remaining shall be paid to Jesse R. Hughes and Reynold A. Mauro, As Attorney.

FOURTH: Pending entry of an Order of the Supreme Court, Suffolk County (Index No. 86-003) approving this settlement, Petitioner's status as being on leave without pay, pursuant to the Town Board Resolution of March 14, 1984, shall continue and, on the entry of the Order aforesaid, Petitioner's status shall retroactively be deemed to have been in paid service of the Town of Riverhead for the entire period covered by this stipulation.

approving this settlement in the form annexed hereto.

IN WITNESS WHEREOF, the parties and their respective attorneys have executed this Stipulation on this _____ day of _____, 1991.

TOWN OF RIVERHEAD

BY: _____
JOSEPH F. JANOSKI, Supervisor

JESSE R. HUGHES

SCHLACHTER & MAURO

SMITH, FINKELSTEIN, LUNDBERG
ISLER AND YAKABOSKI

BY: _____
Reynold A. Mauro

BY: _____
PIERRE G. LUNDBERG

ARTICLE III
Traffic Regulations

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
Beach Road	Southbound Beach	Beach from South Landscape Park and 15th

Dated: Riverhead, New York
August 20, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENNICK, Town Clerk

undersigned represents addition(s)
undersigned represents deletion(s)

The vote, Stark, yes, Pucisowski, yes, Ciochetti, yes,
Crichton, yes, Janoski, yes
The resolution was thereupon duly declared adopted.

506

AUTHORIZES TOWN CLERK TO PUBLISH & POST PUBLIC NOTICE TO CONSIDER AMENDING ARTICLE III "TRAFFIC REGULATIONS" OF THE RIVERHEAD TOWN CODE AT SECTION 101-3 "STOP AND YIELD INTERSECTIONS; RAILROAD CROSSINGS"

COUNCILPERSON Creighton offered the following resolution, which was seconded by COUNCILPERSON Stark :

RESOLVED, that the Town Clerk be and is hereby authorized to publish and post the following public notice to consider an amendment to Article III "Traffic Regulations" of the Riverhead Town Code at Section 101-3 "Stop and yield intersections; railroad crossings":

TOWN OF RIVERHEAD
PUBLIC NOTICE

PLEASE TAKE NOTICE, that a public hearing will be held on the 3rd day of September, 1991, at 7:45 o'clock p.m. at Town Hall, 200 Howell Avenue, Riverhead, New York, to hear all interested persons to consider an amendment to Article III "Traffic Regulations" of the Riverhead Town Code at Section 101-3 "Stop and yield intersections; railroad crossings" as follows:

ARTICLE III
Traffic Regulations

101-3. Stop and yield intersections; railroad crossings.

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>Beach Road</u>	<u>South Jamesport Beach parking lot</u>	<u>Exit from South Jamesport parking lot.</u>

Dated: Riverhead, New York
August 20, 1991.

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

IRENE J. PENDZICK, Town Clerk

*underscore represents addition(s)
**~~overstrike~~ represents deletion(s)

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

507 # TRANSFER OF FUNDS/TOWN CLERK

Councilperson Stark offered the following resolution which was seconded by Councilperson Creighton.

RESOLVED, that the Supervisor is hereby authorized to establish the following budget adjustment:

Account	From	To
001.014100.542603	\$60.00	
001.014100.549000		\$60.00

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

508 AUTHORIZES SUBSTITUTION OF ATTORNEY RE: PECONIC RIVER LAWSUIT

COUNCILPERSON Civiletti offered the following resolution, which was seconded by COUNCILPERSON Prusinowski:

RESOLVED, that the Town Board of the Town of Riverhead hereby authorizes the substitution of attorneys regarding the lawsuit brought against the New York State Department of Environmental Conservation pertaining to lands affected by the boundaries set on the Peconic River pursuant to the Wild, Scenic and Recreational Rivers Act from Beveridge & Diamond, P.C., to Smith, Finkelstein, Lundberg, Isler & Yakaboski; and be it further

RESOLVED, that the attorneys are to expeditiously execute any and all documentation to effect said change; and be it further

RESOLVED, that Beveridge & Diamond, P.C., forward to Smith, Finkelstein, et. al., copies of all pertinent papers regarding said lawsuit; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Beveridge & Diamond, P.C. and Smith, Finkelstein, Lundberg, Isler & Yakaboski.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk

509 APPROVES SITE PLAN OF NORTH FORK BANK - JAMESPORT BRANCH

Councilperson Prusinowski offered the following resolution, which was seconded by Councilperson Stark :

WHEREAS, a site plan and elevations were submitted by Ronald Butkovich, as agent for North Fork Bank for the construction of a ramp for access by the physically disabled located at the southeast corner of Main Road and Circle Drive, Jamesport, New York, known and designated as Suffolk County Tax Map Number 0600-68-4-30.1; and

WHEREAS, the Planning Department has reviewed the site plan and elevations dated June 1, 1991, as prepared by Fred R. Weber, RR 2, Box 634, Water Mill, New York, 11976, and has recommended to the Town Board of the Town of Riverhead that said site plan application be approved; and

WHEREAS, based upon the Town Board's review of the Environmental Assessment Form and the proceedings had herein, the Town Board determines that the site plan applied for will be a(n) Type II Action without a significant impact upon the environment pursuant to the State Environmental Conservation Law and 6 NYCRR Part 617; and

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

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

NOW, THEREFORE, BE IT

RESOLVED, that the site plan and elevations submitted by Ronald Butkovich, as agent for North Fork Bank, for the construction of a ramp for access by the physically disabled, located at the southeast corner of Main Road and Circle Drive, Jamesport, New York, dated June 1, 1991, as prepared by Fred R. Weber, RR 2, Box 634, Water Mill, New York, 11976, be and are hereby approved by the Town Board of the Town of Riverhead, subject to the following:

1. That the provisions of the Riverhead Town Code, which are not addressed by this resolution, or other official action of the Town shall, at all times, be complied with by the owner of the property covered by this site plan;

2. That a covenant containing all the limitations and provisions of these approvals contained in this resolution, in a form as attached, shall be recorded with the Suffolk County Clerk

5yes

and a copy of such recorded covenant shall be filed with the Riverhead Town Clerk. This resolution shall not become effective until such covenant is duly recorded with the Suffolk County Clerk's Office and filed with the Riverhead Town Clerk;

3. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

4. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

5. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and Chapter 98, prohibiting the accumulation of litter, and agrees to abide by same;

6. Parking, paving and drainage shall be provided pursuant to specifications outlined in the Riverhead Town Code;

7. That the parking area shall be maintained pursuant to specifications outlined in the Riverhead Town Code;

8. That adequate parking for the handicapped, pursuant to State and Federal law, shall be provided and that each handicap stall shall be designated by an individual sign erected on a stanchion stating, "No Parking, Handicap Only," and the universal symbol affixed thereto. Further, by execution and filing of this document, NORTH FORK BANK by: hereby authorizes and consents to the Town of Riverhead to enter premises at the southeast corner of Main Road and Circle Drive, Jamesport, New York, to enforce said handicapped parking regulations;

9. 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;

10. Pursuant to Section 108-133I of the Code of the Town of Riverhead, the applicant, upon approval of a final site plan by this resolution and prior to the issuance of a building permit, shall post a performance bond or other equivalent security. The performance bond or other security assures the performance of all the conditions of the building permit in accordance with the site plan approval. The Supervisor, upon

approval from the Town Attorney as to form, is hereby authorized to accept said performance bond or other security, which shall be filed with the Town Clerk subsequent to approval of the site plan herein. The building permit shall not be issued until the Town Clerk certifies that the performance bond or other security has been filed in the Office of the Town Clerk of the Town of Riverhead. Said security shall be in full force and effect for the term of the building permit or any renewal thereof; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to Ronald Butkovich, as agent for North Fork Bank, Fred R. Weber, the Riverhead Planning Department, Riverhead Building Department, Town Engineer, and Office of the Town Attorney.

That the within Declaration be recorded in the Suffolk County Clerk's Office;

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, WHEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

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;

1. That the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-35 of the Riverhead Town Code shall be complied with, and that all vendors shall be apprised of said requirements as well as those of Section 108-119.7 and any restrictions imposed as a condition of the site plan approval granted herein;

2. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

3. That the applicant is familiar with the Riverhead Town Code, Chapter 36, entitled, "Trash, Rubbish and Refuse Disposal," and agree to abide by same;

THIS DECLARATION, made the _____ day of _____, 1991, made by NORTH FORK BANK residing at 170 Westphalia Road, Mattituck, New York, 11952, Declarant.

W I T N E S S E T H:

WHEREAS, Declarant is the owner of certain real property situate in the Town of Riverhead, Suffolk County, New York, more particularly bounded and described as set forth in SCHEDULE "A" annexed hereto, as provided by Declarant; and

WHEREAS, for and in consideration of the granting of said site plan, the Town Board of the Town of Riverhead has deemed it to be in the best interests of the Town of Riverhead, and the owner and prospective owners of said parcel, that the within covenants and restrictions be imposed on said parcel, and as a condition of granting said site plan and said Town Board has required that the within Declaration be recorded in the Suffolk County Clerk's Office; and

WHEREAS, Declarant has considered the foregoing and determined that same will be in the best interest of the Declarant and subsequent owners of said parcel.

NOW, THEREFORE, THIS DECLARANT WITNESSETH:

That Declarant, for the purpose of carrying out the intentions above expressed, does hereby make known, admit, publish, covenant and agree that the said premises herein described shall hereafter be subject to the following covenants which shall run with the land, and shall be binding upon all purchasers and holders of said premises, their heirs, executors, legal representatives, distributees, successors and assigns; to wit:

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 the form, design, location and color of all signage shall be submitted to the Town Board for its review and approval pursuant to the site plan process and the sign permit procedure prior to being installed at the property; that all signage so proposed shall be coordinated in appearance and design; and that all provisions of Section 108-56 of the Riverhead Town Code shall be complied with, and that all tenants shall be apprised of said requirements as well as those of Section 108-110.7 and any restrictions imposed as a condition of the site plan approval granted herein;

3. No lighting shall be installed or adjusted in such a way as to cause direct glare on neighboring properties or adjoining highways;

4. That the applicant is familiar with the Riverhead Town Code, Chapter 96, entitled, "Trash, Rubbish and Refuse Disposal," and agrees to abide by same;

510 AUTHORIZES TOWN SUPERVISOR TO EXECUTE APPLICATION FOR COASTAL EROSION AREA HAZARD PERMIT

Councilperson Creighton offered the following resolution, which was seconded by Councilperson Stark.

WHEREAS, the Riverhead Town Board has caused the completion of a preliminary design for improvements to the Riverhead Town Beach at Iron Pier; and

WHEREAS, a report to the Town Board has been made to the Board by the project engineer; Young and Young; and

WHEREAS, the proposed improvements are considered to be important in the delivery of appropriate recreational services to the people of the Town of Riverhead; and

WHEREAS, it has been determined that the proposed project design will require permits issued by the U.S. Army Corps of Engineers, the New York State DEC and the Riverhead Planning Board.

NOW, THEREFORE, BE IT RESOLVED, that in the matter of the proposed capital improvements to Iron Pier Beach, the Riverhead Town Board hereby authorizes the Supervisor to execute an application to the Riverhead Planning Board for a coastal erosion hazard area permit pursuant to Chapter 12 of the Riverhead Town Code; and

BE IT FURTHER RESOLVED, that the firm of Young and Young be authorized to prepare the subject application; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby directed to forward a copy of this resolution to Thomas Wolpert, P.E., of Young and Young, Kenneth Testa, Town Engineer, and Edward Hudgins, Director of Program Evaluation.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

8/20/91

RESOLUTION NUMBER 511 DATE AUGUST 20, 1991

ABSTRACT 30 988

COUNCILMAN Prusinowski offered the following resolution, which was seconded by COUNCILMAN Civiletti

RESOLVED, that the SUPERVISOR be, and is hereby authorized to pay the following vouchers: 9100 :9100

*****ACCOUNTS*****		*****TOTALS*****	
GENERAL TOWN	001		\$334,459.39
PARKING METER	002		
AMBULANCE	003		
POLICE ATHLETIC LEAGUE	004		
TEEN CENTER	005		
RECREATION PROGRAM	006		\$716.65
HIGHWAY	111		\$44,329.99
WATER	112		\$54,020.76
REPAIR & MAINTENANCE	113		\$860.65
SEWER	114		\$13,530.20
STREET LIGHTING	116		\$2,782.48
PUBLIC PARKING	117		\$1,881.13
HOSPITALIZATION SELF INSURANCE	174		\$10,823.51
RISK RETENTION	175		
UNEMPLOYMENT INSURANCE RESERVE	176		
ECONOMIC REVOLVING LOAN	178		\$2,788.69
RESIDENTIAL REHAB	179		
DISCRETIONARY	180		
PUBLIC PARKING DEBT	381		
SEWER DEBT	382		
WATER DEBT	383		
GENERAL TOWN DEBT	384		
SCAVENGER WASTE DEBT	385		
TOWN HALL CAPITAL PROJECTS	406		\$118,225.83
EIGHT HUNDRED SERIES	408		\$429,683.77
WATER IMPROVEMENTS	409		\$6,582.38
SCAVENGER WASTE CAP PROJ	470		\$56,000.00
YOUTH SERVICE	452		\$1,190.07
SENIORS HELPING SENIORS	453		\$1,638.80
EISEP	454		\$1,338.48
JOINT SCAVENGER WASTE	918		\$7,621.82
MUNICIPAL FUEL	625		\$6,002.40
MUNICIPAL GARAGE	626		\$5,390.98
TRUST & AGENCY	735		\$372,651.36
*****GRAND TOTAL*****			\$1,472,519.34

512 URGES NEW YORK STATE LEGISLATURE TO ADOPT LEGISLATION CAUSING DELAY IN THE OPENING DATE OF SCALLOP SEASON.

Councilman Stark offered the following resolution which was seconded by Councilperson Creighton.

WHEREAS, the Long Island Green Seal Bay Scallop Rehabilitation Committee, and the Bay Scallop Subcommittee of the Shellfish Advisory Committee and some commercial scallop harvesters requested a meeting to discuss the possibility of a delay in the opening of the scallop season due to the effect of worm infestation and Brown Tide on the scallops growth and spawning success; and

WHEREAS, participants at a meeting held August 7, 1991, at Cornell recommended a delay in the opening of the season from September 16, 1991 to October 7, 1991; and

WHEREAS, it was agreed that the State of New York government had to take action necessary to implement a change in date for the open season.

NOW, THEREFORE, BE IT RESOLVED, that the Town Board of the Town of Riverhead memorializes the State of New York and its Regulatory Agency, the Department of Environmental Conservation, to take necessary action to delay the opening date of the scallop season until October 7, 1991, in order to allow compensation in growth adversely affected by high worm infestation and the Brown Tide; and

BE IT FURTHER RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to all Long Island representatives in the State Senate and Assembly and Councilman Creighton.

District in the Town of Riverhead,
Suffolk County, New York.

WHEREAS, by previous resolution, the Riverhead Town Board, as governing body of the Riverhead Water District, authorized the construction of water mains to serve Extension 212 at a total cost not to exceed \$570,000, based upon a map and plan prepared by the District Engineer, dated August 1, 1991.

The vote, Stark, yes, Prusinowski, yes, Civiletti, yes, Creighton, yes, Janoski, yes.

The resolution was thereupon duly declared adopted.

1991, for the purpose of providing water service to the site of an alternate construction of transmission mains in the area of Fresh Pond Avenue, Edwards Avenue, and South Path, at a bid cost of \$165,233.00, and

WHEREAS, the engineer and the Superintendent of the District advised that the installation of the alternate bid transmission