

Adopted

8/9/96

TOWN OF RIVERHEAD

Resolution # 617

ADOPTS TOWN OF RIVERHEAD HURRICANE/SEVERE STORM EMERGENCY RESPONSE PLAN

COUNCILMAN KWASNA

_____ offered the following resolution, was seconded by

COUNCILMAN LULL

WHEREAS, concluding it to be in the best interests of all residents of the Town of Riverhead, and especially those residents having special needs, the Town of Riverhead directed that an emergency response plan be prepared; and

WHEREAS, Captain David J. Hegermiller, with the assistance of the Suffolk County Department of Fire, Rescue and Emergency Services and the New York State Emergency Management Office, prepared the "TOWN OF RIVERHEAD HURRICANE/SEVERE STORM EMERGENCY RESPONSE PLAN" draft in May, 1996; and

WHEREAS, comments were received in connection with the May draft of the plan; and

WHEREAS, an interim plan was submitted to the Town Board in July, 1996; and

WHEREAS, the Town Board has carefully considered the interim plan as submitted.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead be and hereby adopts the interim draft of the "Town of Riverhead Hurricane/Severe Storm Emergency Response Plan" as the official plan for the Town of Riverhead; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward to a certified copy of this resolution to the Captain David Hegermiller, the Suffolk County Department of Fire, Rescue and Emergency Services; and the New York State Emergency Management Office.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

RESOLUTION NO. 618

8.9.96

Adopted

AWARDS BID FOR FURNISHING AND INSTALLATION
OF WATER MAINS AND APPURTENANCES
SOUNDBREEZE 4 & FAIRWAY DRIVE
RIVERHEAD WATER DISTRICT

TOWN OF RIVERHEAD

Adopted August 9, 1996**COUNCILMAN PRUSINOWSKI**

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

WHEREAS, this Town Board did authorize the advertisement for bids for the installation of water mains and appurtenances for Soundbreeze 4 and Fairway Drive, and

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

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

WHEREAS, by letter from H2M, consulting engineers to the Town of Riverhead Water District, they did recommend that the bid be awarded to Roy Wanser, Inc. of Bohemia, New York, in the amount of \$145,819.50, the lowest responsible bidder,

NOW, THEREFORE, BE IT

RESOLVED, that the bid for Soundbreeze 4 & Fairway Drive be and is hereby awarded to Roy Wanser, Inc. of Bohemia, New York in the amount of \$145,819.50, the lowest responsible bidder, and be it further

RESOLVED, that the Letter of Credit in the amount of \$130,882 be and is hereby accepted, which, combined with cash already posted in the amount of \$54,460 makes the total project budget of \$185,342, and be it further

RESOLVED, that the Town Clerk forward certified copies of this resolution to Roy Wanser, Inc., H2M, Gary Pendzick, and Pierre G. Lundberg, Esq.

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

is further

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

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon
duly adopted.

August 9, 1996

Adopted

TOWN OF RIVERHEAD

Resolution # 619

SOUND BREEZE WATER EXTENSION

CAPITAL PROJECT

BUDGET ADJUSTMENT

COUNCILMAN LULL

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

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

		FROM:	
1092705.421050.60048	DEVELOPER FEES	\$ 185,500.	
			TO:
406.083200.523002.60048	CONSTRUCTION - WATER MAIN		\$146,000.
406.083200.543501.60048	ENGINEERING EXPENSE		25,000.
406.083200.543315.60048	LEGAL EXPENSE		3,000.
406.083200.547900.60048	CONTINGENCY		11,500.

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

RESOLUTION #620

0150426.01

Adopted

72113-3117P

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on the 9th day of August, 1996, at 9:00 o'clock ^AP.M., Prevailing Time.

The meeting was called to order by Supervisor Stark, and upon roll being called, there were

PRESENT: Supervisor James R. Stark
Councilman Victor Prusinowski
Councilman James Lull
Councilman Mark Kwasna

ABSENT: Councilman Otto Wittmeier

The following resolution was offered by Councilman **COUNCILMAN PRUSINOWSKI**, who moved its adoption, seconded by Councilman **COUNCILMAN LULL**, to-wit:

THE VOTE

Wittmeier	Aye	Nay
Kwasna	Aye	Nay
Lull	Aye	Nay
Prusinowski	Aye	Nay
Stark	Aye	Nay

The Resolution was thereupon duly adopted.

RESOLUTION DATED AUGUST 9, 1996.

A RESOLUTION MAKING CERTAIN DETERMINATIONS IN RELATION TO A PROPOSED SEWER DISTRICT EXTENSION, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO BE KNOWN AS THE COMMERCIAL SEWER DISTRICT EXTENSION TO THE RIVERHEAD SEWER DISTRICT OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

WHEREAS, the Town Board of the Town of Riverhead, Suffolk County, New York, has duly caused to be prepared a map showing the boundaries of a proposed Sewer District Extension in said Town, to be known as the Commercial Sewer District Extension to the Riverhead Sewer District, and a general plan to serve said Sewer District Extension, and a report of the proposed improvements and method of operation thereof including an estimate of cost; and

WHEREAS, said map, plan and report were prepared by a competent engineer, duly licensed by the State of New York, and have been filed in the office of the Town Clerk of said Town, where the same are available during regular office hours for examination by any persons interested in the subject matter thereof; and

WHEREAS, the establishment of the Commercial Sewer District Extension to the Riverhead Sewer District and the capital project proposed therefor, have been determined to be an Unlisted Action pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, which as proposed, the Town Board has determined will not have any significant effects on the environment; and

WHEREAS, an order was duly adopted by said Town Board on June 18, 1996, reciting a description of the boundaries of The Commercial Sewer District Extension to the Riverhead Sewer District, the improvements proposed, the maximum amount proposed to be expended for said improvements, the proposed methods of financing to be employed, the fact that said map, plan and report, including an estimate of cost, were on file in the Town Clerk's office for public inspection and specifying the 1st day of July, 1996, at 1:00 o'clock P.M., local time, at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, as the time when and the place where said Town Board would meet for the purpose of holding a public hearing to consider the establishment of the Commercial Sewer District Extension to the Riverhead Sewer District and said map, plan and report (including estimate of cost) filed in relation thereto and to hear all persons interested in the subject thereof concerning the same; and

WHEREAS, notice of the aforesaid public hearing was duly published and posted in the manner and within the time prescribed by Section 209-d of the Town Law, and proof of publication and posting have been duly presented to said Town Board; and

WHEREAS, said public hearing was duly held at the time and place in said order as aforesaid, at which all persons desiring to be heard were duly heard; and

WHEREAS, said Town Board duly considered said map, plan and report (including estimate of cost) and the evidence given at said public hearing; and

WHEREAS, said Town Board in proceedings adopted July 2, 1996 subject to permissive referendum, has made the determinations required by Section 209-e of the Town Law; and

WHEREAS, said permissive referendum period has elapsed and no petition has been filed in relation thereto; and

WHEREAS, the Town Board has reviewed said application; NOW, THEREFORE, BE IT

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

Section 1. Upon the evidence given at the aforesaid public hearing and review of the application to the Office of State Comptroller for permission to establish the Commercial Sewer District Extension to the Riverhead Sewer District, it is hereby found and determined as follows:

- a) The application to the Office of the State Comptroller attached hereto as Exhibit A and hereby made a part hereof was prepared at the direction of this Town Board and this Town Board believes its contents to be accurate;
- b) The establishment of the proposed Commercial Sewer District Extension to the Riverhead Sewer District is in the public interest and will not constitute an undue burden on the property which will bear the cost thereof;
- c) All the property and property owners within the proposed Commercial Sewer District Extension to the Riverhead

Sewer District, as described in the preambles hereof, are benefited thereby; and

- d) All the property and property owners benefited are included within the limits of the proposed Commercial Sewer District Extension to the Riverhead Sewer District.

Section 2. The Town Clerk shall, within ten (10) days after the date hereof, being a date after which the permissive referendum period has elapsed for the resolution adopted pursuant to Section 209-e of the Town Law, file certified copies of this resolution in duplicate in the office of the State Department of Audit and Control at Albany, New York, together with the application by this Board in duplicate for permission to establish the Commercial Sewer District Extension to the Riverhead Sewer District as provided for by subdivision 3 of Section 209-f of the Town Law of the State of New York; and that such application shall be executed by and on behalf of the Town Board by the Supervisor of the Town.

Section 3. This resolution shall take effect immediately.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

<u>Supervisor Stark</u>	VOTING	<u>Aye</u>
<u>Councilman Prusinowski</u>	VOTING	<u>Aye</u>
<u>Councilman Lull</u>	VOTING	<u>Aye</u>
<u>Councilman Kwasna</u>	VOTING	<u>Aye</u>
<u>Councilman Wittmeier</u>	VOTING	<u>Absent</u>

The resolution was thereupon declared duly adopted.

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

I, the undersigned Clerk of the Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the foregoing copy of the minutes of the meeting of the Town Board of said Town, including the resolution contained therein, held on the _____ day of August, 1996, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that all members of said Board had due notice of said meeting and that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public and that I duly caused a public notice of the time and place of said meeting to be given to the following newspapers and/or other news media as follows:

<u>Newspapers and/or other news media</u>	<u>Date given</u>
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and that I further duly caused public notice of the time and place of said meeting to be conspicuously posted in the following designated public location(s) on the following dated:

Designated Location(s)
of posted notice

Date of Posting

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Town this ____ day of August, 1996.

Town Clerk

(SEAL)

Adopted

8/9/96

TOWN OF RIVERHEAD

Resolution # 621

AUTHORIZES THE TOWN CLERK TO PUBLISH A PROPOSED LOCAL LAW ENTITLED, " A LOCAL LAW REQUESTING THE NEW YORK STATE LEGISLATURE TO APPROVE LEGISLATION PERMITTING A BINDING REFERENDUM ON THE CREATION OF PECONIC COUNTY IN THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHAMPTON, AND SOUTHOLD AND REQUIRING A FOUR FIFTHS VOTE OF THE TOWN BOARD OF THE TOWN OF RIVERHEAD IN APPROVING ANY ACTIONS RELATING TO THE CREATION OF SAID COUNTY"

COUNCILMAN PRUSINOWSKI

~~COUNCILMAN KWASNA~~ offered the following resolution, was seconded by

WHEREAS, that the Town Clerk be and is hereby authorized to publish and post the attached public notice of the proposed local law once in the August 14, 1996 edition of the Suffolk County Life, the newspaper hereby designated as the official newspaper for this purpose, and to post same on the signboard in Town Hall.

NOW THEREFORE BE IT RESOLVED, that the Town Clerk be and is hereby authorized to forward to certified copy of this resolution to the Riverhead Planning Board; the Suffolk County Planning Commission; the L.I. State Park Commission; the Towns of Shelter Island, East Hampton, Southold and Southampton; and the L.I. Pine Barrens Review Commission.

THE VOTE

Wittmeier	<u>Aye</u>	Nay
Kwasna	<u>Aye</u>	Nay
Lull	<u>Aye</u>	Nay
Prusinowski	<u>Aye</u>	Nay
Stark	<u>Aye</u>	Nay

The Resolution was thereupon duly adopted.

**TOWN OF RIVERHEAD
NOTICE OF PUBLIC HEARING**

PLEASE TAKE NOTICE, that a public hearing will be held on the 26th day of August, 1996 at 2:00 o'clock p.m. at 200 Howell Avenue, Riverhead, New York to hear all interested parties to consider the proposed local law entitled, "a Local Law requesting the New York State Legislature to approve legislation permitting a binding referendum on the creation of Peconic County in the Towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold and requiring a four fifths vote of the Town Board of the Town of Riverhead in approving any actions relating to the creation of said County", as follows:

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

Section 1. Legislative Findings. It is hereby found by the Town Board of the Town of Riverhead that the creation of a new country in the State of New York from the Towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold is an issue that has been long discussed among the residents of these East End Towns. It has been the ultimate goal to achieve the passage of state legislation which would create the new county, to be known as Peconic County, subject to the final approval of the people of these East End Towns through a binding referendum.

To that end, a Financial Feasibility Study was completed in 1995 to investigate whether the creation of Peconic County was financially feasible and to provide East End residents with the necessary information to make an informed decision on the creation of the new county. Said Study was funded through the joint efforts of the State of New York and the five East End Towns. The Study was completed by an independent and objective municipal financial management firm under the auspices of the East End Economic and Environmental Task Force.

Said Study concluded that not only was the creation of Peconic County feasible, it was fiscally desirable. In summary, the study found that due to the strong second home economy on the East End, the East End generates 14.4% of all Suffolk general fund tax revenues despite having only 8% of the year round population. Further, that because of this strong revenue base and the level of services provided by Suffolk to the East End, each year East End residents pay about \$20 million more in taxes that the cost of providing county services to the East End. The result is that the creation of Peconic County would result in a reduction in the County portion of the real property tax burden of over 50%.

In addition, the study provided for a division that would be fair to the remainder of Suffolk County. While the tax savings to the East End would be substantial, the loss of tax revenue to Suffolk would represent only about 1.25% of all its total revenue. Further, Suffolk would be compensated for the East End's share of existing county liabilities in an amount equal to the East End's current tax contribution for such liabilities. Today, Peconic County's share of these liabilities would be about \$75 million. In addition, Suffolk would continue to share in the sue of such assets as parks, open space, the jail and community college.

Said Feasibility Study has been subject to intense public scrutiny over the last year,

including numerous public hearings and intergovernmental reviews. The conclusions of the study have withstood such review.

The Town of Riverhead now wishes to proceed with the next step towards the creation of Peconic County. Through this local law, the Town Board of the Town of Riverhead hereby requests that the New York State Legislature adopt legislation establishing a procedure by which Peconic County may be created, subject to final approval of the voters of the East End Towns.

Further, this Town Board believes that the creation of the new county shall require clear and convincing support from its constituent towns if it is to be successful. To help insure that such clear and convincing support exists, it is also the purpose of this local law to require that any action taken by the Town of Riverhead to advance the creation of Peconic County must be approved by a four fifths vote of the Town Board.

It is understood that subjecting actions of the Town Board advancing the creation of Peconic County to a four fifths vote instead of a simple majority will curtail the power of the Town Board under Section 23(2)(f) of the Municipal Home Rule Law, thereby subjecting this local law to a mandatory referendum (See Comptroller's Opinion 78-735). The Town board wishes to decide on the issue of requiring a four fifths vote of the Town Board on actions advancing the creation of Peconic County, but also to allow voters to express their position on the Town's request that the State Legislature create Peconic County subject to the approval of voters of the East End in binding referendum.

Finally, it is understood that Section 63 of the Town Law requires that actions of the Town to advance the creation of Peconic County be approved by only a simple majority of the Town Board. Pursuant to Section 10(1)(d)(3) of the Municipal Home Rule Law, the Town Board expressly supersedes the application of the Town Law in such instances.

Section 2. Request for State Legislation. The Town Board of the Town of Riverhead hereby requests that the New York State Legislature adopt legislation establishing a procedure under which the voters of the Towns of East Hampton, Riverhead, Shelter Island, Southampton, and Southold, in a binding referendum, can decide the question of creating a new county, to be known as Peconic County, from the Towns of East Hampton, Riverhead, Shelter Island, Southampton and Southold.

Section 3. Four fifths Vote Required for Town Board Votes to Advance Peconic County. Actions by the Town Board of the Town of Riverhead which advance the creation of Peconic County shall require a four fifths vote of the Town Board. For the purposes of this section, "action" shall include any resolution which authorizes the appropriation of money, the institution of legal action, directs a Town officer or employee to take an action, or any other activity designed to advance the creation of Peconic County.

Section 4. Form or Proposition. Pursuant to Section 23(2)(f) of the Municipal Home Rule Law, this local law curtails the powers of the Town Board requiring a mandatory referendum. therefore, the following proposition shall be submitted to the electors of the Town of Riverhead at the general election to be held November 5, 1996:

"SHALL LOCAL LAW NO. ____ OF 1996, ENTITLED 'A LOCAL LAW REQUESTING THE NEW YORK STATE LEGISLATURE TO APPROVE LEGISLATION PERMITTING

A BINDING REFERENDUM ON THE CREATION OF PECONIC COUNTY IN THE TOWNS OF EAST HAMPTON, RIVERHEAD, SHELTER ISLAND, SOUTHAMPTON AND SOUTHOLD, AND REQUIRING A FOUR FIFTHS VOTE OF THE TOWN BOARD OF THE TOWN OF SOUTHOLD IN APPROVING ANY ACTIONS RELATING TO THE CREATION OF SAID COUNTY' be approved?"

Section 5. Severability. If any clause, sentence, paragraph, section or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

Section 6. Effective date. This local law shall take effect after approval at the general election to be held November 5, 1996 by the affirmative vote of the qualified electors of the Town of Riverhead upon the proposition.

Dated: August 9, 1996
Riverhead, New York

BY ORDER OF THE TOWN BOARD
OF THE TOWN OF RIVERHEAD

BARBARA GRATTAN, Town Clerk

Adopted

No. 622



Resolution

of the Riverhead Town Board

WHEREAS, it is proper that the Town of Riverhead acknowledge those individuals who devote their time to benefit the community; and

WHEREAS, LOU GRASSO, Managing Editor of **Suffolk Life Newspapers**, has announced his retirement after serving in that capacity for 16 years; and

WHEREAS, LOU GRASSO demonstrated a dedication and commitment to fair, accurate and balanced reporting; and

WHEREAS, LOU GRASSO has been known as being fiercely independent and instantly fair, being devoted to Suffolk County and its people in the finest of journalistic tradition.

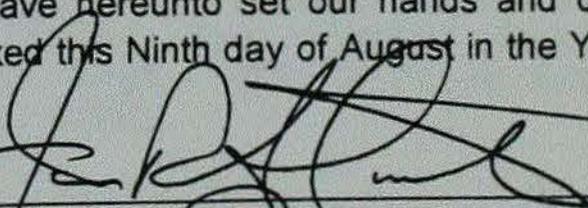
NOW, THEREFORE, in recognition of his many accomplishments in the field of journalism and with greatest appreciation for his dedication to the Riverhead community, the Town Board of the Town of Riverhead hereby proclaims August 9, 1996

"LOU GRASSO DAY"

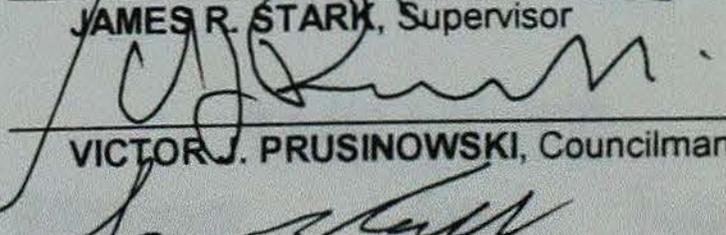
in the Town of Riverhead to acknowledge his contributions to the people of the Town of Riverhead and Suffolk County.

IN WITNESS WHEREOF, we have hereunto set our hands and caused the Great Seal of the Town of Riverhead to be affixed this Ninth day of August in the Year of Our Lord Nineteen Hundred and Ninety-Six.

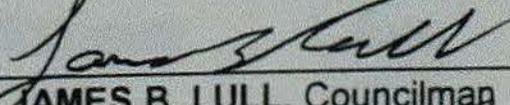




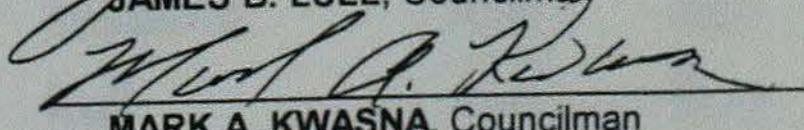
 JAMES R. STARK, Supervisor



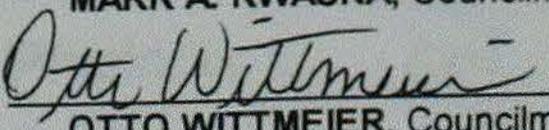
 VICTOR J. PRUSINOWSKI, Councilman



 JAMES B. LULL, Councilman



 MARK A. KWASNA, Councilman



 OTTO WITMEIER, Councilman