

Minutes of a Community Development Agency Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Wednesday, December 29, 2004, at 2:00 p.m.

**Present:**

|                   |          |
|-------------------|----------|
| Philip Cardinale, | Chairman |
| Edward Densieski, | Member   |
| George Bartunek,  | Member   |
| Barbara Blass,    | Member   |
| Rose Sanders,     | Member   |

**Also Present:**

|                    |                   |
|--------------------|-------------------|
| Andrea Lohneiss,   | Director          |
| Barbara Grattan,   | Town Clerk        |
| Sean Walter, Esq., | Town Attorney     |
| Melissa Giguere,   | Deputy Town Clerk |

Chairman Cardinale: "We would like to address the resolutions and commence with #20 for the CDA. We have Andrea here? Andrea, if you could come up and offer the CDA resolutions. I'd like to commence the meeting— or open the meeting of the Community Development Agency and address 20 and 21 resolutions. Go ahead."

Resolution #20

Andrea Lohneiss: "Okay. Resolution 20 from the prior meeting on December 21<sup>st</sup> is authorizing the Chairman to execute an agreement with Pike Realty LLC for the sale of the Suffolk Theater was tabled so we need a motion to take it off the table."

Chairman Cardinale: "Do we have a motion to un-table Resolution 20 authorizing the Chairman to execute an agreement with Pike Realty, Inc. for the sale of the Suffolk Theater?"

Member Densieski: "So moved."

Chairman Cardinale: "Second please?"

Member Sanders: "Seconded."

Chairman Cardinale: "Moved and seconded. Can we have a vote to

take it off the table?"

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes, to take it off the table."

Andrea Lohneiss: "Okay, that resolution is adopted."

Chairman Cardinale: "No, actually it's off the table. Can we have a motion now to consider the resolution now that it's off the table?"

Andrea Lohneiss: "Right."

Member Bartunek: "Yes. Authorize the Chairman to execute and agreement with Pike Realty Co. LLC for the sale of the Suffolk Theater. So moved."

Member Sanders: "And seconded."

Chairman Cardinale: "Moved and seconded for consideration. Vote, please."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Densieski, yes; Cardinale, yes."

Andrea Lohneiss: "Okay, Resolution 20 is adopted."

Resolution #21

Andrea Lohneiss: "And the purpose of the tabling had been to consider it at the same meeting as the resolution #21 which is designating Pike Realty Co. LLC as a qualified and eligible sponsor following a hearing that we had earlier in the month and also to authorize the sale by the CDA to Pike Realty LLC."

Chairman Cardinale: "Can we have a motion to consider that?"

Member Blass: "I'd like to move Resolution 21 from the CDA."

Member Desieski: "Second the motion."

Chairman Cardinale: "Moved and seconded to consider 21 for a vote."

The Vote: "Bartunek, yes; Sanders, yes; Blass, yes; Cardinale,

yes."

Andrea Lohneiss: "I'm sorry."

The Vote (Cont'd.): "Densieski, yes; Cardinale, yes, also."

Andrea Lohneiss: "Okay, the resolution is adopted."

Chairman Cardinale: "Thank you. Is that the end of the CDA agenda?"

Andrea Lohneiss: "Yes."

Chairman Cardinale: "Okay, we'd like to close now the meeting of the CDA."

Meeting adjourned: 4:59 p.m.

*Melissa A. Liguori*

# Adopted

12/29/04

## TOWN OF RIVERHEAD

### COMMUNITY DEVELOPMENT AGENCY

Resolution # 21

A RESOLUTION DESIGNATING PIKE REALTY COMPANY, LLC AS A QUALIFIED AND ELIGIBLE SPONSOR FOR THE ACQUISITION AND RESTORATION OF THE SUFFOLK THEATRE ON EAST MAIN STREET IN DOWNTOWN RIVERHEAD AND AUTHORIZING THE SALE BY THE AGENCY OF THE SUFFOLK THEATRE TO PIKE REALTY COMPANY, LLC FOR REDEVELOPMENT AS A PERFORMING ARTS CENTER CONSISTENT WITH THE GOALS AND OBJECTIVES OF THE EAST MAIN STREET URBAN RENEWAL PLAN

Member **COUNCILWOMAN BLASS** offered the following resolution,

which was seconded by Member **COUNCILMAN DENSIENSKI** :

**WHEREAS**, the Town of Riverhead Community Development Agency (the "Agency") is the owner of the Suffolk Theatre located on the north side of East Main Street, Riverhead, New York said property being more particularly bounded and described on "Schedule A" annexed hereto and made a part hereof, (the "Premises"); and

**WHEREAS**, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) designating Pike Realty Company, LLC the "qualified and eligible sponsor" (the "Sponsor"), pursuant to Section 507(2)(c) and (d) of the General Municipal Law and in accordance with the established rules and procedures provided by the Agency, for the redevelopment of the Premises as a Performing Arts Center consistent with the purposes of the Urban Renewal Plan adopted by the governing board of the Agency on October 19, 1993; and (ii) selling the Premises, pursuant to Sections 507(2)(d), 556(2) and 968(b) of the General Municipal Law, to Pike Realty Company, LLC pursuant to a certain Agreement of Sale by and between the Agency and Pike Realty Company, LLC, a draft of which Agreement of Sale is on file in the Office of the Town Clerk of the Town of Riverhead and is available for public inspection during regular business hours (the "Agreement of Sale"), for \$707,000 for redevelopment by Pike Realty Company, LLC as a performing arts center consistent with the goals and objectives of the Urban Renewal Plan for the East Main Street Improvement Area by encouraging the restoration, rehabilitation and development of a structure that will enhance the physical appearance of the Town, stimulate economic development and promote tourist related activities within the East Main Street Improvement Area; and

**WHEREAS**, Sections 556(2), 507(2)(c) and (d) and 968(b) of the General Municipal Law require that a public hearing, following at least ten (10) days public notice, be held by the

Agency on the question of designating Pike Realty Company, LLC the Sponsor for the redevelopment of the Premises and selling said Premises to Pike Realty Company, LLC; and

**WHEREAS**, the Agency, pursuant to Article 8 of the Environmental Conservation Law and the regulations promulgated thereunder by the State Department of Environmental Conservation ("SEQRA"), declared itself "lead agency," by Resolution #949 dated October 19, 2004 for the sale of the Premises to Pike Realty Company, LLC, determined such sale of the Premises to be an Unlisted Action pursuant to SEQRA, caused to be prepared therefore an Environmental Assessment Form pursuant to SEQRA and determined that such sale of the Premises is without significant adverse impacts to either the natural or social environment and that an Environmental Impact Statement need not be prepared pursuant to SEQRA; and

**WHEREAS**, on November 3, 2004, the Agency duly held said public hearing on the designation of Pike Realty Company, LLC as Sponsor for the redevelopment of the Premises and the sale of the Premises by the Agency to Pike Realty Company, LLC, as Sponsor, after the requisite public notice; and

**WHEREAS**, a majority of the Town Board of the Town of Riverhead, acting as Members of the Agency, attended such public hearing;

**NOW THEREFORE, BE IT RESOLVED**, by the Members of the Agency, as follows:

Section 1. Based upon the public hearing held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York in said Town on November 3, 2004 at 2:15 P.M., Prevailing Time, and upon all supplemental documentation and information received by the Agency on the question of designating Pike Realty Company, LLC the Sponsor for the redevelopment of the Premises and the sale of the Premises by the Agency to Pike Realty Company, LLC, it is hereby determined to designate Pike Realty Company, LLC the Sponsor pursuant to Section 507(2)(d) of the General Municipal Law for the redevelopment of the Premises.

Section 2. The form and substance of the Agreement of Sale (in substantially the form presented at this meeting) are hereby approved.

Section 3. Based upon the public hearing held at Riverhead Town Hall, 200 Howell Avenue, Riverhead, New York in said Town on November 3, 2004 at 2:15 P.M., Prevailing Time, and upon all supplemental documentation and information received by the Agency on the question of designating Pike Realty Company, LLC the Sponsor for the redevelopment of the Premises and the sale of the Premises by the Agency to Pike Realty Company, LLC the sale of the Premises by the Agency to Pike Realty Company, LLC is hereby authorized in accordance with Section 507(2)(d), 556(2) and 968(b) of the General Municipal Law and in accordance with the terms of the Agreement of Sale.

Section 4. The Chairman of the Agency is hereby authorized, on behalf of the Agency, to execute and deliver the Agreement of Sale and to execute and deliver such other documents and certificates, including a deed to the Premises, as may be necessary or convenient to properly effectuate the sale of the Premises by the Agency to Pike Realty Company, LLC in accordance with this Resolution and the Agreement of Sale and the Secretary of the Agency is hereby authorized to affix the seal of the Agency thereto and to attest the same, where necessary.

Section 5. The Chairman of the Agency is hereby authorized and directed to distribute copies of this Resolution to Pike Realty Company, LLC and to do such further things and perform such acts as may be necessary or convenient to implement the provisions of this Resolution and the Agreement of Sale.

Section 6. This Resolution shall take effect immediately.

**The Vote:**

|                    |              |
|--------------------|--------------|
| Member Bartunek    | <u>  ✓  </u> |
| Member Sanders     | <u>  ✓  </u> |
| Member Blass       | <u>  ✓  </u> |
| Member Densieski   | <u>  ✓  </u> |
| Chairman Cardinale | <u>  ✓  </u> |

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

SCHEDULE A

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being at Riverhead, Town of Riverhead, County of Suffolk and The State of New York, bounded and described as follows:

BEGINNING at the southeast corner of the property about to be described, said point being 235.45 feet westerly from the intersection formed by the westerly side of East Avenue and the northerly side of East Main Street (S.R. 25);

THENCE running North 77 degrees 31 minutes 00 seconds West, 69.68 feet westerly along the northerly side of East Main Street (S.R. 25) to a point and land now or formerly of John L. Braider;

THENCE running North 14 degrees 10 minutes 10 seconds East, 163.00 feet to a point;

THENCE running North 75 degrees 48 minutes 41 seconds West, 32.71 feet to a point;

THENCE running North 12 degrees 24 minutes 15 seconds East, 78.04 feet to a point;

THENCE running South 75 degrees 48 minutes 41 seconds East, 95.21 feet to a point;

THENCE running South 14 degrees 11 minutes 19 seconds West, 46.08 feet to a point;

THENCE running South 75 degrees 33 minutes 14 seconds East, 12.03 feet to a point;

THENCE running South 14 degrees 25 minutes 00 seconds West, 27.11 feet to a point;

THENCE running South 81 degrees 32 minutes 30 seconds East, 0.08 feet to a point;

THENCE running South 14 degrees 25 minutes 00 seconds West, 165.69 feet to the point and place of BEGINNING.