

Minutes of a Community Development Agency Town Board Meeting held by the Town Board of the Town of Riverhead at Town Hall, 200 Howell Avenue, Riverhead, New York, on Tuesday, August 5, 2003, at 2:00 p.m.

Present:

Robert Kozakiewicz,	Chairman
Edward Densieski,	Member
James Lull,	Member

Also Present:

Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

Absent:

Andrea Lohneiss,	Director
Barbara Blass,	Member
Rose Sanders,	Member

Chairman Kozakiewicz: "The time being 3:26 p.m. we'll convene the Community Development Agency meeting. Barbara."

Resolution #19

Member Lull: "19 is a resolution designating Suffolk Theater Enterprises, Inc. as a qualified and eligible sponsor for redevelopment of the building commonly known as the Suffolk Theater and authorizing the sale by the agency of Suffolk Theater to Suffolk Theater Enterprises for redevelopment as a performing arts center. So moved."

Member Densieski: "Second the motion."

Chairman Kozakiewicz: "Moved and seconded."

The Vote: "Lull, yes; Densieski."

Member Densieski: "Yeah. I think we've got to say something here. This is- in every study that's ever been done about downtown, one of the lynch pins, one of the anchors, to the continued revitalization. If you look downtown, there aren't many vacant stores

left. But this is critical to continue revitalization efforts.

They are eligible and they are most certainly qualified. With that said, I'm going to vote yes."

The Vote (Cont'd.): "Kozakiewicz."

Chairman Kozakiewicz: "I also briefly just want to say first yes. I did have a chance to review the mission statement that was filed by this group and it contained a number of the answers to some of the questions which I had posed. Some of the others are being addressed by the contract that's being drafted and worked out between us and them which provides for some clear and decisive cut off dates and dates by which certain events have to trigger. Based upon those factors, I vote yes."

Barbara Grattan: "The resolution is adopted."

Resolution #20

Member Densieski: "Authorizes the Supervisor to execute a license agreement with Island Water Park LLC for the use of the property at Enterprise Park at Calverton. So moved."

Member Lull: "And seconded."

Chairman Kozakiewicz: "Moved and seconded."

The Vote: "Densieski."

Member Densieski: "Just to let the public know what we're doing is redirecting the trucks on the property so that the horse show goes uninterrupted. Yes."

The Vote (Cont'd.): "Lull, yes; Kozakiewicz, yes. The resolution is adopted."

Chairman Kozakiewicz: "And there's no further business of the CDA, is that correct?"

Member Densieski: "Motion to adjourn the CDA meeting."

Member Lull: "So moved. Second."

Chairman Kozakiewicz: "Okay, it's adjourned, the time being 3:29."

Meeting adjourned: 3:29 p.m.

Barbara Hunter
Gown Clerk

Adopted

At a regular meeting of the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, held at the Town of Riverhead Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town, on July 15, 2003, at 2:00 o'clock P.M., Prevailing Time.

Supervisor Kozakiewicz

The meeting was called to order by _____, and upon roll being called, the following were

PRESENT: SUPERVISOR ROBERT KOZAKIEWICZ
COUNCILMAN EDWARD DENSIESKI
COUNCILMAN JAMES LULL

ALSO PRESENT: BARBARA GRATTAN, TOWN CLERK

ABSENT: COUNCILWOMAN BARBARA BLASS
COUNCILWOMAN ROSE SANDERS

The following resolution was offered by Member COUNCILMAN LULL, who moved its adoption, seconded by Member COUNCILMAN DENSIESKI, to-wit:

THE VOTE
Sanders absent Yes ___ No ___ Blass absent Yes ___ No ___
Densieski X Yes ___ No ___ Lull X Yes ___ No ___
Kozakiewicz X Yes ___ No ___
THE RESOLUTION X WAS NOT
THEREFORE X ADOPTED

Community Development Agency
Resolution #

A RESOLUTION DESIGNATING SUFFOLK THEATRE ENTERPRISES, INC. AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF THE BUILDING COMMONLY KNOWN AS THE SUFFOLK THEATRE AND AUTHORIZING THE SALE BY THE AGENCY OF SUCH SUFFOLK THEATRE TO SUFFOLK THEATRE ENTERPRISES, INC. FOR REDEVELOPMENT AS A PERFORMING ARTS CENTER.

WHEREAS, the Town of Riverhead Community Development Agency (the "Agency") is the owner of a parcel of land and the building located thereon commonly known as the Suffolk Theatre, located on the north side of East Main Street, Riverhead, (the "Suffolk Theatre"); and

WHEREAS, there has been submitted to the Agency a proposal for, and the Agency is considering, (i) designating Suffolk Theatre Enterprises, Inc. 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 Suffolk Theatre as a performing arts center, and (ii) selling the Suffolk Theatre, pursuant to Sections 507(2)(d), 556(2) and 968(b) of the General Municipal Law, to Suffolk Theatre Enterprises, Inc. pursuant to a certain Agreement of Sale by and between the Agency and Suffolk Theatre Enterprises, Inc., 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 \$704,000 for redevelopment by Suffolk Theatre Enterprises, Inc. as a performing arts center; 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 days public notice, be held by the Agency on the question of designating Suffolk Theatre Enterprises, Inc. the Sponsor for the redevelopment of the Suffolk Theatre and selling the Suffolk Theatre to Suffolk Theatre Enterprises, Inc.; 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 #666 dated June 3, 2003, for the sale of the Suffolk Theatre to Suffolk Theatre Enterprises, Inc., determined such sale of the Suffolk Theatre to be an Unlisted Action pursuant to SEQRA, caused to be prepared therefor an Environmental Assessment Form pursuant to SEQRA and determined that such sale of the Suffolk Theatre 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 July 1, 2003, the Agency duly held said public hearing on the designation of Suffolk Theatre Enterprises, Inc. as the Sponsor for the redevelopment of the Suffolk Theatre and the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc., as Sponsor, after the requisite public notice; and

WHEREAS, a majority of the Town Board of the Town, 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 the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on July 1, 2003 at 7:15 o'clock P.M., Prevailing Time, on the question of designating Suffolk Theatre Enterprises, Inc. the Sponsor for the redevelopment of the Suffolk Theatre and the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc., it is hereby determined to designate Suffolk Theatre Enterprises, Inc. the Sponsor pursuant to Section 507(2)(d) of the General Municipal Law for the redevelopment of the Suffolk Theatre.

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

Section 3. Based upon the public hearing held at the Town Hall, 200 Howell Avenue, in Riverhead, New York, in said Town on July 1, 2003 at 7:15 o'clock P.M., Prevailing Time, on the question of designating Suffolk Theatre Enterprises, Inc. the Sponsor for the redevelopment of the Suffolk Theatre and the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc., the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc. is hereby authorized in accordance with Sections 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 Suffolk Theatre, as may be necessary or convenient to properly effectuate the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc. 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 Suffolk Theatre Enterprises, Inc. 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 5. This Resolution shall take effect immediately.

Designated Location(s)

of posted notice _____ Date of Posting

TOWN CLERK'S BULLETIN BOARD

AUGUST 6, 2003

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency

on _____, 2003.

Secretary

(CORPORATE SEAL)

Adopted

08/05/03

TOWN OF RIVERHEAD
Community Development Agency

Resolution # 20

**AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT
WITH ISLAND WATER PARK, LLC FOR THE USE OF PROPERTY AT
ENTERPRISE PARK AT CALVERTON**

Councilman Densieski offered the following resolution, was seconded
by

Councilman Lull :

WHEREAS, the Island Water Park, LLP has requested use of a certain roadway owned by the Town of Riverhead Community Development Agency at Enterprise Park at Calverton for the purposes of facilitating construction of its water ski facility, and

WHEREAS, the Community Development Agency wishes to grant Island Water Park the ability to utilize the roadway in exchange for the company's agreement not engage in construction at their site during certain days of the North Fork Classic Horse Show,

NOW, THEREFORE, it is hereby

RESOLVED, that the Supervisor is hereby authorized to execute a license agreement with Island Water Park, LLC allowing the company to utilize certain roadways located on Community Development Agency property, and be it further

RESOLVED that the Town Clerk is hereby directed to forward a certified copy of this resolution to Island Water Park, LLC, c/c Dave Furman, Andrea Lohneiss, Director, Town of Riverhead Community Development Agency; the Office of the Town Attorney and the Office of Accounting.

absent **THE VOTE** *absent*
Sanders Yes ~~No~~ Blass Yes ~~No~~
Densieski Yes ~~No~~ Lull Yes ~~No~~
Kozakiewicz Yes ~~No~~
THE RESOLUTION WAS WAS NOT
THEREUPON BEING ADOPTED