

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 4:00 p.m. on the 4th day of October, 2007 and do consent to the holding of such meeting for the purpose of:

TABLED

- CDA Res. #15 Authorizes Chairman to Execute Conditional Contract of Sale for a 300+- Parcel of Property within the Light Industrial Portion of the EPCAL Site with REPCAL LLC
- Res. #961 Authorizes the Supervisor to Execute Conditional Contract of Sale for a 300+- Parcel of Property within the Light Industrial Portion of the EPCAL Site with REPCAL LLC
- Res. #962 Accepts Offer of Sale of Real Property Located in the Town of Riverhead (purported owner: Fort-Pat Motel, Inc.)
- Res. #963 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located at 1685 Old Country Road, Riverhead, New York
- Res. #964 Resolution Authorizing the Issuance of \$150,000 Bonds of the Town of Riverhead, Suffolk County, New York, to Pay the Cost of the Increase and Improvement of the Facilities of the Riverhead Ambulance District, in the Town of Riverhead, Suffolk County, New York

Dated: Oct. 4, 2007
Media Notified by
Supervisor

TOWN BOARD MEMBERS
of Riverhead, New York

Supervisor

Councilman

Councilwoman

Councilman

Councilman

October 2, 2007

Tabled
TOWN OF RIVERHEAD

Adopted

CDA RESOLUTION #15

10-04-07

AUTHORIZES CHAIRMAN TO EXECUTE CONDITIONAL CONTRACT OF SALE FOR A 300+- PARCEL OF PRPOERTY WITHIN THE LIGHT INDUSTRIAL PORTION OF THE EPCAL SITE WITH REPCAL LLC

COUNCILMAN BARTUNEK

_____ offered the following

resolution, which was seconded by COUNCILMAN DUNLEAVY

WHEREAS, the Town of Riverhead Community Development Agency owns, among other properties at the Enterprise Park at Calverton, some 300 acres of property located in the Light Industrial Zone, south of Route 25, Calverton, New York; and

WHEREAS, REPCAL LLC has submitted to the Community Development Agency (the "Agency") a proposal for the redevelopment of the approximately 300 acres of property as an industrial development of approximately 2,500,000 square feet of industrial space construction; and

WHEREAS, the Town Board, as the governing body of the Agency, by Resolution #7 dated June 11, 2007, determined that proceeding with contract negotiations authorizing the transfer to this property with the Rechler Group was consistent with the goals and objectives of the Calverton Enterprise Park Urban Renewal Plan (1998), the Light Industrial Zoning Use District, and the Empire Zone; and

WHEREAS, the Agency authorized the Chairman to proceed with contract negations for that purpose; and

WHEREAS, a contract has been negotiated with terms satisfactory to the Agency, conditioned upon REPCAL LLC being determined by this Agency to be a Qualified and Eligible Sponsor pursuant to Section 507 of the New York General Municipal Law; and

WHEREAS, the contract has been executed on behalf of REPCAL LLC.

NOW, THEREFORE BE IT RESOLVED,

That the Chairman is hereby authorized to execute a conditional contract of sale substantially in the form and content as annexed hereto; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Andrea Lohneiss, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL COUNSEL.

THE VOTE
Dunleavy yes ___ no ___ Bartunek yes ___ no ___
Blass yes ___ no ___ Densieski yes ___ no ___
Cardinale yes ___ no ___
THE RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

SPECIAL BOARD MEETING OF OCT. 4, 2007

COUNCILMAN BARTUNEK OFFERED THE RESOLUTION TO BE BROUGHT OFF THE TABLE, SECONDED BY COUNCILMAN DUNLEAVY.

ALL MEMBERS IN FAVOR OF UNTABLING THE RESOLUTION THE RESOLUTION WAS THEREUPON DECLARED TO BE BROUGHT OFF THE TABLE.

Tabled

COUNCILMAN BARTUNEK OFFERED THE RESOLUTION FOR ADOPTION, SECONDED BY COUNCILMAN DUNLEAVY.

ALL MEMBERS IN FAVOR OF THE ADOPTION OF THE RESOLUTION.

THE RESOLUTION WAS THEREUPON DECLARED TO BE DULY ADOPTED.

Adopted

10-04-07

Adopted

October ~~2~~⁴, 2007

TOWN OF RIVERHEAD

AUTHORIZES THE SUPERVISOR TO EXECUTE CONDITIONAL CONTRACT OF SALE FOR A 300+- PARCEL OF PROPERTY WITHIN THE LIGHT INDUSTRIAL PORTION OF THE EPCAL SITE WITH REPCAL LLC

COUNCILMAN BARTUNEK

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

WHEREAS, the Town of Riverhead Community Development Agency owns, among other properties at the Enterprise Park at Calverton, some 300 acres of property located in the Light Industrial Zone, south of Route 25, Calverton, New York; and

WHEREAS, REPCAL LLC has submitted to the Community Development Agency (the "Agency") a proposal for the redevelopment of the approximately 300 acres of property as an industrial development of approximately 2,500,000 square feet of industrial space construction; and

WHEREAS, the Town Board, as the governing body of the Agency, by Resolution #7 dated June 11, 2007, determined that proceeding with contract negotiations authorizing the transfer to this property with the Rechler Group was consistent with the goals and objectives of the Calverton Enterprise Park Urban Renewal Plan (1998), the Light Industrial Zoning Use District, and the Empire Zone; and

WHEREAS, the Agency authorized the Chairman to proceed with contract negotiations for that purpose; and

WHEREAS, a contract has been negotiated with terms satisfactory to the Agency, conditioned upon REPCAL LLC being determined by this Agency to be a Qualified and Eligible Sponsor pursuant to Section 507 of the New York General Municipal Law; and

WHEREAS, the Town of Riverhead is also a party to the contract; and

WHEREAS, the contract is satisfactory to the Town Board; and

WHEREAS, the contract has been executed on behalf of REPCAL LLC.

NOW, THEREFORE BE IT RESOLVED,

That the Supervisor is hereby authorized to execute a conditional contract of sale substantially in the form and content as annexed hereto; and it is further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Andrea Lohneiss, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER,
SPECIAL COUNSEL.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no			

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

4
10/2/07

TOWN OF RIVERHEAD

Resolution # 962

Adopted

**ACCEPTS OFFER OF SALE OF REAL PROPERTY LOCATED IN THE TOWN OF
RIVERHEAD**
(purported owner: Fort-Pat Motel, Inc.)

COUNCILMAN DENSIESKI offered the following resolution, which was seconded

by COUNCILMAN DUNLEAVY

WHEREAS, the Open Space Committee ("the Committee") has received an offer for the sale of real property from Fort-Pat Motel, Inc., of approximately 2.3155 acres of vacant lands located on the southeast corner of Front Street and South Jamesport Avenue, South Jamesport, New York, for a purchase price of \$2,000,000.00, further described as Suffolk County Tax Map #0600-92-4-5, to the Town of Riverhead, which parcel falls with the RB-80 zoning district; and

WHEREAS, the Town of Riverhead commissioned an appraisal of the value of the subject real property; and

WHEREAS, the Open Space Committee has assessed the subject real property and has formally recommended that the Town Board of the Town of Riverhead consider the purchase of the property; and

WHEREAS, the Town of Riverhead applied for and received an award of \$350,000.00 from the New York State Office of Parks, Recreation & Historic Preservation for acquisition of the subject for public access purposes with such restrictions as set forth in §48-2 of the Code of the Town of Riverhead; and

WHEREAS, the subject parcel is one of a limited number of access point for the public on the Peconic Bay and the purpose exposed in the grant application and goal of purchase will be to provide additional parking, landscape, and boardwalk; and

WHEREAS, the Town Board has carefully considered the merits of the offer, the appraisal by R.J. Matuza & Associates, Inc., the report of the Open Space Committee and all other pertinent planning, zoning and environmental information; and

WHEREAS, the Town Board finds that the acquisition of the subject parcel is the best alternative for the protection of community character of all reasonable alternatives available to the Town; and

NOW THEREFORE BE IT RESOLVED, that the Riverhead Town Board hereby accepts the offer of sale of the subject real property of Fort-Pat Motel, Inc., pursuant to Chapter 14 of the Code of the Town of Riverhead; and be it further

RESOLVED, that the Town Board hereby authorizes the Supervisor to execute a contract to purchase the subject property in an amount not to exceed two million dollars (\$2,000,000.00) and

10/3/07

authorizes the Town Attorney to order a survey and title report for the subject real property and directs the Accounting Department to set up a budget; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a copy of this resolution to Fort-Pat Motel, Inc., 45 Front Street, Post Office Box 81, South Jamesport, New York 11790; Peter S. Danowski, Jr., Esq., 616 Roanoke Avenue, Riverhead, New York 11901; the Open Space Committee; Peconic Land Trust, Attn: Laura Fischer, 296 Hampton Road, P.O. Box 1776, Southampton, New York, 11969 ; A. Lohneiss, Director of the Community Development Agency; the Planning Department; the Assessor's Office; the Tax Receiver's Office; the Accounting Office and the Office of the Town Attorney.

THE VOTE

Bartunek	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	Dunleavy	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Blass	<input type="checkbox"/> Yes	<input type="checkbox"/> No	Densieski	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
	<i>absent</i>		Cardinale	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

The Resolution Was Was Not
Thereupon Duly Declared Adopted

10/04/07

Adopted

TOWN OF RIVERHEAD

Resolution # 963

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED AT 1685 OLD COUNTRY ROAD, RIVERHEAD, NEW YORK

COUNCILMAN BARTUNEK

_____ offered the following resolution, which was

seconded by **COUNCILMAN DUNLEAVY**

WHEREAS, the Town Board has determined that the property situated at 1685 Old Country Road, Riverhead, New York is being used and occupied in violation of various sections of the Code of the Town of Riverhead and the New York State Uniform Fire Prevention and Building Code;

NOW, THEREFORE

BE IT HEREBY RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the structure(s) and parcel of property situated at 1685 Old Country Road, Riverhead, New York in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property and the structure(s) situated upon such; and be it further

RESOLVED, that it is left to the discretion of Dawn C. Thomas, Town Attorney for the Town of Riverhead as whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property.

THE VOTE

Dunleavy	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no	Bartunek	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
Blass	<input type="checkbox"/> yes	<input checked="" type="checkbox"/> no	Densieski	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no
			Cardinale	<input checked="" type="checkbox"/> yes	<input type="checkbox"/> no

**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

Adopted

43219-2-20

160309393.01

BOND RESOLUTION

At a regular meeting of the Town Board of the Town of Riverhead, Suffolk County, New York, held at the Town Hall, in Riverhead, New York, in said Town, on the 4th day of October, 2007, at 4:00 o'clock P.M., Prevailing Time.

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

PRESENT: Supervisor Philip Cardinale
Councilman John Dunleavy
Councilman George Bartunek
Councilman Edward Densieski

ALSO PRESENT: Barbara Grattan, Town Clerk

ABSENT: Councilwoman Barbara Blass

COUNCILMAN DUNLEAVY

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

THE VOTE
Dunleavy yes no Bartunek yes no
Blass yes no Densieski yes no
Absent Cardinale yes no
**THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED**

BOND RESOLUTION DATED OCTOBER 4, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD AMBULANCE DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

WHEREAS, the capital project hereinafter described has been determined to be a "Type II Action" pursuant to the regulations of the New York State Department of Environmental Conservation promulgated pursuant to the State Environmental Quality Review Act, the implementation of which as proposed, will not result in any significant environmental effects; and

WHEREAS, pursuant to the provisions heretofore duly had and taken in accordance with the provisions of Section 202-b of the Town Law, and more particularly an Order dated the date hereof, said Town Board has determined it to be in the public interest to improve the facilities of Riverhead Ambulance District, in the Town of Riverhead, Suffolk County, New York, at a maximum estimated cost of \$150,000; NOW, THEREFORE, BE IT

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

Section 1. For the specific object or purpose of paying the cost of the increase and improvement of Riverhead Ambulance District, in the Town of Riverhead, Suffolk County, New York, consisting of the acquisition of a new ambulance, including incidental equipment and expenses in connection therewith, at a maximum estimated cost of \$150,000, there are hereby authorized to be issued \$150,000 bonds of said Town pursuant to the provisions of the Local Finance Law.

Section 2. It is hereby determined that the maximum estimated cost of the aforesaid specific object or purpose is \$150,000 and that the plan for the financing thereof is by the

issuance of the \$150,000 serial bonds of said Town authorized to be issued pursuant to this bond resolution.

Section 3. It is hereby determined that the period of probable usefulness of the aforesaid specific object or purpose is ten years pursuant to subdivision 27-a of paragraph a of Section 11.00 of the Local Finance Law. It is hereby further determined that the maximum maturity of the serial bonds herein authorized will exceed five years.

Section 4. The faith and credit of said Town of Riverhead, Suffolk County, New York, are hereby irrevocably pledged for the payment of the principal of and interest on such bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on such bonds becoming due and payable in such year. To the extent not paid from monies raised from said Riverhead Ambulance District as applicable in the manner provided by law, there shall annually be levied on all the taxable real property of said Town, a tax sufficient to pay the principal of and interest on such bonds as the same become due and payable.

Section 5. Subject to the provisions of the Local Finance Law, the power to authorize the issuance of and to sell bond anticipation notes in anticipation of the issuance and sale of the serial bonds herein authorized, including renewals of such notes, is hereby delegated to the Supervisor, the chief fiscal officer. Such notes shall be of such terms, form and contents, and shall be sold in such manner, as may be prescribed by said Supervisor, consistent with the provisions of the Local Finance Law.

Section 6. The powers and duties of advertising such bonds for sale, conducting the sale and awarding the bonds, are hereby delegated to the Supervisor, who shall advertise such bonds for sale, conduct the sale, and award the bonds in such manner as same shall deem best for the interests of said Town, provided, however, that in the exercise of these delegated powers, the Supervisor shall comply fully with the provisions of the Local Finance Law and any order or rule of the State Comptroller applicable to the sale of municipal bonds. The receipt of the Supervisor

shall be a full acquittance to the purchaser of such bonds, who shall not be obliged to see to the application of the purchase money.

Section 7. All other matters except as provided herein relating to the serial bonds herein authorized including the date, denominations, maturities and interest payment dates, within the limitations prescribed herein and the manner of execution of the same, including the consolidation with other issues, and also the ability to issue serial bonds with substantially level or declining annual debt service, shall be determined by the Supervisor, the chief fiscal officer of such Town. Such bonds shall contain substantially the recital of validity clause provided for in Section 52.00 of the Local Finance Law, and shall otherwise be in such form and contain such recitals, in addition to those required by Section 51.00 of the Local Finance Law, as the Supervisor shall determine consistent with the provisions of the Local Finance Law.

Section 8. The validity of such bonds and bond anticipation notes may be contested only if:

- 1) Such obligations are authorized for an object or purpose for which said Town is not authorized to expend money, or
- 2) The provisions of law which should be complied with at the date of publication of this resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- 3) Such obligations are authorized in violation of the provisions of the Constitution.

Section 9. This resolution shall constitute a statement of official intent for purposes of Treasury Regulations Section 1.150-2. Other than as specified in this resolution, no monies are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside with respect to the permanent funding of the object or purpose described herein.

Section 10. This resolution, which takes effect immediately, shall be published in summary form in the *News Review*, which is hereby designated as the official newspaper of said

Town for such purpose, together with a notice of the Town Clerk in substantially the form provided in Section 81.00 of the Local Finance Law.

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

_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____
_____ VOTING _____

The resolution was thereupon declared duly adopted.

* * * * *

LEGAL NOTICE OF ESTOPPEL

The bond resolution, a summary of which is published herewith, has been adopted on October 4, 2007, and the validity of the obligations authorized by such resolution may be hereafter contested only if such obligations were authorized for an object or purpose for which the Town of Riverhead, Suffolk County, New York, is not authorized to expend money, or if the provisions of law which should have been complied with as of the date of publication of this notice were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of publication of this notice, or such obligations were authorized in violation of the provisions of the Constitution.

A complete copy of the resolution summarized herewith is available for public inspection during regular business hours at the Office of the Town Clerk for a period of twenty days from the date of publication of this Notice.

Dated: Riverhead, New York,
October 4, 2007.

Barbara Grattan
Town Clerk

BOND RESOLUTION DATED OCTOBER 4, 2007.

A RESOLUTION AUTHORIZING THE ISSUANCE OF \$150,000 BONDS OF THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK, TO PAY THE COST OF THE INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE RIVERHEAD AMBULANCE DISTRICT, IN THE TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK.

Specific object or purpose:	Increase/improvement of Riverhead Ambulance District
Period of probable usefulness:	10 years
Maximum estimated cost:	\$150,000
Amount of obligations to be issued:	\$150,000 bonds
SEQRA Status:	Type II Action