

12/02/03

**Adopted**

TOWN OF RIVERHEAD  
Community Development Agency

Resolution # 24

AUTHORIZES THE LAW FIRM OF SMITH, FINKELSTEIN,  
LUNDBERG, ISLER AND YAKABOSKI, LLP, TO ACT AS SPECIAL  
COUNSEL IN CONNECTION WITH AN EJECTION PROCEEDING

COUNCILMAN LULL offered the following resolution, was  
seconded by COUNCILMAN DENSIESKI:

WHEREAS, pursuant to General Municipal Law and in furtherance of "urban renewal" at the EPCAL site following a public hearing held on the CDA Board determined Northeast Holdings, LLC to be a "qualified and eligible sponsor" for an urban renewal of the EPCAL site and in accordance with the Town's urban renewal plan, and

WHEREAS, in accordance with the determination that Northeast Holdings, LLC was a qualified and eligible sponsor as aforesaid, the Town of Riverhead Community Development Agency entered into an agreement with Northeast Holdings, LLC which agreement gave Northeast Holdings, LLC the ability to utilize the 10,000 foot runway at EPCAL in connection with certain property located at the site, and

WHEREAS, in accordance with Northeast Holdings, LLC's "qualified and eligible sponsor designation" and the representations made by Northeast Holdings, LLC at the public hearing on the matter, the runway use agreement authorized the use of the runway in conditioned upon the runway being used in connection with certain lands that it was in contract to purchase land from M-GBC, LLC to further its business plan, and

WHEREAS, Northeast Holdings, LLC has breached an essential term of the runway use agreement as it is no longer in contract with M-GBC, LLC, and

WHEREAS, Northeast Holdings, LLC has not requested re-designation as a qualified and eligible sponsor under New York State Urban Renewal Law, and

WHEREAS, Northeast Holdings, LLC has represented that regardless of its failure to meet the conditions of its of contract that it intends to continue to utilize the runway,

NOW, THEREFORE,

BE IT HEREBY RESOLVED, that the law firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, is hereby retained as special counsel in connection with the above matter and hereby authorized to commence any actions or proceedings necessary to eject Northeast Holdings, LLC from the property, and be it further

RESOLVED, that the Riverhead Town Board hereby authorizes the Supervisor to execute the attached Retainer Agreement; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution to the Law Firm of Smith, Finkelstein, Lundberg, Isler and Yakaboski, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 19901; the Office of the Town Attorney and the Office of Accounting

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

