

6/17/03

Adopted 175122.1

CDA RESOLUTION # 15

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 June 17, 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 KOZAKIEWICZ
COUNCILWOMAN SANDERS
COUNCILWOMAN BLASS
COUNCILMAN DENSIESKI
COUNCILMAN LULL

ALSO PRESENT: TOWN CLERK, BARBARA GRATTAN
TOWN ATTORNEY, DAWN THOMAS

ABSENT:

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

RESOLUTION DATED JUNE 17, 2003.

A RESOLUTION CALLING A PUBLIC HEARING ON THE AGENCY'S DESIGNATION OF SUFFOLK THEATRE ENTERPRISES, INC. AS A QUALIFIED AND ELIGIBLE SPONSOR FOR REDEVELOPMENT OF THE BUILDING COMMONLY KNOWN AS THE SUFFOLK THEATRE AND FOR 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, the Agency now desires to call a 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.; and

WHEREAS, a majority of the Town Board of the Town, acting as Members of the Agency, will attend such public hearing; NOW, THEREFORE, BE IT

RESOLVED, by the Members of the Agency, as follows:

Section 1. A public hearing will be 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 as a performing arts center and the sale of the Suffolk Theatre by the Agency to Suffolk Theatre Enterprises, Inc., and to hear all persons interested in the subject thereof, concerning the same, and to take such action thereon as is required or authorized by law.

Section 2. The Secretary of the Agency is hereby authorized and directed to cause a copy of the Notice of Public Hearing hereinafter provided to be published once in the *Traveler Watchman*, the newspaper hereby designated as the official newspaper for this purpose and one having general

circulation in, and available to residents of, the Town, such publication to be made not less than ten days before the date designated for the hearing. The Secretary is hereby further authorized and directed to cause a copy of such Notice of Public Hearing to be posted in such places as she deems appropriate under the circumstances, such posting to be done not less than ten days before the date designated for the hearing.

Section 3. The notice of public hearing shall be in substantially the form attached:

NOTICE OF PUBLIC HEARING

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY,

TOWN OF RIVERHEAD, SUFFOLK COUNTY, NEW YORK

NOTICE IS HEREBY GIVEN that the Members of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York (the "Agency"), will meet at the Town of Riverhead 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, for the purpose of conducting a public hearing on whether Suffolk Theatre Enterprises, Inc. should be designated the "qualified and eligible sponsor" for the redevelopment of the 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") as a performing arts center, and whether the Suffolk Theatre should be sold 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 of the Suffolk Theatre by Suffolk Theatre Enterprises, Inc. as a performing arts center.

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., caused to be prepared therefor an Environmental Assessment Form pursuant to SEQRA, determined such sale of the Suffolk Theatre to be an Unlisted Action 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.

At said public hearing the Members of the Agency will hear all persons interested in the subject matter thereof.

Dated: Riverhead, New York
June 19, 2003

BY ORDER OF THE MEMBERS OF THE TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY, TOWN OF RIVERHEAD,
SUFFOLK COUNTY, NEW YORK

By _____
Andrea H. Lohneiss
Secretary

Section 4. 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:

_____ VOTING
_____ VOTING
_____ VOTING
_____ VOTING
_____ VOTING

The resolution was thereupon declared duly adopted.

* * * *

THE VOTE
Sanders Yes ___ No ___ Blass Yes ___ No ___
Denaleski Yes ___ No ___ Lull Yes ___ No ___
Kozakiewicz Yes ___ No ___
THE RESOLUTION WAS WAS NOT ___
THEREUPON DULY ADOPTED

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

I, the undersigned Secretary of the Town of Riverhead Community Development Agency, Town of Riverhead, Suffolk County, New York, DO HEREBY CERTIFY:

That I have compared the annexed extract of the minutes of the meeting of the Members of said Agency, including the resolution contained therein, held on June 17, 2003, with the original thereof on file in my office, and that the same is a true and correct transcript therefrom 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 Agency had due notice of said meeting.

I FURTHER CERTIFY that, pursuant to Section 103 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public.

I FURTHER CERTIFY that, PRIOR to the time of said meeting, 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:

Newspaper and/or other news media

Date given

TRAVELER WATCHMAN

JUNE 19, 2003

I FURTHER CERTIFY that PRIOR to the time of said meeting, I 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 dates:

Designated Location(s)

of posted notice

Date of Posting

TOWN CLERK'S BULLETIN BOARD

JUNE 18, 2003

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency on June 17, 2003.

Secretary

(CORPORATE

SEAL)