

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 Tuesday, November 21, 2006 at 7:00 p.m.

**Present:**

Philip Cardinale,	Chairman
Edward Densieski,	Member
George Bartunek,	Member
Barbara Blass,	Member
John Dunleavy,	Member

**Also Present:**

Andrea Lohneiss,	Director
Barbara Grattan,	Town Clerk
Dawn Thomas, Esq.,	Town Attorney

CDA meeting opened: 8:06 p.m.

Chairman Cardinale: "Andrea, open the meeting of the Community Development Agency to consider Resolutions 17 and 18. Could you call them for us."

Resolution #17

Andrea Lohneiss: "Okay, Resolution 17 appoints the firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP as special counsel in the real estate transaction between the town and Island Amusement Venture, LLC."

Member Blass: "So moved."

Member Bartunek: "And seconded."

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

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

Andrea Lohneiss: "The resolution is adopted."

Resolution #18

Andrea Lohneiss: "Resolution 18 accepts the final scope of issues on the generic environmental impact statement in support of the update of the town of Riverhead East Main Street urban renewal plan (1993)."

Member Bartunek: "So moved."

Member Dunleavy: "And seconded."

Member Blass: "Comment."

Chairman Cardinale: "Yes."

Member Blass: "I believe we were going to list this as an unlisted action."

Chairman Cardinale: "Yes. Barbara had mentioned that."

Member Blass: "We talked about that. Okay."

Chairman Cardinale: "We should add that, at the second Whereas, what should we add?"

Member Blass: "(inaudible) update determined to be an unlisted action and further determined to have potentially significant environmental impacts. Is that the appropriate place?"

Chairman Cardinale: "So when we add the caption, should it say accepts the final scope-- "

Member Blass: "We don't have to put it in the caption."

Chairman Cardinale: "Okay. Fine. So it's just in the Whereas. I got it."

Member Dunleavy: "Seconded as amended."

Chairman Cardinale: "Moved and seconded as amended. Vote please."

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

Andrea Lohneiss: "Resolution 18 is adopted.

That concludes the CDA business."

Chairman Cardinale: "Thank you. I'd like-- I appreciate your help. I would like to adjourn the CDA meeting or terminate it or whatever."

Meeting adjourned: 8:08 p.m.

*Barbara Keaton*  
*Room Clerk*

11/21/06

Adopted

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**RESOLUTION**

# 17

APPOINTING THE FIRM OF  
SMITH, FINKELSTEIN, LUNDBERG, ISLER & YAKABOSKI, LLP.  
SPECIAL COUNSEL IN THE REAL ESTATE TRANSACTION BETWEEN THE TOWN  
AND ISLAND AMUSEMENT VENTURE, LLC

COUNCILWOMAN BLASS offered the following resolution,  
COUNCILMAN BARTUNEK  
which was seconded by \_\_\_\_\_

**WHEREAS**, the Town of Riverhead Community Development Agency (hereinafter "CDA") is pursuing a real estate transaction between the CDA and Island Amusement Venture, LLC., and is entering into contract negotiations with respect thereto;

**NOW, THEREFORE,**

**BE IT HEREBY RESOLVED**, that the Town Board as the governing body of the Town of Riverhead Community Development Agency, hereby appoints the law firm of Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., as special counsel in the aforementioned matter in accordance with the terms of the attached retainer agreement which agreement is hereby approved; and

**BE IT FURTHER RESOLVED**, that the Riverhead Town Board hereby authorizes the Chairman of the CDA 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 Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901, the office of the Town Attorney, the CDA Director and the office of Accounting.

This resolution was prepared by Frank A. Isler, Esq., 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

**RETAINER AGREEMENT**

AGREEMENT made this \_\_\_\_ day of November 2006, by and between the Town of Riverhead Community Development Agency, 200 Howell Avenue, Riverhead, New York (hereinafter "The CDA"), and Smith, Finkelstein, Lundberg, Isler and Yakaboski, LLP, 456 Griffing Avenue, P.O. Box 389, Riverhead, New York 11901 (hereinafter "The Firm"), pursuant to CDA Resolution # \_\_\_\_\_ adopted on \_\_\_\_\_ as follows:

1. The CDA retains the Firm to provide the legal services described in said resolution.
2. The CDA agrees to pay the Firm at an hourly rate of \$165 an hour for partners; \$150 an hour for associates and \$85 an hour for paralegals.
3. The CDA shall reimburse the Firm for actual disbursements.

TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Philip Cardinale  
Chairman

Smith, Finkelstein, Lundberg,  
Isler and Yakaboski, LLP

By: \_\_\_\_\_  
FRANK A. ISLER

TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY

Adopted

RESOLUTION # 18

**ACCEPTS FINAL SCOPE OF ISSUES ON THE GENERIC ENVIRONMENTAL  
IMPACT STATEMENT IN SUPPORT OF THE UPDATE OF THE TOWN OF  
RIVERHEAD EAST MAIN STREET URBAN RENEWAL PLAN (1993)**

Councilman Bartunek \_\_\_\_\_ offered the following resolution which was  
seconded by Councilman Dunleavy \_\_\_\_\_.

**WHEREAS**, the Town of Riverhead Community Development Agency (CDA)  
by CDA Resolution #9 of 9/19/06 authorized the update of the East Main Street Urban  
Renewal Plan as adopted October 19, 1993 pursuant to the General Municipal Law of the  
State of New York, and

**WHEREAS**, the CDA by the same resolution declared itself the lead agency in  
the plan's update, determined to be an 'unlisted action' pursuant to GNYCRR Part 617  
and further determined it to have a potentially significant impact upon the natural and  
social environment and that a Generic Environmental Impact Statement be prepared and  
subsequently filed the requisite Positive Declaration of Significance, and

**WHEREAS**, the lead agency prepared a draft scope of issues to properly focus  
the analysis of the GEIS, circulated the document among involved and interested  
agencies for their comment and also held a scoping hearing on 10/25/2006 to solicit  
public comment, and

**WHEREAS**, the lead agency has reviewed these comments and incorporated  
them into a final scope of issues, now

**THEREFORE BE IT**

**RESOLVED**, that the Riverhead Community Development Agency hereby  
accepts the final scope of issues for the Draft Generic Environmental Impact Statement in  
support of the update of the East Main Street Urban Renewal Plan, and

**BE IT FURTHER**

**RESOLVED**, that the Riverhead Planning Department be directed to circulate the  
document in accordance with SEQR law and that the Town Clerk be hereby authorized to  
forward a certified copy of this resolution to the Planning Department and to the  
Community Development Agency.

**THE VOTE**  
Dunleavy  yes  no Bartunek  yes  no  
Blass  yes  no Densieski  yes  no  
Cardinale  yes  no