

Minutes of a Special Meeting of the Town Board of the Town of Riverhead, held in the Town Hall, Riverhead, New York, on Friday, February 26, 1982 at 2:55 P.M.

Present: Joseph F. Janoski, Supervisor
John Lombardi, Councilman
Vincent Artale, Councilman
Louis Boschetti, Councilman

Absent Victor J. Prusinowski, Councilman

Also Present: Richard Ehlers, Town Attorney

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the undersigned, being all members of the Town Board of the Town of Riverhead, Suffolk County 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 2:45 P.M. on the 26th day of February, 1982, and do consent to the holding of such meeting for the purpose of Resolution to commence suit against Wellington Stove Re: \$40,000 IDA Fund Money.

DATED: February 26, 1982

TOWN BOARD MEMBERS,
TOWN OF RIVERHEAD, NEW YORK

Joseph F. Janoski

Supervisor

John Lombardi

Councilman

Vincent Artale

Councilman

Louis Boschetti

Councilman

Victor J. Prusinowski

Councilman

FILED.

RESOLUTION

#111 AUTHORIZES SPECIAL COUNSEL TO COMMENCE SUIT AGAINST WELLINGTON STOVES, INC.

Councilman Lombardi offered the following resolution, which was seconded by Councilman Boschetti.

WHEREAS, The Town of Riverhead entered into an Agreement with Wellington Stoves, Inc., signed September 30, 1981, and

RESOLUTIONS continued

WHEREAS, said Agreement was guaranteed by Bibbey Foundry, Limited, Hugo Giannotti, and Decimal Industries, Inc. and

WHEREAS, inspection of the premises at which the aforesaid Contract was to be performed reveals that the same is now vacant and this Board has been advised by other sources that the contractor has ceased active operations in the Town of Riverhead, and

WHEREAS, Special Counsel for the Town, by letters dated January 8, 1982, January 18, 1982, and February 4, 1982, has requested clarification of this matter, and

WHEREAS, by letter dated February 1, 1982, Hugo Giannotti confirmed the cessation of operations by Wellington Stoves, Inc., in the Town of Riverhead, and

WHEREAS, this Board does find the explanations of Mr. Giannotti contained in his letter of February 1, 1982, to be unsatisfactory, and

WHEREAS, this Board does find that the cessation of the active conduct of business in the Town of Riverhead by Wellington Stoves, Inc., to be a breach of the Agreement between the Town and Wellington Stoves, Inc., and

WHEREAS, Paragraph "5" of the Agreement between the Town and Wellington Stoves, Inc., calls for a resolution declaring the same to have been breached,

NOW, THEREFORE, BE IT RESOLVED, that this Board does hereby find pursuant to Paragraph "5" of the Agreement between the Town of Riverhead and Wellington Stoves, Inc., that Wellington Stoves has breached said Agreement by the cessation of business within the Town of Riverhead, and

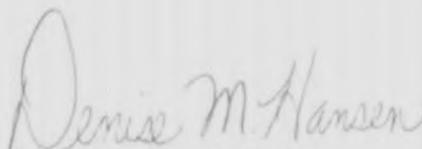
BE IT FURTHER RESOLVED that this Board does hereby instruct Special Counsel to notify Wellington Stoves, Inc., and the guarantors of the aforesaid Contract of this action and does further instruct said Special Counsel to take those steps necessary in his judgment to protect the interests of the Town of Riverhead and to recover all sums not earned by Wellington Stoves, Inc., pursuant to the aforesaid Agreement.

The vote, Boschetti, Yes, Artale, Yes, Prusinowski, absent, Lombardi, Yes, and Janoski, Yes.

The resolution was thereupon declared duly adopted.

There being no further business on motion and vote, the meeting adjourned at 2:58 P.M.

DMH:bg


Denise M. Hansen
Deputy Town Clerk