

**SPECIAL TOWN BOARD MEETING  
SEPTEMBER 15, 2011**

**CDA RESOLUTIONS:**

CDA

RES. #14 Authorizes the Chairman to Execute the General Release to REPCAL LLC

**TOWN BOARD RESOLUTIONS:**

Res. #691 Authorizes the Supervisor to Execute the General Release to REPCAL LLC

Res. #692 Approves the Chapter 90 Application of Riverhead Elks Lodge #2044 (Lawn Mower Event and Children's Bicycle Races – September 18, 2011)

Res. #693 Approves the Chapter 90 Application of Hallockville, Inc. (Fall Festival and Craft Show – September 17<sup>th</sup> and 18<sup>th</sup>, 2011)

**TOWN OF RIVERHEAD**

**CDA Resolution # 14**

**AUTHORIZES THE CHAIRMAN TO EXECUTE THE  
GENERAL RELEASE TO REPCAL LLC**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, REPCAL LLC terminated the Agreement of Sale dated October 2, 2007 and subsequently amended from time to time for the purchase of 300 acres in EPCAL; and

**WHEREAS**, pursuant to the Fifth Amendment to Agreement of Sale, upon termination of the Agreement of Sale by REPCAL LLC, the sum of \$ 250,000 being held in escrow by Chicago Title in the form of a letter of credit is to be released to the Town of Riverhead; and

**WHEREAS**, REPCAL LLC has agreed to deliver the payment directly to the Town upon the parties exchanging general releases, limited to this Agreement of Sale;

**NOW THEREFORE BE IT RESOLVED**, the Chairman is authorized to execute the general release in the form and content as annexed hereto;

**RESOLVED**,that the Town Clerk is hereby directed to forward a copy of this resolution and attached general release to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901 and Guy Germano, Esq., Germano& Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No    Gabrielsen Yes No  
Wooten Yes No    Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**To all to whom these Presents shall come or may Concern,  
Know That**

REPCAL LLC, with its principal offices at 225 Broadhollow Road, Suite 184W, Melville, New York  
11747 as RELEASOR,

in consideration of the sum of TEN DOLLARS (\$ 10) received from THE TOWN OF RIVERHEAD AND  
THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY, with its principal offices at 200  
Howell Avenue, Riverhead, New York 11901

as RELEASEE,  
receipt whereof is hereby acknowledged, releases and discharges

THE TOWN OF RIVERHEAD AND THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT  
AGENCY

the RELEASEE, RELEASEE'S heirs, executors, administrators,  
successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds,  
bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments,  
extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the  
RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can,  
shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the  
day of the date of this RELEASE with respect only to the Agreement of Sale, dated October 2, 2007 and all amendments  
thereof, entered into by the parties.

The words "RELEASOR" and "RELEASEE" include all releasors and all releasees under the RELEASE.

This RELEASE may not be changed orally.

**In Witness whereof**, the RELEASOR has hereunto set RELEASOR'S hand and seal on the  
day of September \_\_, 2011.

**In presence of**

REPCAL LLC

\_\_\_\_\_  
By: Gregg Rechler, Special Member L.S.

State of New York, County of \_\_\_\_\_ ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **GREGG RECHLER**  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed  
to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by  
his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the  
instrument.

\_\_\_\_\_  
(signature and office of individual taking acknowledgment)

**To all to whom these Presents shall come or may Concern,  
Know That**

THE TOWN OF RIVERHEAD AND THE TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT  
AGENCY, with its principal offices at 200 Howell Avenue, Riverhead, New York 11901

as RELEASOR,

in consideration of the sum of TWO HUNDRED FIFTY THOUSAND DOLLARS (\$ 250,000)

received from REPCAL LLC, with its principal offices at 225 Broadhollow Road, Suite 184W, Melville, New  
York 11747

as RELEASEE,

receipt whereof is hereby acknowledged, releases and discharges

REPCAL LLC

the RELEASEE, RELEASEE'S heirs, executors, administrators,  
successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds,  
bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments,  
extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the  
RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can,  
shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the  
day of the date of this RELEASE with respect only to the Agreement of Sale, dated October 2, 2007 and all amendments  
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This RELEASE may not be changed orally.

**In Witness whereof**, the RELEASOR has hereunto set RELEASOR'S hand and seal on the  
day of September \_\_, 2011.

**In presence of**

Town of Riverhead

\_\_\_\_\_  
L.S.

By: Sean Walter, Supervisor

Town of Riverhead Community Development  
Agency

\_\_\_\_\_  
L.S.

By: Sean Walter, Chairman

**State of New York, County of Suffolk** ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **SEAN WALTER** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
*(signature and office of individual taking acknowledgment)*

*If the party making payment is not the same as the party released, delete words "as RELEASEE" and add names of parties released after the word "discharges."*

**TOWN OF RIVERHEAD**

**Resolution # 691**

**AUTHORIZES THE SUPERVISOR TO EXECUTE THE  
GENERAL RELEASE TO REPCAL LLC**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

**WHEREAS, REPCAL LLC** terminated the Agreement of Sale dated October 2, 2007 and subsequently amended from time to time for the purchase of 300 acres in EPCAL; and

**WHEREAS,** pursuant to the Fifth Amendment to Agreement of Sale, upon termination of the Agreement of Sale by REPCAL LLC, the sum of \$ 250,000 being held in escrow by Chicago Title in the form of a letter of credit is to be released to the Town of Riverhead; and

**WHEREAS,** REPCAL LLC has agreed to deliver the payment directly to the Town upon the parties exchanging general releases, limited to this Agreement of Sale;

**NOW THEREFORE BE IT RESOLVED,** the Supervisor is authorized to execute the general release in the form and content as annexed hereto;

**RESOLVED,** that the Town Clerk is hereby directed to forward a copy of this resolution and attached general release to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901 and Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**To all to whom these Presents shall come or may Concern,  
Know That**

REPCAL LLC, with its principal offices at 225 Broadhollow Road, Suite 184W, Melville, New York  
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AGENCY

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successors and assigns from all actions, causes of action, suits, debts, dues, sums of money, accounts, reckonings, bonds,  
bills, specialties, covenants, contracts, controversies, agreements, promises, variances, trespasses, damages, judgments,  
extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the  
RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can,  
shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the  
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day of September \_\_, 2011.

**In presence of**

REPCAL LLC

\_\_\_\_\_  
By: Gregg Rechler, Special Member L.S.

State of New York, County of \_\_\_\_\_ ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **GREGG RECHLER**  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed  
to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by  
his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the  
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received from REPCAL LLC, with its principal offices at 225 Broadhollow Road, Suite 184W, Melville, New  
York 11747  
as RELEASEE,

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extents, executions, claims, and demands whatsoever, in law, admiralty or equity, which against the RELEASEE, the  
RELEASOR, RELEASOR'S heirs, executors, administrators, successors and assigns ever had, now have or hereafter can,  
shall or may, have for, upon, or by reason of any matter, cause or thing whatsoever from the beginning of the world to the  
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This RELEASE may not be changed orally.

**In Witness whereof**, the RELEASOR has hereunto set RELEASOR'S hand and seal on the  
day of September \_\_, 2011.

**In presence of**

Town of Riverhead

\_\_\_\_\_  
By: Sean Walter, Supervisor L.S.

Town of Riverhead Community Development  
Agency

\_\_\_\_\_  
By: Sean Walter, Chairman L.S.

**State of New York, County of Suffolk** ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **SEAN WALTER** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

\_\_\_\_\_  
*(signature and office of individual taking acknowledgment)*

*If the party making payment is not the same as the party released, delete words "as RELEASEE" and add names of parties released after the word "discharges."*

**TOWN OF RIVERHEAD**

**Resolution # 692**

**APPROVES THE CHAPTER 90 APPLICATION OF  
RIVERHEAD ELKS LODGE #2044  
(Lawn Mower Event and Children's Bicycle Races – September 18, 2011)**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, on May 12, 2011, the Riverhead Elks Lodge #2044 (Riverhead Elks) submitted a Chapter 90 Application for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, September 18, 2011 between the hours of 12:00 noon and 4:00 p.m., having a rain date of Sunday, September 25, 2011; and

**WHEREAS**, the Riverhead Elks submitted and completed a Short Environmental Assessment Form pursuant to 6 NYCRR Part 617 identifying the potential adverse environmental impacts of the event; and

**WHEREAS**, the Riverhead Elks have requested the Chapter 90 Application fee for this event be waived; and

**WHEREAS**, a Certificate of Insurance has been received naming the Town of Riverhead as an additional insured; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED** that the Chapter 90 Application of the Riverhead Elks for the purpose of conducting an event to include lawn mower race(s) and children's bicycle races to be held at the Riverhead Elks Lodge located at 1239 East Main Street, Riverhead, New York, on Sunday, September 18, 2011, between the hours of 12:00

noon and 4:00 p.m., having a rain date of Sunday, September 25, 2011, is hereby approved subject to the conditions set forth herein; and be it further

**RESOLVED**, that this event shall be subject to the provisions of Chapter 46 (Alcoholic Beverages) of the Riverhead Town Code; and be it further

**RESOLVED**, that the sale and/or consumption of alcoholic beverages shall be strictly prohibited at this event; and be it further

**RESOLVED**, that there shall be no music played out of doors before 12:30 p.m. or after 5:30 p.m. on the day of the event, including music played from vehicles; and be it further

**RESOLVED**, that the applicant shall water down the lawnmower track area to prevent excessive dust from the lawnmower races; and be it further

**RESOLVED**, that the Town Board of the Town of Riverhead hereby waives the Chapter 90 Application fee ; and be it further

**RESOLVED**, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable requirements of the NFPA Life Safety Code (NFPA 101), the NFPA Temporary Membrane Structures/Tents (NFPA 102), the Fire Code of New York State and the Building Code of New York State; and be it further

**RESOLVED**, that should the conditions of this approval be violated that the Riverhead Police Department shall have the authority to revoke the permit and require the public to vacate the premises; and be it further

**RESOLVED**, that this approval is subject to a fire safety inspection by the Town Fire Marshal prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Riverhead Elks Lodge #2044, P.O. Box 688, 1239 E. Main Street, Riverhead, New York, 11901; and be it

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No Gabrielsen Yes No  
Wooten Yes No Dunleavy Yes No  
Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

09.15.2011  
110693

ADOPTED

**TOWN OF RIVERHEAD**

**Resolution # 693**

**APPROVES THE CHAPTER 90 APPLICATION OF HALLOCKVILLE INC.  
(Fall Festival and Craft Show – September 17<sup>th</sup> and 18<sup>th</sup>, 2011)**

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Dunleavy

**WHEREAS**, on August 4, 2011, Hallockville Inc. submitted a Chapter 90 Application for the purpose of conducting a Fall Festival and Craft Show to be held at the Hallockville Farm Museum, located at 6038 Sound Avenue, Riverhead, New York, on Saturday, September 17, 2011 and Sunday, September 18, 2011, between the hours of 10:00 a.m. and 5:00 p.m.; and

**WHEREAS**, Hallockville Inc. has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

**WHEREAS**, the Town Board of the Town of Riverhead has declared itself “Lead Agency” in accordance with 6 NYCRR 617.6(b); and

**WHEREAS**, the applicant has requested the Chapter 90 Application fee be waived due to its not-for-profit status; and

**WHEREAS**, the Town Attorney of the Town of Riverhead has reviewed all documents regarding said application.

**NOW THEREFORE BE IT RESOLVED**, that Town of Riverhead hereby determines the action to be an “Unlisted” action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

**RESOLVED**, that the Chapter 90 Application of Hallockville Inc. for the purpose of conducting a Fall Festival and Craft Show to be held at the Hallockville Museum, 6038 Sound Avenue, Riverhead, New York, on Saturday, September 17, 2011 and Sunday, September 18, 2011, between the hours of 10:00 a.m. and 5:00 p.m., is hereby approved; and be it further

**RESOLVED**, that the Riverhead Town Board hereby waives the Chapter 90 Application fee for this event due to the applicant’s not-for-profit status; and be it further

**RESOLVED**, that approval for this event shall be subject to the following:

- Receipt of required Suffolk County Department of Health Vendors Temporary Food Service Permit;
- Receipt of required Emergency Medical Services (EMS) information;

**RESOLVED**, that this approval is subject to Riverhead Town Code Chapter 108-56 entitled, "Signs" and any other section of the Riverhead Town Code that may apply to this event; and be it further

**RESOLVED**, that this approval is subject to a fire safety inspection by the Town Fire Marshal prior to the opening of this event to the public. The Riverhead Fire Marshal shall be contacted at least three days in advance at (631) 727-3200 extension 601, for the purpose of arranging the "pre-opening" inspection appointment to ensure compliance with the New York State Fire Code; and be it further

**RESOLVED**, that any necessary tent permits must be obtained and the tent installation and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and the National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

**RESOLVED**, that employees of the Riverhead Buildings and Grounds Department, the Riverhead Police Department, the Riverhead Highway Department, the Sanitation Department and the Riverhead Fire Marshal's Office are hereby authorized to utilize overtime expenditures to ensure the necessary public safety and security in connection with this event; and be it further

**RESOLVED**, that the Town Clerk is hereby authorized to forward a copy of this resolution to Hallockville Inc, 6038 Sound Avenue, Riverhead, New York, 11901; and be it further

**RESOLVED**, that all Town Hall Departments may review and obtain a copy of this resolution from the electronic storage device and, if needed, a copy of same may be obtained from the Office of the Town Clerk.

**THE VOTE**

Giglio Yes No      Gabrielsen Yes No  
Wooten Yes No      Dunleavy Yes No

Walter Yes No

The Resolution Was  Thereupon Duly Declared Adopted

**TOWN OF RIVERHEAD**

**CDA Resolution # 14**

**AUTHORIZES THE CHAIRMAN TO EXECUTE THE  
GENERAL RELEASE TO REPCAL LLC**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**WHEREAS**, REPCAL LLC terminated the Agreement of Sale dated October 2, 2007 and subsequently amended from time to time for the purchase of 300 acres in EPCAL; and

**WHEREAS**, pursuant to the Fifth Amendment to Agreement of Sale, upon termination of the Agreement of Sale by REPCAL LLC, the sum of \$ 250,000 being held in escrow by Chicago Title in the form of a letter of credit is to be released to the Town of Riverhead; and

**WHEREAS**, REPCAL LLC has agreed to deliver the payment directly to the Town upon the parties exchanging general releases, limited to this Agreement of Sale;

**NOW THEREFORE BE IT RESOLVED**, the Chairman is authorized to execute the general release in the form and content as annexed hereto;

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**THE VOTE**

Giglio  Yes  No    Gabrielsen  Yes  No  
Wooten  Yes  No    Dunleavy  Yes  No  
Walter  Yes  No

The Resolution Was  Thereupon Duly Declared Adopted

**To all to whom these Presents shall come or may Concern,  
Know That**

REPCAL LLC, with its principal offices at 225 Broadhollow Road, Suite 184W, Melville, New York  
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This RELEASE may not be changed orally.

**In Witness whereof**, the RELEASOR has hereunto set RELEASOR'S hand and seal on the  
day of September \_\_, 2011.

**In presence of**

REPCAL LLC

\_\_\_\_\_  
By: Gregg Rechler, Special Member L.S.

State of New York, County of \_\_\_\_\_ ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **GREGG RECHLER**  
personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed  
to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by  
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**In presence of**

Town of Riverhead

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L.S.

By: Sean Walter, Supervisor

Town of Riverhead Community Development  
Agency

\_\_\_\_\_  
L.S.

By: Sean Walter, Chairman

**State of New York, County of Suffolk** ss.:

On September \_\_, 2011 before me, the undersigned, personally appeared **SEAN WALTER** personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

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*(signature and office of individual taking acknowledgment)*

*If the party making payment is not the same as the party released, delete words "as RELEASEE" and add names of parties released after the word "discharges."*