

10.04.2011
CDA11016

ADOPTED

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 16

**AUTHORIZATION FOR THE CHAIRMAN TO EXECUTE A LICENSE AGREEMENT
WITH ADM PRODUCTIONS, INC.**

(Utilize portions of Town of Riverhead- Enterprise Park at Calverton
Western Runway/Taxiway, Calverton
for "Goodyear" video)

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

NOW, THEREFORE, BE IT RESOLVED that the Board of the Town of Riverhead Community Development Agency hereby authorizes the Chairman execution of a License Agreement (copy attached herewith) between the Town of Riverhead Community Development Agency and ADM Productions, Inc. in connection with the utilization of portions of Town of Riverhead- Enterprise Park at Calverton Western Runway/Taxiway, Calverton for making of "Goodyear" video; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Cara Hall, Associate Producer, ADM Productions, Inc., 40 Seaview Boulevard, Port Washington, New York 11050; 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

Z/TownAttorney/Reso/License w/ ADM

LICENSE AGREEMENT

This Contract is made and entered into as of this ____ day of October, 2011, by and between **ADM Productions, Inc.**, a corporation existing under the laws of the State of New York, having a principal place of business at 40 Seaview Boulevard, Port Washington, New York 11050 and the **Town of Riverhead Community Development Agency**, an urban renewal agency, with offices located at 200 Howell Avenue, Town of Riverhead, County of Suffolk and State of New York:

WHEREAS, ADM Productions, Inc., wishes to utilize specified locations located with the Town of Riverhead Community Development Agency for the purposes of videotaping for Goodyear; and

WHEREAS, the Town of Riverhead Community Development Agency has agreed to permit the utilization for said production at the following locations:

Enterprise Park at Calverton Western Runway/Taxiway; and

WHEREAS, ADM Productions, Inc. has agreed to terms under which it will be granted the use of said locations;

NOW THEREFORE, in consideration of the mutual covenants hereinafter set forth, the parties agree as follows:

1. Use of Property: The Town of Riverhead Community Development Agency hereby grants Sun Never Sets Productions, LLC permission to

utilize the aforementioned location on November 14, 2011 for the aforementioned purposes.

2. Cleanup: ADM Productions, Inc. agrees to provide cleanup and removal of any debris or props deposited by reason of its actions in connection with the Agreement.

3. Compliance With Laws: ADM Productions, Inc. agrees at all times to comply with all applicable federal, state, county and municipal laws, regulations, ordinances, codes and restrictions, including, without limitation, compliance with Article 28 of the New York State Tax Law and applicable regulations thereunder, and will secure any and all permits or licenses required for its activities and operations carried out at the locations.

4. Compensation: In exchange for License set forth above for the use of the aforementioned Town of Riverhead Community Development Agency locations, ADM Productions, Inc. will pay the Town of Riverhead Community Development Agency a license fee in the amount of \$400.00. All sums payable by ADM Productions, Inc. under this Agreement shall be made on or before October 31, 2011.

5. Responsibilities of ADM Productions, Inc.: Subject to the terms of this Agreement, ADM Productions, Inc. will be responsible for carrying out and shall have exclusive control of all operations associated with the Event and related activities, including without limitation, and shall diligently and continuously engage in such cleanup efforts so that the

cleanup will be accomplished as soon as reasonably practicable (but in no event later than two days thereafter). All locations will be restored to the condition that existed prior to the Event (hereafter, the "restoration") and be completely clean and free of clutter and debris.

6. Insurance and Indemnification: ADM Productions, Inc. will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 and automobile liability insurance coverage of not less than \$2,000,000.00 with a company or companies reasonably satisfactory to the Town of Riverhead Community Development Agency. ADM Productions, Inc. shall provide certificates of the foregoing insurance, showing the Town of Riverhead Community Development Agency as an additional insured to the extent of its interest. Finally, ADM Productions, Inc. agrees to indemnify and hold harmless the Town of Riverhead Community Development Agency and their respective officers, employees, agents, representatives and officials from any and all loss or liability associated with the Events and related activities described herein, including liability for damages to property or for injuries or death to persons which may arise from, or be attributable or incident to the use by ADM Productions, Inc. and its employees, agents, representatives and concessionaires, of the aforementioned. With respect to any suit or claim by the Town of Riverhead Community Development Agency, whether under this indemnification provision or otherwise, for itself, its agents, employees and representatives, hereby expressly waives any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorneys fees incurred by the Town of Riverhead Community Development Agency securing compliance with the provision

of this indemnification agreement.

7. Successors and Assigns. This agreement shall be binding upon and inure to the benefit of the respective successors and assigns of the parties; provided, however, that nothing herein shall be deemed to permit the assignment of this Agreement by either party without the express written consent of the other party.

8. Entire Agreement. This contract constitutes the entire agreement between the parties and no further agreement, express or implied, written or oral, exists with respect to the subject matter of this document.

9. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, ADM Productions, Inc. has caused this instrument to be signed in its corporate name and the Town of Riverhead has caused this instrument to be signed in its municipal name, hereunto duly authorized, as of the day and the year first above written.

ADM PRODUCTIONS, INC.

By: _____

TOWN OF RIVERHEAD COMMUNITY DEVELOPMENT AGENCY

By: _____
Sean M. Walter, Chairman

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 17

**AUTHORIZES FUNDING APPLICATION TO NEW YORK STATE
TO SUPPORT FREIGHT VILLAGE PROJECT**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Gabrielsen

WHEREAS, the Governor Cuomo has directed nine State agencies to make New York State funding resources available through a new Consolidated Funding Application (“CFA”) process: Empire State Development; NYS Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Parks, Recreation and Historic Preservation; Department of State; and Department of Transportation. In addition, the New York Power Authority and Economic Development Power Allocation Board (EDPAB) will be using the CFA to implement “Recharge New York,” a new, low-cost power program for New York businesses and not-for-profits; and

WHEREAS, the Long Island Economic Development Regional Council has been charged with developing criteria for “Transformative Project Proposals” for the Long Island Region that will focus on the near-term creation and retention of jobs, in particular those that leverage public and private investment dollars and provide a return on public investment; and

WHEREAS, each Region will compete for up to \$1 billion in economic aid through competitive awards to projects that support identified key regional issues and opportunities, support a regional economic vision, and address key issues and outline major elements of the strategic plans; and

WHEREAS, the Town of Riverhead Community Development Agency (CDA) along with additional public and private partners seeks to submit a funding application to develop a freight village at EPCAL to service businesses in the Town of Riverhead and Eastern Long Island; and

WHEREAS, the proposed Freight Village project will implement New York Metropolitan Transit Council (NYMTC) goals to locate a multi-modal freight village in the NYMTC region; and

WHEREAS, the proposed Freight Village project will implement Town of Riverhead CDA goals to redevelop the Enterprise Park at Calverton in an effort to

create jobs and generate tax base by supporting targeted sustainable regional growth; and

WHEREAS, development of a multi-modal freight village at the Enterprise Park at Calverton will reduce truck volumes and improve traffic operations on the Long Island Expressway and other roadways, increase rail mode share and environmental quality in the NYMTC region and create a more efficient and cost-effective freight delivery system for Eastern Long Island businesses; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead CDA Board authorizes the submission of a "Transformative Project" funding proposal to New York State on or before October 14, 2011, and a general CFA fund proposal to New York State on or before October 31, 2011, for funding to support freight rail village infrastructure; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency; 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 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

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY**

Resolution # 18

**AUTHORIZES FUNDING APPLICATION TO NEW YORK STATE TO SUPPORT
MAGLEV – 2000 DEMONSTRATION AND CERTIFICATION PROJECT**

Councilman Gabrielsen offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Governor Cuomo has directed nine State agencies to make New York State funding resources available through a new Consolidated Funding Application (“CFA”) process: Empire State Development; NYS Canal Corporation; Energy Research and Development Authority; Environmental Facilities Corporation; Homes and Community Renewal; Department of Labor; Parks, Recreation and Historic Preservation; Department of State; and Department of Transportation. In addition, the New York Power Authority and Economic Development Power Allocation Board (EDPAB) will be using the CFA to implement “Recharge New York,” a new, low-cost power program for New York businesses and not-for-profits; and

WHEREAS, the Long Island Economic Development Regional Council has been charged with developing criteria for “Transformative Project Proposals” for the Long Island Region that will focus on the near-term creation and retention of jobs, in particular those that leverage public and private investment dollars and provide a return on public investment; and

WHEREAS, each Region will compete for up to \$1 billion in economic aid through competitive awards to projects that support identified key regional issues and opportunities, support a regional economic vision, and address key issues and outline major elements of the strategic plans; and

WHEREAS, the Town of Riverhead Community Development Agency (CDA) along with additional public and private partners seeks to submit a funding application to support a MagLev 2000 Demonstration and Certification Project for the second generation superconducting magnetic levitation transport system; and

WHEREAS, the proposed project will demonstrate and certify the 2nd generation superconducting magnetic levitation transport system, the Maglev-2000 system, invented on Long Island by Doctors James Powell and Gordon Danby, the inventors of the original first generation system, now operational in Japan. The new system is designed to work with MTA’s existing infrastructure; and

WHEREAS, in 2000, Danby and Powell were awarded the Benjamin Franklin Medal in Engineering by The Franklin Institute for their invention of Maglev trains (fellow awardees include Albert Einstein and Tesla); and

WHEREAS, Dr. Danby is a Wading River resident and was awarded the distinction of Fellow by the American Association of the Advancement of Science (AAAS), cited for "seminal contributions to magnet technology, including superconductive magnets for accelerators, the ultra-high precision g-2 magnet, magnets for MRI and magnetically levitated trains."

WHEREAS, the current challenging economic environment presents an opportunity to explore alternative transportation solutions that offer new opportunities to move a growing regional population in a more efficient manner at a lower cost and realistic projections of current trends in population growth, oil production, global warming and global trade justify an investment in a United States program for achieving this advanced surface transportation system based on the superconducting Maglev (Magnetic Levitated) technology invented by New York scientists, Drs James Powell and Gordon Danby; and

WHEREAS, Powell and Danby have continued to work and have a 2nd generation transport system which is lower cost and of greater capability than the 1st generation system exploited by the Japanese that US leadership has cited as a goal for U.S. High Speed Rail, and is lower cost to build and operate than the European High Speed Rail (HSR) systems proposed by HSR advocates; and

WHEREAS, by developing a U.S. based 2nd generation Maglev transport system, America has the opportunity to become the World leader in 21st Century transport. An American Maglev manufacturing industry would generate hundreds of thousands of new jobs, and many Billions of dollars in annual exports. The U.S. still has the opportunity to develop the 2nd generation Maglev transport system. If it does not act now to seize this opportunity, the advanced Maglev system will be developed abroad and exported to the U.S., adding to our trade deficit and the job loss resulting from a declining manufacturing industry; and

WHEREAS, this transformational project will create American sustainable jobs, improve commuter rail for Long Island and the New York region, substantially improve American transport productivity, and build a solid economic foundation for America's future; and

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead CDA Board authorizes the submission of a "Transformative Project" funding proposal to New York State on or before October 14, 2011, and a general CFA fund proposal to New York State on or before October 31, 2011, for funding to support a MagLev 2000 Demonstration and Certification Project for the second generation superconducting magnetic levitation transport system; and

BE IT FURTHER RESOLVED, that the Town Clerk forward copies of this resolution to the Community Development Agency; 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 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