

Special Town Board Meeting
July 9, 2009

TOWN OF RIVERHEAD

Adopted

Resolution # ¹⁵ _____

COMMUNITY DEVELOPMENT AGENCY RESOLUTION

**AUTHORIZING LEASE AGREEMENT BETWEEN TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT AGENCY AND TOWN OF RIVERHEAD**

COUNCILWOMAN BLASS

offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY

WHEREAS, the Town of Riverhead Community Development Agency by Resolution #18 adopted on July 7, 1998, set aside and designated a one acre site, expandable to 10 acres, to establish an aviation museum; and

WHEREAS, the Town of Riverhead Community Development Agency by Resolution #4 adopted on February 2, 1999 identified a one acre site to allow East End Aircraft Corporation to undertake design and engineering of the F-14 monument; and

WHEREAS, the Town of Riverhead by Resolution #959 authorized the Supervisor to enter into and execute an agreement between East End Aircraft L.I. Corp. and the Town of Riverhead in connection with the display of an F-14 aircraft leased by the United States Navy to the Town of Riverhead; and

WHEREAS, the Town of Riverhead Community Development Agency by Resolution # 12 adopted on May 6, 2003, agreed to expand the one area site to a total of 10 acres and authorized the execution of an amended Agreement to reflect the additional acreage; and

WHEREAS, East End Aircraft did improve a portion of the property with design and construction of F-14 pedestal and placement of the F-14 thereon, construction of the F-14 walk of honor, benches, lighting, off-street parking, landscaping and drainage; and

WHEREAS, pursuant to the terms of the agreement between the Town of Riverhead and East End Aircraft Corp., East End Aircraft Corp. would maintain the F-14 monument and such other improvements described above for a period of ten years commencing on November 1, 1999 and expiring on October 31, 2009 with an option to renew for an additional ten years; and

WHEREAS, approximately six months ago, East End Aircraft Corp. determined not to renew the agreement and sought to transfer all responsibility for maintenance and

upkeep of the 10 acre site to the Town of Riverhead and its Engineering and Building & Grounds staff; and

WHEREAS, East End Wireless, Inc. proposed a lease to the Town of Riverhead for an area approximately 75' x 75' in the vicinity of the F-14 memorial site for purposes of installation, operation, and maintenance of a wireless communication service system facility such that a portion of the revenues from said lease could be utilized by the Town of Riverhead to maintain the F-14 memorial site; and

WHEREAS, East End Wireless, Inc. proposed to use a flag pole design in keeping with and consistent with the tribute to the employees of Grumman that were responsible for the building of aircraft for the United States Navy; and

WHEREAS, the Town of Riverhead expressed its desire to reserve to itself four antenna mounts for purposes of serving the needs of communications systems for police, ambulance, fire and such other purposes benefiting the residents of the Town of Riverhead and East End Wireless, Inc. agreed to gratuitously install and provide said antenna and antenna mounts, and

WHEREAS, the Community Development Agency desires that the Town of Riverhead continue to maintain the F-14 memorial and make improvements as deemed required and beneficial to the public;

NOW, THEREFORE, BE IT RESOLVED, that the Community Development Agency, by this Resolution, grants a lease to the Town of Riverhead for the portion of the Calverton property being and intended to be the property described in the amended lease agreement authorized by Resolution # 12 adopted on May 6, 2003 less any portion thereof subject to contract for conveyance, by sale or lease, for purposes of economic development, and intended to include such additional acreage or portion thereof required to construct and locate a flagpole wireless communication service system facility (description of construction access and location of flagpole more particularly described in Schedule A and B annexed to lease agreement between Town of Riverhead and East End Wireless, Inc.); and

BE IT FURTHER RESOLVED that the Community Development Agency grants the Town of Riverhead the aforementioned lease for a period of time not to exceed 99 years and grants the Town of Riverhead the right to enter into a lease or sublease for a portion of the property in exchange for and conditioned upon the Town of Riverhead's commitment to maintain and improve the F-14 memorial site and policy of public access to the site. The agreement to lease the property to the Town of Riverhead includes a right to the Town of Riverhead to terminate the lease without penalty such that the lands under the lease revert to control and domain of the Community Development Agency. The assent to the terms shall be deemed complete upon a resolution of the Town Board of the Town of Riverhead authorizing a lease agreement between the Town of Riverhead and East End Wireless, Inc.;

RESOLVED that all Town Hall Departments may review and obtain a copy of this resolution from the E-Cabinet and, if needed, a certified copy of same may be obtained from the Office of the Town Clerk.

WOOTEN YES ___ NO BUCKLEY ~~___~~ YES ~~___~~ NO

DUNLEAVY YES ___ NO BLASS YES ___ NO

CARDINALE YES ___ NO

THIS RESOLUTION IS ___ IS NOT
DECLARED DULY ADOPTED