

**SEPTEMBER 16, 2014**

**CDA RESOLUTION LIST:**

**CDA**

- Res. #17** Authorizes the Chairman to Execute a License Agreement with Mad Scary Films and Del Valle Productions, Inc.
- Res. #18** Grants License to the FBI for Bomb Technician Training at EPCAL

**TOWN BOARD RESOLUTION LIST:**

- Res. #641** Authorizes Acceptance of Eleven Employees' Retirement Pursuant to the Early Retirement Incentive Program Chapter 37, Article V, for Eligible Full-Time Employees who are Police Officers and Members of Riverhead Police Benevolent Association, Inc., (PBA); or Members of the Superior Officers Association, Inc., (SOA); or Eligible Full-Time Employees who are Members of the Civil Service Employees' Association, Inc., (CSEA) Or Eligible Full-Time Employees Pursuant to Individual Contract/Resolution
- Res. #642** Confirms Sewer Rent Calculation Policy for Riverhead Sewer District
- Res. #643** Claims Lead Agency and Classifies Action, Special Permit of Lighthouse Yacht Club and Calls Public Hearing
- Res. #644** Awards Bid for Charter Coach Transportation
- Res. #645** Authorization to Publish Advertisement for Dowflake Xtra Calcium Chloride for the Town of Riverhead
- Res. #646** Authorization to Publish Advertisement for Food & Meat Products for the Town of Riverhead
- Res. #647** Authorization to Publish Advertisement for Propane for the Town of Riverhead
- Res. #648** Awards Bid for Truck Parts
- Res. #649** Authorizes Public Hearing Regarding Extension of Riverhead Sewer District – Jaral East End Hotel Corporation East Main Street, Riverhead, NY

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**Resolution # 17**

**AUTHORIZES THE CHAIRMAN TO EXECUTE A LICENSE AGREEMENT  
WITH MAD SCARY FILMS AND DEL VALLE PRODUCTIONS, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

**NOW THEREFORE BE IT RESOLVED** that the Town Board of the Town of Riverhead hereby authorizes the Chairman to execute a License Agreement (copy attached herewith) between the Town of Riverhead Community Development Agency and Mad Scary Films and Del Valle Productions, Inc. in connection with the utilization of a portion of the Western Runway/Taxiway, and the Henry Pfieffer Center at the Town of Riverhead-Enterprise Park at Calverton Grumman Boulevard/River Road, Calverton for filming on September 22 or 23, 2014, depending on weather; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Mad Scary Films and Del Valle Productions, Inc.; 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

## **LICENSE AGREEMENT**

This Contract is made and entered into as of this \_\_\_\_ day of September, 2014, by and between **Mad Scary Films** and **Del Valle Productions, Inc.** having places of business at \_\_\_\_\_, respectively (hereinafter collectively referred to as the **“Film Companies”**), and the **Town of Riverhead Community Development**, a urban renewal agency, with offices located at 200 Howell Avenue, Town of Riverhead, County of Suffolk and State of New York:

WHEREAS, the Town of Riverhead Community Development Agency currently owns approximately 2,124.319 +/- acres at Enterprise Park at Calverton; and

WHEREAS, the Film Companies wish to utilize specified locations located with the Enterprise Park owned by the Town of Riverhead Community Development Agency for the purposes of filming of production film entitled “The Mark”; and

WHEREAS, the Town of Riverhead Community Development Agency has agreed to permit the utilization for said production at the Western Runway/Taxiway at Enterprise Park at Calverton and the use of the Henry Pfeifer Recreation Center as depicted on Exhibit “A” attached hereto and made part hereof; and

WHEREAS, the Film Companies and the Town of Riverhead Community Development Agency have agreed to terms and conditions under which the Film Companies 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 hereby grants the Film Companies permission to utilize the Western Runway/Taxiway and the Henry Pfeifer Recreation Center at Enterprise Park, Calverton, New York as depicted on Exhibit "A" on September 22 or 23, 2014 (depending on weather) for the aforementioned purposes.
2. Cleanup: The Film Companies 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: the Film Companies 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 location, the Film Companies will pay the Town of Riverhead Community Development Agency a license fee in the amount of THREE HUNDRED DOLLARS (\$300.00). All sums payable by the Film Companies under this Agreement shall be made at the time this agreement is signed by the Film Companies.
5. Responsibilities of the Film Companies: Subject to the terms of this

Agreement, the Film Companies 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: The Film Companies 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. The Film Companies shall provide certificates of the foregoing insurance, showing the Town of Riverhead Community Development Agency as an additional insured to the extent of their interest. Finally, the Film Companies, individually and severally, agree to indemnify and hold harmless the Town of Riverhead 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 North Six, 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, the Film Companies for

itself, its agents, employees and representatives, hereby expressly waive any defense which might preclude or limit either enforcement of this indemnification clause or any reasonable attorney's fees incurred by the Town securing compliance with the provision of this indemnification agreement.

7. Hazardous Substances: (A) Generally, shall not generate, store, manufacture, refine, transport, treat, dispose of or otherwise permit to be present on or about the licensed premises, any Hazardous Substances (other than Hazardous Substances (x) customary used in connection with operation. As used herein, the term "Hazardous Substances" shall mean any flammables, explosives, radioactive materials, Hazardous waste, hazardous and toxic substances or related materials, asbestos or any materials containing asbestos, or any other hazardous or toxic substance material as defined by any Federal, State or Local environment law, rule or regulation, including, without limitation, the resource conversation and recovery act of 1976, as amended from time to time the comprehensive environmental response, compensation and liability act 1980., as amended from time to time, the toxic substances control act as amended from time to time, the Hazardous material transportation act, as amended from time to time ant the regulations adopted and the publications promulgated pursuant to each of the foregoing.

8. 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.

9. 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.

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

IN WITNESS WHEREOF, the Film Companies have caused this instrument to be signed in its corporate name and the Town of Riverhead Community Development Agency has caused this instrument to be signed in its municipal name, hereunto duly authorized, as of the day and the year first above written.

MAD SCARY FILMS

By: \_\_\_\_\_

DEL VALLE PRODUCTIONS, INC.

By: \_\_\_\_\_

TOWN OF RIVERHEAD COMMUNITY  
DEVELOPMENT AGENCY

By: \_\_\_\_\_  
Sean M. Walter, Chairman

**TOWN OF RIVERHEAD  
COMMUNITY DEVELOPMENT AGENCY**

**Resolution # 18**

**GRANTS LICENSE TO THE FBI FOR BOMB TECHNICIAN  
TRAINING AT EPCAL**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

**WHEREAS**, the Federal Bureau of Investigation (FBI) at the request of Suffolk County Police Department in conjunction has expressed its desire for use of the 7,000 linear foot runway at EPCAL property to conduct bomb technician training (Vehicle Bornel ED-VBIED Counter measure School) for certified public safety bomb squad personnel on the dates of October 6, 2014 through October 10, 2014; and

**WHEREAS**, the FBI has provided assurances that a hold safe and harmless (Liability Waiver) will be signed by all participants; and

**WHEREAS**, the FBI, with assistance of the Suffolk County Police will ensure that proper safety and fire control measures are in place and that the premises will be swept clean and free of clutter and debris and

**WHEREAS**, the training being provided by the FBI provides a realistic training opportunity for the public safety bomb squad personnel who may be called upon to respond to a terrorist or bombing event; and

**WHEREAS**, the CDA desires to grant a license for use of the 7000 foot runway to FBI for the above referenced bomb technician training.

**NOW, THEREFORE, BE IT RESOLVED** that the CDA hereby grants the FBI a License to use the 7000 foot runway for the described bomb technician training (Vehicle Bornel ED-VBIED Counter measure School) from October 6, 2014 to October 10, 2014 with the following conditions: (1) that Liability Waivers be signed by all participants; (2) that the premises be promptly restored to the existing condition after use by the FBI; (3) that appropriate fire suppression, fire safety controls be used; and be it further

**RESOLVED**, that the Town Clerk is hereby directed to forward a copy of this resolution to Federal Bureau of Investigation, 26 Federal Plaza, New York,

New York 10278; 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