

CDA RESOLUTION LIST:

CDA

Res. #7 Supports Application to New York State Funding to Support EPCAL Bicycle/Pedestrian Path

CDA

Res. #8 Authorizes the Chairman to Execute an Agreement with NBC Universal Media, LLC for Use of Town of Riverhead Community Development Agency Premises in Connection with a Motion Picture

TOWN BOARD RESOLUTION LIST:

Res. #387 General Fund Bunker Removal Budget Adjustment

Res. #388 Authorizes the Supervisor to Execute an Agreement with NBC Universal Media, LLC for Use of Town of Riverhead Premises in Connection with a Motion Picture

Res. #389 Ratifies the Execution of Stipulation of Agreement with Riverhead Town Police Benevolent Association, Inc.

Res. #390 Awards Bid for New Renewable Capacity and Energy (LIPA 2015 Renewable RFP) at Town Landfill

**TOWN OF RIVERHEAD
Community Development Agency**

Resolution # 7

**SUPPORTS APPLICATION TO NEW YORK STATE FUNDING TO SUPPORT
EPCAL BICYCLE/PEDESTRIAN PATH**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the Governor Cuomo has directed the following State agencies to make New York State funding resources available through the 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; and

WHEREAS, the Long Island Economic Development Regional Council has been charged with developing criteria for project proposals for the Long Island Region that will focus on the development of public facilities for recreation; and

WHEREAS, each Region will compete for 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 partners seeks to submit a funding application to develop enhanced recreational infrastructure at EPCAL for residents, visitors, and businesses the Town of Riverhead and Eastern Long Island; and

WHEREAS, the proposed recreational infrastructure project will implement Long Island Economic Development Regional Council goals identified in the strategic plan to develop EPCAL in an effort to create jobs, enhance tax base, and incentivize private investment in the region through smart growth development; and

WHEREAS, the proposed recreational infrastructure 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

NOW THEREFORE BE IT RESOLVED, that the Town of Riverhead CDA Board authorizes the submission of a CFA funding proposal to New York State for an Environmental Protection Fund: Parks, Preservation and Heritage Grants on or before July 29, 2016, for funding to support construction of the EPCAL Pedestrian and Bicycle Path project seeking funding up to \$250,000 with a 50% match in funds of \$250,000 to be provided by Suffolk County; and

BE IT FURTHER RESOLVED, that the Town Clerk shall send a copy of this resolution to Community Development Agency, Engineering Department, Town Accounting Department and Office of the Town Attorney; 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

Hubbard Yes No Giglio 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 # 8

**AUTHORIZES THE CHAIRMAN TO EXECUTE AN AGREEMENT WITH NBC
UNIVERSAL MEDIA, LLC FOR USE OF TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY PREMISES IN CONNECTION WITH A MOTION PICTURE**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, in conjunction with use of a town highway, NBC Universal Media, LLC (sometimes "NBC") has expressed its desire to use property of the Town of Riverhead Community Development Agency (CDA) on June 7, 2016 and June 8, 2016; namely the inactive 7,000 foot runway at the Enterprise Park at Calverton (EPCAL) for the purposes of videotaping a promo film production for NBC; and

WHEREAS, the CDA Board is agreeable to permitting the use of the 7,000 foot runway from Tuesday June 7, 2016 at 7:00 a.m. and continuing to Wednesday, June 8, 2016 at 7:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Chairman is hereby authorized to execute an Agreement between the Town of Riverhead and Town of Riverhead Community Development Agency (CDA) and with NBC with NBC in substantially the form attached; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to NBC Universal Media, LLC, 30 Rockefeller Plaza, New York, NY 10112, the Police Department, the Town Attorney, Community Development and the Accounting Department; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution #376

**DECLARES CAMPO BROTHERS IN DEFAULT IN CONNECTION WITH
THE SUBDIVISION ENTITLED "CEDAR COVE"**

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, the Riverhead Planning Board, by resolution dated June 5, 2006, approved the final plat subdivision map entitled "Cedar Cove", located on the west side of West Lane, Aquebogue, New York; and

WHEREAS, Campo Brothers posted People's United Bank Standby Irrevocable Letter of Credit #100434 in the amount of \$202,000.00 representing improvements to be completed within said subdivision; and

WHEREAS, by Resolution #152, dated February 22, 2012, the Town Board approved a two-year extension of time, June 1, 2010 to June 1, 2012, for the performance security to remain in place; and

WHEREAS, by Resolution #566, dated July 17, 2012, the Town Board approved an additional two-year extension of time, June 1, 2012 to June 1, 2014, for the performance security to remain in place; and

WHEREAS, Campo Brothers has failed, or neglected to perform, the required site improvements within the subdivision entitled "Cedar Cove"; and

WHEREAS, Campo Brothers remains in default in connection with said subdivision.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby declares Campo Brothers in default and calls upon Campo Brothers to perform in all respects, all road and drainage improvements within the subdivision entitled "Cedar Cove" or reimburse the Town for the costs and damages which the Town may sustain by reason of failure of default, and for any and all costs associated with corrective action the Town takes in the interest of protecting the health, safety and well being of the community and its residents; and be it further

WHEREAS, the Town Board hereby authorizes the call and draw upon the performance security posted in connection with this subdivision and retain the services of a licensed engineer to design the required improvements, suitable for public bid, and construct same at the expense of the developer; and

RESOLVED, that the Town Attorney is hereby directed to present People's United Bank Standby Irrevocable Letter of Credit #100434 in the amount of \$202,000.00

for payment by reason of default of Campo Brothers on or about May 29, 2014; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Michael Strauss, Esq., Attorney for Campo Brothers, 907 Main Street, Suite 2, Port Jefferson, New York, 11777; 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

Hubbard Yes No Giglio Yes No
Wooten ABSENT Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared **TABLED**

05.26.16

On a motion by Councilman Wooten, seconded by Councilman Dunleavy, resolution #376 was **UNTABLED**, motion carried by unanimous vote. Simultaneously on a motion by Councilman Hubbard, seconded by Councilman Dunleavy resolution #376 was moved to adopt. The Vote: Hubbard, yes; Giglio, abstain; Wooten, yes; Dunleavy, yes; Walter, yes. Motion carried.

TOWN OF RIVERHEAD

Resolution # 387

GENERAL FUND
BUNKER REMOVAL

BUDGET ADJUSTMENT

Councilwoman Giglio offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, resolution #377 adopted May 18, 2016 authorized the removal of bunker from the Peconic River under the oversight of the DEC for a total sum not to exceed \$30,000; and

WHEREAS, a budget adjustment is necessary for the submission of vouchers and understanding that reimbursement will be requested from the DEC.

RESOLVED, that the Supervisor be, and is hereby, authorized to establish the following budget adjustment:

| | | <u>FROM</u> | <u>TO</u> |
|-------------------|--------------------------|--------------------|------------------|
| 001.083089.492310 | DEC State Aid | 15,000 | |
| 001.081600.541100 | Landfill R&M Landscaping | 15,000 | |
| 001.016250.541207 | R&M Beach Clean Up | | 30,000 |

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to forward a copy of this resolution to the Accounting and Engineering Departments.

RESOLVED, 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

| | |
|---|--|
| Hubbard <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Giglio <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Wooten <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | Dunleavy <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| Walter <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No | |

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 388

AUTHORIZES THE SUPERVISOR TO EXECUTE AN AGREEMENT WITH NBC UNIVERSAL MEDIA, LLC FOR USE OF TOWN OF RIVERHEAD PREMISES IN CONNECTION WITH A MOTION PICTURE

Councilman Hubbard offered the following resolution,

which was seconded by Councilman Dunleavy

WHEREAS, in conjunction with use of EPCAL, NBC Universal Media, LLC (sometimes "NBC") has expressed its desire to use property of the Town of Riverhead; namely Hulse Landing Road between 25A (Parker Road) and Sound Avenue for the for the purposes of videotaping a promo film production for NBC; and

WHEREAS, NBC has advised the Town of Riverhead that the date for the use of Hulse Landing Road would be June 7, 2016 for approximately two hours but not greater than four (4) hours; and

WHEREAS, the Town Board is agreeable to permitting the use of Hulse Landing Road as described above on Tuesday June 7, 2016 from 4:00 p.m. to 8:00 p.m.

NOW, THEREFORE, BE IT RESOLVED, that the Supervisor is hereby authorized to execute an Agreement between the Town of Riverhead and Town of Riverhead Community Development Agency (CDA) and with NBC in substantially the form attached; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to NBC Universal/WNBC, the Police Department, the Town Attorney, Community Development and the Accounting Department; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

LOCATION AGREEMENT

PICTURE TITLE: NBC PROMO

PROPERTY OWNER:
**TOWN OF RIVERHEAD
& TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT
AGENCY**

PRODUCTION COMPANY:
NBC UNIVERSAL MEDIA, LLC

ADDRESS:
200 Howell Avenue
Riverhead, New York 11901

ADDRESS :
30 Rockefeller Plaza 793 E
New York, NY 10112

PHONE: (631) 727-3200
FAX: (631) 727-6152

PHONE: (212) 664-6684
FAX: (212)

Our signatures in the spaces provided below, will confirm the following agreement between the Property Owner ("Owner") and above named production company ("Company") regarding use of the Premises described below in connection with the production of the above motion picture photoplay hereinafter referred to as "The Photoplay". This agreement sets forth the entire understanding between Owner and Company and may not be altered except by another written agreement signed by both Owner and Company.

1. Owner hereby grants to the Company exclusive right during the term hereof to enter upon and to utilize the premises described below and to bring onto the premises such personnel and equipment as we deem necessary, for and in connection with the production of the Photoplay, upon the terms set forth herein. The Agreement allows the Company to enter upon the Premises (with personnel, materials, vehicles, and equipment), erect motion picture sets and place props thereon, conduct activities upon and photograph and record at the Premises (including, without limitations, to photograph and record both the real and personal property, all of the signs, displays, interiors, exteriors, and the like appearing therein.) Owner shall provide two (2) police officers and two (2) police vehicles for intermittent traffic control and closure of the premises as described in par. 2 b) below to allow the production of the Photoplay.
2. The term "the Premises" as used herein refers to the premises located at:
 - a) Inactive runway (7,000 foot runway) at the Enterprise Park at Calverton (EPCAL); and
 - b) Hulse Landing Road, a Town Highway, between SR 25 A (Parker Road) to the south and Sound Avenue to the north.
3. The term hereof ("The Term") shall commence on June 7, 2016 at 7:00 o'clock a.m. and shall continue until June 8, 2016 at 9:00 o'clock p.m. for purposes of access to the above described runway and town highway. Production personnel may, prior to the commencement of the Term, enter, visit, storyboard, photograph or otherwise inspect the Premises to plan and set up for production without additional charge at reasonable times and with reasonable notice to the owner and/or agent. For purposes of intermittent traffic control and closure of the premises at Hulse Landing Road, Police

personnel shall be made available on June 7, 2016 from 4:00 o'clock p.m. to 8:00 o'clock p.m.

4. Owner hereby represents and warrants that:
 - a) Owner has the right authority to make and enter into this Agreement and to grant Company rights set forth herein;
 - b) the consent or permission of no other person, firm, or corporation is necessary in order to enable company to enjoy full rights to the use of the Premises except as outlined herein;
 - c) the undersigned will take no action, nor allow or authorize any third party to take any action which might interfere with the full use and enjoyment of the Premises by Company as outlined herein; and
 - d) there are no outstanding contracts or commitments of any kind which conflict with this Agreement or may limit, restrict or impair Company's use and enjoyment of the Premises or the rights granted to Company hereunder.

5. As compensation for our use of the Premises, police personnel and police vehicles during the Term, Company shall pay Owner upon signing this agreement and prior to our entry based on the following rates:
 - a) License/film permit fee for use of runway (2 days): \$ 5,000.00;
 - b) Traffic control/police assistance fee: \$ 1,360.00 (see below)

\$170.00 per hour per police officer and one police vehicle
x two (2) police officers & two (2) police vehicles = \$340.00 per hour for
minimum recall of four (4) hours = \$ 1,360.00 (one thousand three hundred sixty
and 00/100 dollars)

Payment of \$6,360.00 shall be made to the "Town of Riverhead" which sum is due upon Company signing this agreement.

The Company has been advised that the Owner was required to bring in two (2) police officers on recall and under the current collective bargaining agreement with the police, the Owner will be required to pay a minimum of four (4) hours recall pay to the police officers regardless of time worked, and as such the sum above shall be the minimum amount due hereunder.

6. Nothing herein shall obligate Company to photograph, to use such photography, or to otherwise use the Premises, but Company reserves the right to complete any photography or other recordings commenced on the Premises. Company shall have the right to photograph, record and depict the Premises and/or any part or parts thereof, accurately or otherwise, as we may choose, using and/or reproducing the actual name, signs, logos, trademarks and other identifying features thereof and/or without regard to the actual appearance or name of the Premises or any part or thereof, in connection with the Photoplay and any other photoplay produced by us or by others except that Company may not use any images of the police personnel and/or the police vehicles. Company shall have the right to construct a set duplicating all or any part of the premises (including, but not limited to, any signs and the interiors of said Premises) for the purpose of completing scheduled work, or for filming retakes, added scenes, advertisements or promotions.

7. The Company agrees to leave the Premises in good condition and order, and to use reasonable care to prevent damage to the Premises. Promptly following the expiration of the Term and, if applicable, promptly upon the completion of any additional use by Company of the premises, but not later than three (3) business days after such expiration of the Term and completion of additional use, respectively, Company shall remove from the Premises all structures, equipment and other materials placed thereon by Company.
8. The Company will be responsible for providing commercial general liability insurance in the amount of not less than \$2,000,000.00 with a company or companies reasonably satisfactory to the Town. The Company agrees to hold Owner safe and harmless and to indemnify Owner for damage to the Premises and property located thereon and for personal injury occurring on the Premises during the Term and from any and all liability and loss which Owner may incur by reason of any accidents, injuries, death or other damage to the Premises directly caused by our negligence in connection with our use of the Premises. In connection therewith, the Owner agrees to submit to Company in writing, within five (5) days after the expiration of the Term (including any additional use by us of the Premises) a detailed listing of all claimed property damage or personal injuries for which the Company is responsible, and Owner shall permit the Company representatives to inspect the property so damaged.
9. The Owner hereby agrees to indemnify and hold Company, its licensees, successors, assigns, its and their employees, agents, officers, and suppliers free and harmless from and against any and all loss, costs, liability, damages, claims, demands, action or cause of action, and expenses (including, but not limited to, attorneys' fees) of any nature arising from, growing out of, or concerning: (a) any breach of agent or owner of any of the above warranties or any provision of this Agreement; and (b) any accidents, injuries, death or other damage directly caused by the negligence of the Owner.
10. Owner hereby acknowledges that neither you nor any owner or tenant, or other party now or hereafter having an interest in said Premises, has any interest in our photography or recording on or of the Premises, nor any right of action against us or any other party arising out of any use of said photography and the advertising and promotion thereof. Owner hereby grants to Company, our successors and assigns the irrevocable and perpetual right, worldwide, in any manner and in any media to use and exploit the films, photographs, and recordings made of or on the Premises in connection with the Photoplay in such manner and to such extent as Company desires in its sole discretion. Company and its licensees, assigns and successors shall be the sole and exclusive owner of all rights of whatever nature, including all copyrights, in and to all films, photographs and recordings made on or of the premises, in perpetuity throughout the universe. Company may not use any images of the police personnel and/or the police vehicles.

11. The sole right as to any breach or alleged breach hereunder by Company shall be the recovery of money damages, if any, and the rights herein granted by Owner shall not terminate by reason of such breach. In no event may Owner terminate this agreement or obtain injunctive or other equitable relief with respect to any breach by the Company of obligations hereunder.

NBC UNIVERSAL MEDIA, LLC

By: _____

Name: JACK POORMAN

Title: PRODUCER/DIRECTOR

TOWN OF RIVERHEAD

By: _____

Name: SEAN M. WALTER

Title: SUPERVISOR

**TOWN OF RIVERHEAD COMMUNITY
DEVELOPMENT AGENCY**

By: _____

Name: SEAN M. WALTER

Title: CHAIRMAN

TOWN OF RIVERHEAD

Resolution # 389

**RATIFIES THE EXECUTION OF STIPULATION
OF AGREEMENT WITH RIVERHEAD TOWN POLICE BENEVOLENT
ASSOCIATION, INC.**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

WHEREAS, the 2012 – 2015 contract between the Town of Riverhead and the Riverhead Town Police Benevolent Association, Inc. (“PBA”) sets forth applicable terms and conditions between the parties; and

WHEREAS, under Article XXIIIB provides for terms of accrued sick days payment on retirement; and

WHEREAS, the parties have reached an agreement concerning payment of sick leave accruals and have entered into a formal stipulation reflecting their agreement.

NOW THEREFORE BE IT RESOLVED, that the Town Board be and hereby approves a stipulation of agreement with the PBA and ratifies the execution of the Stipulation of Agreement by the Supervisor; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Personnel Director, PBA Unit President, the Town Attorney’s Office and the Financial Administrator; and

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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 390

**AWARDS BID FOR NEW RENEWABLE CAPACITY AND ENERGY
(LIPA 2015 RENEWABLE RFP) AT TOWN LANDFILL**

Councilman Wooten offered the following resolution,

which was seconded by Councilwoman Giglio

WHEREAS, the Town Board of the Town of Riverhead, by Resolution #232 adopted on April 5, 2016, authorized the Town Clerk to public and post a Notice to Bidders for proposals for New Renewable Capacity and Energy (LIPA 2015 Renewable RFP) at various Town-owned properties; and

WHEREAS, pursuant to the terms of the Request for Proposals, each proposal must comply with the instructions in the Notice to Bidders and required that all proposals be submitted on or before 11:00 am on May 11, 2016; and

WHEREAS, one (1) response to the Notice to Bidders regarding the Town Landfill was received, opened and read aloud on May 11, 2016 at 11:00 am in the Office of the Town Clerk, 200 Howell Avenue, Riverhead, New York; and

WHEREAS, the Town Engineering Department did review and evaluate the proposal; and

WHEREAS, after serious consideration and evaluation, the Town Engineering Department recommends that BQ Energy LLC be deemed a responsible bidder for an award of a contract/lease for renewable energy project at the Town Landfill.

NOW THEREFORE BE IT RESOLVED, that the bid for New Renewable Capacity and Energy be and is hereby awarded to BQ Energy LLC; and be it further

RESOLVED, that the Town Board be and does hereby authorize the Supervisor to execute all documents necessary to permit BQ Energy LLC to make application and compete for LIPA 2015 Renewable RFP; and be it further

RESOLVED, that the Town Clerk be and is hereby authorized directed to forward a copy of this resolution to BQ Energy LLC, 47 S. Hamilton Street, Poughkeepsie, NY 12601; 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

Hubbard Yes No Giglio Yes No
Wooten Yes No Dunleavy Yes No
Walter Yes No

The Resolution Was Thereupon Duly Declared Adopted