

TOWN OF RIVERHEAD

Resolution # 391

**AMENDS RESOLUTION #376 OF 2016 AND DECLARES CAMPO BROTHERS IN
DEFAULT IN CONNECTION WITH
THE SUBDIVISION ENTITLED "CEDAR COVE"**

Councilman Dunleavy offered the following resolution,

which was seconded by Councilman Wooten

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' and

WHEREAS, People's United Bank has instructed that the exact language included in People's United Bank Standby Irrevocable Letter of Credit #100434, as paragraph #1 of said letter of credit, be recited in this resolution.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Riverhead Town Board hereby declares Campo Brothers in default and amends Resolution #376 dated May 26, 2016 to include the following language:

"Campo Brothers" has failed to complete all or part of the improvements to be completed by Campo Brothers on "Cedar Cove", West Lane, Aquebogue, New York, heretofore approved by the Planning Board of the Town of Riverhead, Final Plat, Resolution 53, dated June 5, 2006, and as a result of said failure, there is due and owing an amount equal to the face amount of our attached draft. We further certify that the amount drawn hereunder is for the sole purpose of

completing those items of improvement which were to have been completed by “Campo Brothers”;

and be it further

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 wellbeing 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 \$154,683.33 for payment by reason of default of Campo Brothers on or about May 26, 2016; and be it further

RESOLVED, that all other terms and conditions of Resolution #376, adopted on dated May 26, 2016, remain in full force and effect; and be it

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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted

TOWN OF RIVERHEAD

Resolution # 392

**OFFERS SUPPORT TO NEW YORK STATE LEGISLATURE FOR AN ACT TO
AMEND THE PART FF OF CHAPTER 54 OF THE LAWS OF 2016
(SENATE BILL #S. 7773—ASSEMBLY BILL #A. 10148)**

Councilman Wooten offered the following resolution,

which was seconded by Councilman Hubbard

WHEREAS, legislation was introduced in the New York State Senate and Assembly for an Act to amend Part FF of Chapter 54 of the Laws of 2016 authorizing the Town of Riverhead, County of Suffolk, to refund bonds previously issued for the acquisition of land or permanent rights on land, in relation to the period of probable usefulness for the acquisition of land or permanent rights on land; and

WHEREAS, a Home Rule Request was received by the Town of Riverhead seeking support of an Act to amend section 3 of Part FF of Chapter 54 of the Laws of 2016 to change the period of probable usefulness for the acquisition of land or permanent rights on land for purposes of the Town of Riverhead to refund bonds previously issued between 2000-2008 from 50 years to 40 years.

NOW THEREFORE BE IT RESOLVED, that the Town Board of the Town of Riverhead hereby supports the efforts of the New York State Legislature for an Act to amend section 3 of Part FF of Chapter 54 of the Laws of 2016 to change the period of probable usefulness for the acquisition of land or permanent rights on land for purposes of the Town of Riverhead to refund bonds previously issued between 2000-2008 from 50 years to 40 years; and be it further

RESOLVED, that the Town Board authorizes the Supervisor to execute a Home Rule Request supporting this proposed State legislation; and be it further

RESOLVED, that the Town Clerk be and is hereby directed to forward a certified copy of this resolution to Senator Kenneth P. LaValle, 325 Middle Country Road, Suite 4, Selden, NY 11784, Assemblyman Fred W. Thiele, Jr., 2302 Main St., P.O. Box 3062, Bridgehampton, NY 11932, Assemblyman Anthony H. Palumbo, 400 West Main Street, Suite 201, Riverhead, NY 11901, and the Town Attorney's Office; 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 ABSENT
Wooten Yes No Dunleavy Yes No
Walter Yes No
The Resolution Was Thereupon Duly Declared Adopted