

WAIVER OF NOTICE AND CONSENT OF SPECIAL MEETING

We, the Undersigned, being all members of the Riverhead Town Board of the Town of Riverhead, County of Suffolk, and State of New York, do hereby waive notice of the time, place, date and purpose of a meeting of the Town Board of the Town of Riverhead, to be held at the Town Hall, Riverhead, New York at 12:00 p.m. on the 24th day of April, 2008 and do consent to the holding of such meeting for the purpose of:

RESOLUTIONS:

- Res. #13 Authorizes the Chairman to Execute the Third Amendment to Agreement of Sale Dated October 2, 2007, REPCAL, LLC

- Res. #347 Authorizes the Supervisor to Execute the Third Amendment to Agreement of Sale Dated October 2, 2007, With REPCAL, LLC.

- Res. #348 Approves Chapter 90 Application of Wading River Civic Association.

- Res. #349 Authorizes the Supervisor to Execute a License Agreement with Riverhead Little League.

- Res. #350 Authorizes Legal Action Against the Owners, Tenants, Occupants and Mortgagee of the Property Located on the N/S of Middle Country Road (Route 25) Calverton, New York

- Res. #351 Approves Major Subdivision - Finn's Landing – Refund (Shoreline Development Corporation)

Dated: April 24, 2008
Media Notified by
Supervisor

TOWN BOARD MEMBERS
of Riverhead, New York

Supervisor

Councilman

Councilwoman

Councilman

Councilman

April 24, 2008

Adopted

TOWN OF RIVERHEAD

CDA RESOLUTION #13

AUTHORIZES THE CHAIRMAN TO EXECUTE THE THIRD
AMENDMENT TO AGREEMENT OF SALE
DATED OCTOBER 2, 2007 WITH REPCAL LLC

COUNCILWOMAN BLASS

_____ offered the following

resolution, which was seconded by _____
COUNCILMAN DUNLEAVY

WHEREAS, the Town of Riverhead and the Town of Riverhead Community Development Agency have entered into an Agreement of Sale to sell some 300 acres of property located in the Light Industrial Zone at the Enterprise Park at Calverton, south of Route 25, Calverton, New York; to Repcal LLC; and

WHEREAS, REPCAL LLC has requested an additional thirty (30) day extension of the time period within which to file its preliminary subdivision application and site plan application for one building, as set forth in paragraph 9.1 of the Agreement of Sale; and

WHEREAS, REPCAL LLC has requested a thirty (30) day extension of the time period within which to petition for the extension of the Riverhead Water District and Calverton Sewer District as set forth in paragraph 26.2 of the Agreement of Sale; and

WHEREAS, the requested extension will not cause any additional delays with respect to the other time periods and deadlines set forth in the October 2, 2007 Agreement;

NOW, THEREFORE BE IT RESOLVED,

That the Chairman is hereby authorized to execute a third amendment to the Agreement of Sale dated October 2, 2007 in the form and content as annexed hereto;

RESOLVED, that the Town Clerk is hereby directed to forward a certified copy of this resolution and attached notice to Smith, Finkelstein, Lundberg, Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway, Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER,
SPECIAL COUNSEL.

THE VOTE

Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

April 24, 2008

RESOLUTION# 347

Adopted

TOWN OF RIVERHEAD

AUTHORIZES THE SUPERVISOR TO EXECUTE THE THIRD AMENDMENT TO
AGREEMENT OF SALE
DATED OCTOBER 2, 2007 WITH REPCAL LLC

COUNCILMAN DUNLEAVY

_____ offered the following
resolution, which was seconded by _____
COUNCILMAN BUCKLEY

WHEREAS, the Town of Riverhead and the Town of Riverhead
Community Development Agency have entered into an Agreement of Sale to sell
some 300 acres of property located in the Light Industrial Zone at the
Enterprise Park at Calverton, south of Route 25, Calverton, New York; to
Repcal LLC; and

WHEREAS, REPCAL LLC has requested a additional thirty (30) day
extension of the time period within which to file its preliminary subdivision
application and site plan application for one building, as set forth in paragraph
9.1 of the Agreement of Sale; and

WHEREAS, REPCAL LLC has requested a thirty (30) day extension of
the time period within which to petition for the extension of the Riverhead
Water District and Calverton Sewer District as set forth in paragraph 26.2 of
the Agreement of Sale; and

WHEREAS, the requested extension will not cause any additional delays
with respect to the other time periods and deadlines set forth in the October 2,
2007 Agreement;

NOW, THEREFORE BE IT RESOLVED,

That the Supervisor is hereby authorized to execute a third amendment
to the Agreement of Sale dated October 2, 2007 in the form and content as
annexed hereto;

RESOLVED, that the Town Clerk is hereby directed to forward a certified
copy of this resolution and attached notice to Smith, Finkelstein, Lundberg,
Isler & Yakaboski, LLP., 456 Griffing Avenue, Riverhead, New York 11901, Guy
Germano, Esq., Germano & Cahill, PC., 4250 Veterans Memorial Highway,
Suite 275, Holbrook, New York 11741; Chris Kempner, Director of the
Community Development Agency, and Dawn C. Thomas, Esq., Town Attorney.

THIS RESOLUTION HAS BEEN PREPARED BY FRANK A. ISLER, SPECIAL
COUNSEL.

**THIRD AMENDMENT TO AGREEMENT OF SALE
DATED OCTOBER 2, 2007**

WHEREAS, the Town of Riverhead and Town of Riverhead Community Development Agency (collectively, "Seller") and REPCAL LLC ("Purchaser") entered into an agreement of sale dated October 2, 2007 which, by its terms, had an effective date of November 1, 2007 (the "Agreement"); and

WHEREAS, pursuant to Section 9.1 of the Agreement, the Purchaser is required to file its application for preliminary subdivision and its application for a site plan for one building on or before March 30, 2008; and

WHEREAS, the parties extended this deadline to April 30, 2008 in the Second Amendment to Agreement of Sale; and

WHEREAS, the parties are agreeable to extend this deadline by an additional thirty (30) days to on or before May 30, 2008; and

WHEREAS, the parties are agreeable to extend the deadline set forth in Section 26.2 of the Agreement from May 29, 2008 to on or before June 30, 2008; and

WHEREAS, all other deadlines set forth in the Agreement, except for the completion of the Due Diligence Period previously extended by the First Amendment to the Agreement of Sale, shall remain in full force and effect as measured under the original terms of the Agreement;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged by each party hereto, the Seller and Purchaser agree as follows:

1. The Purchaser's time to file the preliminary subdivision application and application for site plan approval for its first industrial building, as set forth in paragraph 9.1 of the Agreement, shall be extended to May 30, 2008.

2. The Purchaser's time to petition for the extension of the Riverhead Water District and Calverton Sewer District is extended to June 30, 2008.

3. The Purchaser expressly agrees that it shall adhere to all other time deadlines as calculated under the terms of the original Agreement, with the exception of the time to complete the Due Diligence Period which has been previously extended by the Agreement of the parties.

4. Except as modified by this amendment, all other provisions of the Agreement shall remain in full force and effect. Any capitalized term used but not otherwise defined herein shall have the meaning ascribed to such term in the Agreement.

SELLER:

TOWN OF RIVERHEAD

BY: _____

NAME: PHILIP J. CARDINALE

TITLE: SUPERVISOR

DATE: _____

**TOWN OF RIVERHEAD
COMMUNITY DEVELOPMENT
AGENCY**

BY: _____

NAME: PHILIP J. CARDINALE

TITLE: CHAIR

DATE: _____

PURCHASER:

REPCAL LLC

BY: _____

NAME: GREGG RECHLER

TITLE: MANAGER

DATE: _____

THE VOTE
Buckley yes no Wooten yes no
Dunleavy yes no Blass yes no
Cardinale yes no
THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

4/24/08

TOWN OF RIVERHEAD

Resolution # 348

Adopted

**APPROVES CHAPTER 90 APPLICATION OF
WADING RIVER SHOREHAM CHAMBER OF COMMERCE
(DUCK POND DAY)**

COUNCILMAN BUCKLEY

_____ offered the following resolution, was seconded by

COUNCILMAN WOOTEN
_____ :

WHEREAS, on March 3, 2008, the Wading River Shoreham Chamber of Commerce had submitted a Chapter 90 Application for the purpose of conducting their annual Duck Pond Day to be held on North Country Road, Wading River, New York, on Sunday, May 4, 2008, between the hours of 12:00 noon and 4:00 p.m.; and

WHEREAS, the Wading River Shoreham Chamber of Commerce has completed and filed a Short Environmental Assessment Form in accordance with 6 NYCRR 617; and

WHEREAS, the Town Board of the Town of Riverhead has declared itself "Lead Agency" in accordance with 6 NYCRR 617.6(b); and

WHEREAS, the applicant has paid the Chapter 90 application fee; and

WHEREAS, a certificate of insurance has been received naming the Town of Riverhead as an additional insured; and

WHEREAS, the Town Attorney of the Town of Riverhead has reviewed all documents including the certificate of insurance regarding said application.

NOW THEREFORE BE IT RESOLVED, that Town of Riverhead hereby determines the action to be an "Unlisted" action in accordance with 6 NYCRR 617.7(a) and hereby issues a Negative Declaration pursuant to 6 NYCRR 617.7(a)(2); and be it further

RESOLVED, that the application of the Wading River Shoreham Chamber of Commerce for the purpose of conducting their annual Duck Pond Day to be held on North Country Road, Wading River, New York on Sunday, May 4, 2008, between the hours of 12:00 noon and 4:00 p.m. is hereby approved; and be it further

RESOLVED, that a fire safety inspection by the Town Fire Marshal is required prior to the opening of this event to the public and shall be contacted at least three days in advance for the purpose of arranging the "pre-opening" inspection appointment at (631) 727-3200 extension 601; and be it further

RESOLVED, that this approval is subject to the provisions of Riverhead Town Code Chapter 81 - "Noise Control", Chapter 108-56 - "Signs" and any other section of the Riverhead Town Code that may pertain to this event; and be further

RESOLVED, that any tent installations and any and all electric shall comply with the applicable provisions of the Building and Fire Code of New York State, the National Electrical Code and National Fire Protection Agency 102 (Tents & Membrane Structures); and be it further

RESOLVED, that the Town Clerk be and is hereby authorized to forward a certified copy of this resolution to the Wading River Shoreham Chamber of Commerce Attn: Michael Roth, P.O. Box 348, Wading River, New York, 11792; and copies to Scott Davonski, Fire Marshal and the Riverhead Police Department.

THE VOTE

Buckley	<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	Blass	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no
Cardinale	<input checked="" type="checkbox"/>	yes	<input type="checkbox"/>	no					

THE RESOLUTION WAS WAS NOT
THEREFORE DULY ADOPTED

4/24/08

TOWN OF RIVERHEAD

Resolution # 349

Adopted

AUTHORIZES THE SUPERVISOR TO EXECUTE A LICENSE AGREEMENT WITH RIVERHEAD LITTLE LEAGUE

COUNCILMAN WOOTEN

_____ offered the following resolution, was seconded by

COUNCILWOMAN BLASS :

WHEREAS, Riverhead Little League, a not-for-profit organization, provides recreational programs open to the Town's general public albeit limited to certain age groups and has worked with the Riverhead Town Recreation Department to develop and promote recreational programs for the youth of the Town and events for participation of members of the Riverhead Community; and

WHEREAS, Riverhead Little League wishes to utilize the baseball fields and shed located at Stotzky Memorial Park located at Columbus Avenue and Pulaski Street, Riverhead, New York 11901, for the purpose of running practices, games, and tournaments and a concession stand during little league events; and

WHEREAS, all monies made from such concession sales will go directly to the Riverhead Little League's not-for-profit organization for use in the purchase of uniforms, equipment, supplies and other various expenses involved in the operation of Riverhead Little League; and

WHEREAS, Riverhead Little League seeks permission from the Town to utilize said shed for the purpose of running a concession stand from April 21, 2007 to July 30, 2007.

NOW THEREFORE BE IT HEREBY RESOLVED, that the Supervisor is hereby authorized to execute the attached License Agreement with Riverhead Little League; and be it further

RESOLVED, that the Town Clerk is hereby directed to forward a copy of this resolution to Riverhead Little League, the Riverhead Recreation Department, the Office of Accounting and the Office of the Town Attorney.

DUNLEAVY ___ YES ___ NO BARTUNEK YES ___ NO

BLASS ___ YES ___ NO DENSIESKI ___ YES ___ NO

CARDINALE ___ YES ___ NO

THIS RESOLUTION ___ IS ___ IS NOT
DECLARED DULY ADOPTED

5 yes

LICENSE

License ("License"), made as of the 6th day of April, 2008, by and between the Town of Riverhead, ("Licensor") having an address at 200 Howell Avenue, Riverhead, New York, 11901 and Riverhead Little League, ("Licensee"), a Not-For-Profit-Organization having an address at PB Box 469, Calverton, New York, 11933.

WITNESSETH

WHEREAS, Riverhead Little League wishes to utilize the Little League Shed located at the Town of Riverhead's Stotzky Memorial Park; Columbus Avenue & Pulaski Street, Riverhead, New York 11901 ("The Licensed Premises") for the purpose of running a concession stand during Little League events; and

WHEREAS, all monies made from such concession sales will go directly into the Riverhead Little League's Not-For-Profit Organization for use in the purchase of uniforms, equipment, supplies and other various expenses involved in the operation of Riverhead Little League; and

WHEREAS, the Town of Riverhead wishes to grant the Licensee the right to conduct the aforementioned activity;

NOW, THEREFORE, in consideration of the mutual agreements herein contained, Licensor and Licensee, for themselves and their successors, hereby agree as follows:

1. Licensing: Upon the terms and conditions hereinafter set forth, Licensor hereby licenses to Licensee the right to use the Licensed Premises.

2. Term of the License. The term of this License (the "term") shall commence on April 12, 2008 and shall end on July 15, 2008.

3. Condition of the License Premises. Licensee is familiar with the licensed premises, has examined same, and, except as explicitly hereinafter provided, Licensee agrees to accept the licensed premises in its "as is" condition without any representations or warranties.

4. Insurance and Indemnification: Licensee will be responsible for providing comprehensive general liability insurance in the amount of not less than \$2,000,000 with a company or companies reasonably satisfactory to the Licensor. Licensee will provide certificates of the foregoing insurance, showing the Town of Riverhead as "Additional Insured" to the extent of their interest. Finally, Licensee agrees to indemnify and hold the Town of Riverhead and their respective officers, employees, agents, representatives and officials harmless from any and all loss or liability associated with its use of the property 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 licensee and its employees, agents, representatives and concessionaires of the Property, excepting liability solely caused by the gross negligence of the Town or its employees,

agents or representatives. Without limiting the generality of the foregoing, Licensee agrees to indemnify and hold the Town of Riverhead harmless from any lien claimed or asserted for labor, materials or services furnished to Licensee in connection with the use of the property. With respect to any suit or claim by the Town, whether under this indemnification provision or otherwise, Licensee, 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 securing compliance with the provision of this indemnification agreement. Licensee will work with the Town of Riverhead to ensure adequate coverage of all property and liability with all concerned entities being named as "additional insured".

5. Repair, Maintenance and Inventory of License Premises.

a) Licensee agrees to maintain the licensed area free of trash, debris and to return the premises back to its original condition following completion of the license term.

b) The Licensee shall not be permitted to alter the licensed premises without the prior permission of the Licensor.

6. Assignment. Notwithstanding anything to the contrary contained in the License, Licensee shall not assign this license, the license premises, in whole or in part, or permit Licensee's interest to be vested in any other party other than Licensee by operation of law or

otherwise. A transfer of more than fifty (50%) percent at any one time, or in the aggregate from time to time, of the stock, partnership or other ownership interests in Licensee, direct or indirectly, shall be deemed to be an assignment of this License.

10. Indemnity: Licensee shall indemnify and hold the Licensor harmless from and against any and all claims, actions, liabilities, losses (including, without limitation, consequential and special damages), costs and expenses (including, without limitation, court costs and reasonable attorney fees and expenses), arising from or in connection with the use of the licensed premises.

11. Notices: Any notices to be given under this License shall be in writing and shall be sent by registered or certified mail, return receipt requested. If such notice is directed to Licensor, it shall be addressed to the attention of the Riverhead Town Supervisor at 200 Howell Avenue, Riverhead, New York. If such notice is directed to the Licensee, it shall be addressed to Post Office Box 469, Calverton, New York 11933.

12. Miscellaneous: Merger. All prior understandings and agreements between the parties with respect to the subject matter hereof are merged within this agreement, which alone, fully and completely sets forth the understanding of the parties with respect to the subject matter hereof. This license may not be changed or terminated orally, or in any manner, other than in writing signed by the party against whom enforcement is sought.

13. Cross Default: To the extent that the Licensor and Licensee are parties to related agreements, any default under the related agreements shall be deemed to be a default under this License, and any default under this license shall be deemed a default under such similar agreements.

IN WITNESS WHEREOF, Licensor and Licensee do hereby execute this License as of the date and year first above written.

TOWN OF RIVERHEAD

By: _____
Philip J. Cardinale, Supervisor

RIVERHEAD LITTLE LEAGUE

By: _____

4/24/08

TOWN OF RIVERHEAD

Adopted

RESOLUTION # 350

AUTHORIZES LEGAL ACTION AGAINST THE OWNERS, TENANTS, OCCUPANTS AND MORTGAGEE OF THE PROPERTY LOCATED ON THE N/S OF MIDDLE COUNTRY ROAD (ROUTE 25), CALVERTON, NEW YORK

COUNCILWOMAN BLASS offered the following resolution, was seconded by

COUNCILMAN DUNLEAVY :

WHEREAS, the Town Board has determined that the property situated on the n/s of Middle Country Road (Route 25), Calverton, New York, identified on the Suffolk County Tax Map as District 0600, Section 098, Block 01.00, Lot 016.003, is being used and occupied in violation of various sections of the Code of the Town of Riverhead;

NOW, THEREFORE, BE IT RESOLVED, that Dawn C. Thomas, Town Attorney for the Town of Riverhead is authorized to institute legal action in the name of the Town of Riverhead against the owners, tenants, occupants and mortgagee of the property situated on the n/s of Middle Country Road (Route 25), Calverton, New York, identified on the Suffolk County Tax Map as District 0600, Section 098, Block 01.00, Lot 016.003, in the Supreme Court of the State of New York to enjoin the illegal use, occupancy and/or maintenance of said property; and be it further

RESOLVED, that it is left to the discretion of Dawn C. Thomas, Town Attorney for the Town of Riverhead as whether said cause of action should seek monetary and/or punitive damages against the owners, tenants, occupants and/or mortgagee of said property for their illegal use, occupancy and maintenance of said property.

WOOTEN ✓ YES ___ NO BUCKLEY ✓ YES ___ NO
DUNLEAVY ✓ YES ___ NO BLASS ✓ YES ___ NO
CARDINALE ✓ YES ___ NO

THIS RESOLUTION ~~X~~ IS ___ IS NOT
DECLARED DULY ADOPTED

April 24, 2008

TOWN OF RIVERHEAD

Resolution # 351

Adopted

**Re: Major Subdivision – Finn’s Landing - Refund
(Shoreline Development Corporation)**

COUNCILMAN DUNLEAVY offered the following resolution,
which was seconded by COUNCILMAN BUCKLEY

WHEREAS, the Riverhead Town Board is in receipt of a request for a refund of fees paid by Shoreline Development Corporation at Sound Avenue, Wading River, New York, also known as SCTM No. 0600-58-2-13.1 & 14 and 0600-76-2-9, and

WHEREAS, the Town of Riverhead Planning Board held a public hearing on the preliminary plat, Finn’s Landing, filed by Shoreline Development Corporation on November 3, 2005 and did by a duly adopted motion close said public hearing on November 3, 2005, and

WHEREAS, the Town of Riverhead Planning Board did by a duly adopted motion approve the preliminary plat by resolution No. 97, adopted December 1, 2005, and

WHEREAS, the Town of Riverhead Planning Board did approve the final plat entitled, “Finn’s Landing” prepared by Joseph A. Ingegno, Land Surveyor last revised March 17, 2006 and the Final Road and Drainage Plan for Finn’s Landing prepared by Allen Glenn Bernhard, P.E. Last revised April 2, 2006 subject to conditions, and

WHEREAS, the applicant did submit a Park, Playground and Recreation fee of \$57,000, a Water Fee of \$47,500, and a letter of credit to the Town of Riverhead, and

WHEREAS, the development rights have sold to the County of Suffolk by deed dated January 8, 2008 and will not be subdivided, and

WHEREAS, Charles R. Cuddy, Attorney at Law, on behalf of Finn's Landing, requested a refund of the Park, Playground and Recreation Fees, Water Fees, and the return of the letter of credit, and requests that the subdivision approval be rescinded, now

THEREFORE, BE IT

RESOLVED, that the Planning Board of the Town of Riverhead did approve the request of Charles R. Cuddy by resolution No. 15, dated February 7, 2008 and that the final subdivision approval of Finn's Landing is hereby rescinded and is of no further force or effect, and

BE IT FURTHER

RESOLVED, that the Town Board of the Town of Riverhead hereby approves that the water extension key money fee of \$47,500, the recreation fee of \$57,000 and a letter of credit in the amount of \$470,000 be returned to the applicant, Shoreline Development Corporation, and

BE IT FURTHER

RESOLVED, that copies of this resolution be forwarded to Shoreline Development Corporation, its agent, the Town Attorney, the Town Board Members of the Town of Riverhead, the Supervisor of the Town of Riverhead, the Accounting Department and to the Office of the Town Clerk.

THE VOTE

DUNLEAVY YES ___ NO BUCKLEY YES ___ NO
BLASS YES ___ NO WOOTEN YES ___ NO
CARDINALE YES ___ NO
THIS RESOLUTION WAS ___ WAS NOT
THEREFORE DULY ADOPTED

Z: Kim- Planning