

**RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY:
DEFENSE AND INDEMNIFICATION POLICY**

I. Introduction

- A. This Defense and Indemnification Policy (the “**Defense and Indemnification Policy**”) of the Riverhead Industrial Development Agency (the “**Agency**”) is adopted by resolution pursuant to Section 2824(1) of the Public Authorities Law.

II. Operative Policy

- A. The Agency shall in all respects be governed in conformity with Chapter 10 of the Riverhead Town Code as adopted July 6, 2005, as the same may be amended from time to time. Each Board member, officer, and employee shall be covered in all respects by such code.
- B. A copy of Chapter 10 of the Riverhead Town Code is attached hereto as Exhibit A.

Exhibit A

Chapter 10 of the Riverhead Town Code – relating to Defense and Indemnification

Town of Riverhead, NY
Thursday, April 7, 2016

Chapter 10. Civil Claims

[HISTORY: Adopted by the Town Board of the Town of Riverhead 9-21-1982 by L.L. No. 6-1982. Amendments noted where applicable.]

§ 10-1. Compliance required.

[Amended 5-21-1985 by L.L. No. 5-1985; 7-6-2005 by L.L. No. 18-2005; 4-15-2008 by L.L. No. 3-2008; 7-3-2012 by L.L. No. 10-2012]

No civil action shall be maintained against the Town of Riverhead, the Town of Riverhead Water District, the Town of Riverhead Sewer District, the Town of Riverhead Scavenger Waste District, the Town of Riverhead Streetlighting District, the Town of Riverhead Industrial Development Agency, Riverhead IDA Economic Job Development Corporation, Riverhead Housing Development Corporation, Riverhead Multifamily Housing Corporation, the Riverhead Parking District, the Community Development Agency, the Riverhead Business Improvement District and the Accessory Apartment Review Board unless the requirements of this chapter are fully met.

§ 10-2. Activities covered.

[Amended 5-21-1985 by L.L. No. 5-1985; 7-6-2005 by L.L. No. 18-2005; 4-15-2008 by L.L. No. 3-2008]

No civil action shall be maintained against the Town of Riverhead or any of the agencies mentioned in § 10-1 herein for damages or injuries to persons or property sustained by reason of any defect in the condition, maintenance or design of any property (including easements and rights-of-way and leased lands) highway, bridge, culvert, curb, catch basin, recharge area, fencing, sidewalk; sewer manhole, main or appurtenance; water meter, main or appurtenance; curb, any missing highway sign or the failure to provide, by ordinance or otherwise, for the erection of any highway sign; the granting or refusal to grant any building permit, special permit, site plan approval, curb cut, variance, subdivision, special exception or accessory apartment permit; park, playground, beach, wharf, dock, marina, community hall; unless written notice of such defective, unsafe, dangerous or obstructed condition shall be filed with the Town Clerk at least 15 calendar days prior to the event giving rise to the alleged claim.

§ 10-3. Insufficient notice.

[Amended 5-21-1985 by L.L. No. 5-1985]

In the absence of written notice, as required above, no civil claim shall be maintained against the Town of Riverhead or any of the agencies mentioned in § 10-1 herein, nor shall any civil claim be maintained based on an allegation that such defect, danger or obstruction existed for so long a period of time that the same should have been discovered and remedied in the exercise of reasonable care and diligence nor a claim that any town employee possessed actual notice of such defect, danger or obstruction unless written notice is filed with the Town Clerk as required above.

§ 10-4. Statement of location and condition.

The written notice required by this chapter shall state the exact location of the alleged defect, danger or obstruction and shall specifically state the condition complained of. If this requirement is not met, such notice shall be void.

§ 10-5. Severability.

If any portion of this chapter is found by a court of competent jurisdiction to be unconstitutional or repugnant to the laws of the State of New York, such portion hereof shall be null and void. However, all remaining provisions shall remain in full force and effect.

§ 10-6. When effective.

This chapter shall take effect upon its being duly filed in the Offices of the Secretary of State and the State Comptroller.

§ 10-7. Validity.

[Added 5-21-1985 by L.L. No. 5-1985]

The invalidity of a portion of this chapter shall not affect the validity of the whole of this chapter.