

MINUTES OF THE MEETING
RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY
May 8, 2023

Meeting was called to order at 5:00 PM by Chairman James Farley.

Present: James B. Farley, Chairman
Lori Ann Pipczynski, Vice Chairwoman
Lee Mendelson, Treasurer
Anthony (Tony) Barresi, Secretary
Douglas Williams, Asst. Treasurer

Absent:
Signifying a quorum.

Others in Attendance: Tracy Stark-James, Executive Director
William Weir, Counsel
Milan Tyler, Transaction Counsel

Anthony Barresi moved to adopt the proposed agenda. Lee Mendelson seconded. The agenda was adopted.

MINUTES:

The Board moved to dispense with the reading of and voted on the March 27, 2023 meeting minutes.

#15-23 RESOLUTION APPROVES MINUTES OF REGULAR MEETING OF March 27th, 2023. Member offered the following resolution, which was seconded by Member.

RESOLVED, the minutes of the meeting of March 27th, 2023 as prepared and e-mailed be and are hereby approved, and

BE IT FURTHER RESOLVED, that the copies of said minutes be maintained in the files of the Agency and become a part of the record of the Agency.

VOTE: 5 Yes

CORRESPONDENCE: Correspondence was distributed to the board from EPCAL Watch , SC Comptroller and various email correspondence was forwarded from concerned citizens regarding proposed development to members of the board prior to the meeting.

PRESENTATION: Landmark of Riverhead

Wayne Steck, owner and developer for the proposed Landmark of Riverhead came before the members of the board to request assistance for a 45 unit market rate mixed use commercial building in downtown Riverhead. Wayne is the current owner of Summerwind, a soon to be graduate of RIDA assistance. He introduced his latest multi used building

consisting of 45 fair market rate apartments and approximately 9,000 sq. ft. of retail on the first floor. He explained that he will be carefully curating a selection of vendors that will provide a unique experience to downtown, such as art exhibits and special events. An example would be Haskell's Fish Market which may be interested in opening a restaurant, bait & tackle and possible boat charters and experiences using the riverfront. He envisions a Chelsea Market or Eataly. In order to attract such unique vendors, Mr. Steck believes that offering substantial discounts and long term rent incentives.

He requested the board consider his application for sales tax, mortgage recording tax and real property tax deferment.

The Chairman moved one item out of order from New Business for consideration.

RESOLUTION #19-22 ACCEPTING AN APPLICATION WITH RESPECT TO A PROJECT FOR LANDMARK AT RIVERHEAD, LLC

Lori Ann Pipczynski offered the following resolution, which was seconded by Anthony Barresi.

RESOLUTION OF THE TOWN OF RIVERHEAD INDUSTRIAL DEVELOPMENT AGENCY ACCEPTING AN APPLICATION WITH RESPECT TO LANDMARK AT RIVERHEAD, LLC, A NEW YORK LIMITED LIABILITY COMPANY ON BEHALF OF ITSELF AND/OR AN ENTITY FORMED OR TO BE FORMED ON BEHALF OF THE FOREGOING, AS AGENT OF THE AGENCY FOR THE PURPOSE OF ACQUIRING, DEMOLISHING, CONSTRUCTING AND EQUIPPING THE FACILITY.

WHEREAS, the Town of Riverhead Industrial Development Agency was created by Chapter 624 of the Laws of 1980 and is a public benefit corporation and an industrial development agency of the State of New York (the "**Agency**") having those powers set forth in, and subject to the requirements of, Article 18-A of the General Municipal Law; and

WHEREAS, Landmark at Riverhead, LLC, a limited liability company organized and existing under the laws of the State of New York, on behalf of itself and/or the principals of Landmark at Riverhead, LLC and/or an entity formed or to be formed on behalf of any of the foregoing (collectively, the "**Company**") has submitted an Application for Financial Assistance, dated November 15, 2022 (the "**Application**") to the Town of Riverhead Industrial Development Agency (the "**Agency**") for assistance in connection with: the acquisition of an approximately 0.2779 acre parcel of land located at 103/105 East Main Street, Riverhead, New York 11901 (SCTM# 0600-129.00-01.00-010.000) (the "**Land**"), the demolition of an approximately 9,500 square foot existing building located on the Land, and the construction thereon of an approximately 43,989 square foot four-story building (the "**Improvements**"), and the acquisition and installation therein of certain equipment and personal property (collectively, the "**Equipment**"; and together

with the Land and the Improvements, the “**Facility**”), which Facility will be leased and subleased by the Agency to the Company to be used as a residential apartment building, consisting of forty (40) one-bedroom units, five (5) two-bedroom units, and first floor specialty retail, restaurant and food hall/court space, totaling approximately 9,687 square feet (collectively, the “**Project**”); and

WHEREAS, in the Application the Company has estimated that the total project costs of the Project will be approximately \$10,764,000; and

WHEREAS, in the Application the Company has indicated that they intend to sublease the retail portion of the Facility to various tenants, who have not yet been identified, for use as specialty retail and restaurant space; and

WHEREAS, the Act authorizes and empowers the Agency to promote, develop, encourage and assist projects such as the Project and to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York; and

WHEREAS, pursuant to this resolution, the Agency accepts the Application submitted by the Company with respect to the Project and authorizes the Executive Director and Chief Executive Officer to engage Camoin Associates to prepare an absorption and impact study for the Project; and

WHEREAS, the Agency reserves the right to require the Company and any other third-parties to supplement the Application in the future with any additional information that the Agency deems necessary, in its sole discretion, to complete its due diligence review; and

WHEREAS, the Company has agreed to indemnify the Agency against certain losses, claims, expenses, damages and liabilities that may arise in connection with the transaction contemplated by the leasing of the Facility by the Agency to the Company for the further subleasing by the Company.

NOW, THEREFORE, BE IT RESOLVED by the Town of Riverhead Industrial Development Agency (a majority of the members thereof affirmatively concurring) that:

The Agency hereby accepts for review the Application from the Company. The Agency and Nixon Peabody LLP, transaction counsel to the Agency, reserve the right to request additional information with respect to the Application, the Company, the Project, the costs of the Project and

any financing of the Project at any time as may be necessary to process the Application and determine whether to proceed with a public hearing.

The Executive Director and Chief Executive Officer is hereby authorized to engage Camoin Associates for the preparation of an absorption and impact study of the Project, to be prepared at the expense of the Company.

Nothing herein shall be construed as committing the Agency to consider the inducement of the Project, the holding of a public hearing, or approval of the acquisition, demolition, construction, equipping and financing of the Project until such time as: (i) the Agency has satisfactorily completed its due diligence analysis and review, (ii) an absorption and impact study has been prepared and finalized, (iii) all necessary and appropriate reports and studies have been received and reviewed, and (iv) the Company has provided the Agency with evidence that all necessary site plan approvals, architectural review, zoning approvals, and permits with respect to the Facility have been approved.

Without further action from the board of directors of the Agency, the Chairman may authorize the Executive Director and Chief Executive Officer to publish notice and hold a public hearing for the Project upon satisfaction of the conditions set forth in Section 2 hereto.

The Chairman, the Executive Director and Chief Executive Officer of the Agency are hereby authorized and directed (i) to distribute copies of this resolution to the Company, and (ii) to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this resolution.

Any fees and expenses incurred by the Agency with respect to the Facility shall be paid by the Company. The Company has agreed pursuant to the Application, to pay such fees and expenses of the Agency and further agrees to indemnify the Agency, and its respective members, directors, employees and agents and hold the Agency and such persons harmless against claims for losses, damage or injury or any expenses or damages incurred as a result of action taken by or on behalf of the Agency in good faith with respect to the Project.

The law firm of Nixon Peabody LLP, is hereby appointed Transaction Counsel to the Agency with respect to all matters in connection with the Project. Transaction Counsel for the Agency is hereby authorized, at the expense of the Company, to work with the Company, counsel

to the Company, and others to prepare, for submission to the Agency, all documents necessary to effect the transactions contemplated by this resolution.

This resolution shall take effect immediately.

VOTE: 5 Yes

TREASURER'S REPORT:

Cash Balance in as of April 30th	\$ 44,513.64
Money Market	\$ 45,054.41
Revenue for April	\$ 4,016.19
Profit and Loss	\$-13,374.19
Total Expenses Paid	\$ 17,390.38

A new bank account was established and funded with \$150,000 to provide for fees and expenses toward due diligence and analysis of the Calverton Aviation and Technology/TOR application.

#16-23 RESOLUTION ACCEPTS REPORT OF EXPENSES AND AUTHORIZES PAYMENT OF BILLS AS OF May 2, 2023

WHEREAS, Denise Cooper, CPA and Tracy Stark-James, Executive Director, submitted monthly financial reports, including a report of expenses, to the Riverhead Industrial Development Agency for the period of April 1 to April 30, 2023 **as attached**,

NOW, THEREFORE, BE IT RESOLVED, said monthly financial report dated May 2, 2023 covering the month of April be and are hereby accepted and expenses as listed are authorized for payment.

Member Lee Mendelson made a motion to accept Treasurer's Report, which was seconded by Member Anthony Barresi. **Motion approved.**

VOTE: 5 Yes

COMMITTEE REPORTS:

Audit: None

Governance Committee: Lori Ann Pipczynski reported that the Governance Committee met virtually on April 20th and reviewed two requests for relief from late PILOT fees. After review and consideration, recommendations were made for consideration by the full board and those recommendations will be considered further down the agenda later in tonight's meeting. The ED informed the committee of applications that have recently been submitted and requested the desire to postpone the May 1st meeting to enable a review of the Landmark application and schedule a presentation. The committee then went into executive session to discuss contracts and legal matters.

Finance Committee: None

OLD BUSINESS: None

NEW BUSINESS:

RESOLUTION #17-23 RESOLUTION CONSIDERING REQUEST FOR LATE PILOT PAYMENT WAIVER Hampton Jitney, Inc

Lee Mendelson offered the following resolution which was seconded by Anthony Barresi.

Whereas, the Agency has in place a Fee Waiving Policy, and

Whereas, Geoff Lynch on behalf of Hampton Jitney, Inc has submitted a request to waive the late pilot payment penalty fees implemented in accordance with NY GML Title 1 874(5) and the Riverhead Industrial Development Agency Late Pilot Payment Policy, and

Whereas, the Governance Committee reviewed the request and has made a recommendation to the board, and

Whereas, the board has determined that the request to waive the late pilot penalty fees imposed according to NY GML Title 1 874(5) is consistent with the board policy, and

Whereas, it was determined that the Agency incurred expenses as a result of the late payment, and

Whereas, the board has determined to maintain the penalty imposed for the Agency administrative fee, but reduce the Agency imposed 5% accrued penalty by half, and

Now, Therefore, Be it Resolved, that Hampton Jitney, Inc be notified that the request to waive the late Pilot Penalty Fee has been reduced and to promptly remit the payment due.

Vote: 5 Yes

RESOLUTION #18-23 RESOLUTION CONSIDERING REQUEST FOR LATE PILOT PAYMENT WAIVER Island Water Park Corp

Lee Mendelson offered the following resolution which was seconded by Anthony Barresi.

Whereas, the Agency has in place a Fee Waiving Policy, and

Whereas, Barbara Hawkins on behalf of Island Water Park Corp has submitted a request to waive the late pilot payment penalty fees implemented in accordance with NY GML Title 1 874(5) and the Riverhead Industrial Development Agency Late Pilot Payment Policy, and

Whereas, the Governance Committee reviewed the request and has made a recommendation to the board, and

Whereas, the board has determined that the request to waive the late pilot penalty fees imposed according to NY GML Title 1 874(5) is consistent with the board policy, and

Whereas, it was determined that the Agency incurred expenses as a result of the late payment, and

Whereas, the board has determined to maintain the penalty imposed for the Agency administrative fee, but reduce the Agency imposed 5% accrued penalty in full, and

Now, Therefore, Be it Resolved, that Island Water Park Corp be notified that the request to waive the late Pilot Penalty Fee has been reduced and to promptly remit the payment due.

Vote: 5 Yes

The Chairman then adjourned the meeting to move into executive session to discuss legal matters.

EXECUTIVE SESSION

Lori Ann Pipczynski motioned to adjourn the regular meeting. Anthony Barresi seconded. Lori Ann Pipczynski motioned to open the executive session and Anthony Barresi seconded. The meeting opened at 5:26pm.

Lori Ann Pipczynski moved to close the executive session at 6:02pm. Doug Williams seconded. Lori Ann Pipczynski moved to reopen the regular meeting of the agency. Doug Williams seconded. The meeting resumed at 6:04pm

There was no action taken during the executive session.

Seeing no further business, Lee Mendelson motioned to adjourn the meeting. Douglas Williams seconded. The meeting adjourned at 6:04pm

Dated: _____

Secretary/Asst

