

**RESOLUTION NO. 543 -2009, AUTHORIZING SUBSTITUTION OF YMCA OF LONG ISLAND, INC. IN PLACE OF TOWN OF RIVERHEAD FOR IMPROVEMENT AND MAINTENANCE OF PROPERTY ACQUIRED UNDER GREENWAYS PROGRAM IN CONNECTION WITH ACTIVE PARKLAND IN THE TOWN OF RIVERHEAD (SCTM NO. 0600-125.00-01.00-005.003)**

**WHEREAS**, Resolution No. 559-1999, a "Charter Law Adding Article XII-A to the Suffolk County Charter to Provide a Suffolk Community Greenways County Fund" was approved by the electorate on November 3, 1999, thereby making \$20 Million available for land acquisition under the Suffolk County Active Parklands Acquisition Program; and

**WHEREAS**, pursuant to Resolution No. 274-2001 and Resolution No. 577-2001, the County of Suffolk ("County") purchased approximately 7.2+ acres of land identified by Suffolk County Tax Map No. 0600-125.00-01.00-005.003 (the "Property") under the Suffolk County Community Greenways Program for active parklands, and entered into an agreement with the Town of Riverhead ("Town") obligating the Town to improve and maintain the Property as active parkland upon its acquisition by the County; and

**WHEREAS**, Section C12-a(A)(2) of the SUFFOLK COUNTY CHARTER authorizes acquisition of parcels of land for use as active parklands in instances where a town or community organization enters into a binding agreement or commitment with Suffolk County to improve and maintain the property for recreational purposes; and

**WHEREAS**, the YMCA of Long Island, Inc. ("YMCA") desires to construct a 40,000 sq. ft., fully handicap accessible recreational facility ("Facility") on the Property which will include, among other things, an indoor Olympic sized swimming pool, locker rooms, a Strength Training and Aerobics Center, Childcare facilities, Pre-K classrooms, community room, administrative office space, an outdoor recreational area and other infrastructure improvements; and

**WHEREAS**, the YMCA is desirous of entering into a long term net ground lease with the County at the Property and agrees it will be solely responsible for the control, operation and maintenance of both the Facility and the Property during the term of the lease and has submitted a letter of intent, annexed as Exhibit A; and

**WHEREAS**, the Facility will be established for the specific benefit of all County residents, all of whom will have access to the Facility through a subsidized membership rate structure; and

**WHEREAS**, the Town has adopted Resolution No. 407 dated May 5, 2009, wherein it states the Town's willingness and consent to substitute the YMCA in the Town's place as the County's development partner of the Property; and

**WHEREAS**, the County, Town and YMCA agree that, in the event the YMCA is not successful in obtaining necessary funding and is unable to construct the Facility within three years from the date of the lease between the County and the YMCA, the lease may be

terminated by the County and the Town will assume its original obligations pursuant to the agreement dated June 27, 2003; and

**WHEREAS**, the location of the Facility, being adjacent to land known as Stotzky Park in the Town, is ideal and will promote general health and wellbeing for County residents of all ages and economic vitality to the Town and the surrounding communities; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the adopted Town of Riverhead Resolution No. 352, dated May 5, 2009, and agrees to substitute the YMCA in the Town's place as the County's development partner for the Property; and be it further

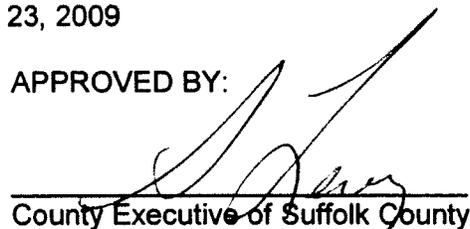
**2<sup>nd</sup>** **RESOLVED**, that the County Department of Law, the County Department of Real Property Acquisition and Management, and/ or the County Department of Parks, Recreation and Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate to consummate such substitution, including, but not limited to, securing any necessary approvals from New York State, negotiating and drafting a lease with the YMCA and executing such other documents as are required to implement the intent of this Resolution; and be it further

**3<sup>rd</sup>** **RESOLVED**, that agreements made hereunder shall be in accordance with, and subject to, the provisions of Sections C12-A(A)(2) and (5) of the SUFFOLK COUNTY CHARTER in connection with such active parklands; and be it further

**4<sup>th</sup>** **RESOLVED**, This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and/or (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

DATED: June 23, 2009

APPROVED BY:

  
County Executive of Suffolk County

Date: 7-6-09

SUFFOLK COUNTY  
County Legislature  
RIVERHEAD, NY



*This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on June 23, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.*

*In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.*

A handwritten signature in cursive script that reads "Tim Laube".

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Clerk of the Legislature

Intro. Res. 1512 Res. No. 543

June 23, 2009

**Motion:**  
Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
Romaine, Schneiderman, Browning, Beedenbender, Losquadro  
Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,  
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

| LD     | Legislator                    | Yes | No | Abs | NP | R |
|--------|-------------------------------|-----|----|-----|----|---|
| 1      | Edward P. ROMAINE             |     |    |     |    |   |
| 2      | Jay H. SCHNEIDERMAN           |     |    |     |    |   |
| 3      | Kate M. BROWNING              |     |    |     |    |   |
| 4      | Brian BEEDENBENDER            |     |    |     |    |   |
| 6      | Daniel P. LOSQUADRO           |     |    |     |    |   |
| 7      | Jack EDDINGTON                |     |    |     |    |   |
| 9      | Ricardo MONTANO               |     |    |     |    |   |
| 10     | Cameron ALDEN                 |     |    |     |    |   |
| 11     | Thomas F. BARRAGA             |     |    |     |    |   |
| 12     | John M. KENNEDY, JR.          |     |    |     |    |   |
| 13     | Lynne C. NOWICK               |     |    |     |    |   |
| 14     | Wayne R. HORSLEY              |     |    |     |    |   |
| 15     | DuWayne GREGORY               |     |    |     |    |   |
| 16     | Steven H. STERN               |     |    |     | /  |   |
| 17     | Lou D'AMARO                   |     |    |     |    |   |
| 18     | Jon COOPER                    |     |    |     |    |   |
| 5      | Vivian VILORIA-FISHER, D.P.O. |     |    |     |    |   |
| 8      | William J. LINDSAY, P.O.      |     |    |     |    |   |
| Totals |                               | 17  | 1  |     | 1  | - |

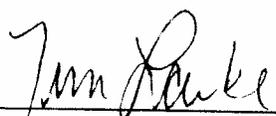
**MOTION**

Approve  
 \_\_\_\_\_ Table: \_\_\_\_\_  
 \_\_\_\_\_ Send To Committee  
 \_\_\_\_\_ Table Subject To Call  
 \_\_\_\_\_ Lay On The Table  
 \_\_\_\_\_ Discharge  
 \_\_\_\_\_ Take Out of Order  
 \_\_\_\_\_ Reconsider  
 \_\_\_\_\_ Waive Rule \_\_\_\_\_  
 \_\_\_\_\_ Override Veto  
 \_\_\_\_\_ Close  
 \_\_\_\_\_ Recess

APPROVED  FAILED \_\_\_\_\_  
 No Motion \_\_\_\_\_ No Second \_\_\_\_\_

**RESOLUTION DECLARED**

ADOPTED  
 \_\_\_\_\_ NOT ADOPTED

  
 \_\_\_\_\_  
 Tim Laube, Clerk of the Legislature

Roll Call \_\_\_\_\_ Voice Vote