

Introduced by Presiding Officer, on request of the County Executive and Legislators  
Schneiderman and Romaine

**RESOLUTION NO. 548 -2009, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - FOR THE DEFOSSE, F. CUOMO, V. CUOMO, HOWITT, CASEY, J. CUOMO, AND L. CUOMO PROPERTY – CUOMO FAMILY FARM - TOWN OF BROOKHAVEN – (SCTM NO. 0200-916.00-02.00-004.000 p/o)**

**WHEREAS**, Local Law No. 24-2007, “A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection,” Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

**WHEREAS**, Resolution No. 693-2006, authorized planning steps for the acquisition of farmland development rights of the subject property; and

**WHEREAS**, the Town of Brookhaven (“Town”) has approved Resolution No. 593-2008 on June 17, 2008, authorizing the acquisition of farmland development rights of the subject property in partnership with the County of Suffolk; and

**WHEREAS**, pursuant thereto, said acquisition is to be made in accordance with the procedures set forth in Chapter 8 of the Suffolk County Code which provides that the same shall be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation of the Suffolk County Farmland Committee; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Acquisition and Management to negotiate the acquisition of farmland development rights; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the rights to subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said rights were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Property Acquisition and Management and approved as to legality by the Office of the County Attorney; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the farmland development rights of the subject property set forth below under the New Suffolk

County Drinking Water Protection Program, effective as of December 1, 2007, Farmland component, for a total purchase price of Five Million Two Hundred Forty Thousand Seven Hundred Sixty Dollars (\$5,240,760.00+), at One Hundred Eighty Three Thousand Five Hundred Dollars (\$183,500.00) per acre for 28.56+ acres, which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Three Million Six Hundred Sixty Eight Thousand Five Hundred Thirty Two Dollars (\$3,668,532.00+), for a seventy percent (70%) undivided interest; and the Town's share, totaling One Million Five Hundred Seventy Two Thousand Two Hundred Twenty Eight Dollars (\$1,572,228.00+), for a thirty percent (30%) undivided interest, as tenants-in-common, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments, for inclusion in the Suffolk County Farmland Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY</u>	<u>ACRES:</u>	<u>REPUTED OWNER</u>
<u>No. 1</u>	<u>TAX MAP NUMBER:</u>		<u>AND ADDRESS:</u>
	District 0200	28.56+	Sallyann Cuomo DeFosse
	Section 916.00		7652 Gooselick Road
	Block 02.00		Ripley, OH 45167
	Lot 004.000 p/o		and
			Frances Cuomo
			2 Wisteria Path
			Sands Point, NY 11050
			and
			Vincent Cuomo
			5 Lakeview Drive East
			Center Moriches, NY 11934
			As to 1/3 Undivided Interest
			Frances Howitt
			7 Bay Avenue
			Hampton Bays, NY 11947
			and
			Barbara Cuomo Casey
			1200 Barton Creek Blvd. #17
			Austin, TX 79735
			and
			James Cuomo
			2063 Hancock Avenue
			North Bellmore, NY 11710
			As to 1/3 Undivided Interest
			Louise Cuomo
			10 Cross Street
			East Moriches, NY 11940
			As to 1/3 Undivided Interest

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed

herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the SUFFOLK COUNTY CHARTER, for a total purchase price of Five Million Two Hundred Forty Thousand Seven Hundred Sixty Dollars (\$5,240,760.00±), of which the County contribution will be Three Million Six Hundred Sixty Eight Thousand Five Hundred Thirty Two Dollars (\$3,668,532.00±), at \$183,500.00 per acre for 28.56± acres, subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$3,668,532.00±, subject to a final survey, from previously appropriated funds in capital project 525-8712.210 for the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Farmland component, Section C12-2 (A)(1)(f) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

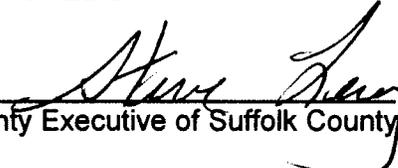
**4<sup>th</sup>** **RESOLVED**, that title to this acquisition shall be held by the County and the Town, as tenants-in-common, with the County owning a seventy percent (70%) undivided interest and the Town owning a thirty percent (30%) undivided interest; and be it further

**5<sup>th</sup>** **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

**6<sup>th</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II Action pursuant to 6 NYCRR Sections 617.5 c (20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of farmland development rights as part of the Suffolk County Farmland Preservation Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

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. 1515 Res. No. 548

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.					
<b>Totals</b>		15	2	-	1	-

MOTION	
<input checked="" type="checkbox"/>	Approve
Table: _____	
<input type="checkbox"/>	Send To Committee
<input type="checkbox"/>	Table Subject To Call
<input type="checkbox"/>	Lay On The Table
<input type="checkbox"/>	Discharge
<input type="checkbox"/>	Take Out of Order
<input type="checkbox"/>	Reconsider
<input type="checkbox"/>	Waive Rule _____
<input type="checkbox"/>	Override Veto
<input type="checkbox"/>	Close
<input type="checkbox"/>	Recess
APPROVED <input checked="" type="checkbox"/>	FAILED _____
No Motion _____	No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

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