

RESOLUTION NO. 1172 -2009, APPROVING FERRY LICENSE FOR RONCALLI FREIGHT COMPANY INC.

WHEREAS, Roncalli Freight Company Inc. has applied to the Suffolk County Legislature, by a Petition dated and verified September 29, 2009, and by an Amended and Restated Petition dated and verified November 25, 2009, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the approval of a freight ferry license and franchise for service between ferry terminals located at Sayville, New York and the Fire Island communities of Fire Island Pines; and

WHEREAS, said Petition was accompanied by the Consents in writing specified by Section 110 and the Navigation Law; and

WHEREAS, Roncalli Freight Company Inc. has heretofore filed with the Clerk of the Suffolk County Legislature its undertaking with a surety all pursuant to Article 8 of the Navigation Law; now, therefore be it

1st RESOLVED, that

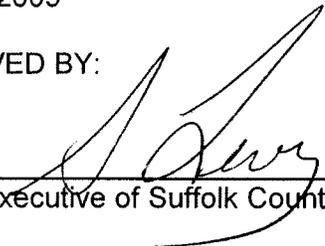
- 1) The Petition of Roncalli Freight Company Inc. dated and verified November 25, 2009 is approved;
- 2) The undertaking heretofore filed with the Clerk of the Suffolk County Legislature in the sum of \$10,000.00 is hereby approved;
- 3) A ferry license and franchise be and the same hereby is granted to Roncalli Freight Company Inc. of Sayville, New York to operate a public ferry service over and upon the waters of the Great South Bay for service between Sayville, New York on the mainland of Long Island and the Fire Island Communities of Fire Island Pines, New York, all within the County of Suffolk commencing on the date of approval hereof up to and including March 15, 2012, subject to Roncalli Freight Company Inc. filing with the Clerk of the Suffolk County Legislature on or before June 30, 2010 (i) documentation indicating that Middle-Earth Holdings LLC, an affiliate of Roncalli Freight Company Inc., has acquired that certain parcel of land known as 68 River Road, Sayville, New York, being the land upon which the freight business will be located (including the Sayville, New York landing site) and that such property has been transferred to Middle-Earth Holdings LLC, (ii) the consent of Middle-Earth Holdings LLC authorizing Roncalli Freight Company Inc. to utilize the Sayville landing site, and (iii) documentation indicating that the ownership to the ferry boat known as the M/V Provider, O.N. 1190836, 14 gross tons, has been transferred to Roncalli Freight Company Inc.;
- 4) This ferry license and franchise is granted subject to all existing laws, rules and regulations of all federal, state, county and municipal governments and

agencies having jurisdiction thereover;

- 5) The rates to be charged for freight transportation pursuant to his license and franchise shall not exceed the rates authorized for Roncalli Freight Company Inc. by the Suffolk County Legislature pursuant to Article 8 of the Navigation Law, Section 71 of the Transportation Corporations Law, Section 131-g of the Highway Law and Local Law No. 7 of 1982 of Suffolk County; and
- 6) Said rates and schedules shall be posted at each entrance of the ferry pursuant to Section 113 of the Navigation Law of the State of New York and Section 72 of the Transportation Corporations Law.

DATED: December 15, 2009

APPROVED BY:



County Executive of Suffolk County

Date:

DEC 23 2009

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 December 15, 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".

Clerk of the Legislature

Intro. Res. 1869 Res. No. 1172

December 15, 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	18				

MOTION	
<input checked="" type="checkbox"/> 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 <input checked="" type="checkbox"/> FAILED _____	
No Motion _____ No Second _____	

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

Tim Laube
 Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote