

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

RESOLUTION NO. 1115 -2011, AUTHORIZING THE ACQUISITION OF FARMLAND DEVELOPMENT RIGHTS UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - FOR THE SYLVESTER MANOR EDUCATIONAL FARM, INC. PROPERTY - SYLVESTER MANOR PHASE II - TOWN OF SHELTER ISLAND (SCTM NO. 0700-008.00-01.00-005.002 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 ("County"); 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. 647-2009, authorized planning steps for the acquisition of farmland development rights of the subject property; and

WHEREAS, the Town of Shelter Island ("Town") has approved a resolution on April 29, 2011 authorizing the acquisition of farmland development rights of the subject property in partnership with the County; 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 Section 247 of the New York State General Municipal Law 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 the 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; and

WHEREAS, the County may be awarded grant funds pursuant to the Farm and Ranch Lands Protection Program as authorized by the Food, Conservation, and Energy Act of

2008 to offset up to fifty percent (50%) of the cost of the subject development rights; now, therefore be it

1st **RESOLVED**, that the County 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 December 1, 2007, Farmland component, Section C12-2(A)(1)(f) of the Suffolk County Charter, for a total purchase price of Four Million Six Hundred Eighty Two Thousand Two Hundred Dollars (\$4,682,200±), at Eighty Two Thousand Dollars (\$82,000) per acre for 57.1± acres, which cost is to be shared by the County and the Town, with the County's share totaling Three Million Two Hundred Seventy Seven Thousand Five Hundred Forty Dollars (\$3,277,540±), for a seventy percent (70%) undivided interest, and with the Town's share totaling One Million Four Hundred Four Thousand Six Hundred Sixty Dollars (\$1,404,660±), 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 Purchase of Development Rights Program:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0700	57.1±	Sylvester Manor Educational Farm, Inc. a not-for-profit corporation organized under the laws of the State of New York having a mailing address at P.O. Box 2029 Shelter Island, NY 11964
	Section 008.00		
	Block 01.00		
	Lot 005.002 p/o		

and be it further

2nd **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3) of the Suffolk County Charter, to acquire the parcel 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 Four Million Six Hundred Eighty Two Thousand Two Hundred Dollars (\$4,682,200±), of which the County contribution will be Three Million Two Hundred Seventy Seven Thousand Five Hundred Forty Dollars (\$3,277,540±), at Eighty Two Thousand Dollars (\$82,000) per acre for 57.1± acres, subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller and the County Treasurer are hereby authorized to reserve and to pay \$3,277,540±, 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

4th **RESOLVED**, that the County may be awarded grant funds pursuant to Cooperative Agreement No. 73-2c31-10-134 from the Farm and Ranch Lands Protection Program as authorized by the Food, Conservation, and Energy Act of 2008; that Cooperative Agreement No. 73-2c31-10-134 authorizes the Federal Government to contribute up to fifty percent (50%) of the appraised market value of the development rights; and that the Federal

grant shall be shared by the County and the Town with the County receiving the benefit of seventy percent (70%) of the grant funds and the Town receiving the benefit of the remaining thirty percent (30%) of the grant funds; and be it further

5th **RESOLVED**, in the event that the Farm and Ranch Lands Protection Program grant funds are received at or prior to the time of closing, per the grant agreement, said grant funds shall be paid by the Federal Government to a third-party intermediary closing agent/title company for disbursement to the Seller at closing; the County share of the purchase price shall be seventy percent (70%) of the total purchase price of Four Million Six Hundred Eighty Two Thousand Two Hundred Dollars (\$4,682,200±), at Eighty Two Thousand Dollars (\$82,000) per acre for 57.1± acres, subject to a final survey, less the Federal grant, payable to the Seller; and the Town share of the purchase price shall be thirty percent (30%) of the total purchase price of Four Million Six Hundred Eighty Two Thousand Two Hundred Dollars (\$4,682,200±), at Eighty Two Thousand Dollars (\$82,000) per acre for 57.1± acres, subject to a final survey, less the Federal grant, payable to the Seller; and be it further

6th **RESOLVED**, in the event that the Farm and Ranch Lands Protection Program grant funds are received as reimbursement funds after the time of closing, said grant funds shall be paid by the Federal Government to the County and deposited into account number 477-6880; out of said account, the County shall retain seventy percent (70%) of the grant funds and the County Comptroller and the County Treasurer are authorized to reimburse the corresponding debt service; and the County Comptroller and the County Treasurer are further authorized to reimburse and pay thirty percent (30%) of the grant funds to the Town; and be it further

7th **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

8th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or her designee, the County Department of Planning, 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

9th **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 Purchase of Development Rights Program which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued.

DATED: December 20, 2011

APPROVED BY:

A handwritten signature in black ink, appearing to be 'John', written over a horizontal line.

County Executive of Suffolk County

Date:

DEC 27 2011

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 20, 2011 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.

Tim Laube

Clerk of the Legislature

Intro. Res.

2073*

Res. No.

1115

December 20, 2011

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Eddington, Montano, Cilmi, Lindsay, Viloría-Fisher, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

This vote was reconsidered. Outcome did not change.

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE	/				
2	Jay H. SCHNEIDERMAN	/				
3	Kate M. BROWNING	/				
4	Thomas MURATORE	/				
6	Sarah S. ANKER	/				
7	Jack EDDINGTON		/			
9	Ricardo MONTANO		/			
10	Thomas CILMI		/			
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		12	5	1	1	

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 _____