

RESOLUTION NO. 724 2012, AUTHORIZING PLANNING STEPS FOR THE ACQUISITION OF DEVELOPMENT RIGHTS UNDER THE SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM, AS AMENDED BY LOCAL LAW NO. 24-2007 - FEBRUARY 2012 - ROSKO FARMS, INC. PROPERTY - TOWN OF SOUTHAMPTON (SCTM NOS. 0900-158.00-02.00-015.001 and 0900-158.00-02.00-028.001)

WHEREAS, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection," authorizes the use of 31.10 per cent of sales and compensating use tax proceeds generated each year for Specific Environmental Protection including acquisition of open space; environmentally sensitive lands; farmland development rights; hamlet parks; active recreational parks; or historic/cultural parks, as determined by duly enacted Resolutions of the County of Suffolk; and

WHEREAS, the Suffolk County Purchase of Development Rights Program was amended in 2010 pursuant to Local Law No. 52-2010 and as part of said amendments an annual review period was designated in order to maximize Suffolk County's financial resources while preserving its valuable farmland resources; and

WHEREAS, the County of Suffolk commenced the annual review period in September 2011 pursuant to Section 8-5 of the SUFFOLK COUNTY CODE and 15 applications were received during said annual review period; and

WHEREAS, the Suffolk County Farmland Committee reviewed these received applications at its January 24, 2012 meeting and adopted Resolution Number FC-5-2012 approving the parcels recommended, and the parcels recommended subject to the Committee's specified conditions, in the 2012 Annual Review Period Preservation Priority List for consideration by the Suffolk County Legislature; and

WHEREAS, the parcel(s) identified in Exhibit "A" was(were) listed in the Suffolk County Farmland Committee's approved 2012 Annual Review Period's Preservation Priority List category: Parcels Recommended to the Suffolk County Legislature for Inclusion in the Program Subject to the Committee's Specified Conditions; now, therefore be it

1st **RESOLVED**, that the parcel(s) identified in Exhibit "A" shall be approved and included in the 2012 Annual Review Period's Preservation Priority List subject to the condition that the parcel(s) development rights be acquired through a 50/50 partnership between Suffolk County and the Town of Southampton whereby Suffolk County is responsible for 50% of the total cost of the development rights acquisition and the Town of Southampton is responsible for 50% of the total cost of the development rights acquisition; and be it further

2nd **RESOLVED**, that such acquisition(s) is(are) to be made in accordance with the procedures set forth in Chapter 8 of the SUFFOLK COUNTY CODE which provided that they be consummated in accordance with provisions of General Municipal Law Section 247 and the recommendation(s) of the Suffolk County Farmland Committee; and be it further

3rd **RESOLVED**, that the following parcel(s) listed below, is(are) hereby approved for planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County New Drinking Water Protection Program, Farmland component, Section C12-(A) (1)(f) of the SUFFOLK COUNTY CHARTER subject to the condition that the parcels development rights be acquired through a 50/50 partnership between Suffolk County and the Town of Southampton whereby Suffolk County is responsible for 50% of the total cost of the development rights acquisition and the Town of Southampton is responsible for 50% of the total cost of the development rights acquisition:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
No. 1	District Section Block Lot		SET FORTH IN EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

and be it further

4th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management, Department of Economic Development and Planning, and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section 8-2(W) of the SUFFOLK COUNTY CHARTER, to have surveys and maps prepared for the subject parcel(s) in accordance with Resolution No. 423-1988; and be it further

5th **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) of the SUFFOLK COUNTY CHARTER, to have the subject parcel(s) appraised, environmentally audited, and searched for title; and be it further

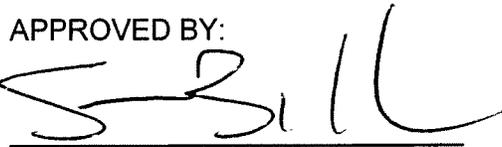
6th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to initiate written contact with the owner(s) of the property, prior to ordering an appraisal, for the purpose of commencing negotiations to acquire the farmland development rights of the subject parcel(s), the actual acquisition of which shall be subject to approval via duly enacted resolution of the County of Suffolk; and be it further

7th **RESOLVED**, that the cost of such surveys, title searches, audits, maps, and/or appraisals, if any, shall be paid from the funds to be appropriated pursuant to Section C12-(A) (1)(f) of the SUFFOLK COUNTY CHARTER, as a reimbursement, if necessary, for costs incurred and paid for from other funds or as a direct payment from such proceeds, as the case may be; and be it further

8th **RESOLVED**, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby further authorized, empowered, and directed, pursuant to Section C42-2(C) of the SUFFOLK COUNTY CHARTER, to utilize such valid appraisals for the subject parcel(s) as may be made available to the County by any pertinent municipality, either voluntarily or upon request by the County of Suffolk; 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 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, and 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 resolution.

DATED: **AUG 21 2012**

APPROVED BY:

County Executive of Suffolk County

Date: **8.31.2012**

EXHIBIT A

The following parcel(s) listed below, is(are) hereby approved for planning steps (i.e., survey, appraisal, title search, and environmental audit) and ultimate inclusion in the Suffolk County Purchase of Development Rights Program subject to the condition that the development rights be acquired through a 50/50 partnership between Suffolk County and the Town of Southampton whereby Suffolk County is responsible for 50% of the total cost of the development rights acquisition and the Town of Southampton is responsible for 50% of the total cost of the development rights acquisition.

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER:</u>
No. 01	District 0900 Section 158.00 Block 02.00 Lot 015.001	12.3	Constantine Rosko
No. 02	District 0900 Section 158.00 Block 02.00 Lot 028.001	21.4	Constantine Rosko
<u>TOTAL ACRES:</u>		<u>33.7</u>	

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 August 21, 2012 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.

1559

Res. No.

724

August 21, 2012

Motion:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Co-Sponsors:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

Second:

Romaine, Schneiderman, Browning, Muratore, Anker
Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,
Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO				/	
10	Thomas CILMI					
11	Thomas F. BARRAGA		/			
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.				/	
Totals		15	1	-	2	-

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 _____

Roll Call _____ Voice Vote

Tim Laube

Tim Laube, Clerk of the Legislature