

RESOLUTION NO. 1156-2012, CALLING FOR A PUBLIC HEARING FOR THE CONSENT TO THE ACQUISITION OF ADDITIONAL LAND AT SEA BREEZE AVENUE, TOWN OF SOUTHAMPTON, COUNTY OF SUFFOLK, STATE OF NEW YORK, BY THE WESTHAMPTON CEMETERY ASSOCIATION FOR CEMETERY EXPANSION PURPOSES

WHEREAS, a petition, dated November 15, 2012, attached hereto and made a part hereof, has been filed with the Suffolk County Legislature by the Westhampton Cemetery Association, pursuant to 451 of the NEW YORK REAL PROPERTY LAW and Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW, requesting permission of the Suffolk County Legislature to expand its existing cemetery in the hamlet of Westhampton, Town of Southampton, County of Suffolk, by the acquisition of a 3 acre parcel of land located at Sea Breeze Avenue, to the south and west of its cemetery; and

WHEREAS, Section 1506(c) of the NEW YORK NOT-FOR-PROFIT CORPORATION LAW requires that a public hearing be held prior to the consent to acquisition of land for cemetery purposes and that Public Notice of said hearing be published for six (6) consecutive weeks in the official County newspapers; now, therefore be it

1st RESOLVED, that a public hearing with regard to said petition shall be held at the, Suffolk County Legislative Auditorium located at 724 Veterans Memorial Highway, Hauppauge, New York on February 5, 2013 at 2:30 p.m., and that the Clerk of the County Legislature shall cause to be published in six (6) successive issues of the official newspapers published in the County of Suffolk, at the petitioner's cost and expense, a notice of the time and place of said public hearing, which time shall be after the completion of said publications, and that at said public hearing the County Legislature shall afford a reasonable opportunity to all interested parties to make objections thereto, suggest changes therein, or be heard thereon.

DATED: **DEC 04 2012**

APPROVED BY:



Acting Chief Deputy _____
County Executive of Suffolk County

Date: *12-20-12*

TO THE SUFFOLK COUNTY LEGISLATURE

Application for Consent to Acquire Lands for Cemetery Purposes

Westhampton Cemetery Association, by its attorney Charles R. Cuddy, hereby requests that the Suffolk County Legislature consent to the Association's use and acquisition of certain lands for cemetery purposes, pursuant to paragraph (c) of Section 1506 of the Not-for-Profit Corporation Law and Section 451 of the Real Property Law, and in support of its request, respectfully shows:

1. Petitioner is a cemetery corporation incorporated on April 13, 1877 under the Laws of the State of New York, with offices located at 42 Montauk Highway Westhampton, Town of Southampton, County of Suffolk, State of New York.

2. Petitioner now maintains and has under its care a public cemetery situated at Montauk Highway in the hamlet of Westhampton New York, and in connection therewith owns and maintains approximately 11.2 acres of land for cemetery purposes.

3. Petitioner, by Agreement dated July 11, 2012 contracted to acquire certain additional land it wishes to use for cemetery purposes, consisting of a parcel of 3 acres to the South and West of the existing cemetery in Westhampton New York located at Sea Breeze Avenue and more particularly shown on Exhibit A annexed hereto.

4. It is appropriate and necessary that the lands described above be acquired and used for cemetery purposes. At present, the cemetery is near capacity. The other separate land owned by the cemetery in Westhampton adjoins residences and its use has been disputed and a claim asserted that it is landlocked. It is being sold to the Town of Southampton to be preserved. The proceeds of that sale will help offset the cost of the land here being acquired.

5. The use of the lands now sought to be acquired and set apart for cemetery purposes

will be entirely consistent with the public health and welfare. The lands are situated adjoining a preserved parcel.

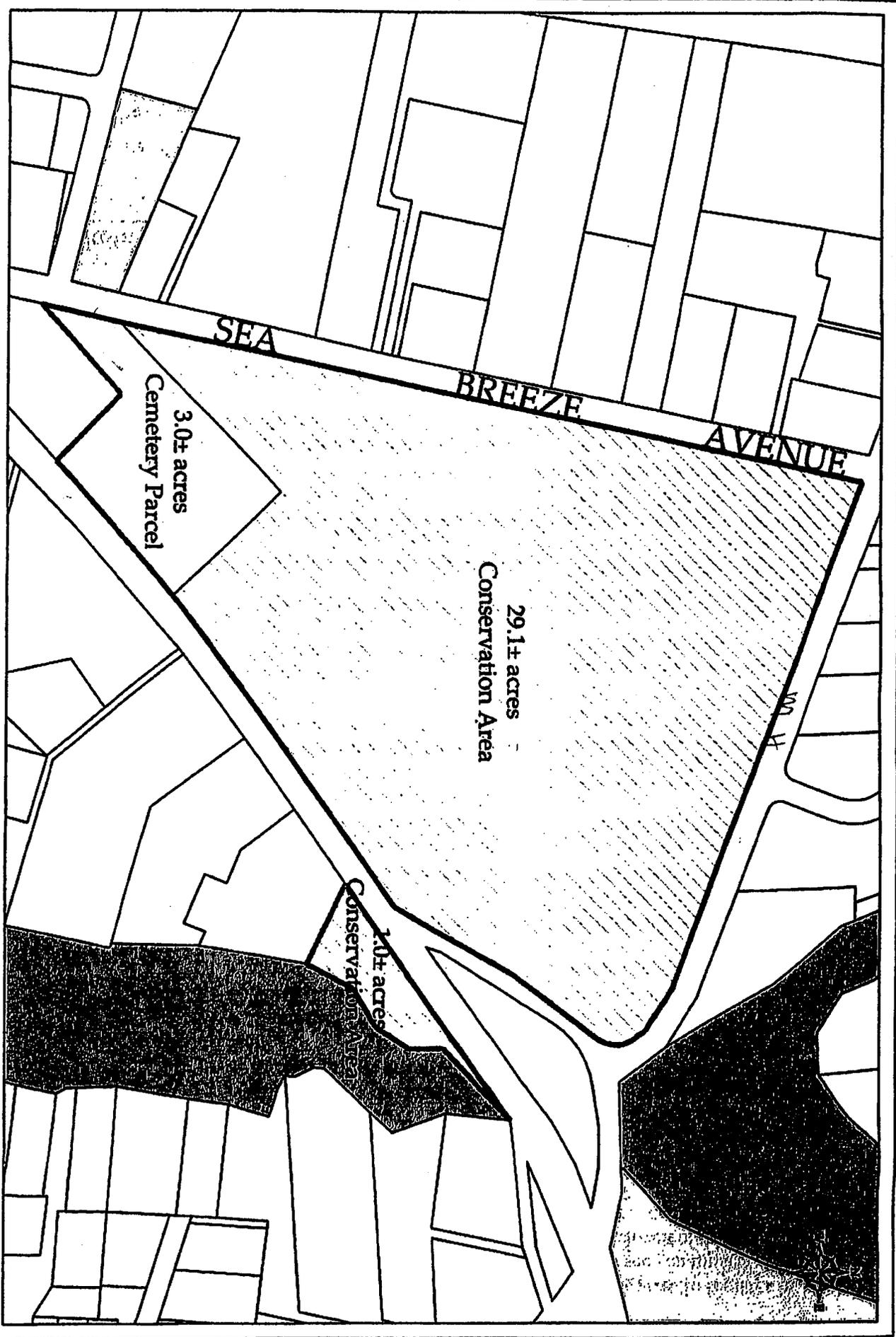
6. Petitioner will comply with any and all reasonable regulations imposed in connection with the use of such lands for cemetery purposes.

7. This application has been authorized by a resolution of the Board of Directors of the Westhampton Cemetery Association, passed on November 5th, 2012

Dated: November 15, 2012

Westhampton Cemetery Association


By: Charles R. Cuddy, Esq., attorney for
Westhampton Cemetery Association




PECONIC LAND TRUST
 296 Hampton Road | P.O. Box 1776
 Southampton, New York 11969
 (631) 283-3195
 Prepared by Dawn Lubben-29 August 2012
 www.peconiclandtrust.org

6 Pierrepont LLC
 Town of Southampton
 Suffolk County, New York

Concept Plan

SCTM#: 908-386-2-16
 Property Owner: 6 Pierrepont LLC

EXHIBIT "A"

RESOLUTION OF THE BOARD OF DIRECTORS

WHEREAS, WESTHAMPTON CEMETERY ASSOCIATION (the "Association") maintains and has under its care a public cemetery situated in Westhampton, Town of Southampton, County of Suffolk State of New York; and

WHEREAS, the Association determined that it had a need to acquire additional land for cemetery purposes; and

WHEREAS, by agreement dated July 11, 2012 by and between the Peconic Land Trust and the Association, a copy of which is annexed hereto as Exhibit A, the Association contracted to acquire additional land that it desires to use for cemetery purposes, consisting of a 3 acre parcel of land, located at Montauk Highway, Westhampton, New York Suffolk County Tax Map # O900-356.00-02.00-p/o 001.06 as shown on Exhibit B annexed hereto; and

WHEREAS, the Association has the ability to acquire property for cemetery use pursuant to Not-for-Profit Corporation Law §1506(a); and

WHEREAS, the Association desires to acquire the lands above described for cemetery purposes; and

WHEREAS, the Association must obtain the approval of the Suffolk County Legislature to acquire any real property by deed, devise, or otherwise to use for cemetery purposes, pursuant to Not-for-Profit Corporation Law §1506 (c);and

NOW, after due deliberation;

IT IS THEREFORE RESOLVED that the Board of Directors of Westhampton

Cemetery Association (hereinafter, "the Board") hereby authorizes the Association to make application to the Suffolk County Legislature for its consent to use and acquire the aforementioned property for cemetery purposes; and

IT IS FURTHER RESOLVED, that the Board authorizes Charles R. Cuddy, 445 Griffing Avenue, Riverhead, New York to represent the Association in its application to the Suffolk County Legislature for approval of its use and acquisition of the subject property.

Dated: November 5th, 2012

ADOPTED

Date: June 11th, 2012

Vote: Unanimous

Irene Barrow
Irene Barrow, Secretary

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 4, 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.

2161

Res. No.

1156

December 4, 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						
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	17				

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