

RESOLUTION NO. 1168 -2015, ADOPTING LOCAL LAW NO. 2 -2016, A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY TO THE BROOKHAVEN MEMORIAL HOSPITAL MEDICAL CENTER

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on October 6, 2015, a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY TO THE BROOKHAVEN MEMORIAL HOSPITAL MEDICAL CENTER**"; and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in final form as follows:

LOCAL LAW NO. 2 -2016, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AGREEMENTS FOR THE SALE OF THE JOHN J. FOLEY SKILLED NURSING FACILITY TO THE BROOKHAVEN MEMORIAL HOSPITAL MEDICAL CENTER

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that the County of Suffolk owns the facility formerly known as the John J. Foley Skilled Nursing Facility, an approximately 181,749 square foot building located on 14 acres of property in Yaphank, New York (hereinafter referred to as the "Facility"), which was previously operated as a licensed 264-bed skilled nursing facility, with 12 designated AIDS beds, and a 60-slot Adult Day Health Care Program.

This Legislature further finds that the Facility ceased its skilled nursing and adult day health care operations and surrendered its licenses in 2013 and that the Facility, the surrounding real property and its associated assets and inventory were declared surplus to the needs of the County by Suffolk County Local Law No. 54-2012.

This Legislature further finds that the Brookhaven Memorial Hospital Medical Center has indicated its willingness to acquire the Facility for \$15 Million contingent upon the County applying for and receiving any zoning or other permits that may be required from local or County authorities.

This Legislature finds that the Brookhaven Memorial Hospital Medical Center intends to use the Facility to expand vitally needed outpatient services including hemodialysis, sleep testing, transitional care, primary and other care services to meet the needs of Suffolk County residents. Brookhaven Memorial Hospital Medical Center also intends to work with

other organizations to deliver Medicaid assisted living, veteran services, adult day care, chemical dependency treatment and other needed community services.

This Legislature concludes that the sale of the Facility to Brookhaven Memorial Hospital Medical Center would ensure the most productive use of the Facility for Suffolk County residents and return fair compensation to the County of Suffolk.

This Legislature further finds and determines that after exhaustively exploring options for the Facility, a direct negotiated sale of the Facility to Brookhaven Memorial Hospital Medical Center for \$15 Million, subject to commercially reasonable negotiation by the County Executive and/or his designee(s), is in the best interest of the County.

Therefore, the purpose of this law is to authorize and empower the County Executive to execute a contract for sale of the Facility for \$15 Million to Brookhaven Memorial Hospital Medical Center subject to commercially reasonable negotiation.

Section 2. Supersede New York County Law Section 215.

Pursuant to the provisions of Section 2 (b) of the New York County Law, Section 215 of the New York County Law shall not apply, in any manner, to the substantive and/or procedural provisions of this resolution or the local law contemplated therein.

Section 3. Approval of Negotiated Sale as Within the Best Interest of the County.

The County hereby approves the negotiated sale of the 181,749 square foot building formerly known as the John J. Foley Skilled Nursing Facility (the "Facility") and approximately 14.06 acres of real property surrounding the Facility to Brookhaven Memorial Hospital Medical Center for the purchase price of \$15 Million ("Contract for Sale"), subject to commercially reasonable negotiation by the County Executive and/or his designee(s).

Section 4. Declaration of Surplus Land.

The Suffolk County Legislature hereby confirms and restates its determination that the Facility's 14.06 acres of real property acreage shall be subject to final survey, is surplus to County needs. The Suffolk County Legislature also reaffirms its determination that the Facility and all those assets and inventory located at the Facility is likewise declared surplus to County needs.

Section 5. Sale of the Facility.

The sale by the County to Brookhaven Memorial Hospital Medical Center of the County's right, title and interest in and to the Facility and the surrounding approximately 14.06 acres of real property, without recourse, is hereby authorized in exchange for the delivery, to or upon the order of the County, the payment of the purchase price of \$15 Million as set forth in in this law and pursuant to the terms of a Contract for Sale subject to commercially reasonable negotiation by the County Executive and/or his designee(s).

Section 6. Application for Local Approvals.

The County Executive, or his designee, on behalf of the County or Brookhaven Memorial Hospital Medical Center, as may be required, is hereby authorized to make all those applications

necessary to obtain approval for town and County building permits, changes to zoning, waivers, variances, certificates of occupancy and/or any other town or County approvals necessary for the use of the Facility by a private owner and operator for the purposes contemplated by this local law.

Section 7. Further Actions.

The County Executive and/or his designee(s) are further authorized to execute and deliver, on behalf of the County, such agreements, instruments or authorizations as may be contemplated by, or necessary or advisable to consummate or otherwise give full effect to this local law, and which are deemed necessary or desirable to effectuate the transactions contemplated by this local law, and to perform all acts and do all things required or contemplated to be performed by this local law or by any agreement, instrument or authorization approved, contemplated, necessary or authorized hereby.

Section 8. Applicability.

This law shall apply to all actions and transactions occurring on or after the effective date of this law.

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. SEQRA Determination.

This Legislature, being the lead agency under the State Environmental Quality Review Act (SEQRA), N.Y. Environmental Conservation Law Article 8, and Chapter 450 of the Suffolk County Code, hereby determines that this local law constitutes an unlisted action, pursuant to 6 N.Y.C.R.R. §617.2(ak), and further determines that implementation of this action will not have a significant adverse impact on the environment for the following reasons:

The proposed action will not exceed any of the criteria in 6 N.Y.C.R.R. §617.7, which sets forth thresholds for determining significant adverse impacts on the environment, as demonstrated in the Environmental Assessment Form.

This Legislature hereby directs, in accordance with Section 450-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality to prepare and circulate any appropriate notices or determinations in accordance with this local law.

Section 11. Effective Date.

This local law shall not take effect until at least forty-five (45) days after its adoption, nor until approved by the affirmative vote of a majority of the qualified electors of the County of

Suffolk voting on a proposition for its approval if within forty-five (45) days after its adoption there is filed with the Clerk of the County Legislature a petition protesting against such local law in conformity with the provisions of § 24(1)(a) of the MUNICIPAL HOME RULE LAW and upon filing in the Office of the Secretary of State.

DATED: December 15, 2015

APPROVED BY:

Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: January 15, 2016

After a public hearing duly held on December 28, 2015
Filed with the Secretary of State on March 10, 2016