

Intro. Res. No. 1484-2016
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 5/10/2016

**RESOLUTION NO. 453 -2016, AUTHORIZING THE SALE OF
TAX LIEN CERTIFICATES ON THE FORMER STECK PHILBIN
LANDFILL SITE (SCTM NOS. 0800-042.00-01.00-001.000 and
0800-042.00-01.00-002.002) TO THE SUFFOLK COUNTY
LANDBANK CORPORATION**

WHEREAS, Local Law No. 18-2012 authorized the County to establish the Suffolk County Landbank Corporation (“Landbank”); and

WHEREAS, the Landbank’s mission is to efficiently facilitate the return of distressed and underutilized properties within Suffolk County to productive uses consistent with the comprehensive plans of the jurisdictions in which they are located; and

WHEREAS, the Landbank is specifically charged with the goal of reducing the number of properties that are both tax delinquent and environmentally challenged within Suffolk County; and

WHEREAS, since its inception the Landbank has identified over 130 properties which are both tax delinquent and potentially environmentally challenged, all of which represent an ongoing cost to the County; and

WHEREAS, the Landbank conducts exhaustive due diligence efforts on all potentially contaminated tax delinquent properties including Phase I and Phase II Environmental Site Assessments (“ESA”) as appropriate on an ongoing basis to identify properties suitable for potential sale and redevelopment; and

WHEREAS, the Landbank identified eight such sites and released a Request for Proposals (“RFP”) seeking responsible developers for those sites in January 2016; and

WHEREAS, the Former Steck Philbin site located on Old Northport Road in Kings Park (SCTM Nos. 0800-042.00-01.00-001.000 and 0800-042.00-01.00-002.002) which has been tax delinquent for 23 years with tax liens, interest, and penalties totaling over \$1.5 million, was included in said RFP; and

WHEREAS, the Landbank received five proposals for the site including a proposal from Powercrush, Inc. and Vision Associates, LLC; and

WHEREAS, Powercrush, Inc. and Vision Associates, LLC propose to pay \$25,000 per year for a total amount not to exceed \$500,000 for the tax liens on the site with the intention to redevelop the site for a 4-megawatt solar project; and

WHEREAS, NYSDEC estimates the cost to remediate the site, including the closure of the landfill to be approximately \$10 million; and

WHEREAS, at its May 4, 2016 meeting, the Landbank Board of Directors approved the acquisition of the liens associated with the former Steck Philbin Site from the

County for the negotiated sale and assignment to Powercrush, Inc. and Vision Associates, LLC pending the approval of the Legislature; and

WHEREAS, as the Development Agreement associated with this sale is negotiated, the Landbank intends to pursue a mechanism by which if Powercrush, Inc. and Vision Associates, LLC are able to realize significant profits from their venture at the Steck Philbin site, the Landbank would be able to recoup a larger portion of the County's investment at that time; now, therefore be it

1st **RESOLVED**, as authorized by Sections 1608 and 1616 of the New York State Land Bank Act and notwithstanding Suffolk County Resolution Nos. 936-1972, 1010-1972 and 1258-2006, the County hereby authorizes the sale of all liens for the former Steck Philbin (SCTM Nos. 0800-042.00-01.00-001.000 and 0800-042.00-01.00-002.002) to the Suffolk County Landbank Corporation at a nominal value not to exceed \$1 per tax lien; and be it further

2nd **RESOLVED**, the Suffolk County Comptroller is hereby directed to assign all liens for the aforementioned properties to the Suffolk County Landbank Corporation; and be it further

3rd **RESOLVED**, the Landbank shall dispose of said liens to Powercrush, Inc. and Vision Associates, LLC or a designee entity under the two firms' control ("their designee") for an amount no less than \$25,000 per year, to be paid directly to the Landbank beginning in 2016, for a total amount no less than \$500,000 total; and be it further

4th **RESOLVED**, upon request of Powercrush, Inc and Vision Associates, LLC or their designee, the Suffolk County Comptroller is hereby directed to perform an administrative foreclosure and issue fee simple title to Powercrush, Inc. and Vision Associates, LLC or their designee for the Former Steck Philbin (SCTM Nos. 0800-042.00-01.00-001.000 and 0800-042.00-01.00-002.002); and be it further

5th **RESOLVED**, that 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 finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS ("NYCRR") in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. 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: June 1, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: June2, 2016