

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION  
OF INTRODUCTORY RESOLUTION NO. 1116 - 2009**

**WHEREAS, INTRODUCTORY RESOLUTION NO. 1116 – 2009**

**RESOLUTION NO. -2009, APPROVING CROSS BAY FERRY  
LICENSE FOR THE FIRE ISLAND FERRIES,  
INCORPORATED**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY  
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE  
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,  
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A  
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY  
RESOLUTION NO. 1116 – 2009, BECAUSE THE CROSS BAY FERRY LICENSE  
AGREEMENT FOR THE FIRE ISLAND FERRIES, INCORPORATED EXPIRES ON  
MARCH 14, 2009 AND THE COUNTY LEGISLATURE DOES NOT MEET AGAIN  
UNTIL MARCH 24, 2009.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND  
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS  
THIRD DAY OF MARCH, 2009.**

  
\_\_\_\_\_  
BENJAMIN ZWIRN  
DEPUTY SUFFOLK COUNTY EXECUTIVE

**RECEIVED**  
**2009 FEB 31 A 9 27**  
**COUNTY LEGISLATURE**  
**SUFFOLK COUNTY, N.Y.**  
**HAUPTAUSSCHUSS**

**RESOLUTION NO. -2009, APPROVING CROSS BAY  
FERRY LICENSE FOR THE FIRE ISLAND FERRIES,  
INCORPORATED**

**WHEREAS**, Fire Island Ferries Incorporated has applied to the Suffolk County Legislature, by a Petition dated and verified January 26, 2009, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Local Law No. 7 of 1982 of Suffolk County; and

**WHEREAS**, said Petition was accompanied by the Consents in writing specified by Section 110 and the Navigation Law; and

**WHEREAS**, Fire Island Ferries Incorporated has heretofore filed with the Clerk of the Suffolk County Legislature its undertaking with a surety all pursuant to Article 8 of the Navigation Law; now, therefore be it

**1<sup>st</sup> RESOLVED**, that:

- 1) The Petition of Fire Island Ferries Incorporated December 16, 2003 is approved;
- 2) The undertaking heretofore filed with the Clerk of the Suffolk County Legislature in the sum of \$20,000.00 is hereby approved;
- 3) A ferry license and franchise be and the same hereby is granted to Fire Island Ferries Incorporated of Bay Shore, New York to operate a public ferry service over and upon the waters of the Great South Bay for service as follows:

Between the ferry terminals at Bay Shore and the Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Seaview and Ocean Bay Park, and the Incorporated Villages of Ocean Beach and Saltaire, both express and local service, with intermittent stops among said communities and Villages, all of which lie within the County of Suffolk.

Commencing on the date of approval hereof up to and including March 15, 2014

- 4) This ferry license and franchise is granted subject to all existing laws, rules and regulations of all federal, state, county and municipal governments and agencies having jurisdiction thereof;
- 5) The rates and fares to be charged for transportation pursuant to this license and franchise shall not exceed the rates and fares authorized for the Fire Island Ferries Incorporated from time to time by the Suffolk County Legislature pursuant to Article 8 of the Navigation Law, Section 131-g of the Highway Law and Local Law No. 7 of 1982 of Suffolk County.
- 6) Said rates, fares and schedules shall be posted at each entrance for the ferry pursuant to Section 113 of the Navigation Law of the State of New York and Section 72 of the Transportation Corporations Law.



SUFFOLK COUNTY LEGISLATURE

-----x  
IN THE MATTER OF THE APPLICATION

OF

FIRE ISLAND FERRIES INCORPORATED

**PETITION**

**CROSS BAY  
LICENSE**

pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local law No. 7 of 1982 of Suffolk County for a license to operate a ferry service for the purpose of transporting freight and passengers for hire over and upon the waters of the Great South Bay, Suffolk County, New York

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**TO THE LEGISLATURE OF THE COUNTY OF SUFFOLK**

The petition of Fire Island Ferries Incorporated respectfully shows:

1. Your petitioner is a ferry corporation organized under the Transportation Corporations Law of the State of New York with its principle office at 99 Maple Avenue, Bay Shore, New York.

2. Petitioner has been organized for the general purposes of carrying passengers, freight, baggage and all other merchandise and transportable matter for hire over and upon the waters of the Great South Bay between the ferry terminals at Bay Shore and at Fire Island communities of Kismet, Fair Harbor, Dunewood, Atlantique, Seaview and Ocean Bay Park, the Incorporated Villages of Ocean Beach and Saltaire, both express

and local service, with intermittent stops among said communities, all of which lie within the County of Suffolk.

3. Petitioner will provide such service upon a regular schedule substantially similar to the service shown on the ferry schedules annexed hereto as Exhibit "A".

4. The "owners of the land", as such term is used in Section 110 of the Navigation Law of the State of New York, are as follows:

<u>LANDING FACILITY</u>	<u>OWNER</u>
Bay Shore	- Fire Island Terminal, Inc.
Bay Shore	- Incorporated Village of Saltaire
Bay Shore	- Town of Islip
Kismet	- Fire Island Terminal, Inc.
Saltaire	- Incorporated Village of Saltaire
Fair Harbor	- Fire Island Terminal, Inc.
Dunewood	- Dunewood Property Owners Association, Inc.
Atlantique	- Town of Islip
Ocean Beach	- Incorporated Village of Ocean Beach
Seaview	- Fire Island Terminal, Inc.
Ocean Bay Park	- Fire Island Terminal, Inc.

whose consents in writing will be filed with the Clerk of the legislature on or prior to the public hearing hereon.

5. That your Petitioner will file with the Clerk of the Legislature the undertaking required of it by the Suffolk County Legislature pursuant to section 111 of the Navigation Law, which undertaking will be in full force and effect prior to the issuance of the license and franchise.

6. That your Petitioner proposes to charge the passenger fares and freight tariff allowed to the Petitioner by the Legislature from time to time, pursuant to Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County. The current rates were previously authorized by the Suffolk County Legislature in Resolution No. 442-2001, a copy of which is annexed hereto as Exhibit "B".

7. The rates for the ferry service and the schedules for both passengers and freight will be posted at each entrance to the ferry as required under Section 113 of the Navigation Law.

8. The vessels intended to be used by your Petitioner in the performance of this License and franchise are set forth as Exhibit "C" annexed hereto.

WHEREFORE, your Petitioner requests that the Legislature of the County of Suffolk approve Petitioner's application, approve the undertaking as aforesaid and grant to your Petitioner a ferry license and franchise for the service requested herein in the usual form commencing on the date of approval and ending March 15, 2014.

DATED: Bay Shore, New York  
January 26, 2009

FIRE ISLAND FERRIES, INCORPORATED  
99 Maple Avenue  
P.O. Box 5311

Bay Shore, New York 11706  
(631) 665-5045

STATE OF NEW YORK     )  
                              )     ss.:  
COUNTY OF SUFFOLK    )

Timothy E. Mooney, being duly sworn deposes and says:

That he is the president of Fire Island Ferries Incorporated, the Petitioner in the within Petition.

That he has read the foregoing Petition and knows the contents thereof.

That the same is true to his own knowledge, except as to those matters therein stated to be upon information and belief, and as to those matters, he believes them to be true.

Deponent further says that the reason that this verification is made by deponent and not by the Petitioner is because Petitioner is a domestic corporation and deponent is an officer thereof, to wit its President.

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Timothy E. Mooney

Sworn to before me this  
day of January, 2009

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Notary Public

### Exhibit "C"

M/V Capt. Patterson	O.N. 539334	58 Gross Tons	300 passenger
M/V Stranger	O.N. 684603	65 Gross Tons	149 "
M/V Traveler	O.N. 583473	59 Gross Tons	300 "
M/V Voyager	O.N. 961188	72 Gross Tons	400 "
M/V Explorer	O.N. 974101	62 Gross Tons	400 "
M/V Vagabond	O.N. 607906	75 Gross Tons	149 + freight
M/V F. I. Miss	O.N. 583473	59 Gross Tons	300 passenger
M/V Firebird	O.N. 670012	72 Gross Tons	400 "
M/V Fireball	O.N. 634661	56 Gross Tons	300 "
M/V Zee Lion	O.N. 506304	79 Gross Tons	149 "
M/V Zee Whiz	O.N. 296322	73 Gross Tons	149 "
M/V America	O.N. 1125039	95 Gross Tons	149 + freight
M/V F.I. Flyer	O.N. 1110461	76 Gross Tons	400 passenger
M/V F.I. Trader	O.N. 536322	33 Gross Tons	freight only
M/V Courier	O.N. 1184324	13 Gross Tons	40 passenger
M/V Prowler	O.N. 1212049	11 Gross Tons	33 "

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION  
OF INTRODUCTORY RESOLUTION NO. 1117 - 2009**

**WHEREAS, INTRODUCTORY RESOLUTION NO. 1117 – 2009**

**RESOLUTION NO. -2009, APPROVING LATERAL FERRY  
LICENSE FOR THE FIRE ISLAND FERRIES,  
INCORPORATED**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY  
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, BENJAMIN ZWIRN, DEPUTY SUFFOLK COUNTY EXECUTIVE  
CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND ARTICLE III,  
SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT THERE EXISTS A  
NEED FOR THE IMMEDIATE CONSIDERATION OF INTRODUCTORY  
RESOLUTION NO. 1117 – 2009, BECAUSE THE LATERAL FERRY LICENSE  
AGREEMENT FOR THE FIRE ISLAND FERRIES, INCORPORATED EXPIRES ON  
MARCH 14, 2009 AND THE COUNTY LEGISLATURE DOES NOT MEET AGAIN  
UNTIL MARCH 24, 2009.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND  
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS  
THIRD DAY OF MARCH, 2009.**



**BENJAMIN ZWIRN  
DEPUTY SUFFOLK COUNTY EXECUTIVE**

**RECEIVED**  
2009 FEB 31 A 9 27  
COUNTY LEGISLATURE  
SUFFOLK COUNTY, N.Y.  
HAUPTPAUGE

Introduced by Presiding Officer pursuant to Rule 3F13 of the Suffolk County Legislature

**RESOLUTION NO. -2009, APPROVING LATERAL FERRY  
LICENSE FOR FIRE ISLAND FERRIES INCORPORATED**

**WHEREAS**, Fire Island Ferries Incorporated has applied to the Suffolk County Legislature, by a Petition dated and verified January 26, 2009, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Local Law No. 7 of 1982 of Suffolk County; and

**WHEREAS**, said Petition was accompanied by the Consents in writing specified by Section 110 and the Navigation Law; and

**WHEREAS**, Fire Island Ferries Incorporated has heretofore filed with the Clerk of the Suffolk County Legislature its undertaking with a surety all pursuant to Article 8 of the Navigation Law; now, therefore be it

**1<sup>st</sup> RESOLVED**, that:

- 1) The Petition of Fire Island Ferries Incorporated December 16, 2003 is approved;
- 2) The undertaking heretofore filed with the Clerk of the Suffolk County Legislature in the sum of \$20,000.00 is hereby approved;
- 3) A ferry license and franchise be and the same hereby is granted to Fire Island Ferries Incorporated of Bay Shore, New York to operate a public ferry service over and upon the waters of the Great South Bay for service as follows:

Lateral service along the Fire Island Beach among the communities of Fire Island Lighthouse, Kismet, Fair Harbor, Dunewood, Atlantique, Seaview, Ocean Bay Park, Sailor's Haven, Watch Hill Marina and the Incorporated Villages of Ocean Beach and Saltaire, all of which lie within the County of Suffolk.

Commencing on the date of approval hereof up to and including March 15, 2014

- 4) This ferry license and franchise is granted subject to all existing laws, rules and regulations of all federal, state, county and municipal governments and agencies having jurisdiction thereof;
- 5) The rates and fares to be charged for transportation pursuant to this license and franchise shall not exceed the rates and fares authorized for the Fire Island Ferries Incorporated from time to time by the Suffolk County Legislature pursuant to Article 8 of the Navigation Law, Section 131-g of the Highway Law and Local Law No. 7 of 1982 of Suffolk County.
- 6) Said rates, fares and schedules shall be posted at each entrance for the ferry pursuant to Section 113 of the Navigation Law of the State of New York and Section 72 of the Transportation Corporations Law.

DATED:

APPROVED BY:

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County Executive of Suffolk County

Date:

-----x

IN THE MATTER OF THE APPLICATION

OF

FIRE ISLAND FERRIES INCORPORATED

**PETITION**

**LATERAL  
LICENSE**

pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law of the State of New York and Local law No. 7 of 1982 of Suffolk County for a license to operate a ferry service for the purpose of transporting freight and passengers for hire over and upon the waters of the Great South Bay, Suffolk County, New York

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TO THE LEGISLATURE OF THE COUNTY OF SUFFOLK

The petition of Fire Island Ferries Incorporated respectfully shows:

1. Your petitioner is a ferry corporation organized under the Transportation Corporations Law of the State of New York with its principle office at 99 Maple Avenue, Bay Shore, New York.

2. Petitioner has been organized for the general purposes of carrying passengers, freight, baggage and all other merchandise and transportable matter for hire over and upon the waters of the Great South Bay, which service includes lateral service along Fire Island Beach among the communities of Fire Island Lighthouse, Kismet, the Incorporated Village of Saltaire, Fair Harbor, Dunewood, Atlantique, the Incorporated Village of

Ocean Beach, Seaview, Ocean Bay Park, Sailor's Haven and Watch Hill Marina, all of which lie within the County of Suffolk.

3. Petitioner has the rights to provide such service upon a regular schedule substantially similar to the service shown on the ferry schedules annexed hereto as Exhibit "A".

4. The "owners of the land", as such term is used in Section 110 of the Navigation Law of the State of New York, are as follows:

<u>LANDING FACILITY</u>	<u>OWNER</u>
Fire Island Lighthouse	- Fire Island National Seashore
Kismet	- Fire Island Terminal, Inc.
Saltaire	- Incorporated Village of Saltaire
Fair Harbor	- Fire Island Terminal, Inc.
Dunewood	- Dunewood Property Owners Association, Inc.
Atlantique	- Town of Islip
Ocean Beach	- Incorporated Village of Ocean Beach
Seaview	- Fire Island Terminal, Inc.
Ocean Bay Park	- Fire Island Terminal, Inc.
Sailor's Haven	- Fire Island National Seashore
Watch Hill	- Fire Island National Seashore

whose consents in writing will be filed with the Clerk of the legislature on or prior to the public hearing hereon.

5. That your Petitioner will file with the Clerk of the Legislature the undertaking required of it by the Suffolk County Legislature pursuant to section 111 of the Navigation Law, which undertaking will be in full force and effect prior to the issuance of the license and franchise.

6. That your Petitioner proposes to charge the passenger fares and freight tariff allowed to the Petitioner by the Legislature from time to time, pursuant to Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County. The current rates were previously authorized by the Suffolk County Legislature in Resolution No. 442-2001, a copy of which is annexed hereto as Exhibit "B".

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January , 2009

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99 Maple Avenue  
P.O. Box 5311

Bay Shore, New York 11706  
(631) 665-5045

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