

Introduced by Presiding Officer, on request of the County Executive and Legislators Muratore, Hahn

**RESOLUTION NO. 279 -2014, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM (EFFECTIVE DECEMBER 1, 2007) - ACTIVE RECREATION/ HAMLET PARK/HISTORIC AND/OR CULTURAL PARK COMPONENT - FOR THE BOARD OF EDUCATION MIDDLE COUNTRY CENTRAL SCHOOL DISTRICT NO. 11 PROPERTY - BOYLE ROAD - TOWN OF BROOKHAVEN (SCTM NO. 0200-392.00-04.00-016.000 p/o)**

**WHEREAS**, Local Law No. 24-2007, "A Charter Law Extending and Accelerating the Suffolk County ¼% Drinking Water Protection Program for Environmental Protection," Section C12-2(A)(1) authorized the use of 31.10 percent of sales and compensating tax proceeds generated each year for environmental protection, as determined by duly enacted Resolutions of the County of Suffolk; and

**WHEREAS**, adequate funding is provided for, pursuant to Section C12-2(A)(1) of the SUFFOLK COUNTY CHARTER, from 31.10 percent of the sales and compensating tax proceeds, for the acquisition of such land; and

**WHEREAS**, Resolution No. 990-2011, authorized planning steps for the acquisition of said property; and

**WHEREAS**, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of Real Property Estate to negotiate the acquisition; and

**WHEREAS**, based upon the Environmental Trust Review Board approved value, an offer to acquire the subject property was made to and accepted by the owner of said property; and

**WHEREAS**, contracts to acquire said property were prepared by the office of the County Attorney, executed by the owner of the subject property and the Director of Real Estate and approved as to legality by the Office of the County Attorney; now, therefore be it

**1<sup>st</sup> RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Active Recreation / Hamlet Park/ Historic and/or Cultural Park component, for a total purchase price of One Million Two Hundred Sixty-Four Thousand Dollars (\$1,264,000±), at Eighty Thousand Dollars (\$80,000) per acre, for 15.8± acres, subject to a final survey; and hereby authorizes additional expenses, which shall include, but not be limited to, the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<b><u>PARCEL:</u></b>	<b><u>SUFFOLK COUNTY TAX MAP NUMBER:</u></b>	<b><u>ACRES:</u></b>	<b><u>REPUTED OWNER AND ADDRESS:</u></b>
No. 1	District 0200	15.8±	Board of Education
	Section 392.00		Middle Country Central School
	Block 04.00		District No.11
	Lot 016.000 p/o		No. 8 43 <sup>rd</sup> Street
			Centereach, NY 11720

and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Director of the Division of Real Estate and/or her designee, is hereby authorized, empowered, and directed, pursuant to Section C42-3(C)(3) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the New Suffolk County Drinking Water Protection Program, effective December 1, 2007, Active Recreation / Hamlet Park / Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of One Million Two Hundred Sixty-Four Thousand Dollars (\$1,264,000±), subject to a final survey; and be it further

**3<sup>rd</sup>** **RESOLVED**, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$1,264,000±, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8714.211 for the New Suffolk County Drinking Water Protection Program, effective as of December 1, 2007, Active Recreation / Hamlet Park / Historic and/or Cultural Park component, Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER, for this acquisition; and be it further

**4<sup>th</sup>** **RESOLVED**, that the Director of Real Estate and/or her designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports and environmental audits, making tax adjustments and executing such other documents as are required to acquire such County interest in said lands; and be it further

**5<sup>th</sup>** **RESOLVED**, that the acquisition of such parcel(s) is for the following purpose as set forth under Section C12-2(A)(1)(i) of the SUFFOLK COUNTY CHARTER:

i.) active recreational park - ball fields/playground

**6<sup>th</sup>** **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for active recreational use including ball fields, multiuse sports fields, tennis courts, basketball courts, playground area, picnic areas, restrooms and parking areas for use by all Suffolk County residents; and be it further

**7<sup>th</sup>** **RESOLVED**, the County of Suffolk, through its Department of Parks, Recreation and Conservation shall negotiate and enter into a municipal cooperation agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who charged with the management and operation of said property; and be it further

**8<sup>th</sup>** **RESOLVED**, that the above activity is a Type I action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

**9<sup>th</sup>** **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed action will not exceed any of the criteria of 6 NYCRR, Section 617.7, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form; and
- 2.) the proposed use of the subject parcel(s) is active recreation – ball fields/playground; and
- 3.) the proposed action does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York of the Suffolk County Charter and Code; and
- 4.) the proposed action will have a positive social and cultural impact on the surrounding community by providing needed ball fields/active recreation areas to the community; and
- 5.) the proposed action will maintain a minimum buffer of 50-75 feet between the ball fields/active recreation areas and the surrounding community in accordance with Brookhaven Town Code and any significant changes to the proposed Concept Plan will be resubmitted to the CEQ for review; and
- 6.) the proposed action will have dark skies compliant lighting in accordance with Brookhaven Town Code; and
- 7.) if not acquired, the property will most likely be developed for residential purposes; incurring far greater environmental impact than the proposed acquisition and preservation of the site would have; and be it further

**10<sup>th</sup>** **RESOLVED**, that in accordance with Section 450-5(C)(4) of the SUFFOLK COUNTY CODE, the Suffolk County Council on Environmental Quality is hereby directed to prepare and circulate any appropriate notices or determinations in accordance with this resolution.

DATED: April 29, 2014

APPROVED BY:

/s/ Steven Bellone  
County Executive of Suffolk County

Date: May 12, 2014