

RESOLUTION NO. 1045 -2016, APPROVING A SETTLEMENT AGREEMENT TO AN ACTION RELATING TO THE PROPOSED RONKONKOMA HUB DEVELOPMENT AND MACARTHUR INDUSTRIAL DISTRICT PROJECTS

WHEREAS, there is pending the matter of *Village of Islandia v. Joseph J. Martens, et al*, under Index No. 005874-15 in the Supreme Court, Suffolk County, in which the County of Suffolk is one of several named respondents in an action; and

WHEREAS, the action alleges that the determination by the Commissioner of the New York State Department of Environmental Conservation designating the County of Suffolk as lead agency for the environmental review of the development of a sewer pumping station and main associated with various projects, including the proposed Ronkonkoma Hub Development and MacArthur Industrial District Projects, was unlawful and improper; and

WHEREAS, the Village of Islandia, through its Village Board, has approved a stipulation of settlement agreement and the Village Mayor has executed such agreement in accordance with a resolution approved by the Village Board at a meeting held on June 28, 2016; and

WHEREAS, it is in the best interest of the County of Suffolk to resolve this matter without further litigation and enter into the proposed stipulation of settlement as it shall settle all allegations against the County of Suffolk, avoid protracted litigation, and avoid the potential for adjudication of the matter at a greater cost to the County; now, therefore be it

1st **RESOLVED**, that the execution and delivery on behalf of and in the name of the County by the County Executive, or his designee, of the proposed stipulation of settlement attached hereto as Exhibit "A" is hereby authorized, and the County Executive, or his designee, is hereby authorized, subject to County Attorney approval, and directed to execute the proposed stipulation of settlement in a form substantially similar thereto and execute such other documents as may be necessary and appropriate to effectuate the settlement; and be it further

2nd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, 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 (6 NYCRR) AND WITHIN THE MEANING OF Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, and information collection, and 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: November 22, 2016

APPROVED BY:

/s/ Steven Bellone
County Executive of Suffolk County

Date: November 29, 2016