

RESOLUTION NO. 238 -2017, AUTHORIZING THE ACQUISITION OF LAND UNDER THE NEW ENHANCED SUFFOLK COUNTY DRINKING WATER PROTECTION PROGRAM 2014 REFERENDUM - LAND PURCHASES FOR OPEN SPACE PRESERVATION (CP 8732.210) - FOR THE BAISCH PROPERTY - CORDWOOD LANDING COUNTY PARK ADDITION - TOWN OF BROOKHAVEN - SCTM'S NO. 0200-027.00-03.00-001.001, 0200-027.00-03.00-001.002, 0200-027.00-03.00-001.003, 0200-027.00-03.00-001.004 AND 0200-027.00-03.00-001.005)

WHEREAS, Local Law No. 31-2014, a Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Fund Property Tax Relief for Suffolk County, created the 2014 Enhanced Suffolk County Water Quality Protection Program, codified in Suffolk County Charter Article XIII; and

WHEREAS, in November of 2014, two-thirds of Suffolk County voters approved Proposition No. 5-2014, enacting the provisions of Resolution No. 579-2014. Local Law No. 31-2014, "A Charter Law Amending the ¼% Suffolk County Drinking Water Protection Program (DWPP) for Enhanced Water Quality Protection, Wastewater Infrastructure and General Property Fund Tax Relief for Suffolk County". This Proposition recognized the essential nature of the Drinking Water Protection Program to the well-being of the County's drinking water supply and required \$29.4 million in serial bonds be issued through the Capital Program for water quality protection program projects; and

WHEREAS, the 2016 Adopted Capital Budget contains three water quality protection 2014 Referendum capital projects totaling \$29.4 million; (CP 8732) for land purchases (\$20 million), (CP 8733) for water quality projects (\$4.7 million), (CP 8734) for sewer improvement projects (\$4.7 million); and

WHEREAS, this capital project provides \$20 million in serial bond funding for the acquisition by the County, by fee, lease or easement, of interests in land associated with the Suffolk County Drinking Water Protection Program; and

WHEREAS, Resolution No. 1087-2014, authorized planning/appraisal steps and Procedural Motion No. 23-2016 authorized acquisition for the acquisition of said property; and

WHEREAS, the Town of Brookhaven ("Town") has approved Resolution No. 2015-0356 on May 7, 2015 authorizing the acquisition of the subject property in partnership with the County of Suffolk; 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 Estate and/or his designee 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/or his designee and approved as to legality form by the Office of the County Attorney; now, therefore be it

1st **RESOLVED**, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the New Enhanced Suffolk County Drinking Water Protection Program, effective as of June 14, 2016, Open Space component, for a total purchase price of One Million One Hundred Forty Thousand Dollars (\$1,140,000), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling Seven Hundred Ninety-Eight Thousand Dollars (\$798,000), for a seventy percent (70%) undivided interest; and the Town's share, totaling Three Hundred Forty-Two Thousand Dollars (\$342,000), for a thirty percent (30%) undivided interest, 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:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0200 Section 027.00 Block 03.00 Lot 001.001	5.4344±	Mark E. Baisch 475 Route 25A Rocky Point, NY 11778
No. 2	District 0200 Section 027.00 Block 03.00 Lot 001.002		
No. 3	District 0200 Section 027.00 Block 03.00 Lot 001.003		
No. 4	District 0200 Section 027.00 Block 03.00 Lot 001.004		
No. 5	District 0200 Section 027.00 Block 03.00 Lot 001.005		

and be it further

2nd **RESOLVED**, that the Director of Real Estate and/or his 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 Enhanced Suffolk County Drinking Water Protection Program, effective June 14, 2016, Section C12A-2(B)(1) of the SUFFOLK COUNTY CHARTER, for the County's purchase price of Seven Hundred Ninety-Eight Thousand Dollars (\$798,000), subject to a final survey; and be it further

3rd **RESOLVED**, that the County Comptroller is hereby authorized to reserve and to pay \$798,000, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8732.210 for the New Enhanced Suffolk County Drinking Water Protection Program, 2014 Referendum, effective as of June 14, 2016, pursuant to the new Article XIA of the SUFFOLK COUNTY CHARTER, Section C12A-2(B)(1); and be it further

4th **RESOLVED**, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County owning a 70% undivided interest and the Town owning a 30% undivided interest; and be it further

5th **RESOLVED**, that the Director of Real Estate and/or his designee; the Division of Planning and Environment; 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

6th **RESOLVED**, that the acquisition of such parcel(s) meets the following criteria as required under Section C12-2(B)(1) of the SUFFOLK COUNTY CHARTER:

- d.) lands determined by the County Department of Planning to be necessary for maintaining the quality of surface and/or groundwater in Suffolk County;
- e.) land identified by the South Shore Estuary Reserve (SSER), Peconic Estuary Program (PEP), and/or Long Island Sound Comprehensive Conservation (and) Management Plan (LICMP) as needed to protect coastal water resources;

and be it further

7th **RESOLVED**, that the subject parcel(s) shall be transferred to the County Department of Parks, Recreation and Conservation for passive recreational use; and be it further

8th **RESOLVED**, that the above activity is an unlisted action pursuant to the provisions of Title 6 NYCRR, Part 617; and be it further

9th **RESOLVED**, that the Director of Real Estate and/or his designee is hereby authorized to negotiate and to enter into any necessary collateral agreements with the Town to effectuate the terms of this resolution; and be it further

10th **RESOLVED**, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation is hereby authorized to negotiate and to 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 is charged with the management and operation of said property; and be it further

11th **RESOLVED**, that the project will not have a significant effect on the environment for the following reasons:

- 1.) the proposed use of the subject parcel(s) is passive recreation; and
- 2.) 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

12th **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 25, 2017

APPROVED BY:

/s/ Dennis M. Cohen
Chief Deputy County Executive of Suffolk County

Date: May 1, 2017