

LIRPC Approving Resolution

A regular meeting of the Nassau County Industrial Development Agency (the "Agency") was convened in public session at the offices of the Agency located at 1550 Franklin Avenue, Mineola, County of Nassau, New York on August 14, 2013, at 5:00 p.m., local time.

The meeting was called to order by the Chairman and, upon roll being called, the following members of the Agency were:

PRESENT:

Timothy Williams	Chairman
John Coumatos	Vice Chairman
Christopher Fusco	Asst. Secretary
Robert English	

ABSENT:

Gary Weiss	Secretary
John T. Ahern	

THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney, Esq.	Executive Director
Joseph Foarile	Chief Financial Officer
Colleen Pereira	Administrative Director
Nicholas Terzulli	Director of Business Development
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel

The attached resolution no. 2013-58 was offered by T. Williams, seconded by J. Coumatos:

Resolution No. 2013-58

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY (THE "AGENCY") APPROVING THE AGENCY'S COOPERATION WITH THE LONG ISLAND REGIONAL PLANNING COUNCIL (THE "COUNCIL"), FOR THE DEVELOPMENT OF A HOUSING DEVELOPMENT OPPORTUNITIES PLAN, AUTHORIZING THE PAYMENT OF A PORTION OF THE COSTS OF SUCH HOUSING DEVELOPMENT OPPORTUNITIES PLAN AND AUTHORIZING THE EXECUTIVE DIRECTOR OF THE AGENCY TO NEGOTIATE AND ENTER INTO AN AGREEMENT WITH THE COUNCIL TO PROVIDE FOR THE TERMS AND CONDITIONS OF THE COOPERATION AND THE PAYMENT BY THE AGENCY OF A PORTION OF THE COSTS OF SUCH HOUSING DEVELOPMENT OPPORTUNITIES PLAN, AND OTHER MATTERS IN CONNECTION THEREWITH

WHEREAS, the Nassau County Industrial Development Agency (the "Agency") is authorized and empowered by the provisions of Chapter 1030 of the 1969 Laws of New York, constituting Title I of Article 18-A of the General Municipal Law, Chapter 24 of the Consolidated Laws of New York, as amended (the "Enabling Act"), and Chapter 674 of the 1975 Laws of New York, as amended, constituting Section 922 of said General Municipal Law (said Chapter and the Enabling Act being hereinafter collectively referred to as the "Act") to promote, develop, encourage and assist in the acquiring, constructing, reconstructing, improving, maintaining, equipping and furnishing of civic, manufacturing, industrial and commercial facilities, among others, for the purpose of promoting, attracting and developing economically sound commerce and industry to advance the job opportunities, health, general prosperity and economic welfare of the people of the State of New York, to improve their prosperity and standard of living, and to prevent unemployment and economic deterioration; and

WHEREAS, the Long Island Regional Planning Council (the "Council"), a corporate governmental agency, has developed and issued "LI 2035", the Council's 25-Year Sustainability Plan for Long Island (the "Sustainability Plan"), with the sponsorship and guidance of the Agency; and

WHEREAS, the Sustainability Plan identified the lack of affordable housing for Long Island's work force as a significant impediment to growth and future sustainability and recommended that new housing options be created in locations near and around mass transit options such as Long Island Rail Road stations; and

WHEREAS, the Council proposes to undertake a study of the issue and to develop a Housing Development Opportunities Plan (the "Development Plan") making recommendations related to housing development opportunities; and

WHEREAS, the Agency determined that utilizing the expertise of the Agency's staff in economic development matters will aid the Council in exploring key economic development issues related to the Development Plan; and

WHEREAS, the Agency determined that the Plan would significantly enhance economic development opportunities in Nassau County and ultimately benefit the Agency in carrying out its statutory purposes; and

WHEREAS, the Agency desires to cooperate with the Council in connection with the development of the Development Plan and to pay for a portion of the costs and expenses of the development of the Development Plan ("Services"), which will aid the Agency in carrying out its statutory purposes;

WHEREAS, the Agency desires to enter into an agreement with the Council to provide for the Services, the payment of a portion of the costs and expenses of the Development Plan and other terms and conditions of the cooperation between the Agency and the Council;

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY INDUSTRIAL DEVELOPMENT AGENCY, AS FOLLOWS:

Section 1. The Agency cooperate with the Council in undertaking the development and issuance of the Development Plan to enhance economic development in Nassau County to the ultimate benefit of the Agency in carrying out its statutory purposes.

Section 2. The Agency hereby confirms the Executive Director's initial determination that the Services contemplated by the Agreement are unique to the Council, that there is only one possible source from which to procure the Services, that the Services have unique benefits to the Agency, that the cost of the Services, as set forth below, are reasonable under the circumstances, and, therefore, that no competitive bidding process is feasible.

Section 3. The Executive Director is hereby authorized and directed to negotiate and enter into an agreement for, *inter alia*, the Services, on such terms and subject to such conditions as the Executive Director may deem advisable or necessary, in a form and substance substantially similar to the draft Agreement presented at this meeting (the "Agreement"), provided that the maximum cost thereof to the Agency shall not exceed \$125,000. The Executive Director's execution of the Agreement shall evidence the Agency's approval of the terms thereof.

Section 4. The Agency hereby determines that the proposed action is a Type II Action pursuant to Article 8 of the New York Environmental Conservation Law (including the regulations thereunder, "SEQRA") involving "continuing agency administration" which does not involve "new programs or major reordering of priorities that may affect the environment" (6 NYCRR §617.5(c)(20)) and therefore no Findings or determination of significance are required under SEQRA.

Section 5. This Resolution shall take effect immediately.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Timothy Williams	VOTING	Aye
John Coumatos	VOTING	Aye
Gary Weiss	ABSENT	
Christopher Fusco	VOTING	Aye
John T. Ahern	ABSENT	
Robert English	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

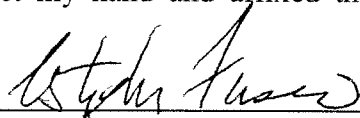
STATE OF NEW YORK)
) SS.:
COUNTY OF NASSAU)

I, the undersigned [Asst.] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certil that I have compared the foregoing extract of the minutes of the meeting of the members of the Agency, including the Resolution contained therein, held on August 14, 2013, with the original thereof on file in my office, and that the same is a true and correct copy of said original and of such Resolution set forth therein and of the whole of said original so far as the same relates to the subject matters therein referred to.

I FURTHER CERTIFY that (A) all members of the Agency had due notice of said meeting; (B) said meeting was in all respects duly held; (C) pursuant to Article 7 of the Public Officers Law (the "Open Meetings Law"), said meeting was open to the general public, and due notice of the time and place of said meeting was duly given in accordance with such Open Meetings Law; and (D) there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY that, as of the date hereof, the attached Resolution is in t force and effect and has not been amended, repealed or rescinded.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the Agency this 14th day of August, 2013.



Secretary

(SEAL)