

**Resolution Approving Promotional Advertising**

A 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, Suite 235, Mineola, County of Nassau, New York, on December 6, 2011, 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:**

Jeffrey L. Seltzer	Chairman
Bruce Ungar	Treasurer
Christopher Fusco	Asst. Secretary

**ABSENT:**

Gary Weiss	Secretary
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**THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:**

Joseph J. Kearney	Executive Director (by phone)
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
Milan Tyler, Esq.	Bond/Transaction Counsel

Ungar: The attached resolution no. 2011-47 was offered by C. Fusco, seconded by B.

Resolution No. 2010-47

RESOLUTION OF THE NASSAU COUNTY INDUSTRIAL  
DEVELOPMENT AGENCY AUTHORIZING THE PURCHASE  
OF PROMOTIONAL ADVERTISING 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 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 Agency desires to procure certain radio advertising to promote tourism activity in Nassau County and the Chief Marketing Officer has identified an opportunity to purchase such advertising as more particularly detailed in the proposal attached hereto as Exhibit A (the "Proposal"); and

WHEREAS, in accordance with its Charter, the Finance Committee of the Agency reviewed the Proposal, determined that an interview of the vendor making the Proposal would not be necessary or desirable, and recommended that the Agency purchase the advertising services set forth in the Proposal; and

WHEREAS, the Agency desires to purchase the advertising services as set forth in the Proposal, subject to compliance with the Agency's policies and procedures and applicable law;

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

Section 1. The Agency hereby ratifies and confirms all actions heretofore taken by the Agency's staff and the Finance Committee in connection the purchase of radio advertising pursuant to the Proposal (the "Advertising Services").

Section 2. The Agency hereby determines that (i) the purchase of the Advertising Services constitutes a procurement of "promotional advertising" or similar services involving the application of specialized expertise and a high degree of creativity and, therefore, is not subject

to the competitive bidding requirements of the Agency's Statement of Procurement Policy and Procedures, and (ii) the procurement of the Advertising Services is in furtherance of the Agency's corporate purpose of promoting tourism activities in Nassau County.

Section 3. 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 4. The Agency hereby accepts the recommendation of the Finance Committee that an interview of the vendor providing the Advertising Services not be required and authorizes the Executive Director to procure the Advertising Services from JVC Broadcasting (the "Vendor") at a cost not to exceed \$7,500.

Section 5. The Agency hereby authorizes and directs the Executive Director to negotiate and enter into a contract, purchase order or other similar agreement with the Vendor to purchase the Advertising Services, on such terms as the Executive Director may deem advisable or necessary in his sole discretion, subject to the terms of this Resolution. The Executive Director's execution of any such contract, purchase order or similar agreement shall evidence the Agency's approval of the terms thereof.

Section 6. This Resolution shall not preclude the Agency from procuring other or similar services as determined from time to time by the members of the Agency.

Section 7. This Resolution shall take effect immediately.

ADOPTED: December 6, 2011

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

Jeffrey L. Seltzer	VOTING	Aye
Bruce Ungar	VOTING	Aye
Gary Weiss	EXCUSED	
Christopher Fusco	VOTING	Aye

The foregoing Resolution was thereupon declared duly adopted.

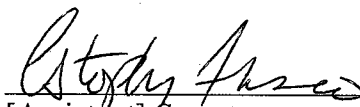
STATE OF NEW YORK            )  
  ) SS.:  
COUNTY OF NASSAU            )

I, the undersigned [Assistant] Secretary of the Nassau County Industrial Development Agency (the "Agency"), do hereby certify 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 December 6, 2011 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 full 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 6<sup>th</sup> day of December, 2011.

  
\_\_\_\_\_  
[Assistant] Secretary

(SEAL)

EXHIBIT A

Proposal

See Attached



**Proposal for  
Nassau County IDA  
Nassau IDA Holiday Package**

Stations: WRCN, WPTY, WJVC, WBON

Sales Representative	Phone	Mobile	Fax	Email	
John Caracciolo	631-648-2500			johnc@jvcbroadcasting.com	
Quoted	Good Until	Start Date	End Date	Total Weeks	Printed
2011-12-07	2011-12-13	2011-12-12	2012-01-08	4	2011-12-07 11:39:13 am

Week of: 11-12-12 (#51)	12-12 Mon	12-13 Tue	12-14 Wed	12-15 Thu	12-16 Fri	12-17 Sat	12-18 Sun	Units	Len
Morning Drive	2	2	2	2	1	0	0	9	60
Mid Day	2	2	2	2	1	0	0	9	60
Afternoon Drive	2	2	2	2	1	0	0	9	60
Evenings	1	1	2	1	1	0	0	6	60
Weekends	0	0	0	0	0	6	6	12	60

**Units: 45**

Week of: 11-12-19 (#52)	12-19 Mon	12-20 Tue	12-21 Wed	12-22 Thu	12-23 Fri	12-24 Sat	12-25 Sun	Units	Len
Morning Drive	2	2	2	2	1	0	0	9	60
Mid Day	2	2	2	2	1	0	0	9	60
Afternoon Drive	2	2	2	2	1	0	0	9	60
Evenings	1	1	2	1	1	0	0	6	60
Weekends	0	0	0	0	0	6	6	12	60

**Units: 45**

Week of: 11-12-26 (#53)	12-26 Mon	12-27 Tue	12-28 Wed	12-29 Thu	12-30 Fri	12-31 Sat	01-01 Sun	Units	Len
Morning Drive	2	2	2	2	1	0	0	9	60
Mid Day	2	2	2	2	1	0	0	9	60
Afternoon Drive	2	2	2	2	1	0	0	9	60
Evenings	1	1	2	1	1	0	0	6	60
Weekends	0	0	0	0	0	6	6	12	60

**Units: 45**

**Proposal Continued for  
Nassau County IDA  
Nassau IDA Holiday Package**

**Stations: WRCN, WPTY, WJVC, WBON**

<b>Week of: 12-01-02 (#2)</b>	01-02	01-03	01-04	01-05	01-06	01-07	01-08	Units	Len
	Mon	Tue	Wed	Thu	Fri	Sat	Sun		
Morning Drive	2	2	2	2	1	0	0	9	60
Mid Day	2	2	2	2	1	0	0	9	60
Afternoon Drive	2	2	2	2	1	0	0	9	60
Evenings	1	1	2	1	1	0	0	6	60
Weekends	0	0	0	0	0	6	6	12	60

**Units: 45**

<b>Schedule Totals:</b>	<b>Total Units</b>	<b>Grand Total</b>
	<b>180</b>	<b>\$7,500.00</b>

All production costs included, schedule will run on all four stations, package includes interview with IDA rep or CE to promote events.

45 sixty second commercials per week for four weeks = 180 commercials on each station( four FM stations) for a total of 720

**Approved for Nassau County IDA**

\_\_\_\_\_  
**Authorized Signature**

\_\_\_\_\_  
**Date**