

Family Residences and Essential Enterprises, Inc. SEQRA Resolution

A regular meeting of the Nassau County Local Economic Assistance Corporation (the "Issuer") was convened in public session at the offices of the Issuer located at 1550 Franklin Avenue, Suite 235, Mineola, County of Nassau, New York on June 9, 2015 at 12:00 p.m., local time.

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

PRESENT:

Jeffrey L. Seltzer	Chairman
Bruce Ungar	Vice Chairman, Treasurer
Gary Weiss	Secretary

NOT PRESENT:

Christopher Fusco	Asst. Secretary
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THE FOLLOWING ADDITIONAL PERSONS WERE PRESENT:

Joseph J. Kearney	Chief Executive Officer
Joseph Foarile	Chief Financial Officer
Edward Ambrosino, Esq.	General Counsel
Paul O'Brien, Esq.	Bond/Transaction Counsel
Milan Tyler, Esq.	Bond/Transaction Counsel

The attached resolution no. 2015-05 was offered by G. Weiss, seconded by J. Seltzer:

Resolution No. 2015-05

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF FAMILY RESIDENCES AND ESSENTIAL ENTERPRISES, INC. IS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND NOT SUBJECT TO FURTHER REVIEW.

WHEREAS, Section 1411 of the Not-For-Profit Corporation Law, as amended (the "Act"), has been heretofore enacted by the Legislature of the State of New York for the purposes, among others, of providing for the creation of local development corporations in the State of New York for the exclusively charitable or public purposes of relieving and reducing unemployment, promoting and providing for additional and maximum employment, bettering and maintaining job opportunities, instructing or training individuals to improve or develop their capabilities for such jobs, carrying on scientific research for the purpose of aiding a community or geographical area by attracting new industry to the community or area or by encouraging the development of, or retention of, an industry in the community or area, and lessening the burdens of government and acting in the public interest; and

WHEREAS, the Nassau County Legislature (the "County Legislature") authorized the formation of the Issuer under the Act pursuant to Resolution No. 255-2010 adopted by the County Legislature on September 20, 2010 and approved by the County Executive of Nassau County on September 21, 2010; and

WHEREAS, pursuant to such authorization of the County Legislature, the Issuer has been incorporated under said Act by the filing of its Certificate of Incorporation with the Office of the Secretary of State of the State of New York on November 30, 2010; and

WHEREAS, the Issuer is authorized by the Act to issue its negotiable bonds, notes or other obligations; and

WHEREAS, Family Residences and Essential Enterprises, Inc., a not-for-profit corporation organized under the laws of the State of New York and an organization described in Section 501(c)(3) of the Internal Revenue Code of 1986 ("FREE"), has applied to the Issuer to issue its tax-exempt and/or taxable revenue bonds (the "FREE Bonds") in one (1) or more series presently estimated to be in the maximum aggregate principal amount not to exceed \$931,000 for the benefit of FREE, for a project (collectively, the "FREE Project") consisting of:

(A) the cost of acquisition and installation of an information technology network upgrade and expansion to be located at FREE's administrative office on an approximately 3.16 acre parcel of real property located at 191 Bethpage-Sweet Hollow Road, Old Bethpage, New York (the "FREE 2015 Facility"), which office also houses day treatment programs for people with mental and/or developmental disabilities; and

(B) funding a debt service reserve fund, if any, and paying capitalized interest, if any, and certain other costs incidental to the issuance of the FREE Bonds (the costs associated with items (A) through (B) being hereinafter collectively referred to as the "FREE Project Costs").

FREE will be the initial owner, operator or manager of the FREE Project. The Issuer will loan the proceeds of the FREE Bonds to FREE to finance or refinance all or a portion of the FREE Project Costs pursuant to a Loan Agreement, executed and delivered contemporaneously with the issuance of the FREE Bonds (the "FREE Loan Agreement"), by and between the Issuer and FREE; and

WHEREAS, pursuant to Article 8 of the New York Environmental Conservation Law, Chapter 43-B of the Consolidated Laws of New York, as amended (the "SEQR Act") and the regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York, being 6 NYCRR Part 617, et. seq., as amended (the "Regulations" and collectively with the SEQR Act, "SEQRA"), the Issuer must consider whether the Project is an "action" that would require it to satisfy the requirements contained in SEQRA prior to making a final determination whether to undertake the Project; and

WHEREAS, pursuant to SEQRA, to aid the Issuer in determining whether the Project is an "action" subject to SEQRA, FREE submitted to the Issuer: 1) an Application for Financial Assistance dated February 19, 2015; and 2) a Short Environmental Assessment Form dated January 16, 2015¹ (collectively the "Project Environmental Documents"); and

WHEREAS, 6 NYCRR 617.2(aj) of the Regulations states that a Type II action is an action or class of actions identified under 6 NYCRR 617.5; and

WHEREAS, 6 NYCRR 617.5(a) states that actions identified as Type II actions have been determined not to have a significant impact on the environment or are otherwise precluded from environmental review under the SEQR Act; and

WHEREAS, 617.5(c)(25) states that Type II actions not subject to further review under SEQRA include "purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials"; and

WHEREAS, the Project consists of the purchase and installation of an network servers and associated components in order to update and expand an existing information technology network located within an existing office.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE NASSAU COUNTY LOCAL ECONOMIC ASSISTANCE CORPORATION AS FOLLOWS:

Section 1. Based upon a thorough review and examination of the Project Environmental Documents and upon the Issuer's knowledge of the area surrounding the facilities and such further investigation of the Project and its environmental effects as the Issuer has deemed appropriate, the Issuer makes the following findings with respect to the Project:

¹ Although the most current version of the Short Environmental Assessment Form was not submitted, an Environmental Assessment Form is not required for Type II actions.

(A) The Project is a Type II action under SEQRA because it comprises "purchase or sale of furnishings, equipment or supplies, including surplus government property, other than the following: land, radioactive material, pesticides, herbicides, or other hazardous materials."

(B) More specifically, the Project includes the purchase of equipment, because it involves the purchase and installation of a network servers and associated components in order to update and expand an existing information technology network located within an existing office. The Project will not expand the footprint of the office nor increase or substantially alter existing environmental conditions associated with the property.

Section 2. The Chairman and Chief Executive Officer of the Issuer are hereby authorized and directed to distribute copies of this Resolution to FREE and to do such further things or perform such acts as may be necessary or convenient to implement the provisions of this Resolution.

Section 3. 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:

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

The foregoing Resolution was thereupon declared duly adopted.


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

WE, the undersigned officers of the Nassau County Local Economic Assistance Corporation (the "Issuer"), do hereby certify that we have compared the foregoing extract of the minutes of the meeting of the board of directors of the Issuer, including the Resolution contained therein, held on June 9, 2015, with the original thereof on file in our offices, 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.

WE FURTHER CERTIFY that (A) all directors of the Issuer 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 board of directors of the Issuer present throughout said meeting.

WE 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, we have hereunto set our hand and affixed the seal of the Issuer this 18th day of June, 2015.



[Assn] Secretary
(SEAL)



[Vice] Chairman
(SEAL)