

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 1

TO: SUPERVISOR ANGIE CARPENTER
COUNCILMAN JOHN C. COCHRANE, JR.
COUCILMAN JAMES P. O'CONNOR
COUNCILMAN JORGE C. GUADRON
COUNCILMAN JOHN M. LORENZO

FROM: MICHAEL P. WALSH, ESQ., TOWN ATTORNEY

RE: SPECIAL TOWN BOARD MEETING – JULY 7, 2023

Authorization for the Supervisor to execute an intermunicipal agreement with the County of Suffolk for the transfer of funds from the County to the Town for construction of the Lexington Village Sewer Project.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

Christopher Poelker

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

Enclosure

cc: Olga H. Murray, Town Clerk
Joseph Ludwig, Comptroller
Tracey Krut, Chief of Staff

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

The Town is requesting to enter into an Inter Municipal Agreement (IMA) with Suffolk County to facilitate the transfer of excess funds from the sewer portion of the Central Islip Downtown Revitalization Initiative (CI-DR1) project to the Town of Islip Sewer District #1 at Lexington Village project in the amount of \$700,000.00 of previously allocated Suffolk County American Rescue Plan Act (ARPA) funds. By the way of this Resolution, we are requesting to give the Supervisor authorization to execute into this agreement.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: The Town, residents of Lexington Village
 2. Site or location effected by resolution: Lexington Village Condominiums, Bay Shore
 3. Cost: N/A
 4. Budget Line: N/A
 5. Amount and source of outside funding: N/A
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ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- Type 1 action under 6 NYCRR, Section 617.4(b), number _____. Full EAF required.
- Type 2 action under 6 NYCRR, Section 617.5(c), number 26, 27, 13. SEQR review complete.
- Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-



Signature of Commissioner/Department Head Sponsor

6-30-2023

Date

WHEREAS, in 2005, the Town of Islip (the “Town”) created the Town of Islip Sewer District No. 1, a municipal sewer district located within Brentwood on the north side of Hemlock Drive, east of Pine Acres Boulevard, in accordance with New York Town Law (“Town District No. 1”), and said Town District No. 1 consists of property owned entirely by Lexington Village Condominium (the “Condominium”); and

WHEREAS, in 2008, by Resolution No. 713-2008, the Suffolk County (the “County”) Legislature approved the connection of the property owned by the Condominium to Suffolk County Sewer District No. 3 – Southwest (the “District”) for a capacity of forty-five thousand gallons per day, and in 2021, the connection agreement was completed, and the connection fee for such capacity was paid by the Condominium to the County; and

WHEREAS, the Town Department of Planning and Development recently solicited competitive bids for DPD 1-23, “Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at Lexington Village Condominiums to the Southwest Sewer District,” which will include the construction of a pump station, force main, and ancillary sewerage facilities (the “Lexington Village Sewer Project”); and

WHEREAS, on June 21, 2023, by Resolution No. 1580-2023, the County Legislature authorized the County Executive to enter into an intermunicipal agreement with the Town, pursuant to § 119-o of the General Municipal Law, whereby the County will contribute up to \$700,000.00 towards Lexington Village Sewer Project costs using American Rescue Plan Act (“ARPA”) funds; and

WHEREAS, the Town Board wishes to accept the County’s contribution of up to \$700,000.00 towards Lexington Village Sewer Project costs using the County ARPA funds; and

WHEREAS, the execution of an intermunicipal agreement to authorize the transfer of funds for the extension of utility distribution facilities (i.e., sewer infrastructure) is a Type II Action under 6 NYCRR Section 617.5(c)(13), (26), and (27), as it constitutes routine and continuing agency administration and management, and it involves preliminary planning and budgetary processes necessary to the formulation of proposal for action, namely the extension of utility distribution facilities (i.e., sewer infrastructure);

NOW, THEREFORE, on a motion of _____,
seconded by _____, be it

RESOLVED, that the Town Board of the Town of Islip hereby authorizes the Supervisor to execute an intermunicipal agreement with the County of Suffolk, and any necessary documentation attendant thereto, for the transfer of \$700,000.00 in ARPA funds from the County to the Town for the construction of the Lexington Village Sewer Project, the form and content of which shall be subject to the approval of the Town Attorney; and be it further

RESOLVED, that the Comptroller is hereby authorized to make any and all budgetary adjustments necessary to effectuate this resolution.

Upon a vote being taken, the result was:

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 2

TO: SUPERVISOR ANGIE CARPENTER
COUNCILMAN JOHN C. COCHRANE, JR.
COUCILMAN JAMES P. O'CONNOR
COUNCILMAN JORGE C. GUADRON
COUNCILMAN JOHN M. LORENZO

FROM: MICHAEL P. WALSH, ESQ., TOWN ATTORNEY

RE: SPECIAL TOWN BOARD MEETING - JULY 7, 2023

Authorization for the Supervisor to execute Contract DPD 1-23, "Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at Lexington Village Condominiums to the Southwest Sewer District".

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE
ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE
CONTACT:

Christopher Poelker

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

Enclosure

cc: Olga H. Murray, Town Clerk
Joseph Ludwig, Comptroller
Tracey Krut, Chief of Staff

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

The purpose of this resolution is to authorize the Supervisor to execute Contract DPD 1-23, "Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at Lexington Village Condominiums to the Southwest Sewer District," with ADJO Contracting Corporation, 207 Knickerbocker Ave., Bohemia, NY 11716.

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: the Town, residents of Lexington Village
2. Site or location effected by resolution: Lexington Village Condominiums, Bay Shore
3. Cost: \$4,397,515.00
4. Budget Line: to be determined by the Comptroller
5. Amount and source of outside funding: \$700K Suffolk County ARPA / \$700K TOI ARPA

ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- Type 1 action under 6 NYCRR, Section 617.4(b), number _____ . Full EAF required.
- Type 2 action under 6 NYCRR, Section 617.5(c), number 13 . SEQR review complete.
- Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.

Ch...
Signature of Commissioner/Department Head Sponsor

6/26/2023
Date

Date: July 7, 2023
Resolution: 2

WHEREAS, the Town of Islip (the “Town”) Department of Planning and Development solicited competitive bids for DPD 1-23, “Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at Lexington Village Condominiums to the Southwest Sewer District”; and

WHEREAS, on April 13, 2023, sealed bids for DPD 1-23 were opened, and ADJO Contracting Corporation, 207 Knickerbocker Ave., Bohemia, NY 11716, submitted a total base bid of \$4,397,515.00 and the lowest overall bid price of \$4,357,805.00, which includes the base bid plus add alternate items, the second of which is price reduction if the Town opts to perform the paving restoration work; and

WHEREAS, the Town’s consultant and design profession of the project, R & M Engineers, reviewed all submitted bids and found ADJO Contracting Corporation to be a responsible bidder; and

WHEREAS, the Commissioner of Planning and Development, Ela Dokonal and the Town Engineer, Christopher Poelker recommend award of this contract to ADJO Contracting Corporation;

NOW, THEREFORE, on a motion by Councilperson _____, seconded by Councilperson _____, be it

RESOLVED that the Supervisor is hereby authorized to execute Contract DPD 1-23, “Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at Lexington Village Condominiums to the Southwest Sewer District,” with ADJO Contracting Corporation, in the amount of \$4,397,515.00, the total base bid; and be it further

RESOLVED that the Comptroller is hereby authorized to make the accounting entries or budgetary amendments necessary in accordance with the terms of the contract.

UPON a vote being taken the result was:

BID ANALYSIS
**“Town of Islip Sewer District #1, Connection of Sewage Collection Facilities at
Lexington Village Condominiums to the Southwest Sewer District”**
Contract No. DPD 1-23
Bid Date: April 12, 2023

<u>CONTRACTOR</u>	<u>BASE BID</u>	<u>ADD ALTERNATE</u> <u>01</u>	<u>ADD ALTERNATE</u> <u>02</u>	<u>TOTAL</u>
ADJO Contracting Corporation	\$ 4,397,515.00	\$ 57,000.00	(\$96,710.00)	\$ 4,357,805.00
Bancker Construction Corp.	\$ 5,093,000.00	\$110,000.00	(\$108,000.00)	\$ 5,095,000.00
G & M Earth Moving	\$ 5,369,000.00	\$ 24,000.00	(\$150,000.00)	\$ 5,243,000.00
Scalamandre & Sons, Inc.	\$ 5,864,606.38	\$ 67,106.32	(\$149,030.00)	\$ 5,782,682.70
Posillico	\$ 6,705,000.00	\$ 49,000.00	(\$205,000.00)	\$ 6,549,000.00

**MEMORANDUM FROM:
OFFICE OF THE TOWN ATTORNEY**

No. 3

TO: SUPERVISOR ANGIE CARPENTER
COUNCILMAN JOHN C. COCHRANE, JR.
COUCILMAN JAMES P. O'CONNOR
COUNCILMAN JORGE C. GUADRON
COUNCILMAN JOHN M. LORENZO

FROM: MICHAEL P. WALSH, ESQ., TOWN ATTORNEY

RE: SPECIAL TOWN BOARD MEETING - JULY 7, 2023

Authorization for the Supervisor to execute an Agreement of Sale, License Agreement with respect to 1 Carleton Avenue and 29-31 Carleton Avenue, Central Islip.

SHOULD YOU HAVE ANY QUESTIONS, OR IF YOU REQUIRE ADDITIONAL INFORMATION RELATIVE TO THE ATTACHED, PLEASE CONTACT:

MICHAEL P. WALSH, ESQ.

IF YOU HAVE ANY COMMENTS, PLEASE ADVISE AS SOON AS POSSIBLE.

Enclosure

cc: Olga H. Murray, Town Clerk
Joseph Ludwig, Comptroller
Tracey Krut, Chief of Staff

**TOWN OF ISLIP
SPONSOR'S MEMORANDUM
FOR TOWN BOARD RESOLUTIONS**

INSTRUCTIONS: All submissions for placement on the Town Board Meeting agenda must be accompanied by a sponsor's memorandum, which shall be the covering document. All agenda submissions shall be reported to the Town Attorney no later than 14 days prior to the scheduled Town Board meeting.

PURPOSE: Describe the essence of the attached resolution and give a brief background. Explain any policy implications, whether this item has previously been before the Board, and if any similar resolutions have previously been passed or denied by the Board.

Authorization for the Supervisor to execute an Agreement of Sale, License Agreement for the commencement of Phase II Assessment, permit applications, a deed and transfer tax documents and any other documents deemed necessary by the Town Attorney in such form and substance as approved by the Town Attorney with respect to 1 Carleton Avenue Central Islip (SCTM#: 500-09.00-01.00-069.000) and 29-31 Carleton Avenue, Central Islip (SCTM#:500-120.00-03.00-062.000)

SPECIFY WHERE APPLICABLE:

1. Entity or individual benefitted by resolution: GGKV/C arleton Avenue LLC
 2. Site or location effected by resolution: 1 Carleton Ave., & 29-31 Carleton Ave., Central Islip
 3. Cost: 0.00
 4. Budget Line: _____
 5. Amount and source of outside funding: _____
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ENVIRONMENTAL IMPACT: What type of action is being authorized by this resolution?

- Type 1 action under 6 NYCRR, Section 617.4(b), number _____. Full EAF required.
- Type 2 action under 6 NYCRR, Section 617.5(c), number 26. SEQR review complete.
- Action not listed as Type I or Type II under Part 617 of the NYCRR. Short EAF required.
-

 _____ 7/3/23
Signature of Commissioner/Department Head Sponsor Date
amm

WHEREAS, on April 8, 2021, a Request for Proposals (the “**RFP**”) was issued on behalf of the Town to encourage the revitalization of downtown Central Islip. The RFP invited qualified parties to submit a development proposal for the 3.6 acre site, located at the corner of Carleton Avenue and Railroad Avenue. The RFP is a direct result of planning and funding provided through the Central Islip Downtown Revitalization Initiative (DRI) Plan; and

WHEREAS, four development parcels are included within the DRI Plan, two of which are owned by the Town and are known as 1 Carleton Avenue, Central Islip (SCTM#:500-098.00- 01.0-069.000) (“**Parcel 1**”) and 29-31 Carleton Avenue, Central Islip, New York (SCTM#: 500-120.00-03.00-062.000) (“**Parcel 2**” and together with Parcel 1, the “**Premises**”), One parcel is owned by the Town of Islip Community Development and the final parcel is owned by the County Land Bank Corporation (all parcels collectively “**Development Parcels**”); and

WHEREAS, with the recommendation of a committee charged with reviewing all proposals, the Town Board, by resolution dated December 14, 2021 authorized the designation of Georgica Green Ventures, LLC together with Kulka Development LLC (collectively “**GGVK**”) as the preferred responder for that certain project described in the RFP, subject to the approval of the Islip Town Board of a final development plan; and

WHEREAS, by same resolution dated December 14, 2021 the Town Board authorized the Town Attorney to commence negotiations of the terms and conditions of an Agreement of Sale with GGVK; and

WHEREAS, the principals of GGVK have created a New York limited liability company named CARLETON AVENUE, LLC that will be the named Seller in the Agreement of Sale; and

WHEREAS, the Premises have been deemed surplus as they are no longer needed for a municipal purpose and the execution of an Agreement of Sale will not have a significant impact on the environment within the meaning of the SEQRA Act; and

WHEREAS, the material terms of the Agreement have been negotiated and are as follows:

1. Purchase Price for the Premises is Three Million Fifty Thousand One Hundred Sixty-Three and 60/100 Dollars (\$3,050,163.60);
 2. Contract shall be subject to a Ninety (90) day due diligence period, Purchaser retains right to terminate if results of Due Diligence are unsatisfactory;
- ITEMS NUMBERED 3-8 SHALL BE CONDITIONS PRECEDENT TO CLOSING:**
3. Delivery by Seller to Purchaser, of an instrument to modify the restrictive covenant to enable the intended use;
 4. Receipt of a copy of the legislation approved by the Suffolk County Legislature authorizing the installation and construction of a sewer system capable of servicing

- the Project;
5. Each Seller of the Development Parcels shall be ready, willing and able to transfer title to the Purchaser, simultaneously with transfer of title to Purchaser of the Premises;
 6. Site Plan Approval from the Town of Islip;
 7. Receipt by Purchaser of no further action letters or approved constructions plans and scope of work from the applicable local, state or federal environmental agency in connection with any contamination of the Premises;
 8. Simultaneous closing on the project's construction financing, including the sale or syndication of federal housing tax credits;
 9. In the event the conditions precedent are not satisfied within eighteen (18) months from the Effective Date of the Agreement of Sale either Purchaser or Seller can terminate.

WHEREAS, in the interest of moving this project forward in a timely fashion the parties have agreed to enter into a License Agreement to permit the Purchaser to commence the Phase II Environmental Assessment prior to the Agreement of Sale being fully execution.

NOW, THEREFORE, on motion of Councilperson _____, seconded by Councilperson _____, be it

RESOLVED, that the Supervisor is authorized to executed an Agreement of Sale with GGVK or Carleton Avenue LLC containing material terms in substantial conformance with the below:

1. Purchase Price for the Premises is Three Million Fifty Thousand One Hundred Sixty-Three and 60/100 Dollars (\$3,050,163.60);
 2. Contract shall be subject to a Ninety (90) day due diligence period, Purchaser retains right to terminate if results of Due Diligence are unsatisfactory;
- ITEMS NUMBERED 3-8 SHALL BE CONDITIONS PRECEDENT TO CLOSING:**
3. Delivery by Seller to Purchaser, of an instrument to modify the restrictive covenant to enable the intended use;
 4. Receipt of a copy of the legislation approved by the Suffolk County Legislature authorizing the installation and construction of a sewer system capable of servicing the Project.
 5. Each Seller of the Development Parcels shall be ready, willing and able to transfer title to the Purchaser, simultaneously with transfer of title to Purchaser of the Premises;
 6. Site Plan Approval from the Town of Islip;
 7. Receipt by Purchaser of no further action letters or approved constructions plans and scope of work from the applicable local, state or federal environmental agency in connection with any contamination of the Premises;
 8. Simultaneous closing on the project's construction financing, including the sale or syndication of federal housing tax credits;

9. In the event the conditions precedent are not satisfied within eighteen (18) months from the Effective Date of the Agreement of Sale either Purchaser or Seller can terminate.

FURTHER RESOLVED, that the Supervisor is hereby authorized to execute a License Agreement authorizing a Phase II Environmental Assessment, site plan applications or other required applications, as fee owner of the Premises prior to the transfer of title, along with a deed and New York State Transfer Tax documents for closing of title, subject to the approval of the Town Attorney's office, in furtherance of the resolutions stated herein.

Upon a vote being taken, the result was:

SUBJECT TO PERMISSIVE REFERENDUM