

ACLD SEQR 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 28, 2012 at 5:20 p.m., local time.

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

PRESENT:

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

ABSENT:

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. 2012-06 was offered by G. Weiss, seconded by B. Ungar:

Resolution No. 2012-06

RESOLUTION FINDING THAT THE PROPOSED PROJECTS OF ADULTS AND CHILDREN WITH LEARNING AND DEVELOPMENTAL DISABILITIES, INC. ARE TYPE II ACTIONS 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, Adults and Children with Learning and Developmental Disabilities, 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 Code (the "Company" or "Applicant"), has applied to the Issuer to issue its tax-exempt and/or taxable revenue bonds (the "Bonds") in one (1) or more series presently estimated to be in the aggregate principal amount of \$7,591,000 but in no event to exceed \$9,000,000 for the benefit of the Company, for a project (collectively, the "Project") consisting of: (A) refinancing of the Nassau County Industrial Development Agency Civic Facility Revenue Bonds (Alliance of Long Island Agencies, Inc./ Adults and Children with Learning and Developmental Disabilities, Inc. Project), Series 2000A-B, issued by the Nassau County Industrial Development Agency (the "Agency") in the original aggregate principal amount of \$485,000 (the "Series 2000 Bonds"), approximately \$85,646 principal amount of which are outstanding, and the proceeds of which were used to finance all or a portion of the cost of acquiring, constructing, renovating, equipping, furnishing or otherwise providing for a certain civic facility (the "Series 2000 Facility") consisting of the acquisition of an approximately 55' by

70' by 96' by 125' acre parcel of real property located in the Town of Oyster Bay, Nassau County, New York, and the renovation of an approximately 3,493 square foot single family residence and related structures and facilities, and the acquisition and installation of equipment and furnishings, including, without limitation, telephone systems, alarms, furniture and computers, all for use as an individualized residential alternative facility for 6 adults with developmental disabilities, such facility to be located at 48 Manetto Hill Road, Plainview, New York; (B) refinancing of the Nassau County Industrial Development Agency Civic Facility Revenue Bonds Series 2002A-A Tax-Exempt (Alliance of Long Island Agencies, Inc./ Adults and Children with Learning and Developmental Disabilities, Inc. Civic Facility), issued by the Agency in the original aggregate principal amount of \$270,000 (the "Series 2002 Bonds"), approximately \$89,074 principal amount of which are outstanding, and the proceeds of which were used to finance all or a portion of the cost of the renovation of an existing building of approximately 3,000 square feet located on 0.38 acres of land located at 303 Hempstead Avenue, West Hempstead, New York (Town of Hempstead) to be used as an individualized residential alternative facility for 8 individuals with mental retardation and developmental disabilities (the "Series 2002 Facility"); (C) refinancing of the Nassau County Industrial Development Agency Civic Facility Revenue Bonds Series 2003A-B Tax-Exempt (Alliance of Long Island Agencies, Inc./Adults and Children with Learning and Developmental Disabilities, Inc. Civic Facility), issued by the Agency in the original aggregate principal amount of \$4,195,000 (the "Series 2003 Bonds"), approximately \$2,831,865 principal amount of which are outstanding, and the proceeds of which were used to finance all or a portion of the cost of:

1. financing and/or refinancing of prior tax-exempt debt issued by the Agency (consisting of the \$3,230,000 Nassau County Industrial Development Agency Civic Facility Revenue Bonds (Adults and Children with Learning and Developmental Disabilities, Inc. Project – Series 1993) issued on March 16, 1993) to provide for a portion of the costs of the acquisition of land and an existing building thereon of approximately 20,000 square feet on approximately 3.2 acres of land located at 807 South Oyster Bay Road, Bethpage, New York (Town of Oyster Bay), and renovations thereto, to be used as an administrative office building (the "807 South Oyster Bay Road Facility"); and
2. financing and/or refinancing of all or a portion of the costs of the renovation of an existing building of approximately 24,000 square feet located on approximately 3.2 acres of land located at 837 South Oyster Bay Road, Bethpage, New York (Town of Oyster Bay), to be used as a facility for a day program for persons with mental retardation and developmental disabilities (the "837 South Oyster Bay Road Facility");

(the 807 South Oyster Road Facility and the 837 South Oyster Bay Road Facility are collectively referred to herein as the "Series 2003 Facility"); (D) refinancing certain taxable indebtedness incurred to pay, or otherwise financing, the costs of the construction, renovation and equipping of (1) an existing building of approximately 2,079 square feet located on a leased parcel of land located at 200 Glen Cove Avenue, Glen Cove (City of Glen Cove), New York to be used as a facility for a day program for persons with mental retardation and developmental disabilities (the

“Glen Cove Facility”); (2) an approximately 3,600 square foot single family residence and related structures and facilities for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on an approximately 0.18 acre parcel of land located at 2519 Abbey Lane, Seaford (Town of Hempstead), New York (the “Seaford Facility”); (3) an approximately 4,004 square foot single family residence and related structures and facilities for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on an approximately 0.25 acre parcel of land located at 15 Old Mill Road, Great Neck (Town of North Hempstead), New York (the “Great Neck Facility”); (4) an approximately 2,354 square foot single family residence and related structures and facilities for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on an approximately 0.38 acre parcel of land located at 303 Hempstead Avenue, West Hempstead (Town of Hempstead), New York (the “West Hempstead Facility”); (5) an approximately 3,975 square foot single family residence and related structures and facilities for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on an approximately 0.20 acre parcel of land located at 21 Linden Street, Thomaston (Town of North Hempstead), New York (the “Thomaston Facility”); and (6) an approximately 3,819 square foot single family residence and related structures and facilities for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on an approximately 0.32 acre parcel of land located at 28 Westwood Circle, East Hills (Town of North Hempstead), New York (the “East Hills Facility”, and together with the Glen Cove Facility, the Seaford Facility, the Great Neck Facility, the West Hempstead Facility, and the Thomaston Facility, the “Mortgaged Facilities”); (E) financing all or a portion of the costs of acquiring, constructing, renovating or otherwise providing for a certain civic facility (the “Series 2012 Facility”) consisting of an individualized residential alternative facility consisting of the acquisition of an approximately 1.47 acre parcel of real property located in the Town of Oyster Bay, Nassau County, New York and the construction and/or renovation of an approximately 3,500 square foot single family residence and related structures and facilities, and the acquisition and installation of equipment and furnishings, including, without limitation, telephone systems, alarms, furniture and computers, all for use as an individualized residential alternative facility for up to 8 adults with developmental disabilities, such facility to be located on South Oyster Bay Road, Bethpage, New York; and (F) funding a debt service reserve fund, if any, and paying capitalized interest, if any, and certain other costs incidental to the issuance of the Bonds; 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, the Applicant submitted to the Issuer: 1) Applicant’s Application for Financial Assistance to the Issuer dated April 21, 2012; and 2) Short Environmental Assessment Forms dated April 26, 2012 (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, 6 NYCRR 617.5(c)(9) states that Type II actions not subject to further review under SEQRA include “construction or expansion of a single-family, a two-family or a three-family residence on an approved lot including provision of necessary utility connections as provided in paragraph (11) and the installation, maintenance and/or upgrade of a drinking water well and a septic system”; and

WHEREAS, 6 NYCRR 617.5(c)(23) states that Type II actions not subject to further review under SEQRA include “investments by or on behalf of agencies or pension or retirement systems, or refinancing of existing debt”; and

WHEREAS, the Project consists of the refinancing of existing debt and the construction of a single family residence;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS 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:

(A) The Project is a Type II action under SEQRA because it comprises “refinancing of existing debt” and “construction of a single-family residence” and does not meet or exceed any threshold for a Type I action.

Section 2. The Chairman and Chief Executive Officer of the Issuer are hereby authorized and directed to distribute copies of this Resolution to the Applicant 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	ABSENT	

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 Local Economic Assistance Corporation (the "Agency"), do hereby certify that I 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 28, 2012, 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 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 directors of the Issuer 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 Issuer this 28th day of June, 2012.



[~~Asst.~~] Secretary
(SEAL)