

**SCO 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 May 28, 2013 at 5:00 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
Bruce Ungar	Vice Chairman, Treasurer
Gary Weiss	Secretary
Christopher Fusco	Asst. Secretary

**ABSENT:**

**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. 2013-04 was offered by G. Weiss, seconded by B. Ungar:

Resolution No. 2013-04

RESOLUTION FINDING THAT THE PROPOSED PROJECT OF SCO FAMILY OF SERVICES IS A TYPE II ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT AND NOT SUBJECT TO FURTHER REVIEW.

WHEREAS, the Nassau County Local Economic Assistance Corporation (the "Issuer") 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 not-for-profit institutions and organizations, among others, for the purpose of promoting, attracting and developing economically sound services and resources 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, to accomplish its stated purposes, the Issuer is authorized and empowered under the Act to acquire, construct, reconstruct and install one or more "project" (as defined in the Act) or to cause said project to be acquired, constructed, reconstructed and installed and to convey said project or to lease said project with the obligation to purchase; and

WHEREAS, SCO Family of Services ("SCO"), a human services organization formed as not for profit corporation under New York Law and exempt from federal income taxation pursuant to Section 501(c)(3) of the Internal Revenue Code of 1986, has requested that the Issuer assist in (i) the refunding of portions of the outstanding amounts of certain bonds of the Dormitory Authority of the State of New York ("DASNY") (i.e., DASNY's New York State Rehabilitation Association Pooled Loan Program No. 1 Insured Revenue Bonds, Series 2001A and Series 2001B; DASNY's New York State Rehabilitation Association Pooled Loan Program No. 2 Insured Revenue Bonds, Series 2003A and Series 2003B; and DASNY's Interagency Council Pooled Loan Program Revenue Bonds, Series 2010B), the proceeds of which, together with other funds of SCO, were used to finance or refinance SCO's acquisition, renovation and/or equipping of the following civic facilities: (a) an approximately 2,198 square foot residential facility located on an approximately 0.1137 acre parcel of land located at 760 Conklin Avenue, Farmingdale, New York 11735, (b) an approximately 4,500 square foot residential and educational facility located on an

approximately 0.454 acre parcel of land located at 101 Downing Avenue, Sea Cliff, New York 11579, (c) an approximately 59,959 square foot residential facility located on an approximately 12.86 acre parcel of land located at Park and Downing, Sea Cliff, New York 11579, and (d) an approximately 32,425 square foot administrative facility located on an approximately 1.39 acre parcel of land located at 1 Alexander Place, Glen Cove, New York 11542, (ii) the refinancing of taxable indebtedness of SCO, the proceeds of which, together with other funds of SCO, were used to finance or refinance SCO's acquisition, renovation and/or equipping of (a) an approximately 2,368 square foot residential facility located on an approximately 0.2242 acre parcel of land located at 10 Lake Street, Massapequa, New York 11758, and (b) an approximately 17,350 square foot educational facility located on an approximately 8.02 acre parcel of land at 231 St. Brigid's Lane (Westbrook Academy), Westbury, New York 11590 ("231 St. Brigid's"), and (iii) paying costs of issuance of the Bonds (as hereinafter defined), by issuing its tax-exempt revenue bonds (the "Tax-Exempt Bonds") in an aggregate principal amount not to exceed \$15,500,000 and its taxable revenue bonds (the "Taxable Bonds," and collectively with the Tax-Exempt Bonds, the "Bonds") in an aggregate principal amount not to exceed \$200,000 (collectively, the "Project"); 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, SCO submitted to the Agency: 1) an Application for Financial Assistance; and 2) a Short Environmental Assessment Form (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)(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 for the purpose of providing services and programs for developmentally disabled, emotionally abused or homeless individuals.

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:

(A) The Project is a Type II action under SEQRA because it comprises “refinancing of existing debt.”

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

\_\_\_\_\_ VOTING \_\_\_\_\_

The foregoing Resolution was thereupon declared duly adopted.

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

I, the undersigned 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 members of the Agency, including the Resolution contained therein, held on May 28, 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 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 15<sup>th</sup> day of October, 2013.

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Secretary  
(SEAL)