

RESOLUTION SUBMISSION

MEETING OF: May 21, 2013

RESOLUTION NO. 2013-572

MOVED BY COUNCILMEMBER: Constance Kepert

REVISION

SHORT TITLE: AUTHORIZING A LICENSE AGREEMENT BETWEEN BRUSH DEVELOPMENT, LLC AND THE TOWN OF BROOKHAVEN GRANTING THE TOWN THE RIGHT TO PLACE DREDGE MATERIALS ON A PORTION OF THEIR PROPERTY

DEPARTMENT: Law

REASON: The Town has requested that Brush grant a License Agreement allowing the Town the right to place dredge materials on a portion of their property.

PUBLIC HEARING REQUIRED: Yes

DEPARTMENT OF FINANCE APPROVAL: YES NO

DOLLARS INVOLVED: \$75,000 to be paid over 18 months – H8090 3409 2013 (Dredging Yaphank Lake)

SEQRA REQUIRED: Yes

DETERMINATION MADE: POSITIVE NEGATIVE

FEIS/FINDINGS FILED:

EXECUTION OF DOCUMENT REQUIRED:

AE:gg

Present	Absent		Motion	Aye	No	Abstain	Not Voting
		Councilmember Fiore-Rosenfeld					
		Councilmember Bonner					
		Councilmember Walsh					
		Councilmember Kepert					
		Councilmember Mazzei					
		Councilmember Panico					
		Supervisor Romaine					

RESOLUTION NO. 2013-572
MEETING OF: May 21, 2013

AUTHORIZING A LICENSE AGREEMENT BETWEEN
BRUSH DEVELOPMENT, LLC AND THE TOWN OF
BROOKHAVEN GRANTING THE TOWN THE RIGHT
TO PLACE DREDGE MATERIALS ON A PORTION
OF THEIR PROPERTY

WHEREAS, Brush Development, LLC, is the owner of certain property located
On Yaphank-South Manor Have Road (County Road 21) in Yaphank, New York; and

WHEREAS, the Town has requested that Brush grant to the Town the right to place
dredged materials, including sediment and plant materials, taken from two lakes, known as the
Upper Lake and Lower Lake, located in Yaphank, New York on a portion of the Property, in
order to dewater the Lake Sediment prior to disposal; and

WHEREAS, Brush has agreed to grant the Town the limited right and privilege to use the
Licensed Premises in accordance with the terms and conditions as set forth in the License
Agreement.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Brookhaven
that the Supervisor and/or Deputy Supervisor is authorized to execute the License Agreement
between Brush Development, LLC and the Town of Brookhaven granting the Town the right to
place dredged materials, including sediment and plant materials, taken from two lakes, known
as the Upper Lake and Lower Lake, located in Yaphank, New York on a portion of the Property,
in order to dewater the Lake Sediment prior to disposal; and be it further

RESOLVED, that Brush has agreed to grant the Town the limited right and privilege to
use the Licensed Premises in accordance with the terms and conditions of the License
Agreement; and be it further

RESOLVED, that the Department of Finance is authorized to disburse the necessary funds in accordance with the License Agreement, which shall not exceed the sum of \$75,000; and be it further

RESOLVED, that the License Agreement shall be subject to the review and approval of the Town Attorney's Office.



Resolution Submission Form

Resolution No.: 2013-572

Councilmember: D-4

Originated By: Gina Guccione, Law

Title: AUTHORIZING A LICENSE AGREEMENT BETWEEN BRUSH DEVELOPMENT, LLC AND THE TOWN OF BROOKHAVEN GRANTING THE TOWN THE RIGHT TO PLACE DREDGE MATERIALS ON A PORTION OF THEIR PROPERTY

Subject:

Purpose:

The Town has requested that Brush grant a License Agreement allowing the Town the right to place dredge materials on a portion of their property.

History/Misc. Information:

Fiscal Impact:

\$75,000 to be paid over 18 months

Account Number: H8090 3409 2013 (Dredging Yaphank Lake)

Property Info:

ATTACHMENTS:

Name:

05-21-

13 License Agreement with Brush Development and Town dredge materials.doc

License Agreement Brush.DOC

Description:

resolution

DRaft License Agreement

Type:

Cover
Memo

Cover
Memo