

# NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

Division of Environmental Remediation, Office of the Director  
625 Broadway, 12th Floor, Albany, New York 12233-7011  
P: (518) 402-9706 | F: (518) 402-9020  
[www.dec.ny.gov](http://www.dec.ny.gov)

Paul Sabatino  
Office of the County Executive - PO Box 6500  
County of Suffolk  
H. Lee Dennison Building  
100 Veteran's Memorial Highway  
Hauppauge, NY 11788

JAN 23 2019

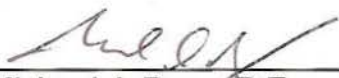
RE: Site Name: Suffolk Airport Canine Kennel Site  
Site No.: C152079  
Location of Site: Westhampton Beach, Suffolk County

Dear Mr. Sabatino:

To complete your file, attached is a fully executed copy of the Brownfield Cleanup Agreement Amendment for the Suffolk Airport Canine Kennel Site.

If you have any further questions relating to this matter, please contact the project attorney for this site, Jennifer Andalaro, Esq., NYS Department of Environmental Conservation, Office of General Counsel, 625 Broadway, Albany, NY 12233 or by email at [jennifer.andalaro@dec.ny.gov](mailto:jennifer.andalaro@dec.ny.gov).

Sincerely,

  
\_\_\_\_\_  
Michael J. Ryan, P.E.  
Director  
Division of Environmental Remediation

Enclosure

ec: Heather Bishop, Project Manager  
cc: J. Andalaro, Esq./M. Mastroianni



Department of  
Environmental  
Conservation

NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION  
BROWNFIELD CLEANUP PROGRAM  
ECL §27-1401 *et seq.*

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In the Matter of a Remedial Program for

**AMENDMENT TO BROWNFIELD SITE  
CLEANUP AGREEMENT**  
Index No. W1-1080-05-09

**Suffolk Airport Canine Kennel Site**

DEC Site Nos: C152079

Located at: Westhampton Beach, Suffolk County

Hereinafter referred to as "Site"

by: **County of Suffolk**

County of Suffolk

Attn: Dennis M. Cohen

Chief Deputy County Executive

H. Lee Dennison Building

100 Veteran's Memorial Highway

Hauppauge, NY 11788

Hereinafter referred to as "Applicant"

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**WHEREAS**, the Department of Environmental Conservation ("Department") is authorized to administer the Brownfield Cleanup Program ("BCP") set forth in Article 27, Title 14 of the Environmental Conservation Law ("ECL"); and

**WHEREAS**, the Department and the Applicant seek to amend the existing BCP Agreement for the Site, based on the 2015 changes to the BCP.

**NOW, THEREFORE**, IN CONSIDERATION OF AND IN EXCHANGE FOR THE MUTUAL COVENANTS AND PROMISES, THE PARTIES AGREE TO THE FOLLOWING:

I. **Tax Credit Status & Deadline for receipt of Certificate of Completion (COC)**

Based on the fact that the Site did not receive a COC by December 31, 2017, it is hereby subject to the terms of the BCP in effect as of July 1, 2015, including, but not limited to, the tax credit scheme and the deadline of December 31, 2026.

With respect to eligible costs incurred under the BCP, this Amendment shall not change the effective date of the Agreement, and otherwise eligible costs incurred from the original effective date of the agreement with still be eligible costs for tax credit purposes.

## II. Payment of State Costs

As of July 1, 2015, the payment of state costs provision in Paragraph V of the existing BCP Agreement no longer applies to the Applicant who is participating in the BCP as a Volunteer as defined in ECL 27-1405(1)(b).

## III. Communications from the Department to Volunteer shall be sent to:

### For authorized County of Suffolk representative:

Dennis M. Cohen  
Chief Deputy County Executive  
County of Suffolk  
H. Lee Dennison Building  
100 Veteran's Memorial Highway  
Hauppauge, NY 11788

### For technical matters and project management:

Geralynn Rosser  
Associate Hydrogeologist  
Suffolk County Department of Health Services  
Office of Pollution Control  
15 Horseblock Pl.  
Farmingville, NY 11738

### For legal matters:

Dennis M. Brown  
County Attorney  
Attn: Jennifer B. Kohn  
Assistant County Attorney  
H. Lee Dennison Building  
100 Veterans Memorial highway, 6<sup>th</sup> Floor  
P.O. Box 6100  
Hauppauge, NY 11788

## III. Miscellaneous

A. Except for the modifications set forth herein, the original Agreement shall remain in full force and effect and the terms thereof and the obligations therein are

incorporated herein and shall apply with the same force and effect to the provisions of this Amendment. The terms of the original Agreement, including all exhibits, appendices and subsequent modifications, are not otherwise modified or expanded in any way.

B. The terms herein shall constitute this complete and entire Amendment of the Agreement. No term, condition, understanding or agreement purporting to modify the terms of the Agreement shall be binding unless subscribed to by both parties in accordance with the terms of the Agreement.

C. The effective date of this Amendment is the date it is signed by the Commissioner or the Commissioner's designee.

DATED:

JAN 23 2019

THIS BROWNFIELD CLEANUP AGREEMENT  
AMENDMENT IS HEREBY APPROVED, Acting by and  
Through the Department of Environmental Conservation as  
Designee of the Commissioner,

By:

  
\_\_\_\_\_  
Michael J. Ryan, P.E., Director  
Division of Environmental Remediation



CONSENT BY APPLICANT

Applicant hereby consents to the issuing and entering of this Agreement Amendment, waives Applicant's right to a hearing herein as provided by law, and agrees to be bound by this Amendment.

County of Suffolk

By:   
Dennis M. Cohen

Title: Chief Deputy County Executive

Date: 1/4/19

STATE OF NEW YORK )  
COUNTY OF Suffolk ) ss:

On the 4 day of January in the year 2019, before me, the undersigned, personally appeared Dennis M. Cohen, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

  
Signature and Office of individual  
taking acknowledgment

ERIN K LIPANI  
Notary Public, State of New York  
Reg. No. 01LI6240218  
Qualified in Suffolk County  
Commission Expires MAY 2, 2019

# COUNTY OF SUFFOLK



**STEVEN BELLONE**  
SUFFOLK COUNTY EXECUTIVE



DEPARTMENT OF HEALTH SERVICES

**JAMES L. TOMARKEN, MD, MPH, MBA, MSW**  
Commissioner

January 10, 2019

New York State Department of Environmental Conservation  
Division of Environmental Remediation  
625 Broadway  
Albany, NY 12233-1080  
Attn: Michael J. Ryan, P.E., Director

Re: Amendment to Brownfield Site Cleanup Agreement  
Index No. W1-1080-05-09  
DEC Site No: C152079  
Suffolk Co. Law No. 06-HS-509A  
Contract No. 001-4400-0000-00-00017

Dear Mr. Ryan:

Attached for signature are four (4) contract amendments with the Suffolk County Department of Health Services.

When this contract is fully executed, please return two (2) signed copies to my attention at the address below. If you have any questions, please do not hesitate to contact me at (631) 854-0006.

Cordially,

A handwritten signature in purple ink, appearing to read "Stacy Lopiccolo".

Stacy Lopiccolo  
Contract Management Analyst



CONTRACTS UNIT  
3500 Sunrise Highway, Ste. 124, PO Box 9006, Great River, NY 11739-9006  
(631) 854-0112 Fax (631) 854-0116

NYS Dep't of Environmental Conservation  
Suffolk Co. Law No. 06-HS-509A

Bar Code: 0052952

**INTERNAL SIGNATURE PAGES FOR COUNTY OF SUFFOLK**

for

**AMENDMENT TO BROWNFIELD SITE CLEANUP AGREEMENT**

**(Index No. W1-1080-05-09)**

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**IN THE MATTER OF A REMEDIAL PROGRAM FOR SUFFOLK AIRPORT CANINE**

**KENNEL SITE**

**BY COUNTY OF SUFFOLK (DEC SITE NO: C152079)**

AGREEMENT:	AMENDMENT TO BROWNFIELD SITE CLEANUP AGREEMENT
STATE AGENCY:	NYS DEPARTMENT OF ENVIRONMENTAL CONSERVATION
STATE CONTRACT NO.	Index No. W1-1080-0509
COST TO COUNTY:	None.

**Summary**

This Amendment ("Amendment") (Law No. 06-HS-509A) of an existing Brownfield Site Cleanup Agreement (the "Agreement") (Law No. 06-HS-509). is between the County of Suffolk ("the County"), a municipal corporation of the State of New York, acting through its duly constituted Department of Health Services ("the Department"), located at H. Lee Dennison Building, 100 Veterans Memorial Highway, P.O. Box 6100, Hauppauge, New York 11788-0099; and the State of New York, acting through the New York State Department of Environmental Conservation, 625 Broadway, Albany, NY 12233-1080.

Under this Amendment, the deadline for receipt of a Certificate of Completion is extended to December 31, 2026. The Amendment also clarifies that as of July 1, 2015, the County is no longer responsible for payment of State costs, and otherwise updates the Agreement.

**(Internal signatures are on the next page)**

**(Signature of Chief Deputy County Executive is on the Amendment.)**

NYS Dep't of Environmental Conservation  
SC Law No. 06-HS-509A  
Internal signature Pages  
Page 2

Bar Code:

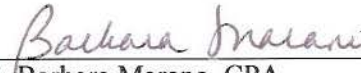
**Approved as to Form:**  
**Dennis M. Brown, County Attorney**

By:   
Name: Jennifer B. Kohn  
Assistant County Attorney

Date: 12/26/18




**Approved: Department of Health Services**

By:   
Name: Barbara Marano, CPA  
Title: Executive Assistant for Finance and Administration

Date: 12/14/18

**Recommended: Division of Environmental Quality**

By:   
Name: Walter Dawydiak, PE  
Title: Director of Environmental Quality

Date: 12/12/2018