

PROPOSED RESOLUTION NO. 90 - 2021

A RESOLUTION AUTHORIZING THE COUNTY ATTORNEY TO COMPROMISE AND SETTLE CLAIMS WITH THE PARTIES AS SET FORTH IN THE ACTION ENTITLED *MATTER OF THE APPLICATION FOR JUDICIAL DISSOLUTION OF FRIENDS FOR LONG ISLAND'S HERITAGE*, INDEX NO. 019423/2005, PURSUANT TO THE COUNTY LAW, THE COUNTY GOVERNMENT LAW OF NASSAU COUNTY AND THE NASSAU COUNTY ADMINISTRATIVE CODE.

WHEREAS, Friends for Long Island's Heritage ("Friends") is a not-for-profit education corporation which was issued a provisional charter under the name "Friends of the Nassau County Historical Museum" on January 24, 1964 by the New York State Board of Regents of the University of the State of New York ("Board of Regents") pursuant to Education Law §216; such provisional charter was made absolute by action of the Board of Regents on February 28, 1969; and amended from time to time, including a name change to "Friends of the Nassau County Museum" on September 21, 1973 and to "Friends for Long Island's Heritage" on December 19, 1980; and,

WHEREAS, with the consent of the Board of Regents, Friends petitioned the Supreme Court of Nassau County ("Supreme Court") for a judicial dissolution in 2005; and,

WHEREAS, certain parties have asserted claims as secured or unsecured creditors of Friends in the above-referenced matter; and,

WHEREAS, Nassau County has agreed to make payment of \$400,000.00 to the secured and unsecured creditors of Friends in order to quiet title to items and artifacts that were acquired by Friends and which are in the possession of Nassau County; and,

WHEREAS, as part of the settlement, Nassau County has agreed with the Museums at Mitchell, d/b/a Cradle of Aviation ("MAM/Cradle") to loan to MAM/Cradle certain items and artifacts that were acquired by Friends which MAM/Cradle will hold for display to the public; and

WHEREAS, all parties have agreed to waive and release all claims as against each other regarding this matter; and,

WHEREAS, the County Attorney has caused an investigation and analysis to be made of the said action and as a result thereof recommends that it be settled in the amount set forth above; now therefore, be it

RESOLVED, that the County Treasurer be and is hereby authorized to pay a maximum of \$400,000.00 by check or checks payable as directed by the County Attorney, said check or checks to be delivered to the County Attorney and thereupon deposited with and distributed by a Court appointed Receiver to the secured and unsecured creditors of Friends, upon receipt of a Settlement Agreement and Limited Release; and be it further

RESOLVED, that it is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. Section 0101 *et seq.* and its implementing regulations, Part 617 of 6 N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that this settlement is a “Type II” Action within the meaning of Section 617.5(c)(29) of 6 N.Y.C.R.R. and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

