STATE OF NEW YORK

8731

IN SENATE

March 5, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education

AN ACT authorizing the lease of certain lands located at the State University of New York at Stony Brook

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Legislative findings. The legislature finds that a historic windmill is located on the Southampton campus of the state university of New York at Stony Brook ("Stony Brook").

The Windmill was constructed in 1714 and has been at its current location in Shinnecock Hills since 1888, when it was saved from destruction from its location in the Village of Southampton by Janet Hoyt, the wife of William Hoyt, the builder of the Shinnecock Inn. Janet Hoyt, together with Samuel Parrish, founded the Summer School of Art. It is the only windmill of three in Southampton Village that survived. It has been in its current location for 136 years.

In the summer of 1957, Tennessee Williams resided there when he wrote the play "The Day on Which a Man Dies" about the death of his friend Jackson Pollock. The Library Association of America officially designated the Windmill, at its current location, as a literary landmark in 2013.

In 1963, when Long Island University established Southampton College, the Windmill became the symbol of the new campus. The Windmill is beloved by thousands of former students, faculty, and administrators who rightly associate it with the very identity of the school. The College newspaper was aptly named "The Windmill". The Windmill has been on everything related to the college including sports uniforms, yearbooks, apparel, and assorted memorabilia.

In 2006, Stony Brook University acquired the campus and has continued the legacy of providing quality education to the residents of eastern Long Island. In 2009, Stony Brook led the effort to rehabilitate the Windmill. The Windmill and the adjacent water view quad have been in continuous use hosting innumerable events, readings, receptions, orientations, celebrations, workshops, and fundraising dinners. The annual

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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Windmill Lighting during the holiday season continues to be an East End tradition.

The current president of Stony Brook University recently stated that "the Stony Brook University campus community is proud to be the caretaker of the Windmill, a cherished historical icon that has existed in its current location for over a century".

However, in recent years, the Windmill has fallen into disrepair due to lack of maintenance and was condemned by the New York State fire marshal in 2023. It is imperative that this historic structure be rehabilitated and restored so that it can continue to be the "cherished historical icon" and symbol of the Southampton campus.

The legislature further finds that the best alternative to secure the future of the Windmill is through a partnership with the town of Southampton by providing funds for the rehabilitation and restoration of the Windmill through the town community preservation fund. To accomplish this partnership the legislature further finds that granting the trustees of the State University of New York ("trustees") the authority and power to lease and otherwise contract with the Town of Southampton to make available certain grounds and facilities of Stony Brook's campus will best affect this partnership for the benefit of Stony Brook, the surrounding community, and the general public.

§ 2. Notwithstanding any other law to the contrary, the state university trustees are hereby authorized and empowered, without any public bidding, to lease and otherwise contract to make available to the town of Southampton, a municipal corporation (the "ground lessee"), a portion of the lands of the university on its Southampton campus, generally described in this act for the purpose of rehabilitating and restoring the historic Windmill located on such campus. Such lease or contract shall be for a period not exceeding 100 years without any fee simple conveyance and otherwise upon terms and conditions determined by such trustees, subject to the approval of the director of the division of the budget, the attorney general and the state comptroller. If the real property that is the subject of such lease or contract shall cease to be used for the purpose described in this act, such lease or contract shall immediately terminate, and the real property and any improvements thereon shall revert to the state university of New York. Any lease or contract entered into pursuant to this act shall provide that the real property that is the subject of such lease or contract and any improvements thereon shall revert to the state university of New York on the expiration of such contract or lease.

§ 3. Any contract or lease entered into pursuant to this act shall be deemed to be a state contract for purposes of article 15-A of the executive law, and any contractor, subcontractor, lessee or sublessee entering into such contract or lease for the construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement authorized pursuant to this act shall be deemed a state agency for the purposes of article 15-A of the executive law and subject to the provisions of such article.

§ 4. Notwithstanding any general, special or local law or judicial decision to the contrary, all work performed on a project authorized by this act where all or any portion thereof involves a lease or agreement for construction, demolition, reconstruction, excavation, rehabilitation, repair, renovation, alteration or improvement shall be subject to and performed in accordance with the provisions of article 8 of the labor law to the same extent and in the same manner as a contract of the state.

§ 5. Without limiting the determination of the terms and conditions of such contracts or leases, such terms and conditions may provide for leasing, subleasing, construction, reconstruction, rehabilitation, improvement, operation and management of and provision of services and assistance and the granting of licenses, easements and other arrangements with regard to such grounds and facilities by the ground lessee, and parties contracting with the ground lessee, and in connection with such activities, the obtaining of funding or financing, whether public or private, unsecured or secured, including, but not limited to, secured by leasehold mortgages and assignments of rents and leases, by the ground lessee and parties contracting with the ground lessee for the purposes of completing the project described in this act.

§ 6. Such lease shall include an indemnity provision whereby the lessee or sublessee promises to indemnify, hold harmless and defend the lessor against all claims, suits, actions, and liability to all persons on the leased premises, including tenant, tenant's agents, contractors, subcontractors, employees, customers, guests, licensees, invitees and members of the public, for damage to any such person's property, whether real or personal, or for personal injuries arising out of tenant's use or occupation of the demised premises.

§ 7. Any contracts entered into pursuant to this act between the ground lessee and parties contracting with the ground lessee shall be awarded by a competitive process.

§ 8. The property authorized by this act to be leased to the ground lessee is generally described as not more than 5 acres of land situated on the Southampton campus of the state university of New York at Stony Brook, which shall include the lands on which the Windmill is located subject to all existing easements and restrictions of record.

§ 9. The state university of New York shall not lease lands described in this act unless any such lease shall be executed within 5 years of the effective date of this act.

§ 10. Insofar as the provisions of this act are inconsistent with the provisions of any law, general, special or local, the provisions of this act shall be controlling.

§ 11. This act shall take effect immediately.