

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:

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

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

11 In the summer of 1957, Tennessee Williams resided there when he wrote
12 the play "The Day on Which a Man Dies" about the death of his friend
13 Jackson Pollock. The Library Association of America officially design-
14 nated the Windmill, at its current location, as a literary landmark in
15 2013.

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

23 In 2006, Stony Brook University acquired the campus and has continued
24 the legacy of providing quality education to the residents of eastern
25 Long Island. In 2009, Stony Brook led the effort to rehabilitate the
26 Windmill. The Windmill and the adjacent water view quad have been in
27 continuous use hosting innumerable events, readings, receptions, orien-
28 tations, 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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1 Windmill Lighting during the holiday season continues to be an East End
2 tradition.

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

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

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

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

41 § 3. Any contract or lease entered into pursuant to this act shall be
42 deemed to be a state contract for purposes of article 15-A of the execu-
43 tive law, and any contractor, subcontractor, lessee or sublessee enter-
44 ing into such contract or lease for the construction, demolition, recon-
45 struction, excavation, rehabilitation, repair, renovation, alteration or
46 improvement authorized pursuant to this act shall be deemed a state
47 agency for the purposes of article 15-A of the executive law and subject
48 to the provisions of such article.

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

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

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

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

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

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

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

35 § 11. This act shall take effect immediately.