

# STATE OF NEW YORK

9683--A

## IN SENATE

May 20, 2024

Introduced by Sen. PALUMBO -- read twice and ordered printed, and when printed to be committed to the Committee on Higher Education -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT relating to authorizing the state university of New York at Stony Brook to lease certain lands to construct multi-purpose facilities to support housing needs and supporting amenities for students and staff

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 the state  
2 university of New York at Stony Brook ("Stony Brook") seeks to use  
3 approximately 16 acres of underutilized land on Stony Brook's Southamp-  
4 ton campus to build multi-purpose facilities to support housing needs  
5 and supporting amenities for the university's undergraduate and graduate  
6 students, as well as junior faculty and staff. The legislature further  
7 finds that granting the trustees of the state university of New York  
8 ("Trustees") the authority and power to lease and otherwise contract to  
9 make available grounds and facilities of Stony Brook's campus will  
10 ensure such land is utilized for the benefit of Stony Brook, the  
11 surrounding community, and the general public.

12 § 2. Notwithstanding any other law to the contrary, the trustees are  
13 authorized and empowered, without any public bidding, to lease and  
14 otherwise contract to make available to a ground lessee a portion of the  
15 lands of Stony Brook generally described in this act for the purpose of  
16 developing, constructing, maintaining and operating multi-purpose facil-  
17 ities to support housing needs and supporting amenities. Such lease or  
18 contract shall be for a period not exceeding ninety-nine years without  
19 any fee simple conveyance and otherwise upon terms and conditions deter-  
20 mined by such trustees, subject to the approval of the director of the  
21 division of the budget, the attorney general and the state comptroller.  
22 In the event that the real property that is the subject of such lease or  
23 contract shall cease to be used for the purpose described in this act,  
24 such lease or contract shall immediately terminate and the real property  
25 and any improvements thereon shall revert to the state university of New

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

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1 York. Any lease or contract entered into pursuant to this act shall  
2 provide that the real property that is the subject of such lease or  
3 contract and any improvements thereon shall revert to the state univer-  
4 sity of New York on the expiration of such contract or lease. Any and  
5 all proceeds related to the leases authorized by this act shall be used  
6 for the benefit of the Stony Brook campus and the allocation of such  
7 proceeds shall be subject to approval by the Trustees.

8 § 3. Any contract or lease entered into pursuant to this act shall be  
9 deemed to be a state contract for purposes of article 15-A of the execu-  
10 tive law, and any contractor, subcontractor, lessee or sublessee enter-  
11 ing into such contract or lease for the construction, demolition, recon-  
12 struction, excavation, rehabilitation, repair, renovation, alteration or  
13 improvement authorized pursuant to this act shall be deemed a state  
14 agency for the purposes of article 15-A of the executive law and subject  
15 to the provisions of such article.

16 § 4. Notwithstanding any general, special or local law or judicial  
17 decision to the contrary, all work performed on a project authorized by  
18 this act where all or any portion thereof involves a lease or agreement  
19 for construction, demolition, reconstruction, excavation, rehabili-  
20 tation, repair, renovation, alteration or improvement shall be subject  
21 to and performed in accordance with the provisions of article 8 of the  
22 labor law to the same extent and in the same manner as a contract of the  
23 state, and compliance with all the provisions of article 8 of the labor  
24 law shall be required of any lessee, sublessee, contractor or subcon-  
25 tractor on the project, including the enforcement of prevailing wage  
26 requirements by the fiscal officer as defined in paragraph e of subdivi-  
27 sion 5 of section 220 of the labor law to the same extent as a contract  
28 of the state.

29 § 5. Notwithstanding any law, rule or regulation to the contrary, the  
30 state university of New York shall not contract out for the instruction  
31 or any pedagogical functions or services, or any administrative  
32 services, and similar professional services currently being performed by  
33 state employees. All such functions and services shall be performed by  
34 state employees pursuant to the civil service law. Nothing in this act  
35 shall result in the displacement of any currently employed state worker  
36 or the loss of position (including partial displacement such as  
37 reduction in the hours of non-overtime, wages or employment benefits),  
38 or result in the impairment of existing contracts for services or  
39 collective bargaining rights pursuant to existing agreements. All posi-  
40 tions currently at the state university of New York in the unclassified  
41 service of the civil service law shall remain in the unclassified  
42 service. No services or work on the property described in this act  
43 currently performed by public employees or future work that is similar  
44 in scope and nature to the work being currently performed by public  
45 employees shall be contracted out or privatized by the state university  
46 of New York or by an affiliated entity or associated entity of the state  
47 university of New York. All such future work shall be performed by  
48 public employees.

49 § 6. For the purposes of this act:

50 (a) "project" shall mean work at the property authorized by this act  
51 to be leased as described in section twelve of this act that involves  
52 the design, construction, reconstruction, demolition, excavating, reha-  
53 bilitation, repair, renovation, alteration or improvement of such prop-  
54 erty.

55 (b) "project labor agreement" shall mean a pre-hire collective  
56 bargaining agreement between a contractor and a labor organization,

1 establishing the labor organization as the collective bargaining repre-  
2 sentative for all persons who will perform work on the project, and  
3 which provides that only contractors and subcontractors who sign a pre-  
4 negotiated agreement with the labor organization can perform project  
5 work.

6 § 7. Notwithstanding the provisions of any general, special, or local  
7 law or judicial decision to the contrary, the ground lessee shall  
8 require the use of a project labor agreement, as defined in subdivision  
9 1 of section 222 of the labor law, for all contractors and subcontrac-  
10 tors on the project, consistent with paragraph (a) of subdivision 2 of  
11 section 222 of the labor law.

12 § 8. Nothing in this act shall be deemed to waive or impair any rights  
13 or benefits of employees of the state university of New York that other-  
14 wise would be available to them pursuant to the terms of agreements  
15 between the certified representatives of such employees and the state of  
16 New York pursuant to article 14 of the civil service law; all work  
17 performed on such property that ordinarily would be performed by employ-  
18 ees subject to article 14 of the civil service law shall continue to be  
19 performed by such employees.

20 § 9. Without limiting the determination of the terms and conditions of  
21 such contracts or leases, such terms and conditions may provide for  
22 leasing, subleasing, construction, reconstruction, rehabilitation,  
23 improvement, operation and management of and provision of services and  
24 assistance and the granting of licenses, easements and other arrange-  
25 ments with regard to such grounds and facilities by the ground lessee,  
26 and parties contracting with the ground lessee, and in connection with  
27 such activities, the obtaining of funding or financing, whether public  
28 or private, unsecured or secured, including, but not limited to, secured  
29 by leasehold mortgages and assignments of rents and leases, by the  
30 ground lessee and parties contracting with the ground lessee for the  
31 purposes of completing the project described in this act.

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

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

43 § 12. The property authorized by this act to be leased to the ground  
44 lessee is generally described as approximately 16.7217 acres of land  
45 situated on the campus of the state university of New York at Stony  
46 Brook within the town of Brookhaven, county of Suffolk, state of New  
47 York more particularly described as follows:

48 Beginning at a point within lot 2 of section 199, block 1 and being on  
49 the southerly side of Circle Road, a private road of undesignated width,  
50 having New York state plane (LI Zone) 1983 coordinate values of North  
51 275669.8546 and East 1225232.3830. The said point being distant 295.88  
52 feet on a bearing of North 42 degrees 47 minutes 36 seconds East from  
53 the Northeast corner of section 198, block 7, lot 3 now or formerly  
54 belonging to the town of Brookhaven as per liber 11011 at page 576, and  
55 running from the said point of beginning; thence  
56 Running the following nineteen (19) courses through said lot 2.6:

1 1) Following along the said Southerly side of said Circle Road, North  
2 30 degrees, 13 minutes, 30 seconds East, a distance of 339.00 feet to a  
3 point of curvature; thence  
4 2) Following along the same, on a curve to the right having a radius  
5 of 3148.50 feet, a central angle of 05 degrees 04 minutes 00 seconds and  
6 an arc length of 278.42 feet to a point of non-tangency; thence  
7 3) Leaving the said side of Circle Road, South 63 degrees 07 minutes  
8 11 seconds East, a distance of 110.00 feet, thence  
9 4) south 61 degrees 36 minutes 00 seconds east, a distance of 193.00  
10 feet; thence  
11 5) south 65 degrees 28 minutes 00 seconds east, a distance of 135.00  
12 feet ; thence  
13 6) South 61 degrees 17 minutes 00 seconds East a distance of 371.50  
14 feet ; thence  
15 7) South 28 degrees 43 minutes 00 seconds West a distance of 199.50  
16 feet ; thence  
17 8) south 07 degrees 38 minutes 00 seconds west, a distance of 25.00  
18 feet to a point of non-tangent curvature; thence  
19 9) on a curve to the left having a radius of 160.00 feet, a central  
20 angle of 64 degrees 09 minutes 42 seconds and an arc length of 179.17  
21 feet, the chord of which bears south 40 degrees 33 minutes 51 seconds  
22 West for a distance of 169.66 feet to a point of tangency; thence  
23 10) south 08 degrees 29 minutes 00 seconds west, a distance of 384.000  
24 feet; thence  
25 11) North 82 degrees 34 minutes 00 seconds west, a distance of 35.50  
26 feet to a point of curvature; thence  
27 12) on a curve to the left having a radius of 75.00 feet, a central  
28 angle of 90 degrees 07 minutes 00 seconds, and an arc length of 117.96  
29 feet to a point of tangency; thence  
30 13) south 07 degrees 19 minutes 00 seconds west, a distance of 113.15  
31 feet; thence  
32 14) North 79 degrees 46 minutes 00 seconds West, a distance of 255.50  
33 feet ; thence  
34 15) North 37 degrees 39 minutes 00 seconds west, a distance of 42.50  
35 feet; thence  
36 16) North 06 degrees 38 minutes 00 seconds west, a distance of 104.50  
37 feet to a point of curvature; thence  
38 17) on a curve to the left having a radius of 230.00 feet, a central  
39 angle of 30 degrees 52 minutes 00 seconds, and an arc length of 123.91  
40 feet to a point of tangency; thence  
41 18) north 37 degrees 30 minutes 00 seconds west, a distance of 412.80  
42 feet; thence  
43 19) North 25 degrees 35 minutes 00 seconds West, a distance of 118.00  
44 feet to the point and place of Beginning.  
45 The above-described lease area contains 728,396 square feet or 16.7217  
46 acres of land.  
47 The above-described development area was written in accordance with a  
48 map entitled, "Boundary & Location Survey, District 200, section 199,  
49 block 1, Part of Lot 2.6, at, Stony Brook University, Hamlet of Stony-  
50 brook, town of Brookhaven, Suffolk county, state of New York" prepared  
51 by Gallas Surveying Group.  
52 § 13. The state university of New York shall not lease lands described  
53 in this act unless any such lease shall be executed within 5 years of  
54 the effective date of this act.

1     § 14. Insofar as the provisions of this act are inconsistent with the  
2 provisions of any law, general, special or local, the provisions of this  
3 act shall be controlling.  
4     § 15. This act shall take effect immediately.