

RESOLUTION NO. 1133 -2009, DIRECTING THE COUNTY ATTORNEY TO DETERMINE THE FEASIBILITY OF SUFFOLK COUNTY INTERVENING IN AN ACTION BROUGHT BY THE TOWNS OF SOUTHAMPTON, EAST HAMPTON AND SHELTER ISLAND AGAINST THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION

WHEREAS, colonial patents gave the Towns of Southampton, East Hampton, and Shelter Island fee title to the underwater bottom lands located within their geographic jurisdiction; and

WHEREAS, these patents were reaffirmed upon the formation of the State of New York and are recognized in the New York State Constitution; and

WHEREAS, New York State recently enacted a law that requires all anglers over the age of sixteen (16) obtain a marine fishing license from the State to fish in the marine and coastal district for migratory fish from the sea; and

WHEREAS, no fishing license has previously been required for individual recreational anglers fishing in the Towns of Southampton, East Hampton and Shelter Island; and

WHEREAS, the Towns of Southampton, East Hampton and Shelter Island have commenced a lawsuit against the New York State Department of Environmental Conservation seeking declaratory relief preventing the State from imposing this requirement on individuals fishing in waters owned by the Towns; and

WHEREAS, it is unfair for the State to impose fees on recreational activities conducted on property held by a town; and

WHEREAS, any licensing fees for the use of town property should be imposed solely at the discretion of the towns; and

WHEREAS, Suffolk County has an interest in ensuring that the State does not infringe upon the use and control of property owned by the County and other municipalities; now, therefore be it

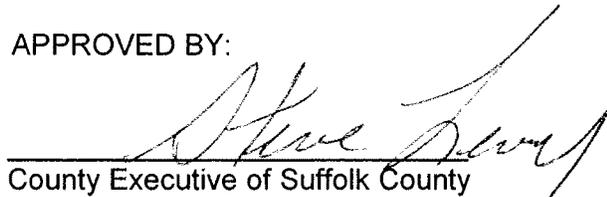
1st RESOLVED, that the Suffolk County Department of Law is hereby authorized, empowered, and directed to study the feasibility of intervening in the lawsuit brought by the Trustees of the Freeholders of the Commonalty and the Town of Southampton, the Trustees of the Freeholders and the Commonalty of the Town of East Hampton, and the Town of Shelter Island against the New York State Department of Environmental Conservation; and be it further

2nd RESOLVED, that the County Attorney shall submit a written report of the findings and determinations of this study to the County Executive and each member of the Suffolk County Legislature no later than sixty (60) days subsequent to the effective date of this Resolution; and be it further

3rd **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21) and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED: December 1, 2009

APPROVED BY:


County Executive of Suffolk County

Date: 12-15-09

SUFFOLK COUNTY
County Legislature
RIVERHEAD, NY



This is to Certify That I, TIM LAUBE, Clerk of the County Legislature of the County of Suffolk, have compared the foregoing copy of resolution with the original resolution now on file in this office, and which was duly adopted by the County Legislature of said County on December 1, 2009 and that the same is a true and correct transcript of said resolution and of the whole thereof.

In Witness Whereof, I have hereunto set my hand and the official seal of the County Legislature of the County of Suffolk.

A handwritten signature in cursive script that reads "Tim Laube".

Clerk of the Legislature

Intro. Res. 1927 Res. No. 1133

December 1, 2009

Motion:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Co-Sponsors:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

Second:
 Romaine, Schneiderman, Browning, Beedenbender, Losquadro
 Eddington, Montano, Alden, Lindsay, Viloría-Fisher, Barraga,
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Brian BEEDENBENDER					
6	Daniel P. LOSQUADRO					
7	Jack EDDINGTON					
9	Ricardo MONTANO					
10	Cameron ALDEN					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
14	Wayne R. HORSLEY					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	Jon COOPER					
5	Vivian VILORIA-FISHER, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	18				

MOTION

Approve

Table: _____

Send To Committee _____

Table Subject To Call _____

Lay On The Table _____

Discharge _____

Take Out of Order _____

Reconsider _____

Waive Rule _____

Override Veto _____

Close _____

Recess _____

APPROVED FAILED _____

No Motion _____ No Second _____

RESOLUTION DECLARED

ADOPTED

NOT ADOPTED _____

Roll Call _____ Voice Vote


 Tim Laube, Clerk of the Legislature