

**RESOLUTION NO. 348 -2010, AMENDING CHAPTER 865  
(WIRELESS COMMUNICATIONS) OF THE SUFFOLK COUNTY  
CODE TO MAKE THE COUNTY'S WIRELESS  
COMMUNICATIONS POLICY AND ITS ADMINISTRATION  
CONSISTENT WITH THE DUTIES OF THE DEPARTMENT OF  
INFORMATION AND TECHNOLOGY**

**WHEREAS**, Resolution No. 1208-2001 (Chapter 865 of the Suffolk County Code) established a policy for the placement of wireless communications facilities on County property; and

**WHEREAS**, at the time of the enactment of Resolution No. 1208-2001, the County's Division of Telecommunications (Division) administered the policy for the placement of wireless communications; and

**WHEREAS**, Resolution No. 1208-2001 also established a Wireless Communications Review Committee, the Chairman of which was, and still is, the Director of Telecommunications; and

**WHEREAS**, Local Law No. 18-2006, (Article XX of the Suffolk County Charter) created a County Department of Information Technology (Department), headed by a Commissioner, to manage the County's technology and information needs; and

**WHEREAS**, Local Law No. 18-2006, also provided that the Division would be within the Department, with the Division having responsibility for the supervision, authority and control over all telecommunications services; and

**WHEREAS**, the purpose of this resolution is to amend Chapter 865, so that it is consistent with the duties of the Department and the present status of the County's facilities placement policy; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that Chapter 865 of the Laws of Suffolk County is hereby amended as follows:

**Chapter 865  
Wireless Communications**

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**§ 865-3. Administrator of program.**

The [Division of Telecommunications (Telecommunications)] Department of Information Technology (Department) shall administer this program.

**§ 865-4. Technical Assistance.**

The Suffolk County Police Department (SCPD) and the Department of Public Works (DPW) shall provide technical assistance to [Telecommunications] the Department in the administration of this program.

**§ 865-5. Inventory of buildings and property.**

DPW and the Department of Planning, Division of Real [Estate] Property Acquisition and Management, on an annual basis, shall annually provide, on or before January 1 of each year, an update of the inventory of all County buildings and property under their respective jurisdictions, other than those properties used as parkland, placed in the nature preserve or acquired for open space purposes, to [Telecommunications] the Department [within 30 days of the effective date of this article].

**§ 865-6. Assessment of property suitable for placement of facilities.**

- [A.] [The Director of Telecommunications is hereby authorized and directed to hire a consultant, in accordance with applicable procurement laws, for the purpose of determining suitability of County properties, assessing the market value thereof and recommending a system for siting and marketing County properties deemed suitable for the placement of wireless communications facilities.]
- [B.] [Telecommunications shall award a contract for said consultant's services no later than January 31, 2002.]
- [C.] All entities requesting space on County properties shall perform, at their expense, any and all engineering studies and surveys deemed necessary by [Telecommunications] the Department, including, but not limited to, intermodulation, environmental and structural integrity, to assess the technical feasibility of placing their facilities on said properties.

**§ 865-7. Promulgation of rules and regulations.**

The [Director of Telecommunications] Commissioner of the Department, in conjunction with the SCPD and DPW, [shall] may promulgate rules and regulations to implement the provisions of this article [and, based upon the consultant's report], to ensure the maximum generation of revenues and access to suitable County properties on an equitable basis while safeguarding the current and future public safety needs of the County and its residents.

**§ 865- 8. Wireless Communications Review Committee.**

- A. A Wireless Communications Review Committee (Committee) is hereby created consisting of the following members:
  - 1.) County Executive or his designee.
  - 2.) Budget Director or his designee.
  - 3.) County Legislator to be appointed by the Presiding Officer or said Legislator's designee.
  - 4.) Director of Budget Review or his designee.
  - 5.) Director of Telecommunications [or his designee to serve as Chairman].
  - 6.) Commissioner of Public Works or his designee.
  - 7.) Commissioner of Police or his designee.

- 8.) Director of Planning or his designee [.] and
- 9.) Commissioner of the Department or designee to serve as chairperson.

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D. [Telecommunications] The Department shall provide staff support to the Committee.

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**§ 865-9. Authority to enter into municipal cooperation and license agreements.**

- A. The County Executive or his designee is hereby authorized to enter into municipal cooperation agreements for the placement of public safety and emergency services communications on County property on a priority basis, for no or nominal consideration, and under such terms and conditions as shall be acceptable to the County Attorney, [Telecommunications] the Department, DPW and the SCPD.
- B. The County Executive or his designee is hereby authorized to enter into agreements with wireless communications providers which include such terms and conditions as are contained in this article and such other terms and conditions as may be acceptable to the County Attorney, [Telecommunications] the Department, DPW and the SCPD.

and be it further

**2<sup>nd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency finds and determines that this action constitutes a Type II action pursuant to Section 617.5(c), (20), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR), and within the meaning of the NEW YORK STATE ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management, not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance.

DATED: April 27, 2010

APPROVED BY:

/s/ Steve Levy  
County Executive of Suffolk County

Date: May 11, 2010