

**RESOLUTION NO. 301 -2011, ESTABLISHING A SUFFOLK COUNTY PUBLIC NUISANCE WEBSITE**

**WHEREAS**, private property used for drug sales and use, also known as "crack houses", are a destabilizing force in communities, endangering residents living near these properties; and

**WHEREAS**, the presence of crack houses attracts prostitution and drugs and increases the number of violent crimes and property crimes in the neighborhoods where they are located; and

**WHEREAS**, Suffolk County actively combats crack houses and other public nuisances, notifying property owners and mortgage holders when illicit activity occurs on their property and bringing legal actions against property owners who fail to remedy the problem; and

**WHEREAS**, the County Attorney, in conjunction with the Suffolk County Police Department, prepares notices to property owners when prohibited conduct occurs on their premises; and

**WHEREAS**, the County Attorney provides these notices to the Clerk of the County Legislature, who distributes this information to the legislators; and

**WHEREAS**, Suffolk County should publish online the locations of houses that have received final notices, with the name and address of the property owner, to increase community awareness and protect residents; now, therefore be it

**1st RESOLVED**, that the Clerk of the County Legislature and the Department of Information Technology are hereby authorized, empowered and directed to work cooperatively to establish and implement a public nuisance website which posts the name of the property owner and the address of any property which has received a final notice of prohibited conduct and has failed to remediate the nuisance within five days of receiving such notice pursuant to § 270-7 and § 270-8 of the SUFFOLK COUNTY CODE, and to map the location of the such property; and be it further

**2nd RESOLVED**, that an individual posting shall be removed from the website prior to the commencement of a legal proceeding by the County of Suffolk if the property owner submits proof satisfactory to the County Attorney that the public nuisance has been abated; and be it further

**3rd RESOLVED**, that an individual posting shall be removed after the County of Suffolk commences a legal proceeding pursuant to if the property owner and the County Attorney reach a settlement of the proceeding which provides for the removal of the posting or said proceeding has been resolved in favor of the property owner; and be it further

**4th RESOLVED**, that this website will be developed and implemented within one hundred twenty (120) days of the effective date of this resolution; and be it further

**5th** **RESOLVED**, that this website, once established, shall be updated on a monthly basis; and be it further

**6th** **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:

APPROVED BY:

**VETOED**

County Executive of Suffolk County

Date: May 12, 2011

**\*\*VETO OVERRIDE NOT ADOPTED ON JUNE 7, 2011\*\***

COUNTY OF SUFFOLK



OFFICE OF THE COUNTY EXECUTIVE

Steve Levy  
COUNTY EXECUTIVE

May 12, 2011

RECEIVED  
2011 MAY 12 P 3 43  
COUNTY OF SUFFOLK  
OFFICE OF THE COUNTY EXECUTIVE  
1100 VETERANS MEMORIAL HWY.  
SMITHTOWN, NY 11787

Presiding Officer William J. Lindsay and  
Members of the Suffolk County Legislature  
William H. Rogers Legislative Building  
725 Veterans Memorial Highway  
Smithtown, New York 11787

**RE: RESOLUTION NO. 301 – 2011, ESTABLISHING A SUFFOLK COUNTY  
PUBLIC NUISANCE WEBSITE.**

Dear Presiding Officer Lindsay and Members of the Legislature:

I am returning herein **RESOLUTION NO. 301 – 2011; ESTABLISHING A SUFFOLK  
COUNTY PUBLIC NUISANCE WEBSITE** vetoed in its entirety.

I am supportive of the county's "crack house" statutes, and in fact have recently signed legislation that enhances the ability of the county Police Department and County Attorney to implement these laws.

However, establishing a public website to post addresses that have been identified as "crack houses" under existing Suffolk laws could have the unintended consequence of stigmatizing a particular street, neighborhood or community. Neighbors of a "crack house" are certainly already aware of its existence, and do not in any way benefit from the further broadcasting of this information on the Internet.

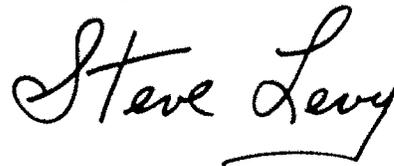
Thus, the public website could potentially have a negative effect on all homeowners' property values in that community, and hamper their ability to sell their home.

Furthermore, posting addresses that have been identified under the Suffolk "crack house" statute could actually aid and abet illegal activity, by making it known to a limitless number of people that this is a location where drug, prostitution and other illicit acts are taking place.

The better option is to vigorously pursue the "crack house" law in its present form to rid the neighborhood of these improper activities.

For these reasons, I strongly urge the Legislature to sustain my veto of this resolution.

Sincerely,

A handwritten signature in black ink that reads "Steve Levy". The signature is written in a cursive style with a prominent underline at the end of the word "Levy".

Steve Levy  
County Executive of Suffolk County

cc: All Suffolk County Legislators  
Tim Laube, Clerk of the Legislature  
Christine Malafi, Esq., Suffolk County Attorney  
Lynne A. Bizzarro, Esq., Chief Deputy County Attorney  
Christopher Kent, Chief Deputy County Executive  
Edward Dumas, Chief Deputy County Executive  
Eric Naughton, Deputy County Executive for Finance and Management  
Ken Crannell, Deputy County Executive  
Connie Corso, Budget Director  
Eric Kopp, Assistant Deputy County Executive  
Dan Aug, Director of Communications  
Mark L. Smith, Deputy Director of Communications

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 April 26, 2011 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.*

*Tim Laube*

---

Clerk of the Legislature

Intro. Res. 1290

Res. No. 301

April 26, 2011

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Thomas MURATORE	/				
6	Sarah S. ANKER	/				
7	Jack EDDINGTON	/				
9	Ricardo MONTANO		/			
10	Thomas CILMI		/			
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		10	7	-	1	-

**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

*Tim Laube*

Roll Call \_\_\_ Voice Vote

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 June 7, 2011 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.*

*Tim Laube*

---

Clerk of the Legislature

Intro. Res. 1290

Res. No. 301

June 7, 2011

**Motion:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Co-Sponsors:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-Fisher, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Cooper

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
 Eddington, Montano, Cilmi, Lindsay, Vilorio-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	Thomas MURATORE	/	/			
6	Sarah S. ANKER	/	/			
7	Jack EDDINGTON	/	/			
9	Ricardo MONTANO	/	/			
10	Thomas CILMI	/	/			
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		8	9	-	1	-

**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

*Tim Laube*

Roll Call  Voice Vote \_\_\_\_\_