

Intro. Res. No. 1969-2011
Introduced by Presiding Officer, on request of the County Executive

Laid on Table 11/22/2011

**RESOLUTION NO. 1160 -2011, ADOPTING LOCAL LAW
NO. 30 -2012, A LOCAL LAW TO AMEND THE SELECTION
PROCESS FOR CERTAIN MEMBERS OF THE PORTABLE
FIRE EXTINGUISHING AND AUTOMATIC FIRE
EXTINGUISHING SYSTEMS LICENSING BOARD**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on November 22, 2011, a proposed local law entitled, "**A LOCAL LAW TO AMEND THE SELECTION PROCESS FOR CERTAIN MEMBERS OF THE PORTABLE FIRE EXTINGUISHING AND AUTOMATIC FIRE EXTINGUISHING SYSTEMS LICENSING BOARD**;" and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 30 -2012, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO AMEND THE SELECTION PROCESS FOR CERTAIN
MEMBERS OF THE PORTABLE FIRE EXTINGUISHING AND AUTOMATIC
FIRE EXTINGUISHING SYSTEMS LICENSING BOARD**

**BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF
SUFFOLK**, as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that pursuant to Article III of Chapter 294 of the Suffolk County Code, a licensing board exists to investigate and ensure fitness of those who apply for licenses and certificates of registration to install and service portable and automatic fire extinguishing equipment.

This Legislature further finds that the National Association of Fire Equipment Distributors (NAFED) is the entity presently authorized to nominate two of the members of the licensing board and NAFED has withdrawn from its participation in the nomination process, so there is a need to institute a new selection process for these two members and it would be appropriate to establish a new competitive selection process.

Therefore, the purpose of this law is to amend the appointment process for two of the members of the Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board.

Section 2. Amendments.

Chapter 294 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**Chapter 294
Fire Prevention**

**Article III
Servicing of Portable Fire Extinguishers and Automatic Fire Extinguishing Systems**

§ 294-22. Licensing board.

- A. Board creation; purpose. There shall be a five-member board known as the "Portable Fire Extinguishing and Automatic Fire Extinguishing Systems Licensing Board." The Board shall be under the general supervision of the Department. Said Board shall evaluate the fitness of an applicant for a license to install or service portable fire extinguishers and automatic fire extinguishing systems and an applicant for a certificate of registration and shall investigate and report to the Commissioner on all proposed suspensions or revocations of licenses and certificates of registration as hereinafter provided. Said Board shall be composed of:
- (1) The designee of the Commissioner, who shall serve as Chair of the Board;
 - (2) The Suffolk County Chief Fire Marshall;
 - (3) One representative nominated by the Fire Marshall's Association of Suffolk County and confirmed and appointed by the Commissioner; and
 - (4) Two industry representatives [nominated by the National Association of Fire Equipment: Distributors (NAFED) and confirmed] who shall be selected through submission of resumes, interview and appointment[ed] by the Commissioner.
- B. The three appointed members of the Board shall each serve for a [four]three-year term, and may be removed by the Board only for cause. However, for the industry representative appointments made to the Board in 2011, one shall be appointed for a term of three years and one shall be appointed for a term of two years.

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance, shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not effect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environment Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(20) and/or (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. 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 law.

Section 6. Effective Date.

This law shall take effect immediately upon filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underline denotes addition of new language

DATED: December 20, 2011

APPROVED BY:



County Executive of Suffolk County

Date January 10, 2012

After a public hearing duly held on January 9, 2012
Filed with the Secretary of State on June 5, 2012

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 20, 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.

1969

Res. No.

1160

December 20, 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	16	—		2	—

MOTION
<input checked="" type="checkbox"/> 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

Tim Laube, Clerk of the Legislature

Roll Call _____ Voice Vote _____