

Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. 1186 -2011, AUTHORIZING AN INTERMUNICIPAL AGREEMENT BETWEEN THE COUNTY OF SUFFOLK AND NEW YORK CITY PURSUANT TO SECTION 119-o OF THE GENERAL MUNICIPAL LAW FOR PROVISION OF HIGHWAY MAINTENANCE ASSISTANCE**

**WHEREAS**, Suffolk County acting through the Department of Public Works, provided emergency relief efforts to New York City Department of Parks; and

**WHEREAS**, The New York City Department of Parks (NYCDP) requested that the Suffolk County Department of Public Works assist the (NYCDP) by providing labor and equipment to assist New York City in storm clean-up for its residents; and

**WHEREAS**, in the spirit of intermunicipal cooperation, Suffolk County temporarily made such assistance, services and equipment available to NYCDP; and

**WHEREAS**, in the public interests of the residents of municipalities to share resources and promote health and safety by carrying out effective highway programs; and

**WHEREAS**, the municipalities are authorized, pursuant to both Article 9 § 1 of the New York State (the "State") Constitution and Section 119-o of the General Municipal Law to enter into intergovernmental agreements; now, therefore be it

**1<sup>st</sup>** **RESOLVED**, that the County Executive is hereby authorized to execute Intermunicipal Agreement with the New York City Department of Parks (NYCDP) pursuant to Section 119-0 of the New York General Municipal Law, subject to the terms and conditions set forth in this resolution; and be it further

**2<sup>nd</sup>** **RESOLVED**, that the Intermunicipal Agreement shall be subject to the following terms and conditions:

- a) The Intermunicipal Agreement shall be subject to a resolution by the County Legislature of the County of Suffolk approving entry into such an Agreement; and
- b) The SCDPW and Parks services were provided subject to the availability of its staff and equipment, as determined in the sole discretion of the Suffolk County Commissioner of Public Works, or his designee; and
- c) The Suffolk County Commissioner of Public Works, or his designee, did have the ability to redirect the use of SCDPW Staff and equipment at any time, if deemed necessary in his sole discretion, notwithstanding the New York City Department of Parks decision to undertake SCDPW assistance; and
- d) The New York City Department of Parks shall reimburse the County of Suffolk for all of its actual costs in providing the services, including, but not limited to labor costs, overtime costs, and meal costs, and, at the discretion of the Suffolk County Commissioner of Public Works, a cost for any equipment used; and

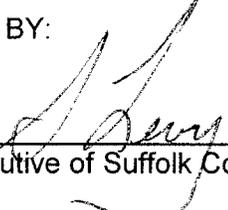
## Indemnification and Defense

- a. The New York City Department of Parks shall protect, indemnify, and hold harmless the County of Suffolk, its agents, servants, officials, and employees from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, suites or actions, costs, and expenses caused by the negligence or any acts or omissions of the New York City Department of Parks, including reimbursement of the cost of reasonable attorneys' fees incurred by the County of Suffolk, its agents, servants, officials, and employees in any action or proceeding arising out of or in connection with this Intermunicipal Agreement.
- b. For purposes of this paragraph the "New York City Department of Parks" means its departments, agents, servants, officials and employees:
- e) The Intermunicipal Agreement shall be subject to a term September 17, 2010 through September 29, 2010; and be it further

**3<sup>rd</sup>** **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that the adoption of this law, which provides for municipal cooperation and sharing of resources but does not authorize any specific Highway Maintenance activities, is a Type II action pursuant to Title 6 NYCRR Section 617.5(c)(20) and (27) since it constitutes a local legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. As a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED: **DEC 20 2011**

APPROVED BY:

  
\_\_\_\_\_  
County Executive of Suffolk County

Date: **DEC 27 2011**

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*

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Clerk of the Legislature

Intro. Res.

2063

Res. No.

1186

December 20, 2011

**Motion:**

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

**Co-Sponsors:**

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

**Second:**

Romaine, Schneiderman, Browning, Muratore, Anker  
Eddington, Montano, Cilmi, 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	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: _____
<input type="checkbox"/> Send To Committee
<input type="checkbox"/> Table Subject To Call
<input type="checkbox"/> Lay On The Table
<input type="checkbox"/> Discharge
<input type="checkbox"/> Take Out of Order
<input type="checkbox"/> Reconsider
<input type="checkbox"/> Waive Rule _____
<input type="checkbox"/> Override Veto
<input type="checkbox"/> Close
<input type="checkbox"/> Recess
APPROVED <input checked="" type="checkbox"/> FAILED _____
No Motion _____ No Second _____

RESOLUTION DECLARED
<input checked="" type="checkbox"/> ADOPTED
<input type="checkbox"/> NOT ADOPTED

*Tim Laube*

Tim Laube, Clerk of the Legislature

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