

Intro. Res. No. 1909-2012

Laid on Table 9/13/2012

Introduced by Presiding Officer, on request of the County Executive and Legislators Romaine, Schneiderman, Anker

**RESOLUTION NO. 970 -2012, ADOPTING LOCAL LAW NO. 3 -2013, AMENDING LOCAL LAW NO. 25-2009 IN REGARD TO THE MEMBERSHIP OF THE AQUACULTURE LEASE BOARD ESTABLISHED UNDER THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM IN PECONIC BAY AND GARDINERS BAY**

**WHEREAS**, there was duly presented and introduced to this County Legislature at a regular meeting of held on September 13, 2012 a proposed local law entitled "**A LOCAL LAW AMENDING LOCAL LAW NO. 25-2009 IN REGARD TO THE MEMBERSHIP OF THE AQUACULTURE LEASE BOARD ESTABLISHED UNDER THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM IN PECONIC BAY AND GARDINERS BAY;**" 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. 3 -2013, SUFFOLK COUNTY, NEW YORK**

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

**Section 1. Legislative Intent.**

This Legislature hereby finds that the Suffolk County Aquaculture Lease Board that was established by Local Law No. 25-2009, codified in the Suffolk County Code in Article II, § 475-18 and consists of three members: Director, Department of Planning (Chair); Commissioner of the Department of Environment and Energy; and the Commissioner of the Department of Economic Development and Workforce Housing, or their designees.

This Legislature finds that due to the County's Adopted 2012 Operating Budget, the Department of Environment and Energy, the Department of Economic Development and Workforce Housing and the Department of Planning have been eliminated and were consolidated into the Department of Economic Development and Planning. As such, the titles and positions held by the Commissioner of the Department of Environment and Energy, and the Commissioner of the Department of Economic Development and Workforce Housing were also eliminated and the duties of the Director of the Department of Planning were transferred to the Commissioner of the Department of Economic Development and Planning.

This Legislature also finds that pursuant to Resolution No. 56-2012, which repealed Articles 14 and 42 of the Suffolk County Charter and Article 42 of the Suffolk County Administrative Code, the functions performed by the aforementioned departments were transferred to the Department of Economic Development and Planning.

Therefore, this Legislature further finds that the Suffolk County Code must be amended to replace the positions on the Aquaculture Lease Board that were previously held by the

aforementioned commissioners from the departments that have been consolidated under the Department of Economic Development and Planning.

**Section 2. Amendments.**

§ 475-18. Aquaculture Lease Board.

- B. The members of the Aquaculture Lease Board shall consist of the [Director] Commissioner of the Department of Economic Development and Planning (who shall act as chairperson), [the Commissioner of the Department of Environment and Energy and the Commissioner of the Department of Economic Development and Workforce Housing] the Director of the Division of Planning and Environment in the Department of Economic Development and Planning, and the Commissioner of the Department of Health Services, or their designees.

**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 affect, 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 the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

**Section 5. SEQRA Determination**

Suffolk County, being the State Environmental 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 (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6NYCRR) and within the meaning of Section 8-0109 (2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as promulgation of regulations, rules, polices, 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.**

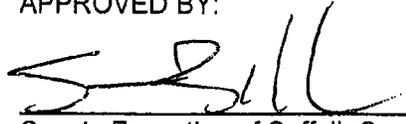
This law shall take effect immediately upon filing in the Office of the Secretary of State.

[ ] Brackets denote deletion of language.

\_\_\_ Underlining denotes addition of new language.

DATED: November 20, 2012

APPROVED BY:

  
County Executive of Suffolk County

Date: 12-11-2012

After a public hearing duly held on December 5, 2012  
Filed with the Secretary of State on January 14, 2013

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 November 20, 2012 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. 1909

Res. No. 970

November 20, 2012

**Motion:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Co-Sponsors:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

**Second:**  
 Romaine, Schneiderman, Browning, Muratore, Anker  
 Calarco, Montano, Cilmi, Lindsay, Hahn, Barraga,  
 Kennedy, Nowick, Horsley, Gregory, Stern, D'Amaro, Spencer

LD	Legislator	Yes	No	Abs	NP	R
1	Edward P. ROMAINE					
2	Jay H. SCHNEIDERMAN					
3	Kate M. BROWNING					
4	Thomas MURATORE					
5	Kara HAHN					
6	Sarah S. ANKER					
7	Rob CALARCO					
9	Ricardo MONTANO					
10	Thomas CILMI					
11	Thomas F. BARRAGA					
12	John M. KENNEDY, JR.					
13	Lynne C. NOWICK					
15	DuWayne GREGORY					
16	Steven H. STERN					
17	Lou D'AMARO					
18	William SPENCER					
14	Wayne R. HORSLEY, D.P.O.					
8	William J. LINDSAY, P.O.					
	Totals	16	1		2	

**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*

Tim Laube, Clerk of the Legislature

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