

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1400
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AUTHORIZING ALTERATION OF RATES
FOR SOUTH FERRY INC.**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2012, BECAUSE THE SUFFOLK
COUNTY LEGISLATURE HAS EXPRESSED A DESIRE TO ADDRESS THIS ISSUE
PRIOR TO THE AUGUST 7TH, 2012 GENERAL MEETING OF THIS BODY.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
19TH DAY OF JUNE, 2012.**



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED

2012 JUN 18 P 4:58

COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

AMENDED COPY AS OF 6/11/2012

Intro. Res. No. 1400-2012

Laid on Table 4/24/2012

Introduced by Presiding Officer, pursuant to Rule 3 (A) (14) of the Suffolk County Legislature

**RESOLUTION NO. -2012, AUTHORIZING ALTERATION OF
RATES FOR SOUTH FERRY INC.**

WHEREAS, South Ferry, Inc. has applied to the Suffolk County Legislature, by its verified petition dated April 17, 2012, attached hereto as Exhibit "A", pursuant to Article 8 of the Navigation Law, Section 71 of the Transportation Corporations Law and Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County for the alteration of its ferry; and

WHEREAS, the Office of the Legislative Budget Review has submitted its recommendations to this Legislature; and

WHEREAS, a public hearing has been duly held thereon; now, therefore be it

1st RESOLVED, that:

The verified Petition of South Ferry, Inc. and the fare schedule set forth therein, as updated on June 11, 2012, attached thereto as Attachment No. 5 and No. 6, is hereby approved.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:





If it's service
you want..

South Ferry Incorporated

PO Box 2024
135 South Ferry Road
Shelter Island, NY 11964

Tel: (631) 749-1200
Fax: (631) 749-1201

IN THE MATTER OF THE APPLICATION

OF

PETITION TO ALTER RATES

THE SOUTH FERRY COMPANY, INC.

Pursuant to Section 131-g of the New York State Highway Law, Article 8 of the Navigation Law, Section 71 of the Transportation Corporations Law of the State of New York and Suffolk County Local Law 7 - 1982 to alter ferry service rates to transport passengers and vehicles over and upon the waters between Shelter Island and North Haven (Southampton Township), Suffolk County, New York

-----X

TO THE LEGISLATURE OF THE COUNTY OF SUFFOLK,

The South Ferry Company, Incorporated, of Shelter Island, N.Y., a privately owned vehicle and passenger ferryboat service, owned and operated by the Clark family since 1830 and prior to that the Havens family, maternal great, great grandparents of the Clarks, since 1714, respectfully shows that:

- 1 The South Ferry Company is duly licensed to operate said ferry service per order of the County of Suffolk granted in December of 2008 for a term of five years from the date of order.
- 2 The South Ferry Company has been incorporated under the Laws of the State of New York since 1906.
3. In November of 2007, the South Ferry Company last made application for a rate relief under Suffolk County and New York State Laws and is in its fifth year under current rate structure approved in March of 2008, via Resolution Number 145-2008.
4. South Ferry has reinvested \$2,896,041.20 of that 2008 rate increase as demonstrated in Attachment 1.

Serving Shelter Island Et North Haven, Long Island, NY ... Circa 1793
www.southferry.com

EXHIBIT "A"

5. South Ferry uses 80,000 to 90,000 gallons of diesel fuel per year and has never fully recovered from escalating fuel costs. Between 2003 and 2007, fuel costs increased an unprecedented 293% from \$.85 to \$2.49 per gallon. In 2008 prices actually came down, but since 2009 prices have increased to \$3.85 per gallon currently. We see no signs of relief in the future.

Rate payers can take advantage of discounts of between 43% and 70.6% per trip off cash car fares by purchasing from among our many multi-trip offerings.

South Ferry has experienced unprecedented declines in traffic over recent years. In 2011, we carried 62,000 fewer cars and 5,389 fewer trucks than in 2007.

8. Ticket sales for 2011 were \$262,154 less than ticket sales for 2008
9. South Ferry realized a Net Loss From Operations of \$27,538 in 2010 and \$167,559 in 2011.
10. South Ferry has not been able to keep up with needed capital projects as a result of the trends of lower traffic and higher fuel costs. Projects that impact public safety and vessel operation have been addressed. Many other important projects have been delayed due to lack of funds (**Attachment 2**). South Ferry has capital projects it must undertake to continue to provide safe, efficient service and to comply with increasing regulations, The current 5-year Capital Plan is outlined at **Attachment 3**.
11. Submitted herewith in **Attachment 4**, are certified financials for 2010 and 2011 as prepared by the accounting firm of Markowitz, Fenelon & Bank at their offices in Riverhead. Markowitz, Fenelon & Bank participates in the peer review program.
12. We hereby request rate changes not to exceed the amounts set forth in **Attachment 5** with explanatory notes in **Attachment 6**.

Thank you for your time and favorable consideration of our petition,

The South Ferry Company, Incorporated.

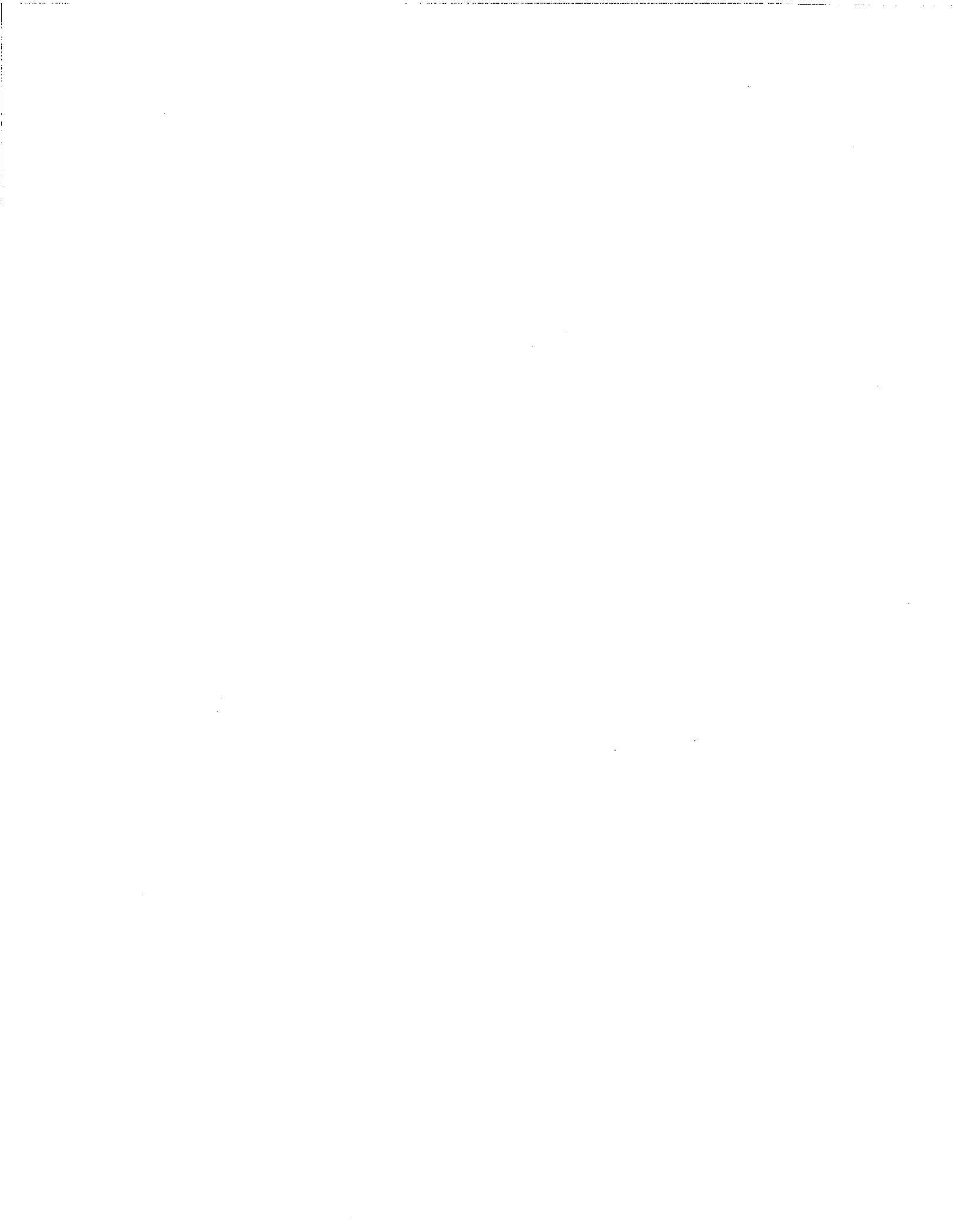


Clifford D. Clark
President / Owner

April 17th, 2012

ATTACHMENT 5: SOUTH FERRY PROPOSED 2012 RATES
 Fares denoted with an "*" are further explained in attachment 6

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>% CHANGE</u>
<u>Cars, vans & 4-wheeled pickup trucks under 21'(*)</u>			
One way	\$12.00	\$14.00	16.66%
Round trip (same day)	\$15.00	\$17.00	13.33%
<u>10 round trip car book</u>			
General public	\$85.00	\$98.00	15.29%
Shelter Island resident(*)	\$52.00	\$60.00	15.38%
<u>10 one way car book</u>			
General public	\$70.00	\$80.00	14.28%
Shelter Island resident(*)	\$50.00	\$57.00	14.00%
<u>Workers commutation ticket(*)</u>			
5-day	\$22.00	\$25.00	13.63%
6-day	\$26.00	\$30.00	15.38%
7-day	\$31.00	\$36.00	16.12%
<u>Passengers(*)</u>			
Walk-on (each way)	\$1.00	\$1.00	0%
In vehicles without a Shelter Island resident ticket(*)	\$0	\$1.00	New fare (*)
30-trip book (general public)	\$25.00	\$22.00	(-)12%
30-trip book (Shelter Island resident walk-ons)	\$17.00	\$15.00	(-)11.76%
<u>Two-wheeled</u>			
<u>Motorized</u>			
One way	\$7.00	\$7.00	0.00%
Round trip	\$8.00	\$8.00	0.00%
<u>Bicycle</u>			
One way	\$4.00	\$4.00	0%
Round trip	\$6.00	\$6.00	0.00%



Towed items(*)

Up to 10'

One way Standard truck rates \$6.00 each way N/A
Round trip Standard truck rates \$6.00 each way N/A

10' - under 21'

One way Standard truck rates \$12.00 each way N/A
Round trip Standard truck rates \$12.00 each way N/A

21' and longer

One way Standard truck rates Standard truck rates
Round trip Standard truck rates Standard truck rates

***Standard truck rates explained on page 4**

CATEGORY

CURRENT FARE

PROPOSED FARE

% CHANGE

Boom, Tak-A-Long & 3-Axled

Under 30,000 MGVW

One way Standard truck rates Standard truck rates
Round trip Standard truck rates Standard truck rates

Over 30,000 MGVW

One way \$40.00 \$45.00 12.50%
Round trip \$60.00 \$70.00 16.66%

Block, stone, lumber or sheetrock

One way \$65.00 \$75.00 15.38%
Round trip \$105.00 \$120.00 14.28%

Buses

Under 22'

One way \$15.00 \$17.00 13.33%
Round trip \$30.00 \$34.00 13.33%

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>% CHANGE</u>
<u>22' - under 30'</u>			
One way	\$25.00	\$30.00	20%
Round trip	\$50.00	\$60.00	20%
<u>30' - under 45'</u>			
One way	\$35.00	\$40.00	14.28%
Round trip	\$70.00	\$80.00	14.28%
<u>Coach</u>			
One way	\$55.00	\$65.00	18.18%
Round trip	\$110.00	\$125.00	13.63%
<u>Concrete pumper</u>			
<u>Small</u>			
One way	\$40.00	\$45.00	12.50%
Round trip	\$60.00	\$70.00	16.66%
<u>Large</u>			
One way	\$70.00	\$80.00	14.28%
Round trip	\$140.00	\$160.00	14.28%
<u>Garbage truck</u>			
<u>Under 30'</u>			
One way	\$60.00	\$60.00	0%
Round trip	\$90.00	\$90.00	0%
<u>30' and over</u>			
One way	\$65.00	\$65.00	0%
Round trip	\$110.00	\$110.00	0%
<u>Hazmat (requiring dedicated boat)</u>			
Each way	\$65	\$75.00	15.38%
<u>Motorized crane</u>			
One way	\$70.00	\$80.00	14.28%
Round trip	\$140.00	\$160.00	14.28%



Redi-mix / Volumetric mixer

One way	\$55.00	\$75.00	15.38%
Round trip	\$105.00	\$120.00	14.28%

Standard tank truck (non hazmat)

2,000 gallons and under

One way		Standard truck rates	
Round trip		Standard truck rates	
Over 2,000 gallons			
One way	\$35.00	\$40.00	14.28%
Round trip	\$45.00	\$50.00	11.11%

Modular home

One way	\$60.00	\$70.00	16.66%
Round trip	\$120.00	\$140.00	16.66%

Tree spade

Under 30'			
One way		Standard truck rates	
Round trip		Standard truck rates	
30' and over			
One way	\$65.00	\$75.00	15.38%
Round trip	\$105.00	\$120.00	14.28%

Vacuum / pump-out truck

One way	\$65.00	\$75.00	15.38%
Round trip	\$130.00	\$150.00	15.38%

Tractor trailer (non-dump)

Less than 18 wheels

One way	\$40.00	\$45.00	12.50%
Round trip	\$60.00	\$70.00	16.66%

All other excluding hazmat & modular homes

One way	\$60.00	\$70.00	16.66%
Round trip	\$110.00	\$125.00	13.63%

Dump truck / Roll-off

<u>CATEGORY</u>	<u>CURRENT FARE</u>	<u>PROPOSED FARE</u>	<u>% CHANGE</u>
<u>Under 23' (including low sided)</u>			
One way	\$13.00	\$15.00	15.38%
Round trip	\$26.00	\$30.00	15.38%
<u>23' - under 30'</u>			
One way empty	\$30.00	\$35.00	16.66%
One way full	\$60.00	\$70.00	16.66%
<u>30' and over / tractor trailer dump</u>			
One way empty	\$45.00	\$50.00	11.11%
One way full	\$65.00	\$75.00	15.38%
<u>Low-sided dump truck 23' and over</u>			
One way	Standard truck rates	Standard truck rates	
Round trip	Standard truck rates	Standard truck rates	
<u>Back hoe / pay loader</u>			
<u>Light (under 18' auto rate)</u>			
One way	Standard truck rates	Standard truck rates	
Round trip	Standard truck rates	Standard truck rates	
<u>Heavy</u>			
One way	\$35.00	\$40.00	14.28%
Round trip	\$70.00	\$80.00	14.28%
<u>Standard trucks</u>			
<u>Under 18'</u>			
One way	Auto rates	Auto rates	16.66%
Round trip	Auto rates	Auto rates	13.33%
<u>18'-under 21'[*]</u>			
One way	\$13.00*	\$14.00*	7.69%
Round trip	\$18.00 / \$26.00*	\$20.00*	11.1% / 12.307%

21' and over (each way)*

\$13 + \$.50 per ft. over 20' \$14 + \$1 per ft. over 21'

Dual-wheeled pickups

18'-under 21'(*)

One way

Round trip

\$13.00

\$18.00

\$14.00

\$20.00

7.69%

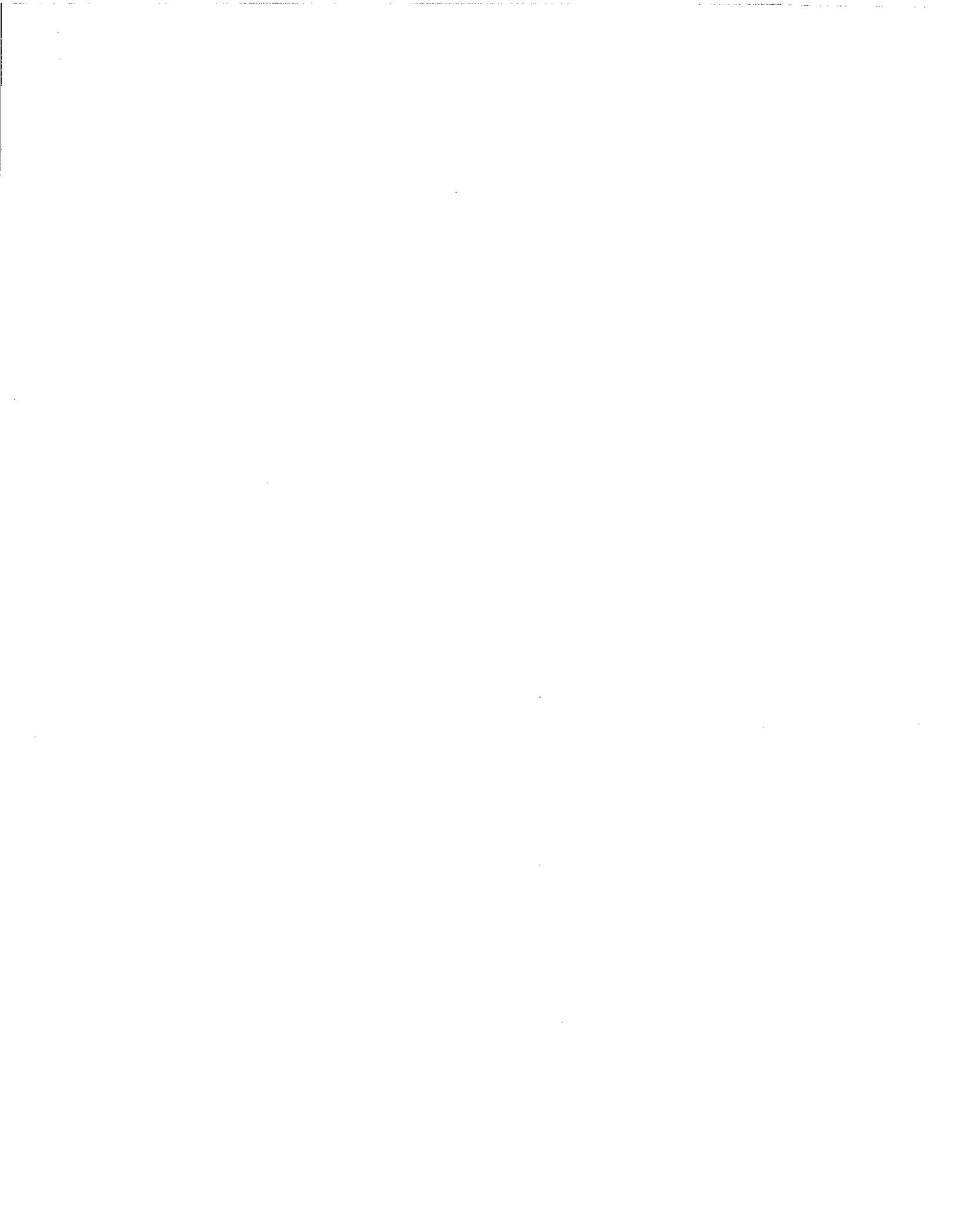
11.11%



Attachment 6

Explanatory Notes to South Ferry Rate Application - 2012

- VANS & 4-WHEELED PICKUP TRUCKS UNDER 21'**: Currently, vans and pickup trucks are charged truck rates once they reach 20'. In response to appeals from the drivers of such vehicles, to reduce conflict between pursers and customers and to simplify the pursing process, South Ferry will extend that mark to 21' before including those vehicles in truck rates. Accordingly, 4-wheeled vans & pickup trucks will be charged the lower car rates up to 21' in length. Standard trucks such as box trucks, small dump trucks and vans/pickups with six or more wheels will enter the "Standard Truck" category at 18'.
- PASSENGERS IN CARS**: For 10 years South Ferry made it a policy to not charge for passengers in vehicles. That policy simplified fare collection, gave a significant break to the public and has worked for the company for most of that decade. In the present economy, however, in order to generate the revenue needed to provide the service our ridership deserves, we feel it is necessary to again charge \$1 each way (same as we charged in the 1980's) for passengers in vehicles (Shelter Island Resident ticket holders will be exempt). The alternative to the passenger fare being reinstated would be to seek more in this rate application for all categories. We feel the passenger fare method is better as it will pass a significant portion of the revenue to seasonal, transient users. To help reduce the impact on our regular Long Island customers, we offer multi-trip passenger ticket books at a more than 25% discount---\$.75 each way.
- TOWED ITEMS**: Since the 1970's, in addition to a base fare, the per foot portion of the fare for towed items and standard trucks at South Ferry has been 50 cents each way. This application seeks to raise that to \$1.00 per foot each way. At the shorter end of the "Towed Items" range, the \$1.00 per foot (using our current formula of \$3.00 plus the per foot rate) would, in our opinion, unfairly raise the cost of small trailers. Accordingly, we have divided the "Towed Items" into three categories: a. up to 10 feet---\$6 each way, b. 10 feet to under 21 feet---\$12 each way, and, c. 21 feet and longer---\$14, plus \$1 for each additional foot over 21 feet each way (same fare as "Standard Trucks").
- STANDARD TRUCKS**: To accommodate small truck owners, to simplify the rate structure and to reduce conflict on deck between pursers and customers, we have moved the mark where we charge the per foot portion of our "Standard Truck" category from 20 to 21 feet. This provides all 18 to 21 foot trucks a \$14 one way fare and the benefit of a reduced same-day round trip fare of \$20. Previously that arrangement was only for trucks under 20 feet. Six wheeled pickups/vans fall into this "Standard Truck" category. Four wheeled vans/pickups under 21' are charged the lower car rates.
- RESIDENT TICKETS**: Can only be purchased one book every ten days per eligible resident of Shelter Island. Residency eligibility is defined as one who proves



property ownership, or who has a valid Shelter Island driver's license, or who possesses a signed rental agreement good for at least 10 months.

6. **SPECIAL HANDLING**: Vehicles over 80,000 pounds gross weight, and/or requiring special handling shall be priced per agreement between South Ferry and the contractor/owner of vehicle.
7. **EXTENDED SERVICE FEE**: of \$2 per transaction (excluding commuter ticket holders and walk-ons) will be charged for travel commencing after midnight.
8. **FOOT PASSENGERS**: Children 8 years and older shall pay full fare. Foot passengers under 8 years old are free if accompanied by a person over 8. Unaccompanied children under 8 will pay full fare.
9. **CHILDREN IN VEHICLES**: Children who are in car seats/booster seats will not be charged.
10. **MULTI-TRIP DISCOUNT BOOKS**: Discounted ticket books are available for all fare categories.
11. **WEEKLY COMMUTATION TICKETS**: Commuter Tickets are dated and available to workers and students only. Unused portions become void at the end of the South Ferry's hours of operation Sunday night.
12. **EXTENSIONS TO VEHICLES**: Anything attached to a vehicle that causes the total footprint of the attachment and the vehicle to exceed 21' will be charged a \$2 surcharge each way. This includes, but is not limited to, trailer hitches, bicycles, pool carts, plows/plow hitches, etc.
13. **SHELTER ISLAND RESIDENTS USING COMMUTATION TICKETS**: Shelter Island residents who produce a valid drivers license indicating Shelter Island as their residence will be exempt from paying for extra passengers in their vehicles when using a weekly commuter ticket.



Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1400

IR Year: 2012

Introduced By: Presiding Officer Lindsay

Title of Proposed Resolution:

Authorizing alteration of rates for South Ferry Inc.

Purpose and Intent of Proposed Legislation:

This resolution alters the rate schedule for South Ferry, Inc., based on the petition submitted April 18, 2012. South Ferry offers transport between Shelter Island and North Haven.

Detailed Explanation of Fiscal Impact:

The fiscal impact of the rate increase will be addressed in the Budget Review Office Report resulting from the review of financial statements submitted with the petition as required by Chapter 287 of the Suffolk County Administrative Code.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?

Not Applicable.

Total Financial Cost and timing over five years on each affected political or other subdivision:

None.

Proposed Source of Funding:

Not Applicable.

Total Estimated Financial Impact on all Funds, tax rates, and property tax:

Indeterminate.

Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business activity, employment opportunities and overall business activity:

Indeterminate.

Authorized Signature



**Gail Vizzini, Director
Budget Review Office**

Date Completed

04/30/2012

Analyst Code

CF

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1693

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, APPOINT MEMBER TO THE SUFFOLK
COUNTY BOARD OF ETHICS (LINDA A. SPAHR)**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2012, BECAUSE AS A NEWLY
ESTABLISHED COMMISSION IT IS IMPORTANT TO HAVE A FULLY
CONSTITUTED BOARD IN ORDER FOR THE BODY TO CARRY OUT ITS VITAL
DUTIES.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
19th DAY OF JUNE, 2012.**

RECEIVED

2012 JUN 18 P 4:58

COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

1193

Intro. Res. No. -2012
Introduced by Legislator Kennedy

Laid on Table 6/19/12

**RESOLUTION NO. -2012, APPOINT MEMBER TO THE
SUFFOLK COUNTY BOARD OF ETHICS (LINDA A. SPAHR)**

WHEREAS, Local Law No. 56-2011 established a five member Board of Ethics;
and

WHEREAS, all appointments to the Board of Ethics are subject to legislative approval; now, therefore be it

1st RESOLVED, that, Linda A. Spahr, Esq. of Saint James, NY, is hereby appointed to the Suffolk County Board of Ethics as the appointment of the Minority Leader, for a term of office to expire three years from the effective date of this resolution; now, therefore be it

2nd 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:

EFFECTIVE PURSUANT SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND LOCAL LAW 56-2011

S:\res\r-appt-ethics-spahr

10/1/11

23/

Linda A. Spahr

Saint James, New York 11780

SUFFOLK COUNTY ATTORNEY'S OFFICE
Deputy Bureau Chief, Municipal Law Bureau

November 2007 to March 2011

Supervised attorneys and support staff in execution of daily responsibilities. Negotiated contracts and inter-municipal agreements, advised various county departments, drafted legislation, wrote legal opinions, reviewed proposed laws, wrote permit applications, served as counsel to the following agencies:

- Suffolk County Sewer Agency
- Suffolk County Planning Commission
- Suffolk County Board of Health
- Environmental Trust Review Board
- Suffolk County Farmland Committee
- Council on Environmental Quality

NYS OFFICE OF PARKS, RECREATION & HISTORIC PRESERVATION
Long Island Deputy Regional Director & Counsel

August 2001 to June 2007

Provided overall direction for day-to-day operation and administration of a park system comprised of more than 25 facilities, employing 1500 permanent and seasonal employees, serving more than 20 million visitors a year. Areas of direct responsibility:

- Labor relations, personnel management, human resources, misconduct, discipline, negotiations & grievance resolution
- Water safety office & 485 lifeguards at seven facilities including ocean, still water and pools with 13 million annual visitors
- Business/ finance office and capital facilities management office, including development of budgets and spending plans for personal services, non-personal services and capital expenditures
- Organizational development, succession planning, training & staff development
- Affirmative Action, workplace investigations of discrimination, harassment, human rights & EEOC violations
- Coordination of litigation involving downstate regions, assessment of liability issues, subpoena & FOIL response
- Supervision of environmental programs, land management, damage mitigation and parkland encroachments
- Negotiation, drafting & administration of licenses, leases, cooperative agreements, easements and permits
- Patron services, interpretive programs, school & community outreach, volunteer & civic agreements

NATIONAL INSTITUTE OF JUSTICE, UNITED STATES JUSTICE DEPARTMENT
Contract Consultant

1994 to 2007
(Intermittent)

Provide confidential practitioner review & professional pre-publication critiques of federally funded criminal justice studies

SUFFOLK COUNTY DISTRICT ATTORNEY'S OFFICE
Assistant District Attorney

August 1980 to August 2001

Bureau Chief, Environmental Crime Unit (1990-2001)

- Formulated and implemented enforcement initiatives to address hazardous waste violations; illegal solid waste facilities; environmental fraud; dangerous worksites and crimes affecting integrity of regulatory programs
- Supervised investigations, coordinated interagency resources and supported remediation and civil enforcement programs. Developed investigative and prosecution environmental crime fighting strategies that became national models
- Planned, taught and managed environmental enforcement and weapons of mass destruction training for local, state, federal, and international agencies
- Drafted and provided comment on legislation, representing district attorneys on environmental issues, meeting with elected representatives and staffs; advised legislators and officials on development of laws and procedures to protect natural resources; testified before agencies and legislative bodies; participated in state, national and international policy development

Deputy Bureau Chief, Rackets Bureau (1988-1990) and Various Specialized Bureaus (1980-1988)

- Supervised investigations & prosecutions by approximately fifty detectives and attorneys
- Conducted investigations and prosecutions related to finance, fraud, government services, official corruption, theft of public funds, tax evasion, professional misconduct and other complex crimes
- Oversaw wiretaps, search warrants, multi-jurisdictional litigation

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
National Academy Instructor**

**1995 to 2000
(Intermittent)**

Taught environmental law & criminal investigation to enforcement professionals at Federal Law Enforcement Training Center

EDUCATION

B.A., *cum laude*, Hofstra University (1976)

J.D., Hofstra University School of Law (1979)

Admitted to practice law in New York State, various Federal Courts and United States Supreme Court

Linda A. Spahr

**Saint James, New York 11780
(631)**

Professional Activities

PUBLICATIONS

Environmental Self-Audit Privilege: The Straw That Breaks the Back of Criminal Prosecutions, VII Fordham Environmental Law Journal, Symposium 1996 Number 3

The Grave, But Unintended Consequences of Audit Privilege Laws, The Environmental Corporate Counsel Report, January 1997

Opening Statements, Chapter 13, New York Criminal Practice Handbook, Second Edition, New York State Bar Association (1998)

Local Enforcement: A Fundamental Component of Environmental Compliance, Conference Proceedings Volume I, Fifth International Conference on Environmental Compliance and Enforcement (Monterey, California, USA, November 14-18, 1998)

Summary of Workshop: Illegal Shipments of Dangerous Chemicals Including Pesticides, Conference Proceedings Volume II, Fifth International Conference on Environmental Compliance and Enforcement (Monterey, California, USA, November 14-18, 1998)

Summary of Workshop: Small and Medium Enterprises Compliance and Enforcement Strategies, Conference Proceedings Volume II, Fifth International Conference on Environmental Compliance and Enforcement (Monterey, California, USA, November 14-18, 1998)

Summary of Regional Meeting: Africa and West Asia/Middle East—Building Regional and Global Networks, Conference Proceedings Volume II, Fifth International Conference on Environmental Compliance and Enforcement (Monterey, California, USA, November 14-18, 1998)

Will Work as Evidence, With Common Sense, in The Forum Debate "From Pens to Bytes: Can Electronic Reporting and Record-Keeping Work?" September/October 1999 Environmental Forum, Vol. 16, No. 5

One Prosecutor's Opinion: Good News in the Arena of Environmental Self-Audit Privilege Bills, American Prosecutors Research Institute, Environmental Newsletter, 1999

APPOINTMENTS

Member, Board of Directors, EPA National Enforcement Training Institute (NETI)

National Academy Instructor, Federal Law Enforcement Training Center (1995-2000)

Member, Environmental Enforcement Advisory Committee, New York State Department of Environmental Conservation

Member, Environmental Protection Committee, National District Attorneys Association

Chair, Environmental Subcommittee, NYS District Attorneys Association

Member, Central Pine Barrens Joint Planning & Policy Commission, Law Enforcement Council

Member, Environmental Protection Agency, Office of Criminal Enforcement, Forensics & Training, State and Local Committee

Contract consultant, U.S. Department of Justice, National Institute of Justice (current)

U.S. Delegate, Fifth International Conference on Environmental Compliance and Enforcement



TESTIMONY

Congress of the United States, House of Representatives, Committee on Commerce, Subcommittee on Oversight and Investigations, Hearing on Environmental Audits and the Federal-State Relationship, testified on behalf of the New York State District Attorneys Association, March 17, 1998

Virginia Senate Committee on Agriculture, Conservation and Natural Resources, Richmond, Virginia, testified on behalf of the National District Attorneys Association, February 1995

United States Environmental Protection Agency, Hearing on proposed Environmental Self-Audit Legislation, San Francisco, California, testified on behalf of the New York State District Attorneys Association, January 1995

INTERNATIONAL ENFORCEMENT POLICY AND DEVELOPMENT

Fifth International Conference on Environmental Compliance and Enforcement, United States Environmental Protection Agency/ Ministry of Housing, Spatial Planning and the Environment, The Netherlands/ United Nations Environment Programme/ European Commission/ Environmental Law Institute/ Environment Canada/ The Environment Agency, England and Wales/ The World Bank, Monterey, California, USA, as a delegate for the United States, November 16-20, 1998

Investigation and Prosecution of Illegal Transportation and Disposal of Hazardous Waste in Malaysia, United States-Asia Environmental Partnership (US-AEP), Kuala Lumpur, Malaysia, developed and delivered training for Malaysia Department of Environment (DOE), July 6-15, 2000

CRIMINAL JUSTICE POLICY DEVELOPMENT

Working Group Meeting on Voluntary Compliance, United States Environmental Protection Agency, Washington, D.C., October 6, 1994. Invited presenter, representing the New York State District Attorneys Association.

National Environmental Crimes Enforcement Conference, United States Environmental Protection Agency/ Office of the Florida State Attorney, 11th Judicial District, Miami, Florida, December 3, 1997. Invited presenter: "Local Environmental Criminal Enforcement Programs: Suffolk County District Attorney's Office"

Protecting Public Health and the Environment through Innovative Approaches to Compliance (Plenary Panel speaker), Washington, D.C., January 26, 1999. Invited participant, sponsored by United States Environmental Protection Agency.

Symposium on Legal Implications of Electronic Reporting, Environmental Law Institute/United States Environmental Protection Agency, Washington, D.C., June 23-25, 1999

Forum on Deterrence of Environmental Violations and Environmental Crime, Washington, DC, July 12-13, 1999. Invited participant. Sponsored by National Institute of Justice, United States Department of Justice and United States Environmental Protection Agency,

Weapons of Mass Destruction: The Law Enforcement Role, Upton, New York, January 20-21, 2000. Member of planning group for this pre-9/11 program attended by several hundred state and federal law enforcement officials. Sponsored by: New York Prosecutors Training Institute, Suffolk County District Attorney; Suffolk County Police Department, Federal Bureau of Investigation, Division of Criminal Justice Services. Presenter: "Federal and State Crimes: Chemical, Biological and Radiological Weapons"



PUBLIC POLICY DEBATE ON AUDIT PRIVILEGE LAWS

Environmental Law Section Legislative Forum, Albany, New York, April 1995, sponsored by New York State Bar Association. Presentation: "Opposition Argument to Audit Privilege Bills"

Environmental Law Journal Symposium: Recent Developments in Environmental Crime, New York, NY, February 29, 1996, sponsored by Fordham University School of Law. Presentation: "Environmental Self-Audit Privilege: The Straw That Breaks the Back of Criminal Prosecutions."

Seminar on Environmental Auditing, New York, New York, March 26, 1996, sponsored by Environmental Law Institute/Kelly Drye & Warren. Presentation: "Environmental Self-Audit Privilege Legislation—Impact on Environmental Crime Investigations"

Conference on Key Environmental Issues in EPA Region II, New York, NY, June 28, 1996, sponsored by American Bar Association, New York State Bar Association, New York City Bar Association, New Jersey Bar Association, USEPA Region II. Presentation: "The Grave, But Unintended Consequences of Audit Privilege Laws"

Northeast Environmental Enforcement Project (NEEP) Membership Meeting, Manchester, New Hampshire, October 3, 1996. Presentation: "Surviving Audit Privilege Laws: Lessons for Law Enforcement"

The 9th Environmental Corporate Counsel Institute, New York, New York, November 7, 1996, sponsored by Business Development Associates. Presentation: "The Grave, But Unintended Consequences of Audit Privilege Laws"

CLE INSTRUCTOR

"Using Traditional Investigative Techniques in Environmental Crime Cases," National College of District Attorneys/National District Attorneys Association, *National Conference on the Prosecution of Environmental Crime*, Phoenix, Arizona, April 1993

"Additional Investigative Techniques," National College of District Attorneys/National District Attorneys Association, *National Conference on the Prosecution of Environmental Crime*, Charleston, South Carolina, May 1994

"Documentary Evidence," National College of District Attorneys/National District Attorneys Association, *National Conference on the Prosecution of Environmental Crime*, Charleston, South Carolina, May 1994

Debate on Sexual Harassment & Gender Bias in the Legal Profession, Suffolk County Bar Association/ Suffolk Academy of Law/ Suffolk County Women's Bar Association, Hauppauge, New York, March, 1995

"Sting Operations and Undercover Environmental Investigations," California District Attorneys Association, *Advanced Environmental Violations Seminar*, Monterey, California, June 21, 1996

"Developing Probable Cause for Search Warrants," New York Prosecutors Training Institute/ New York State District Attorneys Association, *Conference on the Investigation and Prosecution of Environmental Crime in New York State*, Hauppauge, New York, October 31, 1996

"Emerging Issues in Environmental Crime," National District Attorneys Advocacy Center, *Preparing Prosecutors for the New Millennium*, Columbia, South Carolina, September 17, 1998

"Case Management," Suffolk County District Attorney's Office, *Mandatory Continuing Legal Education*, Suffolk County, New York, February 3, 1999

"Legal Issues Relating to Undercover Investigations & Additional Evidentiary Issues in Environmental Crime Cases," New York Prosecutors Training Institute/New York State District Attorneys Association, *Environmental Crime Prosecution & Investigation*, Syracuse, New York, August 10-12, 1999

"New York State Laws," New York Prosecutors Training Institute/New York State District Attorneys Association, *Terrorism and Other Major Felonies Involving Weapons of Mass Destruction*, Syracuse, New York, August 2-3, 2000



NATIONAL ACADEMY INSTRUCTOR, UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

Federal Law Enforcement Training Center, Glynco, Georgia

Practical Exercise Facilitator, December 4-8, 1995

Lecture: "Parallel Proceedings," presented March 11, 1997; June 22, 1997

Lecture: "Federal and State Environmental Criminal Laws," presented March 11, 1997; June 22, 1997; October 20, 1997; February 2, 1998; May 11, 1998; September 21, 1998; January 25, 1999; March 22, 1999; September 13, 1999; March 7, 2000

PRESENTER—ENVIRONMENTAL ENFORCEMENT PROGRAMS

"Selected Legal Issues in Environmental Crime Prosecutions," *Statewide Environmental Crime Training for Government Employees*, Hauppauge, New York, October 1990

"Local Law Enforcement: Getting Started," Niagara County *Environmental Crime Seminar*, Buffalo, New York, June 1993

"Finding the Cases," New York State District Attorneys Association/Pace University School of Law *Environmental Crime Training Program*, Westchester, New York, June 1994

"Environmental Crime: New Priorities," Institute of Business Law *Environmental Regulation in New York*, New York, New York, May 1995

"Clean Water Act Violations Based on Discharges into Publicly Owned Treatment Works," Statewide Environmental Law Enforcement Coordinating Taskforce, New York, New York, May 22, 1997

"Special Legal Concerns: Fourth Amendment," Northeast Environmental Enforcement Project, *Basic Environmental Enforcement Training Course*, Albany, New York, June 4, 1997

"Direct Case Strategies and Issues," Northeast Environmental Enforcement Project, *Prosecutors Training Course*, Ithaca, New York, August 11-12, 1997

"Accusatory Instruments and Search & Seizure Principles," New York State Department of Environmental Conservation Region I, *Law Enforcement In Service Training*, Stony Brook, New York, September 10, 1997

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1693

IR Year: 2012

Introduced By: Legislator Kennedy

Title of Proposed Resolution:

Appoint Member to the Suffolk County Board of Ethics (Linda A. Spahr)

Purpose and Intent of Proposed Legislation:

This resolution appoints Linda A. Spahr as a member of the Suffolk County Board of Ethics to a term expiring three years from the date of this resolution's approval.

Detailed Explanation of Fiscal Impact:

Pursuant to Local Law No. 56-2011, members of the Ethics Commission are eligible to receive \$200 for each Board meeting attended, not to exceed \$400 per month. Consequently, the cost per member can be as high as \$4,800 per year. These funds are already included in the 2012 Adopted Budget.

If applicable, what is the comparison cost if this is undertaken in-house, compared to an outside contractor or vendor?

N/A

Total Financial Cost and timing over five years on each affected political or other subdivision:

The stipend for this appointment may cost up to \$4,800 annually; \$24,000 over five years.

Proposed Source of Funding:

General Fund

Total Estimated Financial Impact on all Funds, tax rates, and property tax:

None, these funds are already included in the 2012 Adopted Budget.

Total Estimated Financial Impact on Suffolk County's economy including the impact on goods or services, economic development, small business activity, employment opportunities and overall business activity:

None

Authorized Signature



**Gail Vizzini, Director
Budget Review Office**

Date Completed

6/18/2012

Analyst Code

BP

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1664

WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AUTHORIZING TRANSFER OF THE TWA
FLIGHT 800 CREW MEMORIAL TO THE TWA MUSEUM, KANSAS CITY,
MISSOURI**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2012, BECAUSE THE TWA MUSEUM
OF KANSAS CITY, MISSOURI HAS REQUESTED TO TAKE POSSESSION OF
THE CREW MEMORIAL PRIOR TO THE JULY 17TH ANNIVERSARY OF THIS
TRAGEDY. IF THIS BILL WERE TO GO THROUGH THE NORMAL COMMITTEE
PROCESS IT WAS NOT BE ELIGIBLE FOR CONSIDERATION UNTIL AUGUST
7TH, 2012 AT THE EARLIEST.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
19th DAY OF JUNE, 2012.**



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
2012 JUN 18 P 4: 23
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPTPAUGE

**RESOLUTION NO. -2012, AUTHORIZING TRANSFER
OF THE TWA FLIGHT 800 CREW MEMORIAL TO THE TWA
MUSEUM, KANSAS CITY, MISSOURI**

WHEREAS, the TWA Flight 800 Crew Memorial was originally unveiled on July 16, 1997 in Hangar 12 at JFK Airport during a dedication ceremony to honor the more than 50 TWA crew members, employees and their family members who perished when Flight 800 exploded south of Smith Point County Park one year earlier; and

WHEREAS, the TWA Flight 800 Crew Memorial was relocated to Smith Point County Park after the TWA hangar at JFK Airport closed in 2001; and

WHEREAS, for years the Memorial was displayed in the pavilion at Smith Point in an area visited by the general public, however, now that area has been closed and there is no longer a suitable display area at Smith Point; and

WHEREAS, the TWA Museum at the Downtown Kansas City Airport in Kansas City, Missouri has requested to assume custody and care of the Flight 800 Crew Memorial; and

WHEREAS, the organization is willing to assume responsibility for the removal and transportation of the Flight 800 Crew Memorial; now, therefore be it

1st RESOLVED, that the Suffolk Department of Parks, Recreation and Conservation is hereby authorized, empowered, and directed, to transfer the TWA Flight 800 Crew Memorial to the TWA Museum at the Downtown Kansas City Airport in Kansas City, Missouri; and be it further

2nd RESOLVED, that the TWA Museum shall assume responsibility for the removal and transportation of the TWA Flight 800 Crew Memorial; and be it further

3rd RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), New York Environmental Conservation Law, Article 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") § 617.5 (C)(15), (20) and (27), in that the resolution concerns minor temporary uses of land having negligible or no permanent impact on the environment, routine, or continuing agency administration and management, not including new programs or major reordering of priorities, and adoption of a local legislative decision in connection with the same, and since this is a Type II action, the County Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:



STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1664

1. Type of Legislation Resolution <u>X</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AUTHORIZING TRANSFER OF THE TWA FLIGHT 800 CREW MEMORIAL TO THE TWA MUSEUM, KANSAS CITY, MISSOURI		
3. Purpose of Proposed Legislation See #2 above.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes _____ No <u>X</u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
County	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. N/A		
8. Proposed Source of Funding N/A		
9. Timing Impact N/A		
10. Typed Name & Title of Preparer Tom Malanga Grants Analyst Dept. of Parks, Recreation & Conservation	11. Signature of Preparer 	12. Date 5/14/2012

Debra Kolyer
Budget Office

Debra Kolyer

6/11/12



**FINANCIAL IMPACT
2013 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

1664

GENERAL FUND

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

COMBINED

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00	\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.





TWA Museum Chapter of the Platte County Historical Society



1664

April 11, 2012

Mr. Al Jurgensen
99 Dove Cote Lane
Commack, NY 11725-2740

Re: Flight 800 Crew Memorial

Dear Al:

This letter will serve as confirmation of our telephone conversation regarding relocation of the TWA Flight 800 Crew Memorial. The TWA Museum looks forward to the honor of housing the Crew Memorial. The TWA Museum is located at the Downtown Kansas City Airport at 10 Richards Road, Kansas City, MO 64116. This building has historical significance as it was originally built for T&WA in 1930.

It is our understanding that the employees at JFK are relinquishing custody and care of the Memorial to the TWA Museum. We are proud that the Museum is staffed by an all-volunteer group comprised of former TWA employees. I can assure you the Memorial holds special meaning to everyone at the Museum, as well as all former TWA employees.

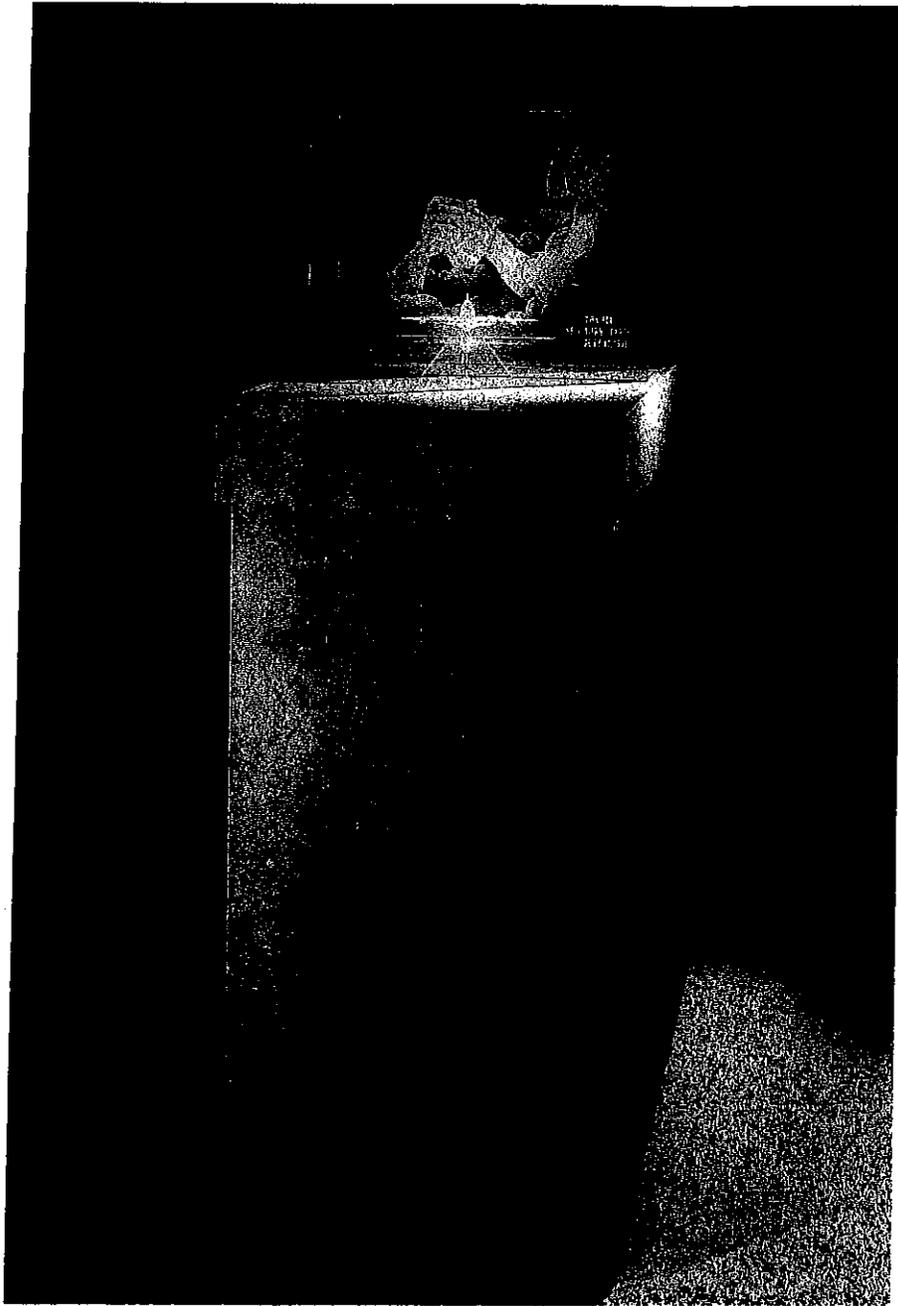
The Memorial will be picked up and driven to Kansas City by Capts. Bill Kirschner and Mike McFarland.

Thank you for your assistance in making sure the Memorial will have a good, safe home.

Sincerely,

Pamela R. Blaschum
Director
The TWA Museum at 10 Richards Road
10 Richards Road
Kansas City, MO 64116
p/f: 816-234-1011
c: 913-485-6325
twamuseum@gmail.com
twamuseumat10richardsroad.org

1664





1664

Alf Jurgensen
99 Dovecote Lane
Commack, NY 11725
Friday, April 20, 2012

Tracey Bellone
Acting Commissioner
P.O.Box 144
West Sayville, NY 11796

Dear Tony,

I, Alf Jurgensen, representative of the TWA Flight 800 Crew Memorial Committee, give permission for the monument to be released to the TWA Museum at Kansas City, in the care of Ms. Pamela R. Blaschum, Museum Director.

Sincerely,


Alf Jurgensen

COUNTY OF SUFFOLK



1664

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

GREG DAWSON
COMMISSIONER

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: JON SCHNEIDER, Deputy County Executive
FROM: GREG DAWSON, Commissioner 
CC: REGINA M. CALCATERRA, Chief Deputy County Executive
DATE: MAY 14, 2012
RE: INTRODUCTORY RESOLUTION AUTHORIZING TRANSFER OF
THE TWA FLIGHT 800 CREW MEMORIAL TO THE TWA MUSEUM,
KANSAS CITY, MISSOURI

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Transfer of TWA Crew Memorial at Smith Point .doc."

The TWA Flight 800 Crew Memorial arrived at Smith Point County Park after the TWA Hangar at JFK Airport closed in October 2001. For several years, the Memorial was displayed in the pavilion at Smith Point in an area visited by the general public. However, now that area has been closed to the public and there is no longer a suitable display area at Smith Point.

The TWA Museum in Kansas City, MO has expressed interest in taking custody of the memorial and being responsible for its removal and transportation. This resolution seeks to authorize this transfer.

Should you require anything further, please contact my office at 4-4984.

Enclosures



**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1687
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, AMENDING THE 2012 CAPITAL BUDGET
AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH
ENERGY CONSERVATION AT VARIOUS COUNTY FACILITIES (CP 1664)**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2012, BECAUSE WITHOUT THE
IMMEDIATE ADOPTION OF THIS RESOLUTION THE DEPARTMENT OF
PUBLIC WORKS WILL NOT HAVE SUFFICIENT TIME IN ORDER TO BOTH
OBTAIN THE FUNDING AND COMPLETE THE WORK PRIOR TO THE WINTER
HEATING SEASON. IT IS ESTIMATED THAT THE COMPLETION OF THIS
PROJECT WILL RESULT IN ENERGY EFFICIENCIES THAT WILL SAVE THE
COUNTY APPROXIMATELY \$305,000 IN OPERATING EXPENSES THIS YEAR
AND AN ADDITIONAL \$1,400,000 RECURRING ANNUAL SAVINGS.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
19th DAY OF JUNE, 2012.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

**HAUPPAUGE
SUFFOLK COUNTY, N.Y.
COUNTY LEGISLATURE**

2012 JUN 18 P 4: 23

RECEIVED

**RESOLUTION NO. -2012, AMENDING THE 2012
CAPITAL BUDGET AND PROGRAM AND APPROPRIATING
FUNDS IN CONNECTION WITH ENERGY CONSERVATION AT
VARIOUS COUNTY FACILITIES (CP 1664)**

WHEREAS, the Commissioner of Public Works has requested funds for energy conservation at various County facilities; and

WHEREAS, sufficient funds are not included within the 2012 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 has established a priority ranking system as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of \$1,700,000 in Suffolk County Serial Bonds; now, therefore be it

1st RESOLVED, pursuant to the State Environmental Quality Review Act (SEQRA), Environmental Conservation Law Article 8, Resolution No. 506-1995 classified the action contemplated by this as a Type II Action; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy (70) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary, pursuant to Section C8-2 (A) of the Suffolk County Charter to complete this project; and be it further

4th RESOLVED, that the 2012 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 1737
Project Title: Replacement of Major Buildings Operations Equipment at Various County Facilities

	Total Est'd Cost	Current 2012 Capital Budget & Program	Revised 2012 Capital Budget & Program
3. Construction	\$2,300,000	\$600,000B	\$200,000B
TOTAL	\$2,315,000	\$600,000B	\$200,000

Project No.: 5371
Project Title: Reconstruction of Culverts

	Total Est'd Cost	Current 2012 Capital Budget & Program	Revised 2012 Capital Budget & Program
1. Planning	\$1,140,000	\$95,000B	\$95,000B
3. Construction	\$4,688,250	\$500,000B	\$0B
TOTAL	\$5,828,250	\$595,000B	\$95,000

Project No.: 5381

Project Title: Construction of Sea Wall on CR 77, West Lake Drive Fronting the Long Island Sound

	Total Est'd Cost	Current 2012 Capital Budget & Program	Revised 2012 Capital Budget & Program
3. Construction	\$350,000B	\$750,000B	\$350,000B
TOTAL	\$350,000B	\$750,000	\$350,000

Project No.: 8220

Project Title: Underground Injection Control Management Program

	Total Est'd Cost	Current 2012 Capital Budget & Program	Revised 2012 Capital Budget & Program
1. Planning	\$500,000	\$300,000B	\$100,000B
3. Construction	\$1,500,000	\$500,000B	\$300,000B
TOTAL	\$2,000,000	\$800,000	\$400,000

and be it further

5th **RESOLVED**, that the proceeds of \$1,700,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

<u>Project No.</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-1664.319 (Fund 001-Debt Service)	20	Energy Conservation at Various County Facilities	\$1,700,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:



1687

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
RESOLUTION NO. - 2012, AMENDING THE 2012 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ENERGY CONSERVATION AT VARIOUS COUNTY FACILITIES (CP 1664)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input checked="" type="checkbox"/> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District	<input type="radio"/> Other (Specify):
<input type="radio"/> Library District	<input type="radio"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact		
SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
SEE ATTACHED DEBT SERVICE SCHEDULE		
8. Proposed Source of Funding		
SERIAL BONDS		
9. Timing of Impact		
2013		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Assistant Executive Analyst		June 15 th , 2012

SCIN FORM 175b (10/95)

1687

**FINANCIAL IMPACT
2013 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 AV TAX RATE PER \$100	2013 FEV TAX RATE PER \$1000
TOTAL	\$147,603	\$0.28		\$0.001

POLICE DISTRICT AND DISTRICT COURT

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 AV TAX RATE PER \$100	2013 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2013 PROPERTY TAX LEVY	2013 COST TO AVG TAXPAYER	2013 AV TAX RATE PER \$100	2013 FEV TAX RATE PER \$1000
TOTAL	\$147,603	\$0.28		\$0.001

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY, SEPTEMBER 2011.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2011-2012.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2011 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



Suffolk County
General Obligation Serial Bonds
Level Debt

1687

Term of Bonds: 15
 Amount to Bond: \$1,700,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2012					
11/1/2013	2.000%	\$88,102.62	\$59,500.00	\$147,602.62	\$147,602.62
			\$28,208.20	\$28,208.20	
11/1/2014	3.000%	\$91,186.21	\$28,208.20	\$119,394.41	\$147,602.62
			\$26,612.45	\$26,612.45	
11/1/2015	3.000%	\$94,377.73	\$26,612.45	\$120,990.17	\$147,602.62
			\$24,960.84	\$24,960.84	
11/1/2016	3.000%	\$97,680.95	\$24,960.84	\$122,641.78	\$147,602.62
			\$23,251.42	\$23,251.42	
11/1/2017	3.000%	\$101,099.78	\$23,251.42	\$124,351.20	\$147,602.62
			\$21,482.17	\$21,482.17	
11/1/2018	3.000%	\$104,638.27	\$21,482.17	\$126,120.45	\$147,602.62
			\$19,651.00	\$19,651.00	
11/1/2019	3.000%	\$108,300.61	\$19,651.00	\$127,951.62	\$147,602.62
			\$17,755.74	\$17,755.74	
11/1/2020	3.000%	\$112,091.13	\$17,755.74	\$129,846.88	\$147,602.62
			\$15,794.15	\$15,794.15	
11/1/2021	3.000%	\$116,014.32	\$15,794.15	\$131,808.47	\$147,602.62
			\$13,763.90	\$13,763.90	
11/1/2022	3.000%	\$120,074.82	\$13,763.90	\$133,838.72	\$147,602.62
			\$11,662.59	\$11,662.59	
11/1/2023	3.000%	\$124,277.44	\$11,662.59	\$135,940.03	\$147,602.62
			\$9,487.73	\$9,487.73	
11/1/2024	3.000%	\$128,627.15	\$9,487.73	\$138,114.89	\$147,602.62
			\$7,236.76	\$7,236.76	
11/1/2025	3.250%	\$133,129.10	\$7,236.76	\$140,365.86	\$147,602.62
			\$4,907.00	\$4,907.00	
11/1/2026	3.250%	\$137,788.62	\$4,907.00	\$142,695.62	\$147,602.62
			\$2,495.70	\$2,495.70	
11/1/2027	3.375%	\$142,611.23	\$2,495.70	\$145,106.92	\$147,602.62
11/1/2028		\$1,700,000.00	\$514,039.27	\$2,214,039.27	\$2,214,039.27
11/1/2029					
11/1/2030					

1841

1841

COUNTY OF SUFFOLK



1687

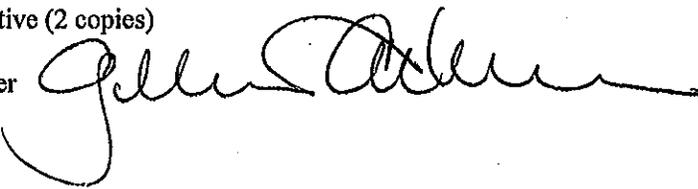
STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

GILBERT ANDERSON, P.E.
COMMISSIONER

PHILIP A. BERDOLT
DEPUTY COMMISSIONER

MEMORANDUM

TO: Jon Schneider, Deputy County Executive (2 copies)
FROM: Gilbert Anderson, P. E., Commissioner 
DATE: June 11, 2012
RE: Capital Program Number 1664
Energy Conservation at Various County Facilities

Attached for your review is a draft resolution amending the 2012 Capital Budget and Program and appropriating the sum of \$1,700,000.00 into construction. The funding will be used to supplement the already appropriated \$3,267,766.00 included in the 2012 Capital Program. The funds will be used to augment existing funding to complete the switchover of the Riverhead County Center (RCC) Power House from a centralized campus-type heating configuration to a distributed system, with satellite boilers in each of the RCC buildings. Funds will be offset from the following Capital Programs in amounts identified below:

- CP 1737 – Replacement of Major Buildings Operations Equipment at Various County Facilities - \$400,000
- CP 5371 – Reconstruction of Culverts - \$500,000
- CP 5381 – Construction of Sea Wall on CR77, West Lake Drive Fronting the Long Island Sound - \$400,000
- CP 8220 – Underground Injection Control Program - \$400,000

Our goal of completing the construction and switchover prior to the 2012 heating season will result in an estimated \$300,000.00 operating cost savings in 2012 and over \$1,400,000.00 recurring annual operating cost savings thereafter.

This action is considered a Type II Action under SEQRA in accordance with Resolution No. 506-1995.

An e-mail copy of the resolution has been sent to CE RESO Review sent under the title Reso-DPW-CP1664 Energy Cons Offset.doc.

GA/MJM/dk
attachments

cc: Regina M. Calcaterra, Chief Deputy County Executive
Michael J. Monaghan, P.E., Chief Engineer 
James J. Ingenito, R.A., Acting County Architect
Kathy LaGuardia, Executive Assistant for Finance & Administration
CE RESO Review (e-mail)

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

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Mr. Finlay offered the following resolution, seconded by Mr. Rizzo and duly adopted with the following recorded vote: 18 Legislators in favor; 0 opposed.

Intro. Res. No. 1569-95 Laid on the Table 5/2/95

Introduced by Presiding Officer Blydenburgh

**RESOLUTION NO. 506 - 1995, MAKING A SEQRA DETERMINATION
IN CONNECTION WITH ENERGY CONSERVATION IN VARIOUS
COUNTY BUILDINGS**

WHEREAS, the Suffolk County Council on Environmental Quality (CEQ) has reviewed a project designated as the "Proposed Energy Conservation in Various County Buildings", pursuant to Section 6 of Local Law No. 22-1985 which project involves upgrading facilities to meet current energy, safety, and fire codes; and

WHEREAS, an Environmental Assessment Form (EAF) was prepared and submitted to the CEQ office by the Suffolk County Department of Planning and subsequently sent out to all concerned parties; and

WHEREAS, at its March 15, 1995 meeting, the CEQ reviewed the EAF and Information submitted by the Department of Planning; and

WHEREAS, the CEQ recommended that the above activity be considered a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.13(d)(1), since it is replacement of facilities in kind on the same site and upgrades facilities to meet current energy, safety, and fire codes; and

WHEREAS, the CEQ has advised the County Legislature and the County Executive by memo dated April 3, 1995 of said recommendations;

WHEREAS, Section 279-5(H) of the SUFFOLK COUNTY CODE requires the Presiding Officer to introduce legislation for an appropriate SEQRA determination; and

WHEREAS, the Suffolk County Legislature has reviewed the EAF and the CEQ recommendations; now, therefore, be it

RESOLVED, that this Legislature hereby determines that the Energy Conservation in Various County Buildings constitutes a Type II action since it involves replacement of a facility in-kind on the same site and upgrades facilities to meet current energy, safety, and fire codes, pursuant to the provisions of NYCRR Part 617; and be it further

RESOLVED, that a copy of this Resolution shall be filed with the Suffolk County Clerk,, the initiating unit of said project, and with the CEQ; and be it further

RESOLVED, that in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution.

DATED: May 16, 1995

APPROVED BY:

/s/ Robert J. Gaffney

County Executive of Suffolk County

100

**REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE**

- (1) Please limit this suggestion form to ONE proposal.
- (2) Describe in detail.
- (3) Attach all pertinent backup material.

Submitting Department
(Department Name and Location):

Public Works, Yaphank, New York

Department Contact Person:
(Name and Phone Number):

Michael J. Monaghan, P. E.
852-4225

Suggestion Involves:

Technical Amendment X

New Program _____

Grant Award _____

Contract (New _____ Rev. _____)

Summary of Problem: (explanation of why this legislation is needed.)

AMENDING THE 2012 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH ENERGY CONSERVATION AT VARIOUS COUNTY FACILITIES (CAPITAL PROGRAM NUMBER 1664)

Proposed Changes in Present Statute: (Please specify section when possible.)



**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2012**

1699
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

**RESOLUTION NO. -2012, TO CREATE A TWILIGHT FEE RATE
FOR VEHICLE USE AT CERTAIN COUNTY PARKS**

**WHEREAS, IT IS ESSENTIAL THAT SAID INTRODUCTORY
RESOLUTION BE CONSIDERED IMMEDIATELY,**

**NOW, I, JONATHAN SCHNEIDER, DEPUTY SUFFOLK COUNTY
EXECUTIVE CERTIFY PURSUANT TO ARTICLE II, SECTION 2-12(A), AND
ARTICLE III, SECTION 3-9 OF THE SUFFOLK COUNTY CHARTER, THAT
THERE EXISTS A NEED FOR THE IMMEDIATE CONSIDERATION OF
INTRODUCTORY RESOLUTION NO. - 2012, BECAUSE WITHOUT
IMMEDIATE ACTION, SUFFOLK COUNTY WILL LOSE OUT ON REVENUE
FROM EVENTS WHICH ARE HELD DURING THE HEART OF THE SUMMER
SEASON IN OUR COUNTY PARKS.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
19th DAY OF JUNE, 2012.**



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

1699

Intro. Res. No. -2012
Introduced by Presiding Officer on request of the County Executive

Laid on Table 6/19/12

**RESOLUTION NO. -2012, TO CREATE A TWILIGHT FEE
RATE FOR VEHICLE USE AT CERTAIN COUNTY PARKS**

WHEREAS, a licensed concessionaire operating at Smith Point, Cupsogue and Meschutt County Parks has introduced popular evening time entertainment programming that attracts patrons arriving after 5:00 p.m. during the peak season; and

WHEREAS, the Department of Parks, Recreation and Conservation normally halts collecting vehicle use fees at 5:00 p.m. at these County Parks; and

WHEREAS, the Commissioner of the Department of Parks, Recreation and Conservation has recommended that a discounted twilight fee for vehicle use at certain County Parks be created to encourage evening time patronage during peak season; and

WHEREAS, it is anticipated that this reduced fee will generate additional revenue for the County; now, therefore be it

1st RESOLVED, that Chapter 948 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 948, FEES AND CHARGES

ARTICLE X, Parks and Recreation Fees.

§ 948-26. Fee Schedule.

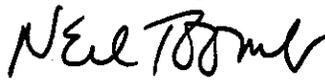
Vehicle Use Fees

Daily parking (7 days/week)

Parks with Lifeguards (Smith Point, Cupsogue, Meschutt, Sears Bellows):

Resident with green key	\$8.00
Discounted rate (weekday, excluding holidays) for senior citizen, veteran, CERT volunteer; handicapped; volunteer fire fighter and ambulance workers; auxiliary police	Free
Discounted rate (7 days/week) for disabled veteran; members and spouses and children of members of Armed Forces on active duty	Free
Nonresident	\$15.00
<u>Twilight discount rate 7 days per week</u>	<u>\$4.00</u>

**STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION**

1. Type of Legislation Resolution <u> X </u> Local Law <u> </u> Charter Law		
2. Title of Proposed Legislation – RESOLUTION NO. –2012, TO CREATE A TWILIGHT FEE RATE FOR VEHICLE USE AT CERTAIN COUNTY PARKS		
3. Purpose of Proposed Legislation : Extending the collection of vehicle use fees past 5:00 pm at Smith Point, Cupsogue and Meschutt County parks for certain events.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No <u> </u>		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<div style="border: 1px solid black; border-radius: 50%; width: 20px; height: 20px; display: flex; align-items: center; justify-content: center; margin: 0 auto;">County</div>	Town	Economic Impact
Village	School District	Other (Specify):
Library District	Fire District	
6. If the answer to item 4 is "yes", Provide Detailed Explanation of Impact: Additional revenue to be received from expanded hours of collection.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
8. Proposed Source of Funding: n/a		
9. Timing of Impact - immediate		
10. Typed Name & Title of Preparer: Neil Toomb Intergovernmental Relations Coordinator	11. Signature of Preparer 	12. Date: 6/19/12

**FINANCIAL IMPACT
2012 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2012 PROPERTY TAX LEVY	2012 COST TO AVG TAXPAYER	2012 AV TAX RATE PER \$100	2012 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

NOTES:

- 1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2010.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2010-2011.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2010 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.