

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

1884
WHEREAS, INTRODUCTORY RESOLUTION NO. - 2012

RESOLUTION NO. -2012, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN ACCESS AGREEMENT/TEMPORARY EASEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE CONTINUATION OF THE SHINNECOCK INLET DREDGING PROJECT

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 EXECUTION OF THIS EASEMENT WILL ALLOW THE ARMY CORPS OF ENGINEERS TO BEGIN DREDGING THE SHINNECOCK CANAL, AS SCHEDULED, ON OCTOBER 1ST. WITHOUT THE EASEMENT THE WORK CANNOT BEGIN. TYPICALLY THE COUNTY WOULD BE REQUIRED TO CONTRIBUTE A 9% MATCH TO THE COST OF THIS PROJECT; HOWEVER, DUE TO THE AVAILABILITY OF NEW YORK STATE FUNDING THIS PROJECT WILL BE COMPLETED AT NO COST TO THE COUNTY.

IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 21ST DAY OF AUGUST, 2012.



JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE

RECEIVED
SUFFOLK COUNTY, N.Y.
COUNTY CLERK'S OFFICE

2012 AUG 17 P 2:02

RECEIVED

1884

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

Laid on the Table 8/21/12

RESOLUTION NO. - 2012, AUTHORIZING THE COUNTY EXECUTIVE TO EXECUTE AN ACCESS AGREEMENT/TEMPORARY EASEMENT WITH THE NEW YORK STATE DEPARTMENT OF ENVIRONMENTAL CONSERVATION FOR THE CONTINUATION OF THE SHINNECOCK INLET DREDGING PROJECT

WHEREAS, pursuant to the Rivers and Harbors Act of 1960 (Public Law 86-645) and now the New York Works Infrastructure Project Legislation, the New York State Department of Environmental Conservation (NYSDEC), in cooperation with the Army Corp of Engineers (ACOE), is continuing with the Shinnecock Inlet Dredging Project; and

WHEREAS, in the past the both the County and the Town of Southampton have provided temporary access easement to the State order to facilitate progress on the Shinnecock Inlet Dredging Project; and

WHEREAS, the original temporary access easement in connection with the Shinnecock Inlet Dredging Project have expired; and

WHEREAS, it is necessary to continue to allow access to the NYSDEC and ACOE to certain portions of County property in relation to this project; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, 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 New York Code of Rules and Regulations ("NYCRR"), in that the resolution concerns routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and adoption of a local legislative decision in connection with the same; and the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that the County Executive, or his designee, is hereby authorized and empowered to execute an Access Agreement/Temporary Easement with the New York State Department of Environmental Conservation in substantial conformance with the form attached, together with such other agreements as may be necessary to facilitate the Shinnecock Inlet Dredging Project; and be it further

3rd RESOLVED, that the Access Agreement/Temporary Easement and all other contract documents shall be subject to the approval of the County Attorney.

DATED:

APPROVED BY:

County Executive of Suffolk County
Date:

**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.

ACCESS AGREEMENT
Temporary easement
SHINNOCK INLET NEW YORK WORKS PROJECT

THIS AGREEMENT, entered into this day of , 2012 by and between the County of Suffolk, a municipal corporation of the State of New York, herein after called the “County” with offices located at _____ and the New York State Department of Environmental Conservation, an executive agency of the State of New York, herein after called the “State” with offices located at 625 Broadway, Albany, New York;

WITNESSETH: that the County, pursuant to an agreement with the State, as authorized by Resolution of the Suffolk County Legislature No. _____ and in consideration of the continuation of the Shinnecock Inlet Dredging Project originally authorized by the Rivers and Harbors Act of 1960 (Public Law 86-645) and currently part of the New York Works Infrastructure Project Legislation, does hereby grant to the State, its officers, agents, employees, contractors, subcontractors, representatives, including the Army Corp of Engineers, and assigns a permit to enter on and use of the property identified in this Temporary Access Easement for the purpose of construction and dredging including the right of disposal for dredge materials and for any purpose authorized in Coastal Erosion projects for Shinnecock Inlet as set forth in the New York Works Legislation upon the following terms and conditions:

1. The County does hereby grant to the State an irrevocable permit to enter and access upon the lands of the County and/or lands for which the County has obtained rights of access/temporary easements, located in the County of Suffolk hereinafter delineated as:

All of the land from Seven Thousand Six Hundred (7,600) feet west of the west jetty of the Shinnecock Inlet (running west to east) and from the toe of the dune to Mean High Water (running north to south)

2. Access is granted in order to perform construction, operation and maintenance work of any nature in connection with the Shinnecock Inlet Dredging Project, and to deposit soil and all excavated material from Shinnecock Inlet and the vicinity on lands of the County and/or lands for which the County has obtained the rights of entry, as delineated on attached map for reference purposes and without limiting the foregoing, the right to deposit and leave mud, sand, clay, gravel and other material, the right to excavate drainage ditches, build, emplace and replace retaining embankments, dikes or walls, sluiceways and spillways and every right, privilege and authority necessary, incidental or in any way appertains to the complete enjoyment of the privilege herein granted upon, over, through, or across said lands of the County at any time.
3. This Temporary Access Easement shall remain in full force and effect for a period of ten (10) years from the date of this agreement. In addition, the property identified above shall also be available as use for spoils area for subsequent maintenance dredging for four (4) six months periods during the next ten years.

4. This permit includes the right of ingress and egress in other lands of the County not delineated or described herein, provided such ingress and egress is necessary and not otherwise conveniently available to the State its officer, agents, employees, contractors, subcontractors, representatives, and assigns.
5. This permit includes the right to enter and place upon the land any and all tools, equipment, and other property necessary for the completion of the project. All tools, equipment and other property taken upon or placed upon said lands by the State, its officers, agents, employees, contractors, subcontractors, and assigns shall remain the property of the State, its officers, agents, employees, contractors, subcontractors, representatives, and assigns and may be removed by them at any time within a reasonable period after the expiration of this permit.
6. During the period of this permit the State, its officers, agents, employees, contractors, subcontractors and assigns, shall have the right to patrol and police said lands described in this agreement.
7. The County does hereby covenant to the State, its officers, agents, employees, contractors, subcontractors and assigns that it is the rightful owner of the lands described in this agreement or has the right, title and interest in said lands to grant the aforesaid rights and execute this agreement.
8. The County shall hold harmless and indemnify the State from any and all damages arising from the resulting construction, operation and maintenance, except from damages due to the negligence, errors, or omissions of the State its officers, agents, employees, representatives, and assigns.
9. The temporary access easement above described and herein conveyed is intended to prohibit the use of said easement areas by other which might damage or interfere with the operations described herein, but is not intended to prohibit crossing or use of the temporary access easement area so long as such crossing or use does not interfere with or prohibit the full intended use of the easement herein granted.

IN WITNESS WHEREOF, the parties have executed this agreement as of the day and year appearing below:

COUNTY OF SUFFOLK

**New York State Department of
Environmental Conservation**

BY: _____
REGINA M. CALCATERRA
Chief Deputy County Executive

BY: _____
NANCY LUSSIER, Director
of Management and Budget

DATED: _____

DATED: _____

APPROVED AS TO LEGALITY:

DENNIS M. COHEN
Suffolk County Attorney

By: _____
Basia Deren Braddish, Asst. Co. Atty.

#

State of New York

County of Suffolk

ss.:

On the day of in the year 2012 , before me the undersigned , a Notary Public in and for said State, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose names(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signatures(s) on the instrument, the individual(s) or the person upon behalf of which the individual(s) acted, executed the instrument.

NOTARY PUBLIC

REQUEST FOR THE INTRODUCTION OF SUFFOLK COUNTY LEGISLATION
OFFICE OF THE COUNTY EXECUTIVE
County of Suffolk

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

Submitting Department
(Dept. Name & Location)

Public Works
335 Yaphank Avenue
Yaphank, NY 11980

Department Contact Person
(Name & Phone No.):

William Hillman, P.E.
Chief Engineer
852-4002

Suggestion Involves:

Amendment

New Program

Grant Award

Contract (New Rev.)

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

Easement Agreement from the County to the State to facilitate the State's dredging of the Shinnecock Inlet New York Works Project

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

Not Applicable

PLEASE FILL IN REVERSE SIDE OF FORM

SCIN FORM 175a (10/95) Prior editions of this form are obsolete.

COUNTY OF SUFFOLK



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

FROM: Gilbert Anderson, P.E. Commissioner

DATE: July 27, 2012

RE: **Authorizing the county Executive to Execute an Access Agreement/Temporary Easement with the New York State Department of Environmental Conservation for the Continuation of the Shinnecock Inlet Dredging Project**

Attached is a draft resolution and duplicate copy authorizing the County Executive to execute an easement agreement for the State to access portions of County property to continue the dredging of Shinnecock Inlet New York Works program.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-County to State Temp Easement(Shinn Dredging)".

GA/WH/td
attach.

cc: Regina M. Calcaterra, Chief Deputy County Executive
Ben Zwirn, Director of Intergovernmental Relations
Tom Vaughn, County Executive Assistant
Nick Paglia, Assistant Executive Analyst
William Hillman, P.E., Chief Engineer
Laura Conway, CPA, Chief Accountant
Charles Jaquin, Acting Head of Finance Division

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY / AFFIRMATIVE ACTION EMPLOYER

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A LOCAL LAW TO FURTHER REGULATE UTILITY POLES ON COUNTY ROAD RIGHT-OF-WAYS" has been introduced in the Suffolk County Legislature.

This proposed local law would require public utilities to remove cables, terminals, and other hardware from damaged poles on County roads within 90 days of receiving notification from the County and require a pole's owner to remove the pole 30 days after all hardware is removed from it.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing in the Maxine S. Postal Auditorium of the Suffolk County Legislature, in the Riverhead County Center, Riverhead, New York, on the 21st day of AUGUST, 2012, at 2:30 P.M.

It is requested that speakers prepare a written statement to submit for the record.

Tim Laube
Clerk of the County Legislature

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1622 - 2012**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1622 – 2012

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW NO. -2012, A
LOCAL LAW TO FURTHER REGULATE UTILITY POLES ON COUNTY
ROAD RIGHT-OF-WAYS**

**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 AT THIS DATE IN
THE LEGISLATIVE PROCESS THERE IS NO OTHER MEANS BY WHICH TO
AMEND THIS LEGISLATION, WHICH HAS ALREADY HAD BOTH A PUBLIC
HEARING AND BEEN THROUGH THE COMMITTEE PROCESS. IN ADDITION,
THERE ARE FINES ASSOCIATED WITH THE FAILURE TO COMPLY WITH THIS
LOCAL LAW WHICH COULD BE FINANCIALLY BENEFICIAL TO THE COUNTY
DURING THESE DIFFICULT ECONOMIC TIMES.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
21ST DAY OF AUGUST, 2012.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

RECEIVED
2012 AUG 20 P 4: 17
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HAUPPAUGE

AMENDED COPY AS OF 8/20/12

Intro. Res. No. 1622-2012

Laid on Table 6/5/2012

Introduced by Legislators Schneiderman, Muratore, Calarco, Romaine, Browning and Anker

**RESOLUTION NO. -2012, ADOPTING LOCAL LAW
NO. -2012, A LOCAL LAW TO FURTHER REGULATE
UTILITY POLES ON COUNTY ROAD RIGHT-OF-WAYS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on June 5, 2012, a proposed local law entitled, "**A LOCAL LAW TO FURTHER REGULATE UTILITY POLES ON COUNTY ROAD RIGHT-OF-WAYS**"; now, therefore be it

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

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

**A LOCAL LAW TO FURTHER REGULATE UTILITY POLES ON
COUNTY ROAD RIGHT-OF-WAYS**

**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 Local Law No. 46-2010 requires public utilities to remove cables, terminals, conductors and other fixtures from damaged utility poles on County roadways in a timely fashion.

This Legislature also finds and determines that, despite the enactment of this law, a large number of damaged and decommissioned utility poles, commonly known as "double poles", remain on County road right-of-ways for extended periods of time.

This Legislature further finds and determines that the County should enact stronger regulations to ensure that all double poles on County road right-of-ways are addressed promptly by the utility company which own and utilize them.

This Legislature finds that the Town of Southampton has successfully implemented a program to prevent the proliferation of double poles in their community.

This Legislature also finds that the County of Suffolk will benefit from the establishment of a similar program to protect public safety on County roadways and improve the appearance of County road right-of-ways.

Therefore, the purpose of this law is to require utilities to promptly remove their plant from old and damaged poles and to further require the prompt removal of double poles once all cables, terminals and other fixtures have been removed.

Section 2. Amendment.

Chapter 808 of the SUFFOLK COUNTY CODE is hereby amended as follows:

Chapter 808. UTILITIES.

ARTICLE I. Utility Poles on County Road Rights-of Way.

§ 808-2. Definitions.

As used in this article, the following terms shall have the meanings indicated:

DEPARTMENT - The Suffolk County Department of Public Works.

DOUBLE POLE - Any damaged utility pole or old utility pole from which the plant has been removed, in whole or in part, which is attached or in close proximity to a new utility pole.

PLANT - The cables, terminals, conductors and other fixtures necessary for transmitting electric, telephone, cable television or other telecommunications service.

§ 808-3. Department notification, time frame for removal.

- A. When the Department, or its duly authorized agent, determines that a utility pole in a County road right-of-way is damaged and poses a potential threat to public safety, the Department, or its duly authorized agent, shall notify any public utility with a plant on the damaged pole that it must remove its plant from the pole or be subject to a penalty. A public utility must remove its plant from the damaged pole within 15 days of receiving such notification from the Department.

- B. When the Department, or its duly authorized agent, determines that a double pole is in a County road right-of-way, the Department or its duly authorized agent will notify all public utilities which has a plant on the double pole that the plant must be removed within 90 days or be subject to penalty.

- C. The public utility which owns a double pole shall remove said pole within thirty (30) days after all plants has been removed or be subject to penalty.

§ 808-4. Permit Requirements.

The Suffolk County Department of Public Works shall include in all permits for the installation of utility poles on County roadways the following provision:

The permittee shall have thirty (30) days to remove a double pole following removal of all plants from the pole. Failure to do so may result in penalties as provided by law.

§ [808-4.] 808-5. Penalties for Offenses.

- A. Any public utility that [violates this article and] fails to remove its plant from a damaged pole within 15 days of receiving notification from the Department pursuant to § 808-3(A) shall be subject to a civil penalty not to exceed \$250 for each such violation. Each day that the violation continues shall be deemed a separate violation.
- B. Any public utility that fails to remove its plant from a double pole within 90 days of receiving notification from the Department or its duly authorized agent pursuant to § 808-3(B), shall be subject to a civil penalty of \$1,000 per full calendar month that the violation continues.
- C. Any public utility that fails to remove a double pole pursuant to the requirements of § 808-3(C) shall be subject to a civil penalty of \$1,000 per month per full calendar month that the violation continues.
- D. If a public utility violates the provisions of this article [and fails to remove its plant from a damaged pole in accordance with the provisions of this article], the County Attorney, upon the request of the Department, may commence an action in the name of the County in a court of competent jurisdiction for necessary relief, which may include the imposition of civil penalties as authorized by this article, an order to remove the plant from a damaged utility pole and/or to remove [the] damaged pole or double pole, the recovery of costs of the action and such other remedies as may be necessary to prevent or enjoin a dangerous condition from existing in a County road right-of-way.

[§ [808-5.] Applicability.]

Section 3. Request for Proposals.

The Department of Public Works is hereby authorized, empowered and directed to develop and issue a request for proposals to identify a vendor to aid in the implementation and enforcement of this law. .

Section 4. Applicability.

This law shall apply to all utility poles located on County road right-of-ways on or after the effective date of this law.

Section 5. Exemption.

This law shall have no application to any federal, state, county, town or village public safety agency.

Section 6. 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 in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 7. SEQRA Determination.

This Legislature, 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), (21), 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 8. Effective Date.

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

[] Brackets denote deletion of existing language

___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1622

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK

GEORGE NOLAN
COUNSEL TO THE LEGISLATURE
email: george.nolan@suffolkcountyny.gov



WILLIAM H. ROGERS BUILDING
P.O. BOX 6100
HAUPPAUGE, NY 11788-0099
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

DATE: June 4, 2012

TO: CLERK OF THE COUNTY LEGISLATURE

RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2012

TITLE: I.R. NO. 1622-2012; A LOCAL LAW TO FURTHER REGULATE UTILITY POLES ON COUNTY ROAD RIGHT-OF-WAYS

SPONSOR: LEGISLATOR SCHNEIDERMAN

DATE OF RECEIPT BY COUNSEL: 6/1/12 PUBLIC HEARING: 6/19/12

DATE ADOPTED/NOT ADOPTED: _____ CERTIFIED COPY RECEIVED: _____

This proposed local law would amend Chapter 808 of the SUFFOLK COUNTY CODE to require public utilities to remove double poles¹ within a County road's right-of-way within 90 days of receiving notification from the Department of Public Works, or its duly authorized agent. This law will require the inclusion of language in the County's utility pole permits notifying permittees of this requirement.

This law also authorizes the Department of Public Works to develop and issue a request for proposals to identify a vendor to aid in the implementation and enforcement of this law.

Failure to remove a double pole within the prescribed time will subject a utility to a civil penalty of \$1,000 for every calendar month that the violation continues.

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

GEORGE NOLAN
Counsel to the Legislature

GN:

¹ "Double pole" is defined as "any damaged utility pole or old utility pole from which the plant has been removed, in whole or in part, which is attached or in close proximity to a new utility pole."

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1622

IR Year: 2012

Introduced By: Jay Schneiderman, Robert Calarco, Tom Muratore, Edward Romaine

Title of Proposed Resolution:

Adopting Local Law No. -2012, A Local Law to further regulate utility poles on County road right-of-ways.

Purpose and Intent of Proposed Legislation:

This resolution serves to amend Chapter 808 of the Code to require public utilities to remove double poles in a County road right-of-way within 90 days of notification that the double pole exists. The permit required to install a utility pole will include notification to permittees of this requirement. Failure to meet this requirement will result in a civil penalty of \$1,000 per full calendar month that the violation exists. Additionally, this resolution directs DPW to develop and issue an RFP to identify a vendor to aid in the implementation and enforcement of this law.

Detailed Explanation of Fiscal Impact:

An opportunity cost exists in using DPW to develop and issue an RFP to identify a vendor to aid in the implementation and enforcement of this law. An indeterminate fiscal impact exists with respect to the expense associated with hiring a vendor to implement and aid in enforcement of this law and the potential penalty revenue.

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

Indeterminate.

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

Indeterminate.

Proposed Source of Funding:

Operating budget.

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:

Negligible to none.

Authorized Signature



**Gail Vizzini, Director
Budget Review Office**

Date Completed

6/8/12

Analyst Code

RD