

**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. - 2015**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1698 -2015

**RESOLUTION NO. -2015, AUTHORIZING USE OF
CUPSOGUE BEACH COUNTY PARK BY BARRIER BEACH
PRESERVATION ASSOCIATION FOR ITS CRUZIN IN THE
DUNES 5K RACE FUNDRAISER**

**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. -2015, BECAUSE LEGISLATOR JAY
SCHNEIDERMAN HAS REQUESTED THAT THE PARKS DEPARTMENT
ACCOMMODATE THIS EVENT TO ASSIST THIS GROUP'S EFFORTS TO
PRESERVE AND PROTECT THE BEACHES, BAYS, WETLANDS AND WILDLIFE
OF WEST HAMPTON DUNES FOR THE BENEFIT OF ITS CITIZENS, VISITORS
AND FUTURE GENERATIONS AND TO PROMOTE RESPECT FOR THE
COASTAL ENVIRONMENT THROUGH PUBLIC EDUCATION AND SCIENTIFIC
RESEARCH THROUGH THIS FUNDRAISING EVENT.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS 26th DAY OF
AUGUST, 2015.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

RECEIVED
SUFFOLK COUNTY N.Y.
COUNTY LEGISLATURE
MANAGE

2015 AUG 27 P 2:40

RECEIVED

**RESOLUTION NO. -2015, AUTHORIZING USE OF
CUPSOGUE BEACH COUNTY PARK BY BARRIER BEACH
PRESERVATION ASSOCIATION FOR ITS CRUZIN IN THE
DUNES 5K RACE FUNDRAISER**

WHEREAS, Barrier Beach Preservation Association is a 501(c)(3) private, nonprofit organization having its principal business address at P.O. Box 1448, Westhampton Beach, New York; and

WHEREAS, Barrier Beach Preservation Association would like to hold its Cruzin in the Dunes 5K Race Fundraiser at Cupsogue Beach County Park in Westhampton Beach; and

WHEREAS, the 5K Race Fundraiser is scheduled to be held on Saturday, September 19, 2015; and

WHEREAS, a Certificate of Insurance naming Suffolk County as an additional insured has been provided by Barrier Beach Preservation Association; now, therefore be it

1st **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; and be it further

2nd **RESOLVED**, that the use of Cupsogue Beach County Park by Barrier Beach Preservation Association for the purpose of hosting a fundraiser on Saturday, September 19, 2015, is hereby approved pursuant to Section 215(1) of the NEW YORK STATE COUNTY LAW, subject to the receipt of a Certificate of Insurance with accompanying declaration page by the County of Suffolk from Barrier Beach Preservation Association and the payment of the Two Hundred Dollars (\$200) event fee, and the issuance of a permit by the Commissioner of Parks, Recreation and Conservation pursuant to section 378-7B(c) of the Suffolk County Code, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division; and be it further

3rd **RESOLVED**, that the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation is hereby authorized, empowered and directed, pursuant to Section 28-4(A) of the SUFFOLK COUNTY CHARTER, to take such measures as shall be necessary and appropriate to facilitate the hosting of the fundraiser at Cupsogue Beach County Park by Barrier Beach Preservation Association.

DATED:

APPROVED BY:

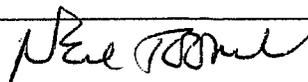
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1698

1. Type of Legislation Resolution <u>X</u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation AUTHORIZING USE OF CUPSOGUE BEACH COUNTY PARK BY BARRIER BEACH PRESERVATION ASSOCIATION FOR ITS CRUZIN IN THE DUNES 5K RACE FUNDRAISER		
3. Purpose of Proposed Legislation Authorize use of County Parkland for fundraising event.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u>X</u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (Specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact There is a fee of \$200.00 collected by the County for use of the Park.		
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 Emily R. Lauri Community Relations Director Dept. of Parks, Recreation & Conservation	11. Signature of Preparer 	12. Date 07/30/2015



FINANCIAL IMPACT
2015 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1698

GENERAL FUND

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 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, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK

1698



STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

GREG DAWSON
COMMISSIONER

**2015 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

TITLE OF BILL: An act authorizing the use of Cupsogue Beach County Park by Barrier Beach Preservation Association for its Cruzin in the Dunes 5K Race Fundraiser.

PURPOSE OR GENERAL IDEA OF THE BILL: Barrier Beach Preservation Association would like to hold its Cruzin in the Dunes 5K Race Fundraiser at Cupsogue Beach County Park in the Town of Brookhaven.

SUMMARY OF SPECIFIC PROVISIONS: This legislation authorizes the use of Cupsogue Beach County Park by Barrier Beach Preservation Association for the purpose of hosting a fundraiser on Saturday, September 19, 2015, subject to receipt of a Certificate of Insurance and accompanying declaration page by the County of Suffolk from Barrier Beach Preservation Association, and the payment of Two Hundred Dollars (\$200.00) event fee, and subject to such additional terms and conditions as may be required by the Risk Management and Benefits Division in the County Department of Law.

JUSTIFICATION: The purpose of the event is to promote awareness of the association and its mission which is to preserve and protect the beaches, bays, wetlands and wildlife of West Hampton Dunes for the benefit of its citizens, visitors and future generations and to promote respect for the coastal environment through public education and scientific research. All proceeds from the event will be used to cover the cost of the event and further the mission of our organization. This event will generate Two Hundred Dollars (\$200.00) in revenue for the County of Suffolk. In addition, the use of County property for a 5K race would promote and protect the public health and general welfare of the residents of Suffolk County.

FISCAL IMPLICATIONS: There is a nominal fee (\$200.00) collected by the County for use of the Park.



COUNTY OF SUFFOLK



1698

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

GREG DAWSON
COMMISSIONER

2015 SCHEDULE OF FEES

SUMMARY OF FEES: When a park is charging for parking we charge *On-Season Rates*, however when they are not charging for parking, we charge *Off-Season Rate*. When an applicant/organization wishes to have alcohol, sold, served or provided at their event, there is an additional charge. Additional fees are assessed for use of the pavilion, showmobile and any equipment for the showmobile.

- a. On-Season Park Use Fee:

Up to 50 persons.....\$50.00/day	201 to 500 persons....\$225.00/day
51 to 100 persons.....\$100.00/day	501 to 1000persons...\$400.00/day
101 to 200 persons...\$150.00/day	Over 1000 persons....\$600.00/day
- b. Off-Season Park Use Fee: \$2.00/person/day
- c. Suffolk County Alcohol Fee: \$30.00/day
- d. Pavilion Use Fee: \$100.00/day
- e. Showmobile Fee: \$500.00 for the first 4 hours, \$125.00 for each additional hour
- f. Showmobile Extras: \$225.00/day for extended stage, \$125.00/day for generator

PARK SCHEDULE: Different parks have different parking fee schedules. The on-season or off-season park use fees are charged based on the below schedule. Please note: Dates may vary from year to year depending on the dates of the holidays.

- a. Southaven, Blydenburgh, Cathedral Pines, West Hills, Lake Ronkonkoma, Sears Bellows and Indian Island:
05/25-09/07/2015 (**Weekends and Holidays Only**) – On-Season Park Use Fee
All other dates – Off-Season Park Use Fee
- b. Smith Point, Meschutt & Cupsogue:
05/25-09/07/2015 – On-Season Park Use Fee
09/12-09/13/2015 (**Smith Point ONLY**) – On-Season Park Use Fee
All other dates – Off-Season Park Use Fee
- c. All other locations:
Off-Season Park Use, all year round.

THIS EVENT: The above highlighted fees have been charged, due to the below stated event details.
Park – Cupsogue Beach County Park, Event Date – September 19, 2015, Estimated No. of People - 100,
Alcohol - No, Pavilion Use - No,
Showmobile - No, Showmobile Extras – N/A

FEE CHARGED: 200 people x \$2/person = \$200.00



COUNTY OF SUFFOLK



1698

STEVEN BELLONE
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

GREG DAWSON
COMMISSIONER

TO: JON SCHNEIDER, Deputy County Executive

FROM: GREG DAWSON, Commissioner

DATE: JULY 30, 2015

**RE: CERTIFICATE OF NECESSITY: INTRODUCTORY RESOLUTION
AUTHORIZING USE OF CUPSOGUE BEACH COUNTY PARK BY
BARRIER BEACH PRESERVATION ASSOCIATION FOR ITS
CRUZIN IN THE DUNES 5K FUNDRAISER**

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-Barrier Beach Preservation Association Fundraising Event.doc."

This Certificate of Necessity is being submitted by the Parks Department on behalf of Legislator Jay Schneiderman.

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

Enclosures



**CERTIFICATE OF NECESSITY FOR THE IMMEDIATE CONSIDERATION
OF INTRODUCTORY RESOLUTION NO. 1736 - 2015**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1736 - 2015

**RESOLUTION NO. -2015, ACCEPTING AND
APPROPRIATING U.S. DEPARTMENT OF AGRICULTURE
- NATURAL RESOURCES CONSERVATION SERVICE -
HURRICANE SANDY EWPP-FPE GRANT FUNDS IN
CONNECTION WITH THE ACQUISITION OF
ENVIRONMENTALLY SENSITIVE LANDS IN THE
MASTIC/SHIRLEY CONSERVATION AREA TO PROTECT
FLOODPRONE AREAS AGAINST FUTURE FLOODING
AND STORM DAMAGE**

**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. 1736 - 2015, BECAUSE THE FEDERAL
MONIES ARE IMMEDIATELY AVAILABLE TO COMMENCE THE ACQUISITION
PROCESS, INCLUDING APPRAISALS, WHICH WE WANT TO CONDUCT AS
SOON AS POSSIBLE. THIS PROGRAM HAS TAKEN OVER A YEAR TO INITIATE
AND WE DO NOT WANT TO DELAY, ANY FURTHER, THIS PROCESS.**

**IN WITNESS THEREOF, I HAVE HEREWITH SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
4th DAY OF SEPTEMBER, 2015.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

2015 SEP - 4 P 2:4
COUNTY LEGISLATURE
SUFFOLK COUNTY, VA
HAUPPAUGE

RECEIVED

Introduced by Presiding Officer, on request of the County Executive and Legislator Browning

RESOLUTION NO. -2015, ACCEPTING AND APPROPRIATING U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE - HURRICANE SANDY EWPP-FPE GRANT FUNDS IN CONNECTION WITH THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS IN THE MASTIC/SHIRLEY CONSERVATION AREA TO PROTECT FLOODPRONE AREAS AGAINST FUTURE FLOODING AND STORM DAMAGE

WHEREAS, Suffolk County, through the Department of Economic Development and Planning, Division of Planning and Environment, applied for funds through the Natural Resources Conservation Service (NRCS) for the Emergency Watershed Protection Program – Floodplain Easements (EWPP-FPE) (project) to aid in the acquisition of flood prone properties that were inundated/damaged by Hurricane Sandy; and

WHEREAS, as a result of Hurricane (Superstorm) Sandy, the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, many areas along the south shore of Long Island were declared disaster areas by the President of the United States; and

WHEREAS, there were numerous small parcels of wetlands and buffer areas within the low-lying, 100-year floodplain area of the Mastic/Shirley Conservation Area that sustained severe flooding damage; and

WHEREAS, the County has identified many parcels of land in the County's Comprehensive Master List Update – 2012 within the Mastic/Shirley Conservation Area for wetland and floodplain protection as well as other properties affected by Hurricane Sandy in this area; and

WHEREAS, the County has, to date, acquired many small, environmentally vulnerable properties in the Mastic/Shirley Conservation Area for preservation purposes; and

WHEREAS, the County took an opportunity to partner with NRCS, as part of their Hurricane Sandy Phase II - EWPP-FPE Program, to acquire flood-prone properties wherein NRCS would propose to acquire a conservation easement and the County would acquire the residual fee title to 62 properties identified within the Mastic/Shirley Conservation Area; and

WHEREAS, NRCS would fund the cost of and hold title to the conservation easement; and

WHEREAS, Suffolk County would fund the cost of and hold title to the residual fee title utilizing funds available from the New Drinking Water Protection Program, Article XII, Section 12-2.A.1. (a), (d.), and/or (h.) for open space/floodplain protection purposes; and

WHEREAS, NRCS would reimburse the County for the soft costs of the acquisition, including: appraisals, surveys, environmental site assessments, and other associated closing costs, as well as the County employee personnel costs associated with these acquisitions; and

WHEREAS, \$388,414 in permanent salary expense and \$197,711 in fringe benefits for the program has been included in the Suffolk County Operating Budget and; and

WHEREAS, all 62 parcels of land within the Mastic/Shirley Conservation Area have been approved for Planning/Appraisal Steps by Legislative Resolution; and

WHEREAS, the project will be accomplished through the combined efforts of the Division of Planning and Environment and the Division of Real Property Acquisition and Management, both within the Suffolk County Department of Economic Development and Planning; 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 resolution constitutes a Type II action, pursuant to Section 617.5 (c) (20) and (21) of Title 6 of the NYCRR and within the meaning of Section 8-019 (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; and be it further

2nd **RESOLVED**, that the County Treasurer and the County Comptroller are hereby authorized and directed to accept Federal funding in the amount of \$1,156,525 for reimbursement to the County for the soft costs of these open space acquisitions including: appraisals, surveys, environmental site assessments, and other associated closing costs, as well as the County employee personnel costs associated with these acquisitions; and be it further

3rd **RESOLVED**, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said \$1,156,525 grant funds as follows:

<u>REVENUE:</u>	<u>AMOUNT</u>
001-4942 -8715 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$335,579
001-4942 -8020 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$133,594
477-4942 -8038 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$ 25,892
001-4942 -6410 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$ 897
001-4942 -1420 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$ 90,163
001-4942 -8716 Federal Aid: NRCS Hurricane Sandy EWPP-FPE Grant	\$570,400

ORGANIZATIONS:

Economic Development and Planning (EDP)
NRCS Hurricane Sandy EWPP-FPE Grant
001-EDP-8716 Real Property Acquisition and Management

<u>4000-Contractual Services</u>	<u>\$ 570,400</u>
4730-Expenses on Property Acquisition	\$ 570,400

and be it further

4th **RESOLVED**, the County's administrative costs will be 100% reimbursed through this grant (\$388,414 salary and \$197,711 fringe); and be it further

5th **RESOLVED**, that the County Treasurer and County Comptroller are hereby authorized and directed to advance funding to finance this project; and be it further

6th **RESOLVED**, that the Department of Economic Development and Planning, Division of Planning and Environment will be the lead agency in overseeing the performance of this project and communicate with the NRCS to ensure compliance and that all associated aid is captured; and be if further

7th **RESOLVED**, that the County Legislature hereby authorizes the County Executive, or his designee, to execute the standard agreement for reimbursement with NRCS and any and all contract documents related to this project, on behalf of the County of Suffolk providing for the municipality's participation in the above referenced project.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law _____ Charter Law _____		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. ACCEPTING AND APPROPRIATING U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE – HURRICANE SANDY EWPP-FPE GRANT FUNDS IN CONNECTION WITH THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS IN THE MASTIC/SHIRLEY CONSERVATION AREA TO PROTECT FLOODPRONE AREAS AGAINST FUTURE FLOODING AND STORM DAMAGE</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
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: 40px; height: 20px; margin: 0 auto; display: flex; align-items: center; justify-content: center;"> <p>County</p> </div>	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		
<p>The total amount of funds that the County will be receiving from NRCS is \$1,156,525. Of that amount, \$586,125.05 is for County employee administrative costs (\$388,414 Salary + \$197,711 Fringe = \$586,125). The remaining balance of \$570,400.00 is for reimbursements for the costs of appraisals, surveys, environmental site assessments, title searches and other closing costs for the proposed acquisition of 62 parcels. The County Comptroller and Treasurer are authorized to advance funding for this project.</p>		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
<p>NRCS will be acquiring a conservation easement on each of these properties which amounts to approx. 80% of the total land value. The County will be acquiring the residual fee title, approx. 20% of the total land value. NRCS will be using their own funds to acquire the conservation easements (Separate and apart from the funds outlined above.) The County will be acquiring the residual fee title with funds from the New Drinking Water Protection Program - open space acquisitions (Section 12-2. A. 1.). The County has already approved the Appraisal/Planning Steps resolutions for all 62 parcels to acquire the entire full fee value.</p>		
9. Timing of Impact		
Upon adoption		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Analyst		August 31, 2015

**FINANCIAL IMPACT
2015 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2015 PROPERTY TAX LEVY	2015 COST TO AVG TAXPAYER	2015 AV TAX RATE PER \$100	2015 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, 2014.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2014-2015.
- 3) SOURCE FOR EQUALIZATION RATES: 2014 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

County of Suffolk

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

Submitting Department
(Dept. Name & Location):
Department of Economic Development and Planning
Division of Planning and Environment
H. Lee Dennison Bldg. 4th Floor
Hauppauge, New York

Department Contact Person
(Name & Phone No.):
Lauretta R. Fischer,
Chief Environmental Analyst
853-6044

Suggestion Involves:

Technical Amendment New Program
 Grant Award Contract (New ___ Rev. ___)
 Other

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

ACCEPTING AND APPROPRIATING U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE - HURRICANE SANDY EWPP-FPE GRANT FUNDS IN CONNECTION WITH THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS IN THE MASTIC/SHIRLEY CONSERVATION AREA TO PROTECT FLOODPRONE AREAS AGAINST FUTURE FLOODING AND STORM DAMAGE

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

N/A

PLEASE FILL IN REVERSE SIDE OF FORM

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

**2015 INTERGOVERNMENTAL RELATIONS
MEMORANDUM OF SUPPORT**

TITLE OF BILL (I.R.) : ACCEPTING AND APPROPRIATING U.S. DEPARTMENT OF AGRICULTURE - NATURAL RESOURCES CONSERVATION SERVICE - HURRICANE SANDY EWPP-FPE GRANT FUNDS IN CONNECTION WITH THE ACQUISITION OF ENVIRONMENTALLY SENSITIVE LANDS IN THE MASTIC/SHIRLEY CONSERVATION AREA TO PROTECT FLOODPRONE AREAS AGAINST FUTURE FLOODING AND STORM DAMAGE

PURPOSE OR GENERAL IDEA OF BILL (I.R.):

To accept and appropriate funds from NRCS in connection with the acquisition of environmentally sensitive lands in the Mastic/Shirley Conservation Area to protect floodprone areas against future flooding and storm damage.

SUMMARY OF SPECIFIC PROVISIONS:

The County took an opportunity to partner with NRCS, as part of their Hurricane Sandy Phase II - EWPP-FPE Program, to acquire flood-prone properties wherein NRCS would propose to acquire a conservation easement and the County would acquire the residual fee title to 62 properties identified within the Mastic/Shirley Conservation Area. This legislation is being submitted in order to accept \$1,156,525.05 from NRCS to reimburse the County for the soft costs of acquisitions including appraisals, surveys, environmental site assessments, and other associated closing costs, as well as the County employee personnel costs associated with these open space acquisitions.

JUSTIFICATION:

As a result of Hurricane (Superstorm) Sandy, the deadliest and most destructive hurricane of the 2012 Atlantic hurricane season, many areas along the south shore of Long Island were declared disaster areas by the President of the United States. There were numerous small parcels of wetlands and buffer areas within the low-lying, 100-year floodplain area of the Mastic/Shirley Conservation Area that sustained severe flooding damage. The County has identified many parcels of land in the County's Comprehensive Master List Update - 2012 within the Mastic/Shirley Conservation Area for wetland and floodplain protection as well as other properties affected by Hurricane Sandy in this area. The County has, to date, acquired many small, environmentally vulnerable properties in the Mastic/Shirley Conservation Area for preservation purposes. Sixty two parcels were identified for acquisition in partnership with NRCS in this area, all of which have been previously approved for Planning/Appraisal Steps by Legislative Resolution. This grant would significantly assist the County in covering the costs of these acquisitions and provide funds in the future to restore and rehabilitate these low-lying wetland areas.

FISCAL IMPLICATIONS:

Suffolk County would fund the cost of and hold title to the residual fee title of these 62 parcels utilizing funds available from the New Drinking Water Protection Program, Article XII, Section 12-2.A.1. (a), (d.), and/or (h.) for open space/floodplain protection purposes. All other costs associated with the acquisition of these parcels will be paid for by NRCS.

COUNTY OF SUFFOLK



Steven Bellone
SUFFOLK COUNTY EXECUTIVE
Department of
Economic Development and Planning

Joanne Minieri
Deputy County Executive and Commissioner

**Division of Planning
and Environment**

August 25, 2015

Mr. Jon Schneider, Deputy County Executive
Office of the County Executive
H. Lee Dennison Building – 12th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Re: **Reso-EDP-NRCS HURRICANE SANDY EWPP-FPE Grant**

Dear Mr. Schneider:

Attached for your review and consideration is an Introductory Resolution that would accept and appropriate NRCS – EWPP-FPE Hurricane Sandy Grant funds in connection with the acquisition of environmentally sensitive lands in the Mastic/Shirley Conservation Area to protect floodprone areas against future flooding and storm damage.

Please contact me if you require any additional information.

Sincerely,

Sarah Lansdale
Director of Planning

cc: Joanne Minieri, Deputy County Executive & Commissioner of Dept. of Economic Development and Planning
Lauretta Fischer, Chief Environmental Analyst, Div. of Planning and Environment
Jill Rosen-Nikoloff, Director, Div. of Real Property Acquisition and Management
Janet Longo, Acquisition Supervisor, Div. of Real Property Acquisition and Management
Robert Braun, Department of Law
CE Reso Review (e-mail copy only)

1736

Suffolk County's New York Emergency Watershed Protection Program - Floodplain Easement
Mastic Shirley Conservation Area - Hurricane Sandy Storm Surge
Village of Mastic Beach, Town of Brookhaven, New York



Suffolk County's New York Emergency Watershed Protection Program - Floodplain Easement
Mastic Shirley Conservation Area
Village of Mastic Beach, Town of Brookhaven, New York



IR 1751-15

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a local law entitled "A LOCAL LAW TO PROTECT PUBLIC SAFETY IN SUFFOLK COUNTY PARKS" (I.R. No. 1751-2015) has been introduced in the Suffolk County Legislature.

This local law would require persons seeking to launch or land an unmanned aerial vehicle in any County park to obtain a permit from the Department of Parks, Recreation and Conservation.

NOTICE IS FURTHER GIVEN that the County Legislature will hold a public hearing on this proposed local law in the Rose Y. Caracappa Auditorium of the Suffolk County Legislature, in the William H. Rogers Legislature Building, Hauppauge, New York, on the 9th day of September, 2015, at 6:30 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. 1751 - 2015**

WHEREAS, INTRODUCTORY RESOLUTION NO. 1751 – 2015

**RESOLUTION NO. 1751 -2015, ADOPTING LOCAL
LAW NO. -2015, A LOCAL LAW TO PROTECT
PUBLIC SAFETY IN SUFFOLK 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. 1751 – 2015, BECAUSE THIS WILL ALLOW
THE LEGISLATURE TO ADDRESS THIS NEW TECHNOLOGY AND ITS IMPACT
ON PUBLIC SAFETY.**

**IN WITNESS THEREOF, I HAVE HERewith SET MY HAND AND
CAUSED TO BE AFFIXED THE SEAL OF SUFFOLK COUNTY THIS
9th DAY OF SEPTEMBER, 2015.**



**JONATHAN SCHNEIDER
DEPUTY SUFFOLK COUNTY EXECUTIVE**

2015 SEP -9 A 11: 59
COUNTY LEGISLATURE
SUFFOLK COUNTY, N.Y.
HARRIPAUGE

RECEIVED

**RESOLUTION NO. -2015, ADOPTING LOCAL LAW
NO. -2015, A LOCAL LAW TO PROTECT PUBLIC SAFETY
IN SUFFOLK COUNTY PARKS**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2015, a proposed local law entitled, "**A LOCAL LAW TO PROTECT PUBLIC SAFETY IN SUFFOLK COUNTY PARKS**"; now, therefore be it

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

LOCAL LAW NO. -2015, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROTECT PUBLIC SAFETY IN SUFFOLK COUNTY
PARKS**

**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 the County of Suffolk is responsible for protecting the safety and welfare of its 1.5 million residents.

This Legislature finds that the County, through its Department of Parks, Recreation and Conservation, owns and operates several parks which are frequented by members of the public.

This Legislature also finds that advances in technology allow individuals to purchase and operate unmanned aerial vehicles ("UAVs"), which are controlled via remote control and can fly significant distances.

This Legislature further finds that the use of UAVs has been growing in popularity and that members of the public wish to engage in this activity in Suffolk County owned parks.

This Legislature determines that the safety of the public entering into Suffolk County parks is of utmost importance.

This Legislature further determines that in order to better protect the public and ensure the safe use of UAVs operated upon Suffolk County owned parks, the County should institute a permitting process for UAVs launching from or landing in Suffolk County parks.

Therefore, the purpose of this local law is to set forth a permitting process to ensure the safe and recreational use of UAVs in Suffolk County parks where UAVs have been deemed to be an appropriate and safe activity.

Section 2. Definitions.

As used in this law, the following terms shall have the meaning indicated:

AIRCRAFT - a device that is used or intended to be used for flight in the air.

COMMISSIONER – the Commissioner of the Suffolk County Department of Parks, Recreation and Conservation.

DEPARTMENT – the Suffolk County Department of Parks, Recreation and Conservation.

OPERATE OR OPERATING - to launch, land, or fly.

PERSON - any natural individual, firm, partnership, association, corporation, company or other business or organization of any kind.

SUFFOLK COUNTY PARK - all public parks, beaches, wetlands, playgrounds, athletic fields, recreation centers, marinas, golf courses, open spaces and areas publicly owned and acquired for the conservation of natural resources and the enjoyment thereof by the residents of the County of Suffolk, including all buildings, structures, equipment and appurtenances located thereon, also entrances and approaches thereto and streets or roads in or through such park or parks and parts thereof, but not including any town, village, County or state highway, and such other rights and appurtenances as the Department shall utilize for its purposes, whether the same is now or hereafter owned or acquired in fee or otherwise by the County or under the care and control of the County by lease or otherwise for park, recreation and conservation purposes, not including canals, canal locks and waterways, channels and other County-owned or leased facilities placed under the jurisdiction of the Department of Public Works as provided in Article VIII of the Suffolk County Charter.

UNMANNED AERIAL VEHICLE - an unmanned, powered aircraft that:

- (i) Does not carry a human operator; and
- (ii) Can be autonomous or remotely piloted or operated.

UNMANNED AERIAL VEHICLE PERMIT – permit issued by the Department allowing the launching and landing of an unmanned aerial vehicle from a Suffolk County Park.

Section 3. Permit Required.

No person shall launch or land an unmanned aerial vehicle from any Suffolk County Park, without a permit issued by the Department accordance with this law.

Section 4. Exemptions.

The prohibitions established in this law shall not apply to:

- A. unmanned aerial vehicle used by the federal government or the New York State government or a person who is using an unmanned aerial vehicle to provide contracted services to the federal government or the New York State government;
- B. unmanned aerial vehicle used by a local police department;
- C. persons, businesses or organizations which use unmanned aerial vehicles to provide contracted services to the County of Suffolk; and

- D. persons who hold an active media press pass issued by the police departments of Nassau County, Suffolk County or New York City.

Section 5. Standards of Operation.

- A. A person may only operate an unmanned aerial vehicle in those Suffolk County Parks designated by the Department and only within the areas of such designated Suffolk County Park as may be authorized by the Department. Prior to May 1st 2016, the Department shall set forth a list of all designated Suffolk County Parks and the authorized areas within those Suffolk County Parks in which unmanned aerial vehicles may be operated. This list shall be kept current and maintained on the Suffolk County Website.
- B. Any person operating an unmanned aerial vehicle on County property must fly such vehicle within such person's visual line of sight.

Section 6. Permit Procedure.

- A. The Commissioner is authorized and empowered to issue unmanned aircraft vehicle permits in accordance with this chapter.
- B. The Commissioner shall have the power to promulgate rules and regulations not inconsistent with the provisions of this chapter as may be necessary with respect to the form and content of applications for unmanned aerial vehicle permits, provided that the Commissioner first hold two (2) public hearings prior to February 1, 2016, in order to receive input from the public regarding the establishment of a unmanned aerial vehicle permitting process including which County parks are appropriate to allow such permits to be utilized. One such public hearing shall be held in Hauppauge, New York and one public hearing shall be held in Riverhead, New York at the Riverhead County Center.
- C. Unmanned aerial vehicle permits shall be valid for one year from the date of issuance. The yearly fee for the unmanned aerial vehicle permit shall be determined by the Department.
- D. All unmanned aerial vehicle permit applications shall be submitted in writing on forms furnished by the Department.

Section 7. Violations/ Revocation of Permit

- A. No fine may be imposed for a violation of this chapter nor any permit suspended or revoked until after a hearing has been held before the Commissioner or Commissioner's designee. Such hearing shall be held upon at least seven (7) business days' notice to the person. Notice of such hearing shall be served either personally or by certified mail, return receipt requested, to the last known address of the person and shall state the date and place of the hearing as well as enumerate the grounds constituting the allegations against such person. The person may be represented by counsel and may produce witnesses in his/her/its own behalf. A record of the hearing shall be taken and preserved. For purposes of such hearing, the Commissioner or the Commissioner's designee may administer oaths, take testimony, subpoena witnesses and compel the production of

books, papers, records or other documents deemed pertinent to the subject of the hearing.

- B. The Commissioner shall have the power to suspend or revoke such permit or to deny an application for such permit or for renewal of such permit based upon finding of a violation after a hearing held in accordance with this law.

Section 8. Enforcement.

The provisions of this chapter shall be enforced by the Suffolk County Department of Parks, Recreation and Conservation and the Suffolk County Police Department.

Section 9. Penalties for offenses.

A. Civil Penalty

A person violating this law shall be subject to a civil penalty of no less than \$250 per violation nor more than \$500 per violation. Such civil penalties may be recovered after a hearing on written notice as set forth in this chapter. Such civil penalty shall be in addition to any other penalty imposed by federal, local, or state law pertaining to the use of unmanned aerial vehicles.

B. Criminal Penalty

In addition to any civil penalties imposed pursuant to this chapter, any person who shall launch, land or operate an unmanned aerial vehicle in violation of this chapter shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not more than \$5,000 or imprisonment for not more than one year, or both. Each such violation shall be deemed a separate offense.

Section 10. Activity Limitation.

This law shall not be construed to allow for activity that is not permitted pursuant to any federal statutes, rules or regulations governing the use of air space subject to the jurisdiction of the Federal Aviation Administration.

Section 11. Applicability.

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

Section 12. 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 13. 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 14. Effective Date.

This law shall take effect 60 days following its filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1751

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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



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(631) 853-4415 (FAX)

DATE: SEPTEMBER 8, 2015
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2015

TITLE: I.R. NO. -2015; A LOCAL LAW TO PROTECT PUBLIC SAFETY IN SUFFOLK COUNTY PARKS

SPONSOR: LEGISLATOR MURATORE

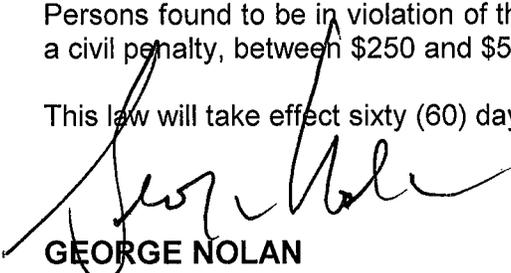
DATE OF RECEIPT BY COUNSEL: 9/8/2015 **PUBLIC HEARING:** 9/9/2015
DATE ADOPTED/NOT ADOPTED: _____ **CERTIFIED COPY RECEIVED:** _____

This proposed local law would require persons seeking to launch or land an unmanned aerial vehicle¹ in any County park to obtain a permit from the Department of Parks, Recreation and Conservation. This local law would authorize the Commissioner of the Department of Parks, Recreation and Conservation to promulgate rules and regulations with respect to the form and content of applications for these permits but he must hold two (2) public hearings before doing so.

A person receiving a permit pursuant to this law could only operate their unmanned aerial vehicle in those parks and park areas designated by the Department. The Department is required to designate these park and parks areas by May 1, 2016. Further, persons operating unmanned aerial vehicles on County property must fly such vehicles within their visual line of sight.

Persons found to be in violation of this law shall be guilty of a misdemeanor and also subject to a civil penalty, between \$250 and \$500.

This law will take effect sixty (60) days after it is filed in the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:js

¹ "Unmanned Aerial Vehicles" is defined as an unmanned, powered aircraft that does not carry a human operator and is "autonomous" or remotely piloted or operated.

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number: 1751

IR Year: 2015

Introduced By: Tom Muratore

Title of Proposed Resolution:

Adopting Local Law No. -2015, A Local Law to protect public safety in Suffolk County Parks.

Purpose and Intent of Proposed Legislation:

This resolution adopts a Local Law which protects public safety in County Parks by prohibiting the launching and landing of unmanned aerial vehicles ("UAVs") from any County park without a permit issued by the Department of Parks, Recreation and Conservation. Certain organizations would be exempt, including: the federal government; New York State government; local police; contractors using UAVs to provide contracted services for the federal government, New York State, or Suffolk County; and persons who hold an active media press pass issued by the police departments of Nassau County, Suffolk County, or New York City.

The Department of Parks, Recreation, and Conservation will designate the Parks and areas of Parks which will be authorized for the operation of UAVs and will establish the appropriate fees for the annual permits. Operators of UAVs on County property must fly the UAV within the line of sight of the operator. The rules and regulations for the permit application process will be announced by the Parks Department Commissioner after receiving public input from two public hearings, to be held prior to February 1, 2016. A list of the Suffolk County Parks and areas within those Parks in which UAV use will be allowed will be formulated before May 1, 2016.

Violators of this law will be subject to civil penalties of \$250-\$500 per violation, which will be in addition to any other penalty imposed by federal, local, or state law pertaining to the use of UAVs. In addition, a person launching, landing, or operating an UAV in violation of this legislation is guilty of a misdemeanor, and is subject to a fine of not more than \$5000 and/or imprisonment for not more than one year.

The Suffolk County Department of Parks, Recreation and Conservation and the Suffolk County Police Department will be responsible for enforcement.

Detailed Explanation of Fiscal Impact:

There is potential for revenue from permitting fees and fines for violations. Revenue from permitting fees will vary with the number of people who use UAVs in County Parks and the cost of the permit. Revenue from violations will vary with the number of violators as well as with the ability to identify and prosecute violators. Identification of violators will be challenging, as the UAVs are remotely controlled and can fly significant distances.

There will be an opportunity cost to the Department of Parks, Recreation and Conservation in establishing the permitting procedure and to both the Parks Department and the Suffolk County Police Department for enforcement. No fine

for violations may be imposed (nor any permit suspended or revoked) until seven business-day notice is given and a hearing is held before the Commissioner of Parks, Recreation, and Conservation (or his designee).

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:

Indeterminate. The permitting and monitoring of UAVs will be performed within the operating budget of County Departments.

Proposed Source of Funding:

No funding is included in this resolution.

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

There is potential for an indeterminate amount of General Fund revenue from permitting and violations.

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:

Not applicable.

Authorized Signature



***Robert Lipp, Director
Budget Review Office***

Date Completed

9/9/15

Analyst Code

LH