

Intro. Res. No. 1218-08
Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. -2008, AMENDING RESOLUTION
NO. 1188-2007, IMPLEMENTING BUDGET STAFF, AND
TAXES FOR THE FISCAL YEAR 2008 (DISCRETIONARY)**

WHEREAS, Resolution No. 1188-2007 implemented budget, staff and taxes for the 2008 fiscal year (Discretionary); and

WHEREAS, the tax levy amounts contained in Resolution No. 1188-2007 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1188-2007 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2007-2008 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

* * * *

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

TOWN OF BROOKHAVEN		
School Districts		\$ 950,438,613.00
STAR Exemption		(127,740,065.01)
Library District		2,818,869.00
Highway (Town Wide)		13,530,887.00
Highway (Town Outside Village)		43,607,228.00
Fire Districts		72,305,850.00
Fire Protection Districts		451,233.00
Water Districts		368,862.00
Lighting Districts		7,579,866.00
Sewer Districts (Town Only)		112,469.00
Ambulance Districts		8,576,865.00
Park Districts		44,350.00
Dock Districts		256,864.00
Unpaid Sewer and Water Rents		2,584.69
Demolition Unsafe Structures		87,829.39
Erosion Control Districts		1,043,324.00
Clean-Up of Premises		286,726.87
\$100M Bond Act of 2004		6,906,000.00
Real Property Tax Law - Article 7		4,801,199.00
Refuse and Garbage District		44,705,436.48
General (Town Wide)		21,256,246.00
General (Town Outside Village)		5,658,714.00
TOTAL TOWN PURPOSES	\$	1,057,099,951.42
County Tax - General	\$	38,652,039.00
2006 Actual Surplus – County Tax General		(35,365,880.00)
2007 Estimated Deficit – County Tax General		6,550,345.00
County Tax – Suffolk Community College		1,149,338.00
District Superintendent of Schools		3,909.00
Sub Total	\$	10,989,751.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1		11,691.93
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7		8,865.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10		5,544.00
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 11		66,109.51
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 14		10,484.96
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19		3,117.47
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20		38,813.04
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23		26,894.78
Total	\$	11,161,272.47
Less Credits		(27,686.06)
Total Payable to County Treasurer for County General	\$	11,133,586.41
County Police District		152,813,528.00
2006 Actual Deficit - Police District		12,289,141.00
2007 Estimated Surplus - Police District		(14,536,081.00)
District Court District		2,595,810.00
2006 Actual Deficit - District Court District		150,098.00
2007 Estimated Surplus - District Court District		(103,937)

(Continued)		
TOWN OF BROOKHAVEN (Continued)		
County Sewer District No 1, Port Jefferson		698,850.00
County Sewer District No. 7 – Medford		1,275,694.00
County Sewer District No. 8 – Strathmore Ridge		100,649.00
County Sewer District No. 9 – College Park		86,810.00
County Sewer District No. 10 – Stony Brook		974,752.00
County Sewer District No. 10, Construction Cost Only		0.00
County Sewer District No. 11, Selden, Zone A		543,925.00
County Sewer District No. 11, Selden, Zone B		1,375,525.00
County Sewer District No. 11, Zone B, Construction Cost Only		1.00
County Sewer District No. 12 – Birchwood/Holbrook		135,979.00
Adjustments Mandated by Law		
Erroneous Assessments & Tax Refunds - County		184,417.57
Erroneous Assessments & Tax Refunds - Community College		14,263.25
Erroneous Assessments & Tax Refunds - Town Only		20,154,043.56
Erroneous Assessments & Tax Refunds - Police District		2,638,691.23
Erroneous Assessments & Tax Refunds - District Court District		45,955.78
Erroneous Assessments & Tax Refunds - S.D. #1 (T12)		8.25
Erroneous Assessments & Tax Refunds - S.D. #7 (T21)		113,356.03
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)		263.95
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)		1,450.55
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)		447.56
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)		1,191.09
Erroneous Assessments & Tax Refunds - S.D. #11B (T30)		51.09
Erroneous Assessments & Tax Refunds - S.D. #12 (T34)		76.11
Total Adjustments Mandated by Law for		
Town of Brookhaven - \$ 23,154,216.02		
TOTAL COUNTY PURPOSES	\$	192,688,546.43
TOTAL AMOUNT OF LEVY	\$	1,249,788,497.85

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number

1219

IR Year

2008

Introduced By: Presiding Officer

Title of Proposed Resolution

AMENDING RESOLUTION NO. 1188-2007, IMPLEMENTING BUDGET STAFF, AND TAXES FOR THE FISCAL YEAR 2008 (MANDATED)

Purpose and Intent of Proposed Legislation

To correct the tax warrant for the Town of Brookhaven in Resolution No. 1189-07. The correction reflects the actual tax bills sent out by the town.

Detailed Explanation of Fiscal Impact

This resolution amends the tax warrant in Resolution No. 1189-07, for the line "Refuse and Garbage District" for the Town of Brookhaven from \$44,867,713.11 to \$44,705,436.48. This equates to a reduction of \$162,276.63. This introductory resolution reflects a change in taxes in the mandated budget associated with the action taken in IR 1220.

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

There is no financial cost. This resolution corrects the warrant to reflect actual tax bills

Proposed Source of Funding

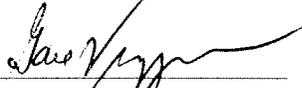
N/A

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

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

There is no impact. This resolution corrects the warrant to reflect actual tax bills. The correction reduces taxes in Brookhaven's "Refuse and Garbage District" by \$162,276.63.

Authorized Signature



**Gail Vizzini, Director
Budget Review Office**

Date Completed

2/29/2008

Analyst Code

ES

Intro. Res. No. 1219-08
Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. -2008, AMENDING RESOLUTION
NO. 1189-2007, IMPLEMENTING BUDGET, STAFF AND
TAXES FOR THE FISCAL YEAR 2008 (MANDATED)**

WHEREAS, Resolution No. 1189-2007 implemented budget, staff and taxes for the fiscal year 2008 (Mandated); and

WHEREAS, the tax levy amounts contained in Resolution No. 1189-2007 must be amended to reflect the proper amounts in the line for the Refuse and Garbage District under the Town of Brookhaven; now, therefore be it

1st RESOLVED, that the 11th RESOLVED clause of Resolution No. 1189-2007 is hereby amended to read as follows:

11th RESOLVED, that taxes for the year 2007-2008 be levied against the taxable property in the Towns of Babylon, Brookhaven, East Hampton, Huntington, Islip, Riverhead, Shelter Island, Smithtown, Southampton and Southold for the purposes outlined as follows, to wit:

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APPROVED BY:

County Executive of Suffolk County

Date:

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Fire Protection Districts		451,233.00
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Lighting Districts		7,579,866.00
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Park Districts		44,350.00
Dock Districts		256,864.00
Unpaid Sewer and Water Rents		2,584.69
Demolition Unsafe Structures		87,829.39
Erosion Control Districts		1,043,324.00
Clean-Up of Premises		286,726.87
\$100M Bond Act of 2004		6,906,000.00
Real Property Tax Law - Article 7		4,801,199.00
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Sub Total	\$	10,989,751.00
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County Sewer District No. 9 – College Park		86,810.00
County Sewer District No. 10 – Stony Brook		974,752.00
County Sewer District No. 10, Construction Cost Only		0.00
County Sewer District No. 11, Selden, Zone A		543,925.00
County Sewer District No. 11, Selden, Zone B		1,375,525.00
County Sewer District No. 11, Zone B, Construction Cost Only		1.00
County Sewer District No. 12 – Birchwood/Holbrook		135,979.00
Adjustments Mandated by Law		
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Erroneous Assessments & Tax Refunds - Community College		14,263.25
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Erroneous Assessments & Tax Refunds - S.D. #7 (T21)		113,356.03
Erroneous Assessments & Tax Refunds - S.D. #9 (T20)		263.95
Erroneous Assessments & Tax Refunds - S.D. #10 (T22)		1,450.55
Erroneous Assessments & Tax Refunds - S.D. #11A (T31)		447.56
Erroneous Assessments & Tax Refunds - S.D. #11B (T25)		1,191.09
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Town of Brookhaven - \$ 23,154,216.02		
TOTAL COUNTY PURPOSES	\$	192,688,546.43
TOTAL AMOUNT OF LEVY	\$	1,249,788,497.85

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number

1219

IR Year

2008

Introduced By: Presiding Officer

Title of Proposed Resolution

AMENDING RESOLUTION NO. 1188-2007, IMPLEMENTING BUDGET STAFF, AND TAXES FOR THE FISCAL YEAR 2008 (MANDATED)

Purpose and Intent of Proposed Legislation

To correct the tax warrant for the Town of Brookhaven in Resolution No. 1189-07. The correction reflects the actual tax bills sent out by the town.

Detailed Explanation of Fiscal Impact

This resolution amends the tax warrant in Resolution No. 1189-07, for the line "Refuse and Garbage District" for the Town of Brookhaven from \$44,867,713.11 to \$44,705,436.48. This equates to a reduction of \$162,276.63. This introductory resolution reflects a change in taxes in the mandated budget associated with the action taken in IR 1220.

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

There is no financial cost. This resolution corrects the warrant to reflect actual tax bills

Proposed Source of Funding

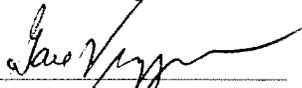
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Total Estimated Financial Impact on all Funds, tax rates, and property tax

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

There is no impact. This resolution corrects the warrant to reflect actual tax bills. The correction reduces taxes in Brookhaven's "Refuse and Garbage District" by \$162,276.63.

Authorized Signature



Gail Vizzini, Director
Budget Review Office

Date Completed

2/29/2008

Analyst Code

ES

Intro. Res. No. 1220-08
Introduced by Presiding Officer

Laid on Table 3/4/2008

**RESOLUTION NO. -2008, AUTHORIZING AMENDED
TAX WARRANT FOR RESOLUTION NO. 1190-2007 (FOR
THE TOWN OF BROOKHAVEN) TO BE SIGNED BY THE
PRESIDING OFFICER AND THE CLERK OF THE COUNTY
LEGISLATURE**

1st **RESOLVED**, that the taxes and levies as extended on the 2007-2008 tax assessment rolls for the Town of Brookhaven are hereby amended to correct the amounts reported and the same are hereby ratified and confirmed in the revised amounts set forth in the Exhibit "A" attached hereto and made a part hereof; and be it further

2nd **RESOLVED**, that the amended tax warrant for the Town of Brookhaven for the collection of such taxes as are provided by law be annexed to the tax rolls of the Town of Brookhaven under the seal of the County and signed by the Presiding Officer and the Clerk of the County Legislature.

* * * *

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

TOWN OF BROOKHAVEN			
TO THE SUPERVISOR OF SAID TOWN:			
School Districts		\$	822,703,390.79
Library District			2,818,869.00
Highway (Town Wide)			13,530,887.00
Highway (Town Outside Village)			43,607,228.00
Fire Districts			72,308,184.58
Fire Protection Districts			451,233.00
Water Districts			368,862.00
Lighting Districts			7,579,866.00
Sewer Districts (Town Only)			112,469.00
Ambulance Districts			8,576,865.00
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Erosion Control Districts			1,043,324.00
Clean-Up of Premises			286,726.87
\$100M Bond Act of 2004			6,906,000.00
Real Property Tax Law - Article 7			4,801,199.00
Refuse and Garbage District			44,705,436.48
General (Town Wide)			21,256,246.00
General (Town Outside Village)			5,658,714.00
TOTAL PAYABLE TO SUPERVISOR		\$	1,057,107,128.80
TO THE TREASURER OF SAID COUNTY:			
County Tax - General		\$	38,652,039.00
2006 Actual Surplus – County Tax General			(35,365,880.00)
2007 Estimated Deficit – County Tax General			6,550,345.00
County Tax – Suffolk Community College			1,149,338.00
District Superintendent of Schools			3,909.00
Sub Total		\$	10,989,751.00
Relevy of Prior Years Unpaid Taxes			
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 1			11,691.93
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 7			8,865.78
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 10			5,544.00
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Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 19			3,117.47
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 20			38,813.04
Relevy of Unpaid Sewer Rents & Charges -Sewer Dist No. 23			26,894.78
Total		\$	11,161,272.47
Less Credits			(27,686.06)
Total Payable to County Treasurer for County General		\$	11,133,586.41

TOWN OF BROOKHAVEN (Continued)		
County Police District		152,813,528.00
2006 Actual Deficit - Police District		12,289,141.00
2007 Estimated Surplus - Police District		(14,536,081.00)
District Court District		2,595,810.00
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County Sewer District No. 1 - Discretionary		698,850.00
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County Sewer District No. 9 - Discretionary		86,810.00
County Sewer District No. 10 - Discretionary		974,752.00
County Sewer District No. 10 - Construction Only		0.00
County Sewer District No. 11, Zone A - Discretionary		543,925.00
County Sewer District No. 11, Zone B - Discretionary		1,375,525.00
County Sewer District No. 11, Zone B, Construction Only		1.00
County Sewer District No. 12 - Discretionary		135,979.00
Adjustments Mandated by Law		
Erroneous Assessments & Tax Refunds - County		184,417.57
Erroneous Assessments & Tax Refunds - Community College		14,263.25
Erroneous Assessments & Tax Refunds - Town Only		20,154,043.56
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Erroneous Assessments & Tax Refunds - S.D. #11B (T30)		51.09
Erroneous Assessments & Tax Refunds - S.D. #12 (T34)		76.11
Total Adjustments Mandated by Law for		
Town of Brookhaven - \$ 23,154,216.02		
Excess Due to Tax Extension		25,324.81
TOTAL PAYABLE TO COUNTY TREASURER	\$	192,713,871.24
TOTAL AMOUNT OF WARRANT	\$	1,249,821,000.04

* * * *

Statement of Financial Impact on Proposed Suffolk County Legislation

IR Number

1220

IR Year

2008

Introduced By: Presiding Officer

Title of Proposed Resolution

AUTHORIZING AMENDED TAX WARRANT FOR RESOLUTION NO. 1190-2007 (FOR THE TOWN OF BROOKHAVEN) TO BE SIGNED BY THE PRESIDING OFFICER AND THE CLERK OF THE COUNTY LEGISLATURE

Purpose and Intent of Proposed Legislation

To correct the tax warrant for the Town of Brookhaven in Resolution No. 1190-07. The correction reflects the actual tax bills sent out by the town.

Detailed Explanation of Fiscal Impact

This resolution amends the tax warrant in Resolution No. 1190-07, for the line "Refuse and Garbage District" for the Town of Brookhaven from \$44,867,713.11 to \$44,705,436.48. This equates to a reduction of \$162,276.63. This resolution has two companion resolutions, IR 1218-08 and IR 1219-08, which deal with the discretionary and mandated portions of the budget respectively.

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

There is no financial cost. This resolution corrects the warrant to reflect actual tax bills.

Proposed Source of Funding

N/A

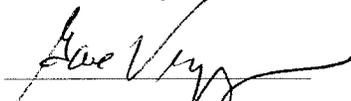
Total Estimated Financial Impact on all Funds, tax rates, and property tax

There is no impact. This resolution corrects the warrant to reflect actual tax bills. The correction reduces taxes in Brookhaven's "Refuse and Garbage District" by \$162,276.63.

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

There is no impact. This resolution corrects the warrant to reflect actual tax bills. The correction reduces taxes in Brookhaven's "Refuse and Garbage District" by \$162,276.63.

Authorized Signature


***Gail Vizzini, Director
Budget Review/Office***

Date Completed

2/25/2008

Analyst Code

ES

1221

Intro. Res. No. -2008
Introduced by Legislator Nowick

Laid on Table 3/4/08

**RESOLUTION NO. -2008, AUTHORIZING PLANNING
STEPS FOR ACQUISITION UNDER SUFFOLK COUNTY
MULTIFACETED LAND PRESERVATION PROGRAM
(DECARMINE PROPERTY) TOWN OF SMITHTOWN**

WHEREAS, Resolution No. 459-2001 established the Suffolk County Multifaceted Land Preservation Program for acquisitions to be consummated pursuant to Resolution No. 751-1997; pursuant to the traditional Suffolk County Open Space Program; pursuant to Chapter 8 of the SUFFOLK COUNTY CODE for farmland purposes; for parkland purposes; for environmentally sensitive land acquisition; for watershed and/or estuary protection; for drinking water protection purposes; or in accordance with the programmatic criteria set forth in Resolution No. 602-2001 designated as the Suffolk County Active Parklands Stage II Acquisition Program; and

WHEREAS, there are sufficient revenues to fund land acquisition in Capital Project No. 7177, Project Name: "Suffolk County Multifaceted Land Preservation Program"; now, therefore be it

1st RESOLVED, that the Director of the Division of Real Property Acquisition and Management, or his deputy, is hereby authorized, empowered, and directed, pursuant to Section 42-2(C) of the SUFFOLK COUNTY CHARTER, to take all preliminary planning steps (i.e. survey, appraisal, title search, and environmental audit) as shall be necessary and appropriate as set forth in the 2nd RESOLVED clause of this Resolution, funding for which shall be provided in Capital Project No. 7177, to acquire fee title to the parcels listed herein below from the reputed owners for inclusion in the Suffolk County Multifaceted Land Acquisition Program pursuant to the traditional Suffolk County Open Space Program:

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER</u>	<u>ACRES</u>	<u>REPUTED OWNER AND ADDRESS</u>
1	District: 0800 Section 075.00 Block 05.00 Lot 038.000	1.2	Adrienne Tyler Decarmine PO Box 281 Smithtown, NY 11787
2	District: 0800 Section 075.00 Block 05.00 Lot 039.000	3.75	Adrienne Tyler Decarmine PO Box 281 Smithtown, NY 11787
TOTAL ACREAGE		4.92	

and be it further

2nd RESOLVED, that the County Department of Environment and Energy, Division of Real Property Acquisition and Management, the County Planning Department, the County Department of Public Works, and/or the County Department of Parks, Recreation and

Conservation are hereby authorized, empowered, and directed to take such other actions as may be necessary and appropriate, in connection with planning for such acquisition, to secure appraisals, obtain surveys, obtain engineering reports, and secure title insurance for such lands; and be it further

3rd **RESOLVED**, that any unencumbered, unallocated funds available at the conclusion of the consummation of the acquisition of these proposed parcels shall be appropriated to future and subsequent acquisitions under the Suffolk County Multifaceted Land Preservation Program; and be it further

4th **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) 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 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:

APPROVED BY:

County Executive of Suffolk County

Date:

S:\res\r-decarmine-multifaceted-plan-steps

Intro. Res. No. 1222 - 2008

Laid on Table 3/4/08

Introduced by Presiding Officer on request of the County Executive

RESOLUTION NO. 2008 AUTHORIZING 2008 FUNDING FOR SUFFOLK COUNTY CULTURAL, FILM COMMISSION AND VISUAL MEDIA ARTS PROGRAMMING

WHEREAS, the adopted 2008 Operating Budget provides \$212,000 from Fund 001-6410-4770 for the funding of cultural programs; and

WHEREAS, the Citizen's Arts Advisory Board has met and unanimously recommended that a re-grant program for community arts groups in the amount of \$105,000 be established and administered by the Suffolk County Alliance of Arts Councils, comprised of the Babylon Citizens Council on the Arts, Brookhaven Arts and Humanities Council, East End Arts & Humanities Council, Greater Port Jefferson-Northern Brookhaven Arts Council, Huntington Arts Council, Islip Arts Council and Smithtown Township Arts Council, each to receive an equal apportionment of \$15,000; and

WHEREAS, the DED/WFH recommends \$25,000 be awarded to the cultural tourism project LI Winterfest due to its positive impact on visitation to the East End during the months of February and March; and

WHEREAS, the Suffolk County Film Commission has recommended funding of cultural programs specific to the discipline of media arts, pursuant to Section 58-12(b) of the Suffolk County Code, which stipulates that a function of the Suffolk County Motion Picture/TV Film Commission is to cooperate and assist the motion picture/television industry within the county on matters beneficial to the general welfare and economic development of Suffolk County, and \$82,000 is available for such programs as detailed in Exhibit A; now, therefore, be it

1st RESOLVED, that the Suffolk County Legislature hereby approves the allocation of funding in the amount of \$212,000 for the organizations as set forth in Exhibit "A", attached, such funding to be paid at the commencement of the pertinent contract; and be it further

2nd RESOLVED, that this Legislature being the lead agency under SEQRA and Chapter 279 of the Suffolk County Code, hereby determines that this resolution constitutes an action, pursuant to 6 NYCRR and; be it further

3rd RESOLVED, that the County Executive or his Deputy, as the case may be, is hereby authorized to enter into agreements with the organizations as set forth in Exhibit "A" and in the amounts set forth therein.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

ATTACHMENT A

Reso-EcoDev/WFH-

AUTHORIZING 2008 FUNDING FOR SUFFOLK COUNTY CULTURAL, FILM COMMISSION AND VISUAL MEDIA ARTS PROGRAMMING

Program Name: Suffolk County Community Arts Regrant Program

Description: A total of \$105,000 is to be contracted to the seven arts councils of Suffolk County to administer the Community Arts Regrant Program. These funds are distributed equally among the seven arts councils, which will then subcontract with community arts organizations in their respective service areas to deliver cultural programs to the communities of Suffolk County. Community arts regrants are not to exceed \$5,000 for any individual subcontractor participating in this program.

\$15,000 Babylon Citizens Council on the Arts
\$15,000 Brookhaven Arts and Humanities Council, Inc.
\$15,000 East End Arts Council
\$15,000 Greater Port Jefferson-Northern Brookhaven Arts Council
\$15,000 Huntington Arts Council
\$15,000 Islip Arts Council
\$15,000 Smithtown Township Arts Council

Program Name: Long Island Culture and Wine Winterfest: Jazz on the Vine

Description: The Long Island Culture and Wine Winterfest is a unique collaborative cultural tourism program with wineries, B&Bs, hotels, restaurants, shops and cultural organizations participating to increase winter tourism on the East End of Long Island. This program was one of eight recipients of a New York State cultural tourism grant in 2005. The 2008 theme features jazz music in the vineyards. The Long Island Wine Council will be the lead agency for this program. Funding will be used to fund performances by local jazz musicians who will play in the wineries during the five-week duration of the promotion.

\$25,000 Long Island Wine Council

Program Name: Next Exposure: Suffolk County Film Commission Production Grant

Description: Next Exposure is a joint program of the Suffolk County Film Commission and Renew Media to attract and retain young filmmaking talent in Suffolk County. This competitive program will fund three productions, two at \$10,000 and one at \$5,000 by filmmakers residing in Suffolk County that produce their film in Suffolk County. Two representatives from the Suffolk County Film Commission and one representative from Renew Media will select the grantees with oversight by the Department's Program Coordinator for Cultural Affairs.

\$27,500 Renew Media

ATTACHMENT A

Reso-EcoDev/WFH-

AUTHORIZING 2008 FUNDING FOR SUFFOLK COUNTY CULTURAL, FILM COMMISSION AND VISUAL MEDIA ARTS PROGRAMMING

Program Name: Film Festivals

Description: Suffolk County now has three major film festivals that are instrumental in increasing tourism and producing demonstrable economic impact.

\$15,000	Hamptons International Film Festival
\$12,500	Stony Brook Film Festival
\$9,000	Fire Island Golden Wagon Film festival

Program Name Southampton Screenwriting Conference

Description: A five-day program designed to inform, inspire, and challenge new and advanced screenwriters, one of the goals of the Suffolk County Film Commission

\$5,000	Stony Brook Southampton
---------	-------------------------

Program Name Marketing - Suffolk County Film Commission and Cultural websites

Description: Enhancements to the website

Description: 1) Add new cultural organizations to the cultural directory and map; 2) expand film commission website to include provision for production assistant network to log in; 3) add facility for location managers to post testimonials; 4) add video clips from scenes shot in Suffolk County.

\$13,000	Sanna Mattson MacLeod
----------	-----------------------

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

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation RESOLUTION NO. 2008 AUTHORIZING 2008 FUNDING FOR SUFFOLK COUNTY CULTURAL, FILM COMMISSION AND VISUAL ARTS PROGRAMMING		
3. Purpose of Proposed Legislation See No. 2 above.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the Answer to Item 4 is "yes", on what will it impact? (Circle the 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. NO FISCAL IMPACT – FUNDING INCLUDED IN 2008 ADOPTED OPERATING BUDGET		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
8. Proposed Source of Funding 2008 County Operating Budget		
9. Timing of Impact UPON ADOPTION		
10. Typed Name and Title of Preparer JAMES P. BURT ASSISTANT BUDGET DIRECTOR	11. Signature of Preparer 	12. Date February 21, 2008

*or
over*

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

0

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 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 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



MEMORANDUM

TO: Brendan Chamberlain, County Executive Assistant
Office of the County Executive

FROM: Carolyn Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: January 22, 2008

SUBJECT: **Authorizing Cultural Affairs Agreement Funding for 2008**

The Department of Economic Development and Workforce Housing, requests the submission of the attached resolution requesting Legislature authorization for Funding the 2008 Suffolk County Cultural, Film Commission and Visual Arts Media Programming.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed as requested.

Thank you.

CEF/kmb

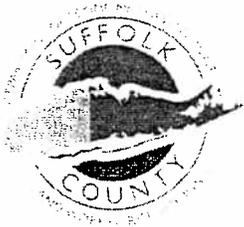
cc: Jim Morgo, Chief Deputy County Executive
Tom Vaughn, Intergovernmental Relations
Jim Burt, Budget Office
Michelle Stark, Program Coordinator for Cultural Affairs



Steve Levy
Suffolk County Executive

Jim M. Morgo
Commissioner

BETTER FOR BUSINESS... BETTER FOR LIFE



MEMORANDUM

TO: Brendan Chamberlain, County Executive Assistant
Office of the County Executive

FROM: Carolyn Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: January 22, 2008

SUBJECT: **Authorizing Cultural Affairs Agreement Funding for 2008**

The Department of Economic Development and Workforce Housing, requests the submission of the attached resolution requesting Legislature authorization for Funding the 2008 Suffolk County Cultural, Film Commission and Visual Arts Media Programming.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed as requested.

Thank you.

CEF/kmb

cc: Jim Morgo, Chief Deputy County Executive
Tom Vaughn, Intergovernmental Relations
✓ Jim Burt, Budget Office
Michelle Stark, Program Coordinator for Cultural Affairs



Steve Levy
Suffolk County Executive

Jim M. Mergo
Commissioner

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41 Lee Dennison Bldg., 2nd Floor • Hauppauge, Long Island, NY 11788-0099 • phone (631) 853-4800 fax (631) 853-6869 • www.suffolkcountyny.gov

GRANTEE LEGAL NAME	2008 Recommend ed Funding
Arena Players Repertory Theatre of L.I., Inc.	\$20,000
Art League of Long Island	\$5,000
Atlantic Wind Symphony, Inc.	\$5,000
Babylon Citizens' Council on the Arts	\$18,000
Bay Street Theatre Festival, Inc.	\$17,600
Bridgehampton Chamber Music Assoc., Inc.	\$5,000
Bridgehampton Historical Society	\$5,000
Brookhaven Arts and Humanities Council, Inc.	\$7,000
Byrd Hoffman Water Mill Fndation	\$7,000
Children's Museum of the East End	\$5,000
(dba.) Cinema Arts Centre /// New Community Cinema.	\$20,000
East End Arts and Humanities Council, Inc.	\$24,000
Friends of the Bayshore/Brightwaters Library	\$5,000
Greater Port Jefferson Arts Council	\$19,200
Guild Hall of East Hampton, Inc.	\$7,200
Hallockville, Inc.	\$13,672
Heckscher Museum	\$15,600
Huntington Arts Council	\$22,000
Inter-Media Art Center, Inc.	\$20,500
Islip Arts Council, Inc.	\$23,000
Long House Reserve	\$5,000
Long Island Philharmonic, Inc.	\$8,000
Museums at Stony Brook-LI Museum of American Art, History & Carriages	\$20,000
Oysterponds Historical Society	\$5,000
Parrish Art Museum	\$8,000
Patchogue Theater for the Performing Arts	\$8,800
Smithtown Township Arts Council, Inc.	\$17,396
Society for the Preservation of L.I. Antiquities	\$5,000
Stony Brook Fndation, Inc. (Pollock-Krasner House)	\$7,000
Theatre Three Productions, Inc.	\$15,000
Walt Whitman Birthplace Association	\$13,600
Westhampton Beach Performing Arts Center, Inc.	\$20,000
Whaling Museum Society, Inc.	\$6,100
Total	\$403,668

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

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation RESOLUTION NO. 2008 AUTHORIZING CULTURAL TOURISM AND DEVELOPMENT FUNDING FOR 2008		
3. Purpose of Proposed Legislation See No. 2 above.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> </u> No <u> X </u>		
5. If the Answer to Item 4 is "yes", on what will it impact? (Circle the 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. NO FISCAL IMPACT – FUNDING INCLUDED IN 2008 ADOPTED OPERATING BUDGET		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision		
8. Proposed Source of Funding 2008 County Operating Budget – Fund 192 Hotel Motel Room Tax		
9. Timing of Impact Upon Adoption		
10. Typed Name and Title of Preparer JAMES P. BURT ASSISTANT BUDGET DIRECTOR	11. Signature of Preparer 	12. Date February 25, 2008

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

0

POLICE DISTRICT AND DISTRICT COURT

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 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 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.



FEB 19 2008

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Office of the County Executive

FROM: Carolyn E. Fahey, Intergovernmental Relations Coordinator
Department of Economic Development & Workforce Housing

DATE: February 8, 2008

SUBJECT: **Authorizing Cultural Affairs Agreement Funding for 2008**

On behalf of the Suffolk County Cultural Affairs Citizens Advisory Board, the Department of Economic Development and Workforce Housing requests the submission of the attached resolution requesting Legislature authorization for the 2008 Cultural Affairs Programs.

Attached please find the draft resolution and the required SCIN 175a and 175b. Electronic copies are being filed as requested.

Thank you.

CEF/kmb

cc: Jim Morgo, Chief Deputy County Executive
Michelle Isabelle-Stark



Steve Levy
Suffolk County Executive

Jim M. Morgo
Commissioner

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DEPARTMENTAL WORKSHEET

GRANTEE LEGAL NAME	2007 Funding	2008 Recommend ed Funding	Difference of 2007 to 2008
Arena Players Repertory Theatre of L.I., Inc.	\$25,300	\$20,000	-\$5,300
Art League of Long Island	\$5,500	\$5,000	-\$500
Atlantic Wind Symphony, Inc.	\$7,250	\$5,000	-\$2,250
Babylon Citizens' Council on the Arts	\$24,000	\$18,000	-\$6,000
Bay Street Theatre Festival, Inc.	\$22,000	\$17,600	-\$4,400
Bridgehampton Chamber Music Assoc., Inc.	\$6,600	\$5,000	-\$1,600
Bridgehampton Historical Society	\$4,000	\$5,000	\$1,000
Brookhaven Arts and Humanities Council, Inc.	\$7,500	\$7,000	-\$500
Byrd Hoffman Water Mill Fndation	\$9,500	\$7,000	-\$2,500
Children's Museum of the East End	\$5,500	\$5,000	-\$500
(dba.) Cinema Arts Centre /// New Community Cinema.	\$25,300	\$20,000	-\$5,300
East End Arts and Humanities Council, Inc.	\$30,170	\$24,000	-\$6,170
Friends of the Bayshore/Brightwaters Library	\$6,000	\$5,000	-\$1,000
Greater Port Jefferson Arts Council	\$24,000	\$19,200	-\$4,800
Guild Hall of East Hampton, Inc.	\$9,000	\$7,200	-\$1,800
Hallockville, Inc.	\$17,090	\$13,672	-\$3,418
Heckscher Museum	\$19,500	\$15,600	-\$3,900
Huntington Arts Council	\$27,500	\$22,000	-\$5,500
Inter-Media Art Center, Inc.	\$26,000	\$20,500	-\$5,500
Islip Arts Council, Inc.	\$29,000	\$23,000	-\$6,000
Long House Reserve	\$0	\$5,000	\$5,000
Long Island Philharmonic, Inc.	\$10,000	\$8,000	-\$2,000
Museums at Stony Brook-LI Museum of American Art, History & Carriages	\$25,000	\$20,000	-\$5,000
Oysterponds Historical Society	\$0	\$5,000	\$5,000
Parrish Art Museum	\$10,000	\$8,000	-\$2,000
Patchogue Theater for the Performing Arts	\$11,000	\$8,800	-\$2,200
Smithtown Township Arts Council, Inc.	\$21,745	\$17,396	-\$4,349
Society for the Preservation of L.I. Antiquities	\$6,000	\$5,000	-\$1,000
Stony Brook Fndation, Inc. (Pollock-Krasner House)	\$8,800	\$7,000	-\$1,800
Theatre Three Productions, Inc.	\$22,000	\$15,000	-\$7,000
Walt Whitman Birthplace Association	\$17,000	\$13,600	-\$3,400
Westhampton Beach Performing Arts Center, Inc.	\$25,300	\$20,000	-\$5,300
Whaling Museum Society, Inc.	\$7,700	\$6,100	-\$1,600
Total	\$495,255	\$403,668	-\$91,587

Intro Res. No. 1274-08

Laid on Table 3/4/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO IMPLEMENT A FOOD STAMP BONUS AWARD ALLOCATION PLAN

WHEREAS, the New York State Office of Temporary and Disability Assistance has awarded Suffolk County Department of Social Services funds in the amount of \$169,292 as a performance award for the success of our management of the Food Stamp Program; and

WHEREAS, the Suffolk County Department of Social Services intends to use this allocation to enhance Food Stamp related initiatives such as the Working Families Food Stamp Initiative; and

WHEREAS, this allocation is 100% State funded; and

WHEREAS, it is in the best interest of Suffolk County to accept and appropriate these funds; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized to accept the following funds:

REVENUES:	<u>\$169,292</u>
001-3612 STATE AID: Food Stamp Performance Bonus	\$169,292

and be it further

2nd RESOLVED, that total funds in the amount of \$ 98,519 be and are hereby appropriated as follows as follows, less indirect costs of \$70,773 already included in the 2008 Operating Budget::

ORGANIZATIONS:	<u>\$98,519</u>
Department of Social Services Information Technology 001-DSS -6006	

<u>2000 – Equipment</u>	<u>4,300</u>
2020 – Office Machines	4,300

Department of Social Services
Client Benefits
001-DSS -6015

<u>1000 – Personal Services</u>	<u>\$82,782</u>
1130 - Temporary Salaries	82,782
<u>3000 - Supplies, Mtls, and Other Exp</u>	<u>3,200</u>
3500 - Other	3,200

Employee Benefits
Social Security
001-EMP-9030

<u>8000 – Employee Benefits</u>	<u>\$6,333</u>
8330 – Social Security	6,333

Interfund Transfers
Transfer to Fund 38 (Workers Compensation)
001-IFT-E038

<u>9000 – Interfund Transfers</u>	<u>\$1,904</u>
9600 – Transfer to Funds	1,904

and be it further

3rd RESOLVED, that the following interfund revenues be accepted and appropriated as follows:

<u>REVENUES:</u>	<u>\$1,904</u>
038-IFT-R001 Transfer from General Fund	1,904

<u>ORGANIZATIONS:</u>	<u>\$1,904</u>
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Employee Benefits
Workers' Compensation
038-EMP-9040

<u>8000 - Employee Benefits</u>	<u>\$1,904</u>
8300 – Workers' Compensation	1,904

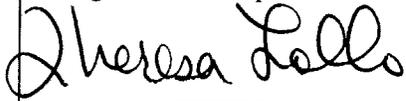
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

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

1. Type of Legislation		
Resolution <input checked="" type="checkbox"/> Local Law <input type="checkbox"/> Charter Law <input type="checkbox"/>		
2. Title of Proposed Legislation		
ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO IMPLEMENT A FOOD STAMP BONUS AWARD ALLOCATION PLAN		
3. Purpose of Proposed Legislation		
TO PROVIDE 100% ADDITIONAL FUNDING IN THE AMOUNT OF \$169,292. THIS AWARD, WHICH HAS BEEN APPROVED BY NYS OTDA, IS SPECIFICALLY FOR THE FOOD STAMP INITIATIVE. USE OF THIS FUNDING WILL BE FOR TEMPORARY STAFF TO SUPPORT OUR FOOD STAMP EXAMINERS IN THE ELECTRONIC FOOD STAMP APPLICATION PROCESS, TELEPHONE RECERTIFICATION AND IMAGING OF FOOD STAMP RECORDS.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>		
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.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political of other Subdivision.		
100% FUNDING IN 2008, COST IS NON RECURRING		
8. Proposed Source of Funding.		
100% STATE FUNDING FROM OTDA		
9. Timing of Impact.		
IMMEDIATE		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Theresa M. Lollo Principal Financial Analyst		March 3, 2008

SCIN FORM 175b (10/95)

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF SOCIAL SERVICES

Janet DeMarzo
Commissioner

Memorandum

To: Ben Zwirn, Assistant Deputy County Executive
County Executive Office

From: Janet DeMarzo, Commissioner
Department of Social Services

Date: February 25, 2008

Subject: **REQUEST FOR LEGISLATION:**
Accepting 100% Funding to Implement 2008 Food Stamp Bonus Award Allocation Plan

I am requesting the introduction of a resolution entitled:

“ACCEPTING AND APPROPRIATING 100% STATE GRANT FUNDS FROM THE NEW YORK STATE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE TO THE SUFFOLK COUNTY DEPARTMENT OF SOCIAL SERVICES TO IMPLEMENT A FOOD STAMP BONUS AWARD ALLOCATION PLAN”

The NYS Office of Temporary and Disability Assistance awarded Suffolk County a Food Stamp Bonus Award in the amount of \$169,292. This award is specifically for the food stamp initiative, and funds will be used for temporary staff to support our food stamp examiners in the electronic food stamp application process, telephone recertifications and imaging of food stamp records.

Attached please find the above referenced resolution, the introduction form (SCIN Form 175a), the fiscal impact statement (SCIN Form 175b), the grant approval letter from NYS and related back-up material. The e-copies relating to this resolution are titled “Reso-DSS-Food Stamp Allocation Bonus Award.” If you have any questions, please contact Patricia Clark at 854-9939.

Enc.

c: D. Fahey
J. Morgo

ec: CE Reso. Review Distribution List



Eliot Spitzer
Governor

NEW YORK STATE
OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE
40 NORTH PEARL STREET
ALBANY, NEW YORK 12243-0001

David A. Hansell
Commissioner

February 8, 2008

Ms. Janet DeMarzo
Commissioner
Suffolk County Department of Social Services
3085 Veterans Memorial Highway
Ronkonkoma, New York 11779

Dear Commissioner DeMarzo:

We are pleased to advise you that your 2008 Food Stamp Bonus Allocation Plan in the amount of \$169,292, has been approved by the New York State Office of Temporary and Disability Assistance.

By reinvesting these funds into the Food Stamp Program we can increase participation of underserved populations such as working families.

To claim your district's allocation, please follow the claiming instructions as advised in 07 LCM 14. Claim reimbursements may be submitted beginning January 1, 2008. Contracts that are executed for a 12 month period commencing in 2008 may extend into 2009 with claiming extended beyond December 31, 2008. If you have further questions please contact Tina Sorell at 518-473-3407 or e-mail Tina.Sorell@otda.state.ny.us.

We appreciate your continued cooperation and applaud your good work.

Sincerely,

A handwritten signature in black ink, appearing to read "RSY", written in a cursive style.

Russell Sykes
Deputy Commissioner
Center for Employment and Economic Supports

cc: Commissioner Hansell
Elizabeth Berlin

1725

L55

Intro. Res. No. -2008

Laid on Table 3/4/08

Introduced by the Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND TRANSFERRING BUDGETED FUNDS FROM FUND 261-SEWER MAINTENANCE AND OPERATIONS TO THE CAPITAL FUND AND APPROPRIATING FUNDS FOR THE PURCHASE OF SEWER FACILITY MAINTENANCE EQUIPMENT (CP 8164)

WHEREAS, the Commissioner of Public Works has requested funds for the purchase of equipment for sewer facility maintenance; and

WHEREAS, the sewerage facility infrastructure is increasing and regulations mandate increasing sewer attention necessitating an increase in the Sanitation Fleet; and

WHEREAS, there are sufficient funds included within the 2008 Adopted Capital Budget to cover the cost of said sewer facility maintenance equipment under CP8164; and

WHEREAS, there are sufficient funds included within the 2008 Adopted Operating Budget (261-IFT-E527) to cover the transfer of funds to the Capital Fund for said sewer facility maintenance equipment; and

WHEREAS, the Commissioner of Public Works requests that these funds be transferred and appropriated for the purchase of sewer facility maintenance equipment; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, Resolution 321-2003 requires that no vehicle shall be purchased or leased unless "explicit approval for the acquisition of such vehicles, via lease or purchase, has been granted via duly enacted Resolution of the Suffolk County Legislature"; and

WHEREAS, all conditions precedent to the financing of the capital project hereinafter described, including compliance with the provisions of the State Environmental Quality Review Act have been performed; 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 Volume 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5 (25) and (27), in that the resolution concerns purchasing of furnishings, equipment and supplies, other than land, radioactive material, pesticides, herbicides or other hazardous materials, and adoption of a local legislative decision in connection with the same; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-five (65) 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 an increase in the Sanitation Fleet is hereby authorized for sewer maintenance activities and that the purchase of 10 replacement vehicles as detailed on the attached is hereby approved, pursuant to Section 186-2(B)(6) of the SUFFOLK COUNTY CODE, and in accordance with County vehicle standard.; and be it further

4th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8164
 Project Title: Sewer Facility Maintenance Equipment for Various Sewer Districts

	<u>Total Est'd Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
5. Furniture and Equipment	\$8,500,000	\$1,000,000 A	\$1,000,000 T
TOTAL:	\$8,500,000	\$1,000,000	\$1,000,000

And be it further

6th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues and effectuate all associated cash transfers for the purchase of sewer facility maintenance equipment as follows:

REVENUE:

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Amount</u>
527-IFT-R261	Transfer from Sewer Maintenance	\$1,000,000

and be it further

7th RESOLVED, that the proceeds of \$1,000,000 in Interfund revenues be and they are hereby appropriated as follows:

APPROPRIATION:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8164.527	80	Sewer Facility Maintenance Equipment Various Sewer Districts	\$1,000,000

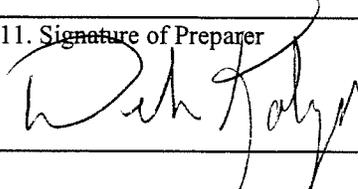
DATED:

APPROVED BY:

Deputy County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
AMENDING THE 2008 OPERATING BUDGET AND TRANSFERRING BUDGETED FUNDS FROM FUND 261-SEWER MAINTENANCE AND OPERATIONS TO THE CAPITAL FUND AND APPROPRIATING FUNDS FOR THE PURCHASE OF SEWER FACILITY MAINTENANCE EQUIPMENT (CP 8164)		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
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)		
<u>County</u>	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		
THIS RESOLUTION TRANSFERS \$1,000,000 IN FUNDS ALREADY INCLUDED IN THE 2008 ADOPTED OPERATING BUDGET IN THE SEWER MAINTENANCE AND OPERATION FUND AND APPROPRIATES THESE FUNDS INTO CAPITAL PROJECT 8164.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
N/A		
8. Proposed Source of Funding		
TRANSFER OF SEWER MAINTENANCE FUND APPROPRIATIONS TO THE CAPITAL FUND 527.		
9. Timing of Impact		
2008		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Debra Kolyer Principal Financial Analyst		February 22, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 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 2006.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2006-2007.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2006 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

FEB 13 2008

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

M E M O R A N D U M

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner

SUBJECT: **Appropriating Funds in the 2008 Capital Budget and Program for the purchase of Sewer Facility Maintenance Equipment (CP 8164)**

DATE: February 7, 2008

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP8164 – Sewer Maintenance Equipment 1-30-08 and backup filed as Reso-Backup DPW-bw CP8164 – Sewer Maintenance Equipment 1-30-08. The resolution transfers from the 2008 Operating Budget \$1,000,000 for sewer maintenance equipment per the attached list, and authorizes an increase in the number of vehicles in the Sanitation fleet. This Capital Project is for the purpose of ensuring that the proper sewerage facility maintenance equipment for various districts is available. The majority of this equipment is associated with the sewer system response/rehabilitation and liquid sludge hauling. Attention and focus has been increasing annually as the 1,250 miles of sewer age and regulations concerning maintenance are implemented. We request this resolution be laid on the table at your convenience.

TL:BW:ni
Attachment

cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Ben Wright, P.E., Chief Engineer, Sanitation
Peter Burke, Assistant Director of Highway Maintenance/Fleet Services
CE RESO REVIEW
Reso Backup DPW-bw Purchase CP8164 Memo 1-31-08

**2008 Capital Program
(CP #8164)
Department of Public Works
Purchase of Sanitation Maintenance Equipment**

Bergen Point		Sewer Districts	
1 – 3,500 gallon vacuum truck	\$180,000	2 – Tractors (sludge hauling)	\$220,000
2 – heavy-duty 4x4 utility trucks & accessories	\$160,000	1 – 6 wheel dump truck (44,000 GVW)	\$140,000
1 – heavy-duty large capacity forklift	\$125,000	1 – backhoe	\$75,000
1 – service van	\$35,000	1 – 6" vacuum pump	\$25,000
		1 – F-350 pick-up w/plow and light bar	\$40,000
FINAL OVERALL TOTAL	\$500,000	FINAL OVER TOTAL	\$500,000

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, AMENDING THE 2008 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND AND APPROPRIATING FUNDS IN CONNECTION WITH DESIGN OF IMPROVEMENTS TO SEWER DISTRICT NO. 6 – KINGS PARK (CP 8144)

WHEREAS, there is a need for expanding the service area of Sewer District No. 6 to the Main Street areas of Smithtown and Kings Park and the capacity of the Kings Park Sewer District wastewater treatment plant; and

WHEREAS, there are sufficient funds in the 2008 Capital Budget and Program for design of an expansion of Suffolk County Sewer District No. 6 – Kings Park; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover design costs associated with the design of the expansion; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund provide \$2,000,000 for the engineering associated with expansion and the improvements to Suffolk County Sewer District No. 6 – Kings Park; now, therefore be it

1ST RESOLVED, that it is hereby determined that this project, with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of 471-1994 as revised by Resolution No. 461-2006; and be it further

2nd RESOLVED, that the Assessment Stabilization Reserve Fund shall fund Sewer District No. 6 the sum of \$2,000,000 for the purpose of implementing this project for the benefit of the sewer district with a loan re-payment in twenty years; and be it further

3rd RESOLVED, that the 2008 Adopted Operating Budget be and hereby is amended as follows:

INTERFUNDS

Amount

404-IFT-E527-Transfer to Fund 527 \$2,000,000

4th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept the interfund transfer, including the cash transfer, and accept the interfund proceeds as follow:

REVENUES

527-IFT-R404-Transfer from Fund 404 \$2,000,000
(Ref.527-CAP-IFTR-R04)

and be it further,

5th RESOLVED, that funds in the amount of \$2,000,000 in from the Assessment Stabilization Reserve Fund be and they hereby are appropriated as follows:

<u>Project Number</u>	<u>JC</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8144.112	80	Improvements to Sewer	\$2,000,000

District No. 6 – Kings Park

and be it further

6th RESOLVED, that the Administrative Head of the Sewer Districts be and hereby is authorized, directed and empowered to issue an RFP and enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to consultant assistance for the environmental, and design of this project; and be it further

7th 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) (18), (21) and (27) of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

DATED:

APPROVED BY:

Date of Approval:

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

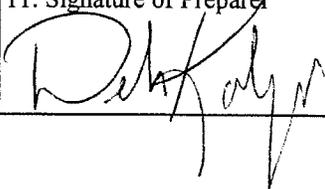
COMBINED

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 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 2006.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2006-2007.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2006 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

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											
TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND AND APPROPRIATING FUNDS IN CONNECTION WITH DESIGN OF IMPROVEMENTS TO SEWER DISTRICT NO. 6-KINGS PARK (CP 8144)											
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)											
<table style="width: 100%; border: none;"> <tr> <td style="width: 33%;">Town</td> <td style="width: 33%;">Economic Impact</td> <td style="width: 33%;"></td> </tr> <tr> <td>Village</td> <td>School District</td> <td>Other (Specify): Sewer District</td> </tr> <tr> <td>Library District</td> <td>Fire District</td> <td></td> </tr> </table>			Town	Economic Impact		Village	School District	Other (Specify): Sewer District	Library District	Fire District	
Town	Economic Impact										
Village	School District	Other (Specify): Sewer District									
Library District	Fire District										
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact											
THIS RESOLUTION TRANSFERS \$2,000,000 IN ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND FOR CAPITAL PROJECT 8144.											
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.											
N/A											
8. Proposed Source of Funding											
TRANSFER OF ASSESSMENT STABILIZATION FUNDS TO THE CAPITAL FUND 527.											
9. Timing of Impact											
2008											
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date									
Debra Kolyer Principal Financial Analyst		February 22, 2008									

SCIN FORM 175b (10/95)

COUNTY OF SUFFOLK



FEB 13 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

M E M O R A N D U M

TO: Ben Zwirn, Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner 

SUBJECT: **Transferring Assessment Stabilization Funds for the Design of Expansion/Improvements to Sewer District No. 6 – Kings Park (CP 8144)**

DATE: February 11, 2008

Attached is a draft resolution, SCIN Form 175a and 175b, and backup for the referenced capital project filed as Reso DPW-bw CP8144 – Sewer District No.6 – Kings Park 2-8-08 and backup filed as Reso-Backup DPW-bw CP8144 – Sewer District No. 6 – Kings Park 2-8-08. The resolution transfers from the 2008 Operating Budget (Assessment Stabilization Fund), \$2,000,000 to implement the design and environmental phase associated with the sewerage at the Main Street areas of Smithtown and Kings Park. The sewage generated will be treated at an expanded wastewater treatment facility. The project will provide economic and environmental benefits. We request this resolution be laid on the table at your convenience.

TL:BW:ni

Attachment

cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E., Commissioner
Brendan Chamberlain, County Executive Assistant
Laura Conway, CPA, Chief Accountant
Ben Wright, P.E., Chief Engineer, Sanitation
CE RESO REVIEW
ResoBackup DPW-bw design, expansion, improvement CP8144 memo 2-8-08

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

Introduced by the Presiding Officer on the request of the County Executive

RESOLUTION NO. -2008, AMENDING THE 2008 OPERATING BUDGET, TRANSFERRING ASSESSMENT STABILIZATION RESERVE FUNDS TO THE CAPITAL FUND, AND APPROPRIATING FUNDS FOR THE SAFETY AND SECURITY IMPROVEMENTS PROGRAM FOR SANITARY FACILITIES IN SUFFOLK COUNTY SEWER DISTRICTS (CP 8103)

WHEREAS, the sanitary facilities under the ownership and operation of Suffolk County have increased over the past thirty-five years to twenty-two treatment plants and nearly ninety pumping stations; and

WHEREAS, there exists a need to insure that safety and security system measures are appropriate and current; and

WHEREAS, the Administrative Head of the Sewer Districts has requested that funds be appropriated to cover design and installation costs associated with the Safety and Security Improvements; and

WHEREAS, there are sufficient funds included within the 2008 Adopted Capital Budget to cover the cost of said request; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, it is proposed that the Assessment Stabilization Reserve Fund the districts the sum of \$540,000 for the purpose of implementing this project for the benefit of all the sewer districts, excluding SD 3 – Southwest, that has a program underway; now, therefore be it

1st RESOLVED, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Resolution No. 638-2006 classified the action contemplated by the proposed Safety and Security Improvements for Suffolk County Sewer District a Type II action pursuant to the provisions of Environmental Conservation Law Article 8, Title 6 of the New York Code of Rules and Regulations ("NYCRR") Section 617.5(c) (1), (2) and(25), the Legislature has no further responsibilities under SEQRA; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of fifty-eight (58), is eligible for approval with the provisions of Resolution 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the Assessment Stabilization Reserve Fund shall fund the Sewer Districts the sum of \$540,000 for the purpose of implementing this project for the benefit of all the sewer districts; and be it further

4th RESOLVED, that the Adopted 2008 Operating Budget be and hereby is amended as follows;

APPROPRIATIONS:

	<u>Amount</u>
404-IFT-E527 - Transfer to Fund 527	\$540,000

5th **RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to accept Interfund revenues, and effectuate the transfer of revenue and cash, for the Safety and Security Improvements Program for sanitary facilities in Suffolk County as follows:

REVENUES:

527-IFT-R404 - Transfer from Fund 404 \$540,000
(Ref.527-CAP-IFTR-R404)
and be it further

6th **RESOLVED**, that funds in the amount of \$540,000 from the Assessment Stabilization Reserve Fund be and hereby are appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8103.112	Planning for Sewer Districts Safety and Security Program	\$40,000
527-CAP-8103.312	Construction of Sewer District Safety and Security Program	\$500,000

and be it further

7TH **RESOLVED**, that the Administrative Head of the Sewer Districts be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the installation of the Safety and Security Program.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

**FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

TOWN	2008 PROPERTY TAX LEVY	2008 COST TO AVG TAXPAYER	2008 AV TAX RATE PER \$100	2008 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 2006.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2006-2007.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2006 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

COUNTY OF SUFFOLK



FEB 13 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

GILBERT ANDERSON, P.E.
COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

FROM: Thomas LaGuardia, P.E., Chief Deputy Commissioner 

DATE: February 11, 2008

SUBJECT: **A Draft Resolution Transferring Assessment Stabilization Reserve Funds to the Capital Fund, Amending the 2008 Operating Budget, Amending the 2008 Capital Budget and Program, and Appropriating Funds for Safety and Security Improvements for Sanitary Facilities in Suffolk County Sewer Districts - CP 8103**

Attached is a draft resolution and appropriate forms with backup for Safety and Security Improvements to Sewer Districts filed as Reso DPW-bw CP8103 Safety & Security 2-11-08 and backup filed as Reso-Backup DPW-bw CP8103 Safety & Security Memo 2-11-08. The project has been included in the adopted 2008 Capital Budget and Program and has been indicated as utilizing Assessment Stabilization Reserve Fund in 2008 and we have, therefore, prepared the draft resolution with that source of funding. The project will include safety devices and improvements to all district treatment plants; excluding Southwest that has a program, and the remote pumping stations. The project has a three year schedule with 2008 being the last year and identified as requiring \$540,000. We would request that this resolution be laid on the table at your earliest convenience.

TL:BW:ni
Encl.

cc: Jim Morgo, Chief Deputy County Executive
Gil Anderson, P.E. Commissioner
Brendan Chamberlain, County Executive Assistant
Ben Wright, P.E., Chief Engineer, Sanitation
Laura Conway, CPA, Director of Administrative Services
CE Reso Review
Reso-Backup DPW-bw CP8103 Safety & Security Memo 2-11-08

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1228

Intro. Res. No. -2008

Laid on the Table 3/4/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008 AMENDING THE 2008
CAPITAL BUDGET AND PROGRAM AND
APPROPRIATING FUNDS IN CONNECTION WITH
THE CHARTER LAW EXTENDING AND
ACCELERATING THE SUFFOLK COUNTY 1/4%
DRINKING WATER PROTECTION PROGRAM FOR
ENVIRONMENTAL PROTECTION FOR LAND
ACQUISITIONS**

WHEREAS, at the general election held on November 6, 2007, the electorate approved the mandatory referendum on Resolution No. 770 -2007, Adopting A Charter Law to Extend the Existing Suffolk County 1/4% Sales Tax Drinking Water Protection Program for Environmental Protection, Sewer District Tax Rate Stabilization and County-wide Property Tax Protection from December 31, 2013 to November 30, 2030; and

WHEREAS, the intent of Local Law No. 24 – 2007 is to accelerate the land acquisition component of the program, by permitting borrowing of up to \$322 million over the next four (4) Years, with the cost of the borrowing to be repaid from the ¼% Sales Tax Revenue Stream; and

WHEREAS, the extension of this program by another 17 years, will allow the County to borrow money now at reduced interest rates, purchase the last vestiges of land available, and pay off its debt service at a later date, all to the benefit of the Suffolk County taxpayers; and

WHEREAS, 31.10% of the total revenues generated each calendar year by such sales and compensating use tax is allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and

WHEREAS, Suffolk County Environmental Programs Trust Fund can be used for the payment of debt service on serial bonds or notes authorized via duly enacted resolution of the County of Suffolk and issued for the purchase of farmland development rights, open space, Wetlands, woodlands, pine barrens, and other lands which are suitable only for passive, recreational use, land for use as Hamlet Greens, Hamlet Parks, pocket parks, active parkland, active recreation, historic and/or cultural park uses; and

WHEREAS; Principal and interest expenses, bond or note issuance costs and all other expenses directly related to the bonds or notes issued for such purchases may be paid from the sales tax revenues allocated and deposited annually to the Suffolk County Environmental Programs Trust Fund; and.

WHEREAS; the serial bonds or notes issued for the purchase of development rights or land under this program are required to be authorized by a duly enacted bond or note resolution of the County of Suffolk adopted in the calendar years 2008, 2009, 2010 or 2011; and

WHEREAS, any such bonds or notes must be issued on or prior to December 31, 2011, and the final maturity of such bonds and notes shall be no later than December 31, 2030; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006 established the use of a priority ranking system, implemented in the Adopted 2008 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, the County Legislature by even date herewith has authorized the issuance of \$32,000,000 in Suffolk County Serial Bonds to cover the cost of purchasing land under the Suffolk County 1/4% Drinking Water Protection Program for Environmental Protection; now, therefore be it

1st RESOLVED, that 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) 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, not including new programs or major reordering of priorities that may affect the environment; and be it further

2nd RESOLVED, that prior to the approval by this Legislature of any property for purchase under this capital project, an environmental review of each property shall be undertaken and completed in accordance with SEQRA; and be it further

3rd RESOLVED, that 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; and be it further

4th RESOLVED, that it is hereby determined that this project, with a priority ranking of seventy-two (72) is eligible for approval in accordance with the provisions of Resolution No. 471-994 as revised by Resolution No.461-2006; and be it further

5th RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No. 8712

Project Title: Suffolk County ¼% Drinking Water Protection Program for Environmental Protection - Land Acquisition Component

	<u>Total Estimated Cost</u>	<u>Current 2008 Capital Program and Budget</u>	<u>Revised 2008 Capital Program and Budget</u>
2. Land Acquisition	\$32,000,000	\$ 0	\$32,000,000 B
TOTAL	\$32,000,000	\$ 0	\$32,000,000

and be it further

6th RESOLVED, that the proceeds of \$32,000,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP- 8712.210 (Fund 477-Debt Service)	Suffolk County ¼% Drinking Water Protection Program for Environmental Protection - Land Acquisition Component	\$32,000,000

and be it further

7th RESOLVED, that no funds appropriated by this resolution may be expended unless and until a resolution authorizing planning and/or acquisition of a piece of property for the purposes of these capital projects has been duly adopted.

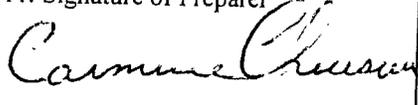
DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation		
Resolution <u> X </u> Local Law <u> </u> Charter Law <u> </u>		
2. Title of Proposed Legislation		
<p>RESOLUTION NO. -2008 AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH THE CHARTER LAW EXTENDING AND ACCELERATING THE SUFFOLK COUNTY 1/4% DRINKING WATER PROTECTION PROGRAM FOR ENVIRONMENTAL PROTECTION FOR LAND ACQUISITIONS</p>		
3. Purpose of Proposed Legislation		
SEE NO. 2 ABOVE		
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)		
<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. DEBT SERVICE WILL BE PAID FROM FUND 477.		
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		
2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine Chiusano Assistant Budget Director		March 4, 2008

SCIN FORM 175b (10/95)

**FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER**

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

POLICE DISTRICT AND DISTRICT COURT

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 FEV TAX RATE PER \$1000
TOTAL	\$0	\$0.00		\$0.000

COMBINED

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER \$100	2009 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 2007.
- 2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
- 3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

Suffolk County
Project Name
 General Obligation Serial Bonds
 50% Rule

Term of Bonds: 22
 Amount to Bonds: \$32,000,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/15/2008					
5/15/2009			\$658,113.75	\$658,113.75	
11/15/2009	4.00%	\$ 1,164,000	658,113.75	1,822,113.75	\$2,480,227.50
5/15/2010			634,833.75	634,833.75	
11/15/2010	4.00%	1,217,000	634,833.75	1,851,833.75	2,486,667.50
5/15/2011			610,493.75	610,493.75	
11/15/2011	4.00%	1,243,000	610,493.75	1,853,493.75	2,463,987.50
5/15/2012			585,633.75	585,633.75	
11/15/2012	4.00%	1,270,000	585,633.75	1,855,633.75	2,441,267.50
5/15/2013			560,233.75	560,233.75	
11/15/2013	4.00%	1,296,000	560,233.75	1,856,233.75	2,416,467.50
5/15/2014			534,313.75	534,313.75	
11/15/2014	4.00%	1,322,000	534,313.75	1,856,313.75	2,390,627.50
5/15/2015			507,873.75	507,873.75	
11/15/2015	4.00%	1,349,000	507,873.75	1,856,873.75	2,364,747.50
5/15/2016			480,893.75	480,893.75	
11/15/2016	4.00%	1,375,000	480,893.75	1,855,893.75	2,336,787.50
5/15/2017			453,393.75	453,393.75	
11/15/2017	4.00%	1,402,000	453,393.75	1,855,393.75	2,308,787.50
5/15/2018			425,353.75	425,353.75	
11/15/2018	4.00%	1,428,000	425,353.75	1,853,353.75	2,278,707.50
5/15/2019			396,793.75	396,793.75	
11/15/2019	4.00%	1,455,000	396,793.75	1,851,793.75	2,248,587.50
5/15/2020			367,693.75	367,693.75	
11/15/2020	4.00%	1,481,000	367,693.75	1,848,693.75	2,216,387.50
5/15/2021			338,073.75	338,073.75	
11/15/2021	4.00%	1,507,000	338,073.75	1,845,073.75	2,183,147.50
5/15/2022			307,933.75	307,933.75	
11/15/2022	4.25%	1,534,000	307,933.75	1,841,933.75	2,149,867.50
5/15/2023			275,336.25	275,336.25	
11/15/2023	4.25%	1,560,000	275,336.25	1,835,336.25	2,110,672.50
5/15/2024			242,186.25	242,186.25	
11/15/2024	4.25%	1,587,000	242,186.25	1,829,186.25	2,071,372.50
5/15/2025			208,462.50	208,462.50	
11/15/2025	4.25%	1,613,000	208,462.50	1,821,462.50	2,029,925.00
5/15/2026			174,186.25	174,186.25	
11/15/2026	4.25%	1,639,000	174,186.25	1,813,186.25	1,987,372.50
5/15/2027			139,357.50	139,357.50	
11/15/2027	4.25%	1,666,000	139,357.50	1,805,357.50	1,944,715.00
5/15/2028			103,955.00	103,955.00	
11/15/2028	4.25%	1,692,000	103,955.00	1,795,955.00	1,899,910.00
5/15/2029			68,000.00	68,000.00	
11/15/2029	4.25%	1,719,000	68,000.00	1,787,000.00	1,855,000.00
5/15/2030			31,471.25	31,471.25	
11/15/2030	4.25%	1,481,000	31,471.25	1,512,471.25	1,543,942.50
5/15/2031			-	-	
11/15/2031	4.25%	-	-	-	-
5/15/2032			-	-	
11/15/2032	4.25%	-	-	-	-
5/15/2033			-	-	
11/15/2033	4.25%	-	-	-	-
5/15/2034			-	-	
11/15/2034	4.25%	-	-	-	-
5/15/2035			-	-	
11/15/2035	4.25%	-	-	-	-
5/15/2036			-	-	
11/15/2036	4.25%	-	-	-	-
5/15/2037			-	-	
11/15/2037	4.25%	-	-	-	-
5/15/2038			-	-	
11/15/2038	4.25%	-	-	-	-
		\$ 32,000,000	\$16,209,175.00	\$48,209,175.00	\$48,209,175.00

CAPITAL PROJECT RANKING FORM

CAPITAL PROJECT RANKING FORM	Response	Score	Category
Cumulative Ranking (maximum score=100 points)		71.8	
1. Does this project meet the minimum 5-25-5 criteria for inclusion in the capital program pursuant to Local Law 23 of 1994? Enter "Y" or "N".	Y	5.6	Planning
2. ENTER "Y" if this is either a non-recurring project or a recurring project that is financed with "G" money or ENTER "N" if this is a recurring project financed through the capital program with a source of funds other than "G" money.	Y	5.6	Planning
3. Is implementation of the project mandated by federal, state or local law? ENTER "0" if not mandated, ENTER "1" (yes-long term) if mandated, but more than 3-years (beyond the current capital program) are needed to meet the mandate, or ENTER "2" if mandate must be met within the current 3-year capital program.	1	5.6	Planning
4. What percent of the project is funded by state or federal aid, or other nonproperty tax revenue (department income, tuition at the college, interfund transfers from Fund 404 for sewers, etc.)? ENTER the percent from 0 to 100.	100	11.1	Fiscal
5. What is the non-debt service net operating budget impact? ENTER "1" for an increase in net operating expenses (net of debt service on borrowing for this capital project and net of state & federal aid and other nonproperty tax revenue); ENTER "2" for no impact; ENTER "3" for a decrease in net operating expenses within 10 years; ENTER "4" for a decrease in net operating expenses within 5 years.	2	5.6	Fiscal
6. What affect will this project have on the local economy with respect to expansion of the tax base and/or job creation? ENTER "1" = negative economic impact; ENTER "2" = no effect; ENTER "3" = positive economic impact.	2	5.6	Economic
7. Which level of service best describes this project? ENTER "1" = will expand the level of services, provide new services, or provide service level quality enhancements; ENTER "2" = needed to maintain existing levels; or ENTER "3" = replaces, rehabilitates or repairs a deteriorating or obsolete facility (i.e., Yaphank Jail)	2	2.8	Service
8. Does this project (1) correct a critical health or safety hazard, (2) prevents a critical breakdown in county facilities (i.e. asbestos removal or road improvements at high accident locations) or (3) promotes public safety or public health, providing critical services to county residents? Enter "Y" or "N".	Y	11.1	Service
9. What impact does the project have on the environment? ENTER "1" a for negative impact, ENTER "2" for no impact or ENTER "3" for a positive impact.	3	11.1	Service
10. What percent of the County's population will potentially be served? ENTER "1" if potential use is less than or equal to 25% of the county's population, ENTER "2" if potential use is less than or equal to 50%, ENTER "3" if potential use is less than or equal to 75%, ENTER "4" if potential use exceeds 75%.	3	4.2	Service
11. How would you (the analyst) rate the need for this project? ENTER "1" = Not necessary; ENTER "2" = Moderate priority; ENTER "3" = High priority; ENTER "4" = Critical.	3	3.7	All Categories

**RESOLUTION NO. - 2008, TO REQUIRE DEPARTMENT
OF SOCIAL SERVICES RECIPIENTS TO BE HOUSED ONLY IN
HABITABLE HOUSING ACCOMMODATIONS**

WHEREAS, the placement of public assistance recipients in substandard housing is a long-standing problem in our County; and

WHEREAS, the County of Suffolk has enacted several local laws designed to prevent the placement of Department of Social Services' clients in housing that is substandard, unsafe and/or non-compliant with local building and zoning codes; and

WHEREAS, despite these efforts, the unfortunate practice of placing public assistance recipients in substandard housing continues; and

WHEREAS, this Legislature wishes to establish that it shall be the policy of Suffolk County to house recipients of public assistance in accommodations that comply with applicable laws and codes; now, therefore be it

1st RESOLVED, that the Commissioner of the Department of Social Services shall ensure that all recipients of public assistance, housed with the assistance of the Suffolk County Department of Social Services, reside in a housing accommodations that are in compliance with all applicable building codes, ordinances and regulations of the municipality in which the housing accommodation is located; and be further

2nd RESOLVED, that the Commissioner of the Department of Social Services shall, within 24 hours of being presented with documentary evidence that an individual or individuals, housed with the assistance of the Suffolk County Department of Social Services, and residing in a housing accommodation that is in violation of any applicable building code, ordinance and/or regulation that relates to the health, safety, and/or habitability of the subject housing accommodation, notify the landlord of the subject housing accommodation that unless the violation is remediated within 48 hours, the individual or individuals housed in the subject housing accommodation shall be removed and rent payments made by the Suffolk County Department of Social Services to said landlord will cease; and be it further

3rd RESOLVED, that if the landlord of a housing accommodation fails to remediate the violation within 48 hours of receiving notice to do so from the Suffolk County Department of Social Services, then the Commissioner of the Department of Social Services shall cause the relocation of such individual or individuals to emergency housing until such time as the violation on the subject housing accommodation has been remediated; and be it further

4th RESOLVED, that the Commissioner of the Department of Social Services is hereby authorized to deduct the costs associated with relocating such individual or individuals to emergency housing to the subject landlord should the Suffolk County Department of Social Services resume making monthly rental payments to such landlord; and be it further

5th 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:

APPROVED BY:

County Executive of Suffolk County

Date:

s:res/DSS-repairs-in-48-hours

1230

Intro. Res. No. -2008
Introduced by Presiding Officer Lindsay

Laid on Table 3/4/08

**RESOLUTION NO. -2008, ADOPTING LOCAL
LAW NO. -2008, A CHARTER LAW TO
FORMALIZE THE VACANCY PROCEDURE
RELATING TO BOARDS, COMMISSIONS, AND
AGENCIES**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____, 2008 a proposed local law entitled, "**A CHARTER LAW TO FORMALIZE THE VACANCY PROCEDURE RELATING TO BOARDS, COMMISSIONS AND AGENCIES**"; now, therefore, be it

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

LOCAL LAW NO. -2008, SUFFOLK COUNTY, NEW YORK

**A CHARTER LAW TO FORMALIZE THE VACANCY
PROCEDURE RELATING TO BOARDS, COMMISSIONS AND
AGENCIES**

**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 under the SUFFOLK COUNTY CHARTER, any appointed member of any board or commission who is absent from four consecutive regular meetings of such board or commission shall be deemed to have vacated his office.

This Legislature also finds and determines that no formal procedure is now in place to insure that the Legislature is notified when a vacancy occurs due to absences or for other reasons, and, therefore new members are not being appointed in a timely fashion. As a result some boards and commission are experiencing difficulty attaining a quorum to conduct business.

This Legislature finds that a formal procedure to notify the Clerk of the Legislature when board and commission vacancies occur will assist in keeping a full complement on the boards and commissions so that they may conduct their business.

Therefore, the purpose of this law is to formalize the notification process when a vacancy occurs on a board, commission, or agency due to four consecutive unexcused absences, or for any other reason.

Section 2. Amendment.

Section 23-3 of the SUFFOLK COUNTY CHARTER is hereby amended to read as follows:

§ C23-3. Unexcused absences by appointed members of boards and commissions; [filling] notification of vacancies.

- A. Any appointed member of any board or commission who shall be absent from four consecutive regular meetings of such board or commission, unless excused by resolution thereof, shall be deemed to have vacated his office. Vacancies occurring in such office otherwise than by the expiration of the term shall be filled for the unexpired balance of the term.
- B. Any appointee to any board or commission who vacates his or her position with the intention of no longer serving on the board or commission, shall notify, in writing, the chairperson of the board or commission of his or her resignation.
- C. When a vacancy occurs for any reason on a board, commission, or agency, whose appointments are made by the Suffolk County Legislature or whose appointments are subject to legislative approval, including the Suffolk County Water Authority, the Suffolk County Industrial Development Agency, and the Suffolk Regional Off-Track Betting Corporation, the Chairperson of the board, commission, or agency shall notify the Clerk of the Suffolk County Legislature of said vacancy, in writing, within ten (10) days of such vacancy occurring.

Section 3. Applicability.

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

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or 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 5. 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 6. 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:

s:\laws\cl-vacancy-boards

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
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

IAN P. BARRY
ASSISTANT COUNSEL TO THE LEGISLATURE
email: ian.barry@suffolkcountyny.gov

DATE: March 4, 2008

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2008

TITLE: A CHARTER LAW TO FORMALIZE THE VACANCY PROCEDURE RELATING TO BOARDS, COMMISSIONS AND AGENCIES

SPONSOR: PRESIDING OFFICER LINDSAY

DATE OF RECEIPT BY COUNSEL: 3/4/08 **PUBLIC HEARING:** 3/18/08

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

Enactment of this proposed law will create a formal notification process when a vacancy occurs on a board, commission or agency.

This proposed law would amend §C23-3 of the SUFFOLK COUNTY CHARTER to require that any appointee to a board or commission who vacates his or her position to notify the chairperson of the board or commission, in writing, of his or her resignation. This proposed law would further require that the chairperson of any board, commission or agency, including the Suffolk County Water Authority, the Suffolk County Industrial Development Agency and the Suffolk Regional Off-Track Betting Corporation, to notify the Clerk of the Legislature of any vacancy occurring on their board, commission or agency within 10 days of the vacancy occurring.

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

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28

1231

Intro. Res. No. ____-2008

Laid on Table 3/4/2008

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. -2008, ADOPTING LOCAL
LAW NO. -2008, A LOCAL LAW TO PROHIBIT
ILLICIT DISCHARGES AND ILLICIT CONNECTIONS
TO SUFFOLK COUNTY'S MUNICIPAL SEPARATE STORM
SEWER SYSTEM**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on _____ 2008, a proposed local law entitled, "A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES AND ILLICIT CONNECTIONS TO SUFFOLK COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM," and said local law in final form is the same as when presented and introduced; now, therefore be it

RESOLVED, that said local law be enacted as follows:

LOCAL LAW NO. -2008, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES
AND ILLICIT CONNECTIONS TO SUFFOLK COUNTY'S
MUNICIPAL SEPARATE STORM SEWER SYSTEM**

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

Section 1. Legislative Intent

This Legislature hereby finds that the Suffolk County owns and operates a Municipal Separate Storm Sewer System ("Municipal System").

This Legislature further finds that there exists within the Suffolk County Department of Public Works a "Suffolk County Stormwater Management Program," one purpose of which includes a program to detect and eliminate illicit discharges and illicit connections to the Municipal System.

This Legislature further finds it necessary, to implement and enforce local programs to detect and eliminate illicit discharges and illicit connections to the Municipal System and reduce the discharge of pollutants into the Municipal System pursuant to 33 U.S.C. §1342, the rules and regulations promulgated thereunder, and the New York Environmental Conservation Law Article 17, Title 8.

This Legislature further finds it necessary to provide for the health, safety, and general welfare of the citizens of Suffolk County by protecting against illicit discharges and illicit connections to the Municipal System that result in: a) an increase of a pollutant of concern, b) a

violation of a Total Maximum Daily Load Allocation, c) a violation of a federal or State water quality standard, or d) a violation of the State Pollutant Discharge Elimination System General Permit No. GP-02-02, as amended, for Stormwater Discharges from Municipal Separate Storm Sewer Systems, issued by the New York State Department of Environmental Conservation to Suffolk County pursuant to New York State Environmental Conservation Law Article 17 Title 8.

This Legislature further finds it necessary to establish a mechanism to recoup the cost of detecting and eliminating illicit discharges and illicit connections to the Municipal System and the cost of damages to the Municipal System caused by non-stormwater discharges.

Therefore the purpose of this law is to provide methods for controlling illicit discharges and illicit connections into the Municipal System, to protect the health and safety of the citizens of Suffolk County, and to establish an enforcement program to accomplish these goals.

Section 2. Definitions.

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

- A.) Commissioner: means the Commissioner of the Suffolk County Department of Public Works, or his designee.
- B.) Dye Testing: means a test to determine whether a connection to the Municipal System exists.
- C.) Illicit Connection: means any drain or conveyance, whether on the surface or subsurface, direct or indirect, which allows an illicit discharge to the Municipal System.
- D.) Illicit Discharge: means any direct or indirect non-stormwater discharge to the Municipal System, except as exempted in Section 4 of this law.
- E.) Illicit Discharge Detection and Elimination Enforcement Officer: means an employee of Suffolk County empowered to administer and enforce the illicit discharge detection and elimination component of the Stormwater Management Program.
- F.) Municipal Separate Storm Sewer System (“Municipal System”): means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, retention basins, outfall structures or storm drains):
 - 1.) owned or operated by Suffolk County;
 - 2.) designed or used for collecting or conveying stormwater;
 - 3.) which is not a combined sewer; and
 - 4.) which is not part of a Publicly Owned Treatment Works, as defined by 40 CFR 122.2.

- G.) Pollutant of Concern: means a substance on the most current list prepared by the Commissioner of the Suffolk County Department of Public Works, on file with the Office of the Clerk of the County Legislature, which specifies the primary pollutants causing pollution of water bodies listed pursuant to Section 303(d) of the Clean Water Act (33 U.S.C. §1313(d)).
- H.) Responsible Discharger: means any individual, corporation, association, partnership, other entity recognized by law causing or permitting to be caused a violation of this law.
- I.) Stormwater: means rainwater, surface runoff, snowmelt and drainage.
- J.) Stormwater Management Officer: means an employee of Suffolk County designated to provide overall management and oversight of the Stormwater Management Program.
- K.) Total Maximum Daily Load Allocation: means the maximum amount of a pollutant allowed to be released under section 303(d) of the Clean Water Act and regulations promulgated thereunder.
- L.) Water Quality Standard: Such measure of purity or quality for any waters in relation to their reasonable and necessary use as may be established by:
 - 1.) the New York State Department of Environmental Conservation pursuant to New York Environmental Conservation Law §17-0301 and 6 NYCRR Parts 700-706;
 - 2.) the New York State Department of Health, pursuant to the Public Health Law; or
 - 3.) the United States Environmental Protection Agency, pursuant to the Clean Water Act.

Section 3. Prohibitions.

- A.) It shall be unlawful to cause, or engage in any activity that reasonably may be expected to cause, an illicit discharge into the Municipal System.
- B.) It shall be unlawful to make, or permit to make, any illicit connections to the Municipal System.

Section 4. Illicit Discharge Remediation Requirements.

- A.) In the event of any illicit discharge, the responsible discharger shall immediately notify the appropriate emergency response agencies and the Commissioner, and take all necessary steps to investigate, contain, eliminate and abate or remediate such release as required by any federal, State or local law.

- B.) The responsible discharger shall, as soon as reasonably practicable after an illicit discharge, notify the Commissioner in writing of such discharge. Such notification shall contain information required by the rules and regulations promulgated hereunder.
- C.) The owner or operator of a commercial or industrial establishment at which the illicit discharge occurs shall retain on-site, a written record of the discharge and those actions taken to prevent recurrence of the illicit discharge. Such records shall be retained for a period of three years as measured from the date of the illicit discharge.
- D.) The remediation requirements set forth in this section shall not be construed to constitute compliance with other applicable laws, rules or regulations.

Section 5. Exemptions.

- A.) The following discharges shall be exempt from the prohibitions of this law unless such discharges have been previously determined to be substantial contributors of pollutants by the Suffolk County Department of Health Services or the New York State Department of Environmental Conservation:
 - 1.) water line flushing or other potable water sources;
 - 2.) landscape irrigation or lawn watering;
 - 3.) existing diverted stream flows;
 - 4.) rising ground water;
 - 5.) uncontaminated ground water infiltration to storm drains;
 - 6.) pumped ground water;
 - 7.) uncontaminated water from foundation or footing drains, crawl spaces or basement sump pumps;
 - 8.) air conditioning condensate;
 - 9.) water from individual residential car washings;
 - 10.) dechlorinated swimming pool discharges;
 - 11.) residential street washwater; and
 - 12.) discharges from fire fighting activities.
- C.) The Commissioner may, in writing, approve an exemption which authorizes a discharge necessary to protect life or property from imminent harm or damage provided, however,

that such approval shall not be construed to constitute compliance with other applicable laws, rules and regulations, and further provided that such approval shall contain such conditions as deemed appropriate in the Commissioner's sole discretion.

- D.) The Commissioner may, in writing, approve an exemption which authorizes a Dye Testing discharge provided, however, that such approval shall not be construed to constitute compliance with other applicable laws, rules and regulations, and further provided that such approval shall contain such conditions as deemed appropriate in the Commissioner's sole discretion.
- E.) The prohibitions in this law shall not apply to any discharge permitted under a National Pollutant Discharge Elimination System Permit issued pursuant to 33 U.S.C. §1342, a State Pollutant Discharge Elimination System Permit issued pursuant to New York Environmental Conservation Law Article 17 Title 8, and any waiver or waste discharge order issued to the discharger under the authority of an authorized governmental agency, provided, however, that the discharger is in full compliance with such permit, waiver or order.
- F.) The exemptions set forth in this section shall not be construed to constitute compliance with other applicable laws, rules or regulations.

Section 6. Rules and Regulations.

- A.) The Commissioner, in consultation with the Suffolk County Department of Health Services and the Suffolk County Department of Environment and Energy, shall promulgate such rules and regulations as deemed necessary and appropriate for the implementation and enforcement of any provision of this law. Such rules shall govern the conduct of adjudicatory proceedings and appeals, and the Commissioner is hereby authorized and empowered to consult with the County Attorney to draft such rules providing for due process procedural mechanisms.
- B.) The Suffolk County Department of Health Services and the Suffolk County Department of Environment and Energy are hereby authorized, empowered and directed to provide such resources to the Commissioner as may be needed to implement this law.
- C.) The Commissioner is hereby authorized, empowered and directed to appoint one or more Stormwater Management Officers and Illicit Discharge and Detection Elimination Enforcement Officers, from the ranks of personnel of the Department of Public Works, the Suffolk County Department of Health Services or the Suffolk County Department of Environment and Energy, and, upon consultation with said Department management, may refer one or more functions necessary for the implementation of this law to those Departments.

Section 7. Penalties for Offense.

- A.) A willful violation of the provisions of Section 3 of this law shall be deemed a misdemeanor.
- B.) Any violation of any provision this law shall be subject to a civil penalty, in an amount not less than \$250.00 nor more than \$1,000.00.
- C.) Each day of continued violation not corrected to the Commissioner's satisfaction in compliance with this law shall constitute a separate additional violation.

Section 8. Enforcement.

The County Attorney or the Suffolk County District Attorney, may commence legal proceedings to restrain, prevent and enjoin a violation of this law or any rule or regulation promulgated hereunder, to seek civil penalties, equitable remedies, damages, criminal fines and sanctions, and such other and further relief as may be deemed appropriate.

Section 9. Applicability

This law shall apply to all illicit discharges and illicit connections occurring on or after the effective date of this law.

Section 10. 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 11. SEQRA Determination.

This Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), N.Y. Envtl. Conserv. Law Art. 8 and Chapter 279 of the Suffolk County Code, hereby finds and determines that this law constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") §617.5(c)(20) and (27), in that the action constitutes routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA.

Section 12. Effective Date.

This law shall become effective ninety (90) days subsequent to filing with the New York State Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

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
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

IAN P. BARRY
ASSISTANT COUNSEL TO THE LEGISLATURE
email: ian.barry@suffolkcountyny.gov

DATE: March 4, 2008
TO: CLERK OF THE COUNTY LEGISLATURE
RE: MEMORANDUM OF COUNSEL TO THE LEGISLATURE PURSUANT TO RULE 28

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW TO PROHIBIT ILLICIT DISCHARGES AND ILLICIT CONNECTIONS TO SUFFOLK COUNTY'S MUNICIPAL SEPARATE STORM SEWER SYSTEM

SPONSOR: PRESIDING OFFICER ON REQUEST OF COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 3/4/08 PUBLIC HEARING: 3/18/08

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

This local law would make it unlawful for any person to cause, or to engage in any activity that reasonably may be expected to cause, an illicit discharge into Suffolk County's separate storm sewer system.¹ This local law would also prohibit any person from making an illicit connection to the County's separate storm sewer system which would allow an illicit discharge into the system.

This local law would require that any person making an illicit discharge into the County's separate storm sewer system notify the appropriate emergency response agencies and take all steps necessary to investigate, contain, eliminate or remediate such a discharge. The person making such an illicit discharge shall also notify the Commissioner of the Department of Public Works of such a discharge, and shall keep a written record of the events on file for a period of three years.

This local law defines "illicit discharge" as any direct or indirect non-storm water discharge into the County's separate storm sewer system, but Section 5 of this local law contains an extensive list of exceptions to the prohibition on illicit discharges. Section 5 also permits the Commissioner of the Department of Public Works to approve, in writing, an exemption for discharges that are necessary to protect life and property from imminent harm, and to allow for

¹ This local law defines a "Municipal Separate Storm Sewer System" as a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, retention basins, outfall structures or storm drains) that are:

1. owned or operated by Suffolk County;
2. designed or used for collecting or conveying storm water;
3. which is not a combined sewer; and
4. which is not part of a Publicly Owned Treatment Works, as defined by 40 CFR 122.2.

the discharge of chemicals necessary for testing. This local law would also not apply to any discharge that is permitted under a National Pollutant Discharge Elimination System Permit, or a State Pollutant Discharge Elimination System Permit.

This local law would authorize the Commissioner of the Department of Public Works, in consultation with the Department of Health Services and the Department of Environment and Energy, to issue and promulgate rules and regulations necessary to implement the provisions of this law.

This local law is unclear as to what the penalties are for a violation of this law. Section 7 (A) of this law states that a willful violation of Section 3 shall be deemed a misdemeanor. However, Section 7 (B) states that any violation of any provisions shall be subject to a civil penalty. This local law should be amended to clarify this Section.

This local law would further authorize the County Attorney or the District Attorney to bring an action to prevent, restrain or enjoin a violation of this law.

This local law would take effect 90 days subsequent to filing in the Office of the Secretary of State.



GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28illicit-discharge-storm-water-system

1232

Intro. Res. No. -2008

Laid on Table 03/04/2008

Introduced by Presiding Officer, on request of County Executive Steve Levy

**RESOLUTION NO. , ADOPTING LOCAL LAW NO. , A
LOCAL LAW AUTHORIZING THE CREATION BY THE
COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT
CORPORATION KNOWN AS THE "SUFFOLK
TOBACCO ASSET SECURITIZATION CORPORATION"
OR "STASC"**

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on a proposed local law entitled, "**A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE "SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION" OR "STASC"**," and said local law in final form is the same as when presented and introduced; now, therefore, be it

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

LOCAL LAW NO. -2008, SUFFOLK COUNTY, NEW YORK

**A LOCAL LAW AUTHORIZING THE CREATION BY THE
COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT
CORPORATION KNOWN AS THE "SUFFOLK TOBACCO
ASSET SECURITIZATION CORPORATION" OR "STASC"**

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

Section 1. Legislative Intent.

The County of Suffolk is entitled to receive payments under the Master Settlement Agreement entered into on November 23, 1998 among the attorneys general of 46 states and six other United States jurisdictions and the four largest United States tobacco manufacturers (hereinafter, the "MSA") and the Consent Decree and Final Judgment of the Supreme Court of the State of New York, County of New York, dated December 23, 1998 (hereinafter, as the same may be amended or modified, the "Decree") in the class action entitled State of New York et al. v. Philip Morris Incorporated, et. [sic] al. (Index No. 400361/97).

In order to secure to present generations a portion of the benefits intended to be conferred by the MSA and the Decree, and thereby provide a source of funding to the County to reduce debt obligations and to further certain other county purposes, it is necessary or desirable for the County to sell its rights, title and interest in and to all of the monies to become payable to the County under the MSA and the Decree (the "Tobacco Asset" in order to facilitate the securitization of the Tobacco Asset).

In order to provide the financing structure for such securitization and a source of funding to the County to reduce debt obligations and other present and future County purposes, while protecting the County's existing credit ratings, it is necessary or

desirable for the County to sell such rights, title and interest to a local development corporation to be created by the County pursuant to the New York Not-For-Profit Corporation Law (the "Suffolk Tobacco Asset Securitization Corporation" or "STASC"), with the powers to acquire such rights, title and interest; to issue bonds, notes and other evidence of indebtedness and incur other obligations; to create a business trust under the laws of the State of Delaware (the "Residual Trust") and assign and deliver to the Residual Trust the monies to become payable to the County under the MSA and the Decree in excess of the amounts necessary to pay debt service on such bonds, notes and other evidence of indebtedness, the expenses of STASC, the expenses of the trustee which is a party to the indenture of trust with STASC authorizing the issuance of such bonds, notes and other evidence of indebtedness (the "Indenture"), any amounts necessary to maintain the reserve funds required by the Indenture to be maintained, and certain other ancillary pecuniary obligations; and to take all other actions as may be necessary, convenient or desirable in furtherance of its powers, in exchange for the net proceeds of the securitization of the Tobacco Asset and certain residual rights, including the right to receive the net proceeds of future securitizations, if any, of the Tobacco Asset.

Section 2. Creation of Local Development Corporation

The County Executive and/or his designee(s) are hereby authorized, empowered and directed to take all actions necessary to create the STASC pursuant to Section 1411 of the New York Not-For-Profit Corporation Law. The STASC shall be created for the purposes and shall exercise and perform the powers described in Section 1 hereof, in accordance with the provisions of the Certificate of Incorporation of the STASC. The STASC shall have three directors. One director shall be appointed by the County Executive, and one director shall be appointed by the Presiding Officer of the Suffolk County Legislature. The third director shall be appointed by the County Executive from the private sector, and provided, however, that such appointee is not of the same political party as the County Executive and shall be independent of the County in accordance with the provisions of the Certificate of Incorporation of the STASC.

Section 3. Sale of Tobacco Asset

The sale by the County to the STASC of the County's rights, title and interest in and to all of the Tobacco Asset, without recourse, is hereby authorized in exchange for the delivery to, or upon the order of, the County, of (i) the net proceeds of the initial issuance of bonds by the STASC contemporaneously with such sale (the "STASC Bonds") after (A) payment of all costs, fees, credit and liquidity enhancements, costs of issuance, and other expenses of the STASC and (B) the funding of all reserve funds, debt service accounts for the payment of capitalized interest, and other pledged funds which may be necessary or desirable in connection with the issuance of the STASC bonds and (ii) the undivided beneficial interest in the Residual Trust, and upon such other terms and conditions as set forth in a Purchase and Sale Agreement approved by the County Legislature at a future date between the STASC, as purchaser, and the County, as seller, ("Sale Agreement").

Section 4. Execution and Delivery of Sale Agreement

Upon legislative approval at a future date of the Sale Agreement:

- i). the County Executive and/or his designee(s) are hereby granted authority and are empowered and directed to execute and deliver on behalf of the County such approved Sale Agreement, with such changes therein as the County Executive and/or his designee(s) may approve, and the execution and delivery of such agreement shall be conclusive; and
- ii). the County Executive and/or his designee(s) are hereby further authorized, empowered and directed to execute and deliver, on behalf of the County, such other agreements, instruments or authorizations, and to perform all acts as may be contemplated, necessary or advisable to consummate, or otherwise give full effect to, the approved Sale Agreement and this Local Law or any agreement, instrument or authorization approved, contemplated or authorized hereby; and
- iii). the County pledges to and agrees with the STASC and the holders of any bonds, notes and other obligations of the STASC (hereinafter the "Obligations"), including without limitation the STASC Bonds, that the County will not alter, limit or impair the rights of the STASC to fulfill the terms of its agreements with such holders, or in any way impair the rights and remedies of such holders or the security for the Obligations, until the Obligations, together with the interest thereon, and all costs and expenses in connection with any action or proceeding by or on behalf of such holders, are fully met and discharged and such agreements are fully performed on the part of the STASC. The Legislature hereby further delegates to the County Executive and/or his designee(s) the power to make, ratify and confirm such pledge to and agreement with the STASC and the holders of its Obligations and to take any and all actions necessary or desirable to cause such pledge to and agreement with the STASC and the holders of its Obligations to be made or enforced. The STASC is hereby authorized to include in any agreement with or for the benefit of the holders of its Obligations the pledges and agreements made by the Legislature and by the County Executive and/or his designee(s) on behalf of the County pursuant to this Section. The County agrees that as a member of the class of releasing parties under the Decree it is bound by the terms and conditions of the MSA and the Decree and will not take any action inconsistent therewith.

Section 7. Applicability.

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

Section 8. 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 9. 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) 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 10. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date

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
(631) 853-5494 (PHONE)
(631) 853-4415 (FAX)

IAN P. BARRY
ASSISTANT COUNSEL TO THE LEGISLATURE
email: ian.barry@suffolkcountyny.gov

DATE: March 4, 2008

TO: CLERK OF THE COUNTY LEGISLATURE

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

PROPOSED LOCAL LAW YEAR 2008

TITLE: A LOCAL LAW AUTHORIZING THE CREATION BY THE COUNTY OF SUFFOLK OF A LOCAL DEVELOPMENT CORPORATION KNOWN AS THE "SUFFOLK TOBACCO ASSET SECURITIZATION CORPORATION" OR "STASC"

SPONSOR: PRESIDING OFFICER ON REQUEST OF COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 3/4/08 **PUBLIC HEARING:** 3/18/08

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

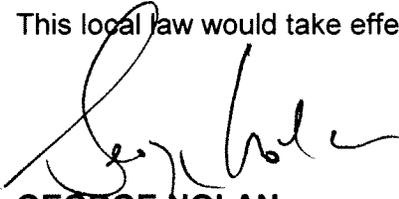
Enactment of this proposed local law would create the Suffolk Tobacco Asset Securitization Corporation ("STASC") for the purpose of acquiring rights, title and interest to the payments the County is entitled to receive under the settled tobacco litigation; to issue bonds and notes; to create a business trust; and to take all other actions as may be necessary, in order for the County to sell its rights, title and interest in all monies to become payable to the County pursuant to the Master Settlement Agreement entered into in the class action State of New York et al. v. Philip Morris Inc., et al.

This local law would authorize the County Executive to take all action necessary to create the STASC pursuant to Section 1411 of the NY NOT-FOR-PROFIT CORPORATION LAW. The STASC shall be comprised of three directors, one to be appointed by the County Executive, one appointed by the Presiding Officer and the third by the County Executive from the private sector, who shall not be of the same political party as the County Executive.

This local law would also authorize the sale by the County of the County's rights, title and interest in and to all of the moneys payable to the County under the Master Settlement Agreement (the Tobacco Asset). This sale would be in exchange for the delivery to the County of the net proceeds of the initial issuance of bonds by the STASC (less costs, fees and moneys reserved for the payment of debt service) and an undivided beneficial interest in the business trust created by the STASC.

This local law would further authorize the County Executive to enter into a sale agreement between the County and the STASC; and would also pledge the County to not alter, limit or impair the rights of the STASC to fulfill the terms of its agreements with holders of any bonds or notes issued by the STASC.

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

A handwritten signature in black ink, appearing to read "George Nolan", written in a cursive style.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-tobacco-asset

1233
Intro. Res. No. -2008

Laid on Table 3/4/08

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

**RESOLUTION NO. -2008 AUTHORIZING ACQUISITION
OF LAND UNDER THE SUFFOLK COUNTY ENVIRONMENTAL
LEGACY FUND FOR OPEN SPACE PRESERVATION FOR
THE NATURE CONSERVANCY, INC. AS CONTRACT VENDEE
OF THE BLOCKER PROPERTY – COREY CREEK (TOWN OF
SOUTHOLD – SCTM#1000-087.00-06.00-012.001)**

WHEREAS, the Suffolk County Environmental Legacy Fund was established by Resolution No. 281-2007, allocating fifty million dollars for the acquisition of: environmentally sensitive lands pursuant to the traditional Open Space Preservation Program, Resolution No. 762-1986 et seq.; farmland development rights pursuant to the Suffolk County Administrative Local Law Chapter 8, Development Rights to Agricultural Lands; active parklands including playgrounds, soccer fields, football fields, baseball fields, outdoor concerts, horseback riding or equine endeavors and/or other community recreational needs; or historic properties that exhibit historic and/or archeological significance, where there is a partner who will provide at least a 50% matching contribution to its acquisition; and

WHEREAS, there are sufficient funds within Capital Project 525-CAP-8731.211 to cover the cost of said request of acquiring the land under the Suffolk County Environmental Legacy Fund; and

WHEREAS, Resolution No. 621-2004 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Town of Southold ("Town") has approved Resolution No. 2007-934 on December 4, 2007, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; and

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 108-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and Resolutions Nos. 621-2004 and 877-2005 – Master Lists I and II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 – Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 – Master Lists I and/or II Reports, respectively; now, therefore, be it

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Environmental Legacy Fund pursuant to the traditional Suffolk County Open Space Preservation Program (1986 et seq.), for a total purchase price of Eight Million Dollars (\$8,000,000.00), which cost is to be shared by the County of

Suffolk and the Town, with the County of Suffolk's share, totaling Four Million Dollars (\$4,000,000.00) for a fifty percent (50%) undivided interest; and the Town's share, totaling Four Million Dollars (\$4,000,000.00), for a fifty percent (50%) undivided interest, as tenants-in-common, subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 1000	45.0±	The Nature Conservancy, Inc.
	Section 087.00		as Contract Vendee
	Block 06.00		P.O. Box 5125
	Lot 012.001		East Hampton, NY 11937

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Environmental Legacy Fund, for the County's portion of the purchase price of Four Million Dollars (\$4,000,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$4,000,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8731.211, Suffolk County Environmental Legacy Fund, for this acquisition; and, be it further

4th RESOLVED, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and, be it further

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and, be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

7th RESOLVED, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any necessary collateral agreements with the Town to effectuate the terms of the resolution; and, be it further

8TH RESOLVED, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and be it further

9th 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 6 NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SDQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:



RESOLUTION 2007-934

ADOPTED

DOC ID: 3364

THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2007-934 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHDOLD TOWN BOARD ON DECEMBER 4, 2007:

WHEREAS, the Town Board of the Town of Southold held a public hearing on the question of the purchase of fee title to a certain property from The Nature Conservancy, contract vendee of the property owned by Julius Blocker Revocable Trust, and known as the Blocker Property, on the 4th day of December, 2007, pursuant to the provisions of Chapter 185 (Open Space Preservation) and Chapter 17 (Community Preservation Fund) of the Code of the Town of Southold, at which time all interested parties were given the opportunity to be heard; and

WHEREAS, said property is identified as SCTM #1000-87-6-12.1. The total area of the property is 45± acres. The address of the property is 1005 Takaposa Road in Southold. The property is located within the A-C zoning district. The property has approximately 596± feet of road frontage on Main Bayview Road and 50± feet of road frontage on Watersedge Way. The property is currently accessed by Takaposa Road that is located on the southerly side of Main Bayview Road approximately 400 feet west of the intersection of Jacobs Lane and Main Bayview Road in Southold. The property shares an easterly boundary line with a filed subdivision map known as "Bay Haven" and common boundaries with five individual parcels now or formerly owned by Margaret McNamara, Ralph L. & Elaine B. Panella, Theodore Zang, Spiridon & Letta Kouzios and Harford Living Trust. The property also has approximately 3200± feet of shoreline along Corey Creek and approximately 2480± feet of shoreline on Hog Neck Bay; and

WHEREAS, the proposed acquisition is for the Town, in a joint 50%/50% partnership with the County of Suffolk, to acquire fee title to the entire 45± acres known as the Blocker Property for open space purposes. The exact area of the purchase is subject to survey. The purchase price for the entire 45± acre property is \$8,000,000 (eight million dollars) and the purchase will be funded by the Town's Community Preservation Fund and the County of Suffolk in a 50%/50% partnership which will include the purchase price and any related acquisition costs associated with the purchase of this property. The Town has made application to, and the Town may become eligible for grant funding from, the New York State Office of Parks, Recreation and Historic Preservation; and

WHEREAS, the property is listed on the Town's Community Preservation Project Plan as property that should be preserved for open space. The purpose of this acquisition is for open space protection and passive recreational purposes. Proposed uses of the property may include

the establishment of a nature preserve, passive recreational area with trails and limited parking for access purposes, all subject to a Management Plan which will be developed for this property;

WHEREAS, the Land Preservation Coordinator has reviewed the acquisition in accordance with Chapter 117 (Transfer of Development Rights) of the Code of the Town of Southold, Section 117-5. Sanitary Flow Credits are not available for transfer from this acquisition as it is a joint purchase with the County of Suffolk and the County regulations do not allow for transfer; and

WHEREAS, the purchase of fee title to this property for open space purposes is in conformance with the provision of Chapter 185 (Open Space Preservation) and Chapter 17 (Community Preservation Fund) of the Town Code of the Town of Southold; and

WHEREAS, the proposed action has been reviewed pursuant to Chapter 268 (Waterfront Consistency Review) of the Town Code and Local Waterfront Revitalization Program (LWRP) and the LWRP Coordinator has recommended, and the Town Board has determined, that this action is consistent with the LWRP; and

WHEREAS, the Land Preservation Committee has reviewed the application for the acquisition, and recommends that the Town Board acquire fee title to this open space acquisition; and

WHEREAS, the Town Board deems it in the best public interest that the Town of Southold purchase fee title to this property; now, therefore, be it

RESOLVED that the Town Board of the Town of Southold hereby elects to purchase fee title to a certain property from The Nature Conservancy, contract vendee of the property owned by Julius Blocker Revocable Trust, and known as the Blocker Property, pursuant to the provisions of Chapter 185 (Open Space Preservation) and Chapter 17 (Community Preservation Fund) of the Code of the Town of Southold. Said property is identified as SCTM #1000-87-6-12.1. The total area of the property is 45± acres. The address of the property is 1005 Takaposa Road in Southold. The property is located within the A-C zoning district. The property has approximately 596± feet of road frontage on Main Bayview Road and 50± feet of road frontage on Watersedge Way. The property is currently accessed by Takaposa Road that is located on the southerly side of Main Bayview Road approximately 400 feet west of the intersection of Jacobs Lane and Main Bayview Road in Southold. The property shares an easterly boundary line with a filed subdivision map known as "Bay Haven" and common boundaries with five individual parcels now or formerly owned by Margaret McNamara, Ralph L. & Elaine B. Panella, Theodore Zang, Spiridon & Letta Kouzios and Harford Living Trust. The property also has approximately 3200± feet of shoreline along Corey Creek and approximately 2480± feet of shoreline on Hog Neck Bay. The proposed acquisition is for the Town, in a joint 50%/50% partnership with the County of Suffolk, to acquire fee title to the entire 45± acres known as the Blocker Property for open space purposes. The exact area of the purchase is subject to survey. The purchase price for the entire 45± acre property is \$8,000,000 (eight million dollars) and the purchase will be funded by the Town's Community Preservation Fund and the

County of Suffolk in a 50%/50% partnership which will include the purchase price and any related acquisition costs associated with the purchase of this property. The Town has made application to, and the Town may become eligible for grant funding from, the New York State Office of Parks, Recreation and Historic Preservation. The property is listed on the Town's Community Preservation Project Plan as property that should be preserved for open space. The purpose of this acquisition is for open space protection and passive recreational purposes. Proposed uses of the property may include the establishment of a nature preserve, passive recreational area with trails and limited parking for access purposes, all subject to a Management Plan which will be developed for this property. The Land Preservation Coordinator has reviewed the acquisition in accordance with Chapter 117 (Transfer of Development Rights) of the Code of the Town of Southold, Section 117-5. Sanitary Flow Credits are not available for transfer from this acquisition as it is a joint purchase with the County of Suffolk and the County regulations do not allow for transfer. The purchase of fee title to this property for open space purposes is in conformance with the provision of Chapter 185 (Open Space Preservation) and Chapter 17 (Community Preservation Fund) of the Town Code of the Town of Southold. The proposed action has been reviewed pursuant to Chapter 268 (Waterfront Consistency Review) of the Town Code and Local Waterfront Revitalization Program (LWRP) and the LWRP Coordinator has recommended, and the Town Board has determined, that this action is consistent with the LWRP.



Elizabeth A. Neville
Southold Town Clerk

RESULT: ADOPTED [UNANIMOUS]
MOVER: Thomas H. Wickham, Councilman
SECONDER: Louisa P. Evans, Justice
AYES: Krupski Jr., Edwards, Ross, Wickham, Evans, Russell

FEB 19 2008

COUNTY OF SUFFOLK



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER
CHRISTOPHER E. KENT
DIRECTOR

DEPARTMENT OF ENVIRONMENT AND
ENERGY
DIVISION OF REAL PROPERTY ACQUISITION
AND MANAGEMENT

February 22, 2008

Mr. Ben Zwirn, Asst. Deputy County Executive
H. Lee Dennison Building -11th Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

Attached for your review and consideration is an Introductory Resolution to authorize the acquisition of The Nature Conservancy, Inc. as Contract Vendee property (Blocker/Corey Creek), in the Town of Southold, under the Suffolk County Environmental Legacy Fund. The purchase price is \$8,000,000.00 for 45.0± acres, of which the County's 50% share will be \$4,000,000.00

IN ADDITION, A COMPANION BONDING RESOLUTION MUST BE PREPARED AND SUBMITTED TO BE LAID ON THE TABLE AT THE SAME TIME AS THE AUTHORIZING RESOLUTION.

Please contact me if you require any additional information.

Sincerely,

Christopher E. Kent
Director

CEK:pd
Att.

LOCATION
H. LEE DENNISON BLDG. - 2nd Floor
100 VETERANS MEMORIAL HIGHWAY

MAILING ADDRESS
P. O. BOX 6100
HAUPPAUGE, NY 11788-0099

(631) 853-5900
Fax (631) 853-5906
Fax (631) 853-5905

cc: Jim Morgo, Chief Deputy County Executive
Jeff Szabo, Deputy County Executive
Carrie Meek Gallagher, Commissioner, Dept. of Environment & Energy
Thomas A. Isles, Director, Planning Department
Janet M. Longo, Acquisition Supervisor
Michael Amoroso, Bureau Chief, Law Dept., Real Estate-Condernnation
Lauretta Fischer, Principal Environmental Analyst, Planning Dept.
Tom Vaughn, County Executive Assistant
✓Brendan Chamberlain, County Executive Assistant
Peter Belyea, Acquisition Agent
CE Reso Review (e-mail copy only)

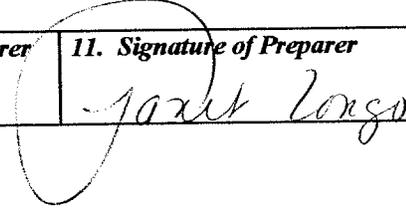
LOCATION

◆ (631) 853-5900 H. LEE DENNISON BLDG. - 2nd Floor
◆ Fax (631) 853-5906 100 VETERANS MEMORIAL HIGHWAY
◆ 11788-0099 Fax (631) 853-5905

MAILING ADDRESS

P. O. BOX 6100
HAUPPAUGE, NY

**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 Authorizing the acquisition under the Suffolk County Environmental Legacy Fund, of The Nature Conservancy, Inc. property (Blocker/Corey Creek), SCTM#1000-087.00-06.00-012.001, (Town of Southold).		
3. Purpose of Proposed Legislation See No. 2 above		
4. Will the Proposed Legislation Have a Fiscal Impact? YES ___ NO <input checked="" type="checkbox"/>		
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 4 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 Suffolk County Environmental Legacy Fund		
9. Timing of Impact N/A		
10. Typed Name & Title of Preparer Janet M. Longo Acquisition Supervisor	11. Signature of Preparer 	12. Date February 22, 2008

1234
Intro. Res. No. -2008

Laid on Table 3/4/08

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

**RESOLUTION NO. -2008 AUTHORIZING ACQUISITION
OF LAND UNDER THE SUFFOLK COUNTY ENVIRONMENTAL
LEGACY FUND FOR OPEN SPACE PRESERVATION FOR
THE NATURE CONSERVANCY, AS CONTRACT VENDEE OF
THE FILIPPELLI PROPERTY - ACCABONAC HARBOR
ADDITION (TOWN OF EAST HAMPTON - SCTM#0300-039.00-
14.00-029.000 & 0300-063.00-03.00-002.000)**

WHEREAS, the Suffolk County Environmental Legacy Fund was established by Resolution No. 281-2007, allocating fifty million dollars for the acquisition of: environmentally sensitive lands pursuant to the traditional Open Space Preservation Program, Resolution No. 762-1986 et seq.; farmland development rights pursuant to the Suffolk County Administrative Local Law Chapter 8, Development Rights to Agricultural Lands; active parklands including playgrounds, soccer fields, football fields, baseball fields, outdoor concerts, horseback riding or equine endeavors and/or other community recreational needs; or historic properties that exhibit historic and/or archeological significance, where there is a partner who will provide at least a 50% matching contribution to its acquisition; and

WHEREAS, there are sufficient funds appropriated for Capital Project 525-CAP-8731.211 to cover the cost of said request of acquiring the land under the Suffolk County Environmental Legacy Fund; and

WHEREAS, Resolution No. 877-2005 authorized planning steps for acquisition of the subject property; and

WHEREAS, the Town of East Hampton ("Town") has approved Resolution No. 2007-1521 on November 2, 2007, authorizing the acquisition of the subject property in partnership with the County of Suffolk; and

WHEREAS, the Environmental Trust Review Board has reviewed the appraisals and the report of the Internal Appraisal Review Board and has approved the purchase price and authorized the Director of the Division of Real Property Acquisition and Management to negotiate the acquisition; now, therefore, be it

WHEREAS, on November 20, 2007, Suffolk County, as SEQRA Lead Agency, in Resolution 1083-2007, issued a SEQRA negative declaration in connection with the proposed future acquisitions of properties for the preservation of open space for passive park purposes as set forth in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and Resolution Nos. 621-2004 and/or 877-2005 - Master Lists I and/or II Reports, respectively; and

WHEREAS, the following property(s), as described in the 1st Resolved, is listed in Resolution No. 625-2004 - Mastic/Shirley Conservation Area Phase I and/or Resolutions Nos. 621-2004 and/or 877-2005 - Master Lists I and/or II Reports, respectively;

1st RESOLVED, that the County of Suffolk hereby approves the acquisition of the subject property set forth below under the Suffolk County Environmental Legacy Fund pursuant to the

traditional Suffolk County Open Space Preservation Program (1986 et seq.), for a total purchase price of Three Million Two Hundred Thousand Dollars (\$3,200,000.00), which cost is to be shared by the County of Suffolk and the Town, with the County of Suffolk's share, totaling One Million Six Hundred Thousand Dollars (\$1,600,000.00) for a fifty percent (50%) undivided interest; and the Town's share, totaling One Million Six Hundred Thousand Dollars (\$1,600,000.00), for a fifty percent (50%) undivided interest, as tenants-in-common, subject to a final survey; and hereby authorizes additional expenses, which shall include but not be limited to the cost of surveys, appraisals, environmental audits, title reports and insurance, and tax adjustments:

<u>PARCEL:</u>	<u>SUFFOLK COUNTY TAX MAP NUMBER:</u>	<u>ACRES:</u>	<u>REPUTED OWNER AND ADDRESS:</u>
No. 1	District 0300 Section 039.00 Block 14.00 Lot 029.000	9.5+	The Nature Conservancy, As Contract Vendee c/o John Kaledin, Esq. 195 New Kamer Road-Suite 200 Albany, NY 12205
No. 2	District 0300 Section 063.00 Block 03.00 Lot 002.000		

; and, be it further

2nd RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee, is hereby authorized, empowered, and directed, pursuant to Section C42-2(C)(3)(d) of the SUFFOLK COUNTY CHARTER, to acquire the parcel(s) listed herein above from the reputed owner, the funding for which shall be provided under the Suffolk County Environmental Legacy Fund, for the County's portion of the purchase price of One Million Six Hundred Thousand Dollars (\$1,600,000.00), subject to a final survey; and, be it further

3rd RESOLVED, that the County Comptroller and County Treasurer are hereby authorized to reserve and to pay \$1,600,000.00, subject to a final survey, from previously appropriated funds in Capital Project 525-CAP-8731.211, Suffolk County Environmental Legacy Fund, for this acquisition; and, be it further

4th RESOLVED, that the title to this acquisition shall be held by the County of Suffolk and the Town, as tenants-in-common, with the County of Suffolk owning a fifty percent (50%) undivided interest and the Town owning a fifty percent (50%) undivided interest; and, be it further

5th RESOLVED, that the Director of the Division of Real Property Acquisition and Management and/or his designee; the County Planning Department; and the County Department of Public Works are hereby authorized, empowered, and directed to take such other actions and to pay such additional expenses as may be necessary and appropriate to consummate such acquisition, including, but not limited to, securing appraisals, title insurance and title reports, obtaining surveys, engineering reports, and environmental audits, making tax adjustments, and executing such other documents as are required to acquire such County interest in said lands; and, be it further

6th RESOLVED, that the subject parcel(s) shall be transferred to the Department of Parks, Recreation and Conservation for passive recreational use; and, be it further

7th RESOLVED, that the Director of the Division of Real Property Acquisition and Management is hereby authorized to negotiate and enter into any necessary collateral agreements with the Town to effectuate the terms of the resolution; and, be it further

8th RESOLVED, that the acquisition of the subject property is contingent upon the following: a) adoption by the Suffolk County Legislature of a bond resolution for the Suffolk County Environmental Legacy Fund program for the year 2008; b) publication of a notice relating to the bond resolution, pursuant to Section 81.00 of the Local Finance Law; and c) confirmation by the County that no action, suit or proceeding contesting the validity of the obligations authorized by the bond resolution referenced above has been commenced within twenty (20) days from the publication of such notice; and, be it further

9th RESOLVED, if desired, the County of Suffolk, through its Department of Parks, Recreation and Conservation, is hereby authorized to negotiate and enter into a municipal cooperative agreement with the Town for the management of this acquisition, consistent with this program, and the terms and conditions thereof shall be approved by the Suffolk County Attorney in consultation with the respective Commissioner of the County Department of Parks, Recreation and Conservation, who is charged with the management and operation of said property; and, be it further

10TH 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 6NYCRR Sections 617.5(c)(20) and (27) of the New York Code of Rules and Regulations since such actions are simply legislative decisions administering and implementing the acquisition of property for passive park purposes which will mainly result in a beneficial impact and for which SEQRA Determination of Non-Significance has already been issued in Suffolk County Resolution No. 1083-2007.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval: