

**RESOLUTION NO. -2008, NAMING THE FISHING PIER AT
SMITH POINT COUNTY PARK AS THE "JOHN FRITZ
MEMORIAL FISHING PIER"**

WHEREAS, John Fritz, former Chairman of the Suffolk County Board of Trustees of Parks Recreation and Conservation and the Sporting Advisory Council, recently passed away; and

WHEREAS, John Fritz was an accomplished birder, surf fisher and environmentalist; and

WHEREAS, Mr. Fritz was a tireless advocate of public access to recreational opportunities, and challenged both the county and state to do more to maximize the public's enjoyment of the outdoors; and

WHEREAS, Mr. Fritz was instrumental in advocating for a fishing pier at Smith Point County Park as well as a board walk at Cupsogue Beach County Park, that is scheduled to be constructed in 2009, which will allow individuals to enjoy viewing the marsh wildlife at that facility; and

WHEREAS, that the members of the Suffolk County Legislature wish to show their sincere respect and admiration for John Fritz for his dedication, efforts and commitment to the residents of the County of Suffolk; now, therefore be it

1st RESOLVED, that the Suffolk County Department of Parks, Recreation, and Conservation is hereby authorized, empowered, and directed, pursuant to Section 28-4(D) of the SUFFOLK COUNTY CHARTER, to provide and install appropriate signs and to take such other actions as shall be necessary to effectuate the naming of the pier at Smith Point County Park as the "John Fritz Memorial Fishing Pier" after the pier is constructed in 2009; and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (21), and (27) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as a promulgation of regulations, rules, policies, procedures, and legislative decisions in connection with continuing agency administration, management and information collection, and the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this resolution.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

1950

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

Laid on Table 10/14/08

RESOLUTION NO. -2008, AMENDING RESOLUTION NO. 555-2007, REQUIRING THE USE OF BIO-DIESEL FUEL IN THE SUFFOLK COUNTY FLEET TO REDUCE EMISSIONS, IMPROVE AIR QUALITY AND PROMOTE THE USE OF ALTERNATIVE FUELS

WHEREAS, Resolution No. 1286-2004 instituted a pilot program to fuel diesel powered vehicles at the Bergen Point facility with B20, which is 20% bio-diesel blended with 80% petroleum diesel fuel, and this program has shown encouraging results; and

WHEREAS, Resolution No. 555-2007 authorized the Commissioner of the Department of Public Works to begin the systematic conversion of the entire Suffolk County diesel fuel vehicle fleet to B20 fuel operation and said conversion was to be completed no later than December 31, 2008; and

WHEREAS, the Department of Public Works requires additional time to complete the conversion; now, therefore, be it

1st RESOLVED, that the 1st RESOLVED CLAUSE of Resolution 555-2007 is hereby amended to read as follows:

1st RESOLVED, that the Commissioner of the Suffolk County Department of Public Works is hereby authorized, empowered and directed, pursuant to Section C8-2(W) of the SUFFOLK COUNTY CHARTER, to begin the systematic conversion of the entire Suffolk County diesel fueled vehicle fleet to B20 fuel operation, said conversion to be complete no later than [December 31, 2008] December 31, 2009; and be it further

and be it further

2nd RESOLVED, that the provisions of Resolution No. 555-2007 shall remain in full force and effect; and be it

3rd 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/r-amend 555-2007 promoting alternative fuels

1951

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

Laid on Table 10/14/08

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW
NO. -2008, A LOCAL LAW TO ENSURE SAFE
OPERATIONS OF HELICOPTERS**

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 ENSURE SAFE OPERATIONS OF HELICOPTERS**"; 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 TO ENSURE SAFE OPERATIONS OF HELICOPTERS

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

Section 1. Legislative Intent.

This Legislature finds and determines that low flying helicopters have become a public nuisance in Suffolk County and threaten life or property of its residents.

This Legislature further finds and determines that the Federal Aviation Administration has failed to regulate the operations of helicopters.

This Legislature further finds and determines that the operation of helicopters below 2,500 feet is presumed to be a hazard to persons and property on the surface and constitute careless and reckless operation.

This Legislature further finds and determines that other municipalities, including the City of New York, have established minimum altitudes for helicopter operations within their jurisdictions.

Therefore, the purpose of this law is ensure safe operation of helicopters passing through the air boundaries of Suffolk County and to preserve and promote the health, safety and general welfare of the residents of Suffolk County without prohibiting safe passage of helicopters.

Section 2. Definitions.

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

CARELESS OR RECKLESS MANNER – failing to take actions reasonable necessary for safe operation or failing to maintain an altitude of two thousand, five hundred (2,500) feet above the highest obstacle within a horizontal radius of two thousand (2,000) feet from the helicopter except when necessary for a take-off or landing or as weather conditions may dictate.

HELICOPTER - an aircraft, the support of which in the air is normally derived from airfoils mechanically rotated about an approximately vertical axis.

Section 3. Prohibitions.

It shall be unlawful to operate, or for the owner to permit the operation of, any type of helicopter in a careless or reckless manner so as to endanger the life or property of others.

Section 4. Exemptions.

This law shall not apply to:

- A.) Helicopters used exclusively in the governmental service of the United States of America, the State of New York, or any municipal corporation of the State of New York;
- B.) Helicopters being used exclusively for agricultural operations;
- C.) Helicopters actively engaging in aerial photography and videography, search and rescue operations, medevac, flight training, environmental testing and surveying, firefighting, or the inspection of towers, buildings, or power lines; and
- D.) Helicopters operated within "controlled airspace" as that term is defined by Section 3-2 of the Federal Aviation Administration Aviation Information Manual.

Section 5. Penalties.

Any person who violates the provisions of this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to one thousand dollars (\$1,000) and/or one year in prison per offense.

Section 6. Applicability.

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

Section 7. 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 8. 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 9. 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:

s:\laws\l-refile-helicopter

OFFICE OF THE COUNTY LEGISLATURE
COUNTY OF SUFFOLK



1951

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

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

DATE: OCTOBER 8, 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 ESTABLISH A MINIMUM ALTITUDE FOR OPERATIONS OF HELICOPTERS

SPONSOR: LEGISLATOR ROMAINE

DATE OF RECEIPT BY COUNSEL: 10/08/08 **PUBLIC HEARING:** 11/18/08

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

The proposed local law would make it unlawful to operate a helicopter over a congested area, as that term is used in Article 14 of NEW YORK GENERAL BUSINESS LAW, in a careless or reckless manner, defined as operating below an altitude of 2,500 feet above the highest obstacle within a horizontal radius of 2,000 feet above the helicopter except when necessary for a take-off or landing or as weather conditions may dictate.

This law shall not apply to helicopters being used for 1) agricultural operations, 2) exclusively in the governmental service of the United States of America, the State of New York, or any municipal corporation of the State, 3) aerial photography and videography, search and rescue operations, medevac, flight training, environmental testing and surveying, firefighting, or the inspection of towers, buildings or power lines, or 4) helicopters being used within "controlled airspace" as defined by Section 3-2 of the Federal Aviation Administration Information Manual.

It should be noted that the proposed local law is inconsistent with NEW YORK GENERAL BUSINESS LAW which prohibits the operation of a helicopter below 1,000 feet above the highest obstacle within a horizontal radius of 2,000 feet from the helicopter.

Persons violating this law shall be guilty of an unclassified misdemeanor, punishable by a fine of up to \$1,000 and/or one year in prison.

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

GEORGE NOLAN
Counsel to the Legislature

1952

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

Laid on Table 10/14/08

**RESOLUTION NO. -2008 AUTHORIZING CERTAIN
TECHNICAL CORRECTIONS TO ADOPTED RESOLUTION NO.
537-2002 AUTHORIZING PLANNING STEPS FOR THE
ACQUISITION OF LAND UNDER PAY-AS-YOU-GO ¼%
TAXPAYER PROTECTION PROGRAM (LAND OF SANS SOUCI,
LAKE PRESERVE, SAYVILLE) TOWN OF ISLIP**

WHEREAS, Resolution No. 537-2002 contains technical errors; and

WHEREAS, it is the desire of the County to Amend Resolution No. 537-2002 to correct these errors; now, therefore be it

1st RESOLVED, that the 1st RESOLVED clause of Resolution No. 537-2002 is hereby amended as follows:

1st RESOLVED, that the following parcel(s) is (are) hereby approved for preliminary planning steps and ultimate inclusion in the Suffolk County Drinking Water Protection Program authorized, empowered, and directed by Section 12-3 of the SUFFOLK COUNTY CHARTER and implemented under Article XII of the SUFFOLK COUNTY CHARTER:

<u>PARCEL</u>	<u>SUFFOLK COUNTY TAX MAP NO.</u>	<u>ACRES</u>	<u>REPUTED OWNER</u>
No. 1	Dist. 0500 Sec. 332.00 Block 02.00 Lots 004.001, 004.00[2]3	3.3	[Unknown] <u>James Kalis</u> <u>41 Garner Lane</u> <u>Bay Shore, NY 11706</u>

at Sans Souci Lake Preserve, Sayville, New York

and be it further

and be it further

2nd RESOLVED, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to 6 NYCRR Section 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.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

S:\res\lr-tech-corr-537-02

1956

Intro. Res. No. -2008
Introduced by the Presiding Officer on request of the County Executive

Laid on Table 10/14/08

RESOLUTION NO. -2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS TO LONG ISLAND MARITIME MUSEUM (CP 7165)

WHEREAS, the Commissioner of Parks, Recreation and Conservation has requested funds for construction of renovations to Long Island Maritime Museum including electrical improvements, repairs to the bulkhead and dock, and other general construction repairs; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said construction under Capital Program Number 7165; 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 resolution of even date herewith, has authorized the issuance of \$100,000 in Suffolk County Serial Bonds; now, therefore, be it

1st RESOLVED, pursuant to State Environmental Quality Review Act Environmental Conservation Law, Article 8 (hereinafter "SEQRA"), Resolution No. 874-2006 determined that these actions constitute a Type II action, pursuant to the provisions of Title 6 NYCRR, Part 617.5(c)(1)(2) and Chapter 279 of the Suffolk County Code, as the project involves "maintenance, repair, replacement, rehabilitation or reconstruction of a structure or facility, in kind, the same on the same site, including upgrading buildings to meet buildings or fire code" ; and be it further

2nd RESOLVED, that it is hereby determined that this project, with a priority ranking of thirty-eight (38), is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No. 7165
Project Title: Renovations to Long Island Maritime Museum

	Total Estimated Cost	Current 2008 Capital Program and Budget	Revised 2008 Capital Program and Budget
1. Planning	\$77,500	\$30,000B	\$ 0
4. Construction	<u>\$1,225,000</u>	<u>\$70,000B</u>	<u>\$100,000B</u>
TOTAL	\$1,332,500	\$100,000B	\$100,000B

and be it further

4th RESOLVED, that the proceeds of \$100,000 in Suffolk County Serial Bonds be and are hereby appropriated as follows:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
525-CAP-7165.311 (Fund 001 Debt Service)	26	Construction for Renovations to Long Island Maritime Museum	\$100,000

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

195b

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, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS TO LONG ISLAND MARITIME MUSEUM (CP 7165)		
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 SERIAL BONDS WILL BE ISSUED TO FINANCE THIS PROJECT. PRINCIPAL AND INTEREST COSTS WILL BE INCURRED OVER THE LIFE OF THE BONDS.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision. SEE ATTACHED DEBT SERVICE SCHEDULE.		
8. Proposed Source of Funding SERIAL BONDS		
9. Timing of Impact 2009		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Nicholas Paglia Executive Technician		September 30th, 2008

SCIN FORM 175b (10/95)

1956

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	\$12,406	\$0.02		\$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	\$12,406	\$0.02		\$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
 Level Debt

1950

Term of Bonds 10
 Amount to Bond: \$100,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	\$8,280.93	\$4,125.00	\$12,405.93	\$12,405.93
			\$1,891.71	\$1,891.71	
11/1/2009	4.125%	\$8,622.52	\$1,891.71	\$10,514.23	\$12,405.93
			\$1,713.87	\$1,713.87	
11/1/2010	4.125%	\$8,978.20	\$1,713.87	\$10,692.07	\$12,405.93
			\$1,528.69	\$1,528.69	
11/1/2011	4.125%	\$9,348.55	\$1,528.69	\$10,877.24	\$12,405.93
			\$1,335.88	\$1,335.88	
11/1/2012	4.125%	\$9,734.18	\$1,335.88	\$11,070.06	\$12,405.93
			\$1,135.11	\$1,135.11	
11/1/2013	4.125%	\$10,135.72	\$1,135.11	\$11,270.82	\$12,405.93
			\$926.06	\$926.06	
11/1/2014	4.125%	\$10,553.81	\$926.06	\$11,479.87	\$12,405.93
			\$708.39	\$708.39	
11/1/2015	4.125%	\$10,989.16	\$708.39	\$11,697.55	\$12,405.93
			\$481.74	\$481.74	
11/1/2016	4.125%	\$11,442.46	\$481.74	\$11,924.20	\$12,405.93
			\$245.74	\$245.74	
11/1/2017	4.125%	\$11,914.46	\$245.74	\$12,160.20	\$12,405.93
		\$100,000.00	\$24,059.34	\$124,059.34	\$124,059.34

COUNTY OF SUFFOLK

1956
SEP 18 2008



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF
PARKS, RECREATION AND CONSERVATION

JOHN W. PAVACIC
COMMISSIONER

TRACEY BELLONE
DEPUTY COMMISSIONER

TO: BEN ZWIRN, Deputy County Executive

FROM: JOHN W. PAVACIC, Commissioner 

CC: JIM MORGO, Chief Deputy County Executive

DATE: September 15, 2008

RE: INTRODUCTORY RESOLUTION AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RENOVATIONS TO LONG ISLAND MARITIME MUSEUM (CP 7165)

Enclosed please find a draft resolution and supporting documentation relative to the above-captioned. An e-mail version of this resolution was sent to CE RESO REVIEW under the file name "RESO-PKS-Appropriating funds for CP 7165 Renovations to LI Maritime Museum.doc."

The 2008 Adopted Capital Budget includes funding for planning and construction for renovations at the Long Island Maritime Museum, however, the Parks Department requests that it be amended to place all of the funding for construction use only. The Parks Department requests that these funds be used for electrical improvements, repairs to the bulkhead and dock, and other general construction repairs.

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

Enclosures

Intro. Res. No. 1957-08

Laid on Table 10/14/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. _____, AUTHORIZING THE
ISSUANCE OF A CERTIFICATE OF ABANDONMENT
OF THE INTEREST OF THE COUNTY OF SUFFOLK
IN PROPERTY DESIGNATED AS TOWN OF RIVERHEAD
SUFFOLK COUNTY TAX MAP NO. 0600-118.00-01.00-010.000
PURSUANT TO SECTION 40-D OF THE SUFFOLK
COUNTY TAX ACT**

WHEREAS, a parcel of property lying, situate and being in the Town of Riverhead, designated as Suffolk County Tax Map Number 0600-118.00-01.00-010.000 known as Lakewood Pk Calverton Site 127, formerly assessed to Beverly Furey; and

WHEREAS, the County of Suffolk acquired said property designated as Suffolk County Tax Map Number 0600-118.00-01.00-010.000, by tax deed dated March 31, 2008, and recorded on April 4, 2008 in the Suffolk County Clerk's Office in Liber 12546 at page 642 for unpaid 2003 / 2004 taxes; and

WHEREAS, it has been determined that due to lack of notice to prior fee owner, property should not have been taken; now, therefore, be it

1st - RESOLVED, that pursuant to Section 40-C of the Suffolk County Tax Act, after receiving payment in full of all monies due to the County of Suffolk, including but not limited to, accrued taxes, penalties and interest as calculated by the Treasurer of the County of Suffolk, payment has been made to the Division of Real Property Acquisition and Management, the tax deed to Suffolk County will be canceled pursuant to section 40-D of the Suffolk County Tax Act. The Director of the Division of Real Property Acquisition and Management and/or his designee is authorized to file a certificate of abandonment of Claim of title, which Suffolk County holds pursuant to said tax deed.

Dated:

Approved by:

County Executive of Suffolk County

1457

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X
Tax Map Number 0600-118.00-01.00-010.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee to issue a Certificate of Abandonment of the interest of the County of Suffolk Pursuant to Section 40-D of the Suffolk County Tax Act.

3. Purpose of Proposed Legislation

To cancel Tax Deeds and abandon the County's interest in properties taken by mistake or in error when determined by the Town Assessor, the Suffolk County Division of Real Property Acquisition and Management, and the County Treasurer.

4. Will the Proposed Legislation have a fiscal impact? Yes X No

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

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Cathy O'Neal Cathy O'Neal 9/9/08

1957

TAX DEED CANCELLATION

RES#:

ITEM #

TAX MAP #:

ASS'D:

PAID AS SALES

YEAR: YEAR: YEAR: YEAR:

FLAT TAX		\$222.99			
5% PENALTY		11.15			
TOTAL		234.14			
11% INTEREST		25.76			
ADVERTISING		20.00			
SALE AMOUNT		279.90			
INTEREST	36%	100.76			
RED. ADV		12.00			
TOTAL AMOUNT		\$392.66			

**PAID AS CURRENT YEAR-BILLED AS BLACK INK ITEMS-5% PENALTY +
1% INTEREST PER MONTH**

YEAR: YEAR: YEAR:

FLAT TAX				
5% PENALTY				
TOTAL				
INTEREST	#N/A	#N/A	#N/A	#N/A
TOTAL AMOUNT				

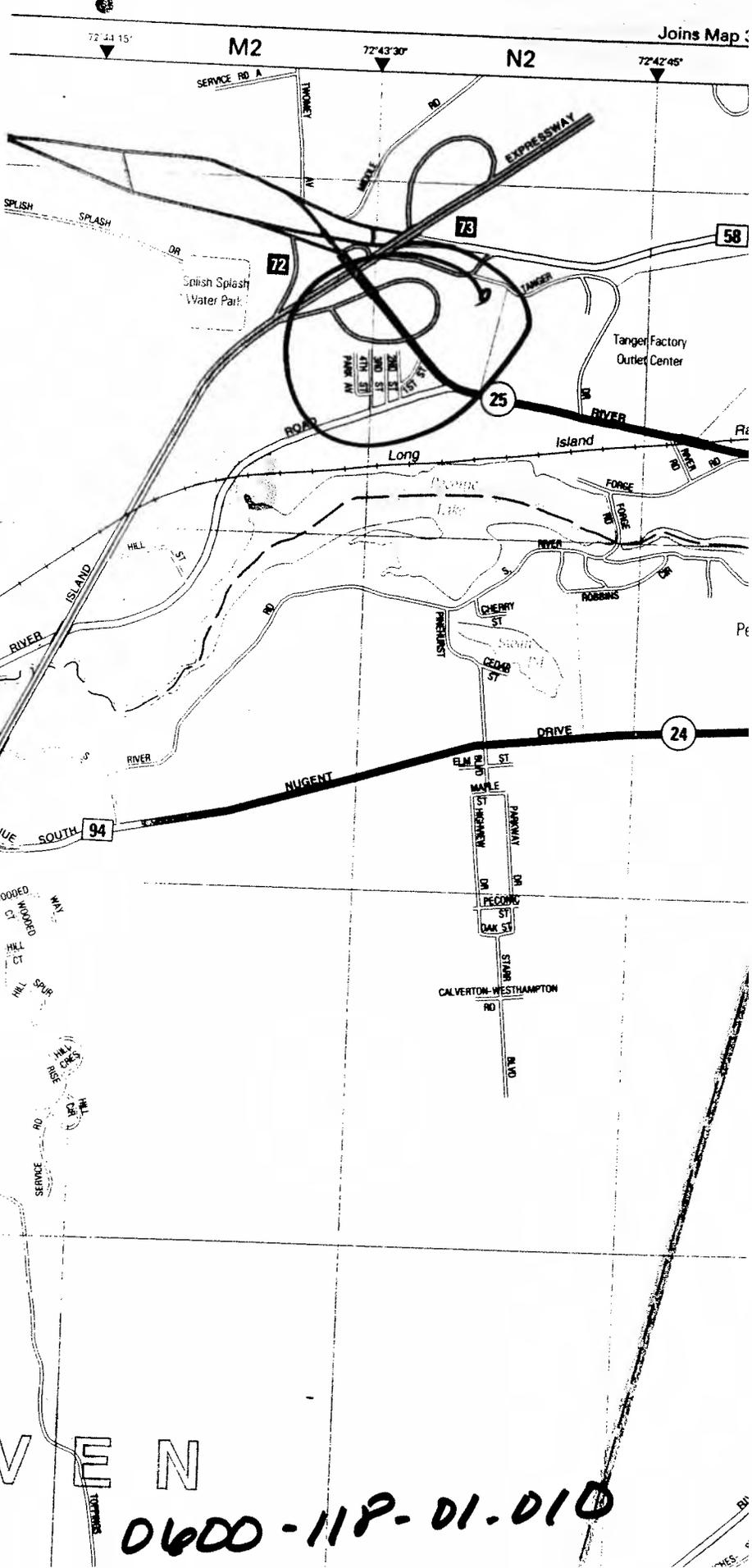
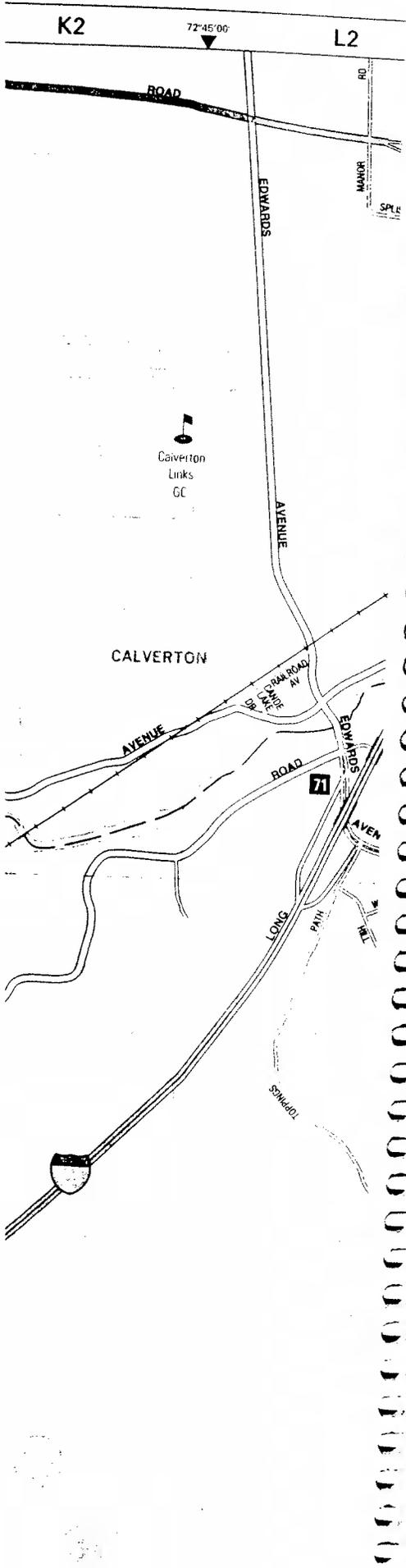
TAX MAP NUMBER WAS NOT ASSESSED PAST 2004

CALCULATIONS PAYABLE BY: <input type="text" value="9/30/2008"/> TOTAL DUE: <input type="text" value="\$392.66"/>

1957



Quickly estimate distance:
Each grid box represents approximately
0.65 mi. horizontally by 0.86 mi. vertically.



V E N

0600-118-01-010

LSJ

SEP 29 2008

COUNTY OF SUFFOLK



CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

Ben Zwirn
Deputy County Executive for
Intergovernmental Relations
H. Lee Dennison Bldg. – 11th Floor
Hauppauge, New York 11788-0099

September 26, 2008

Re: Tax Map No. 0600-118.00-01.00-010.000
BEVERLY FUREY

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Section 40-D of the Suffolk County Tax Act – Authorizing the abandonment of the interest of the County of Suffolk in the property designated.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive for I. R. (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

53

Intro. Res. No. 1958-08

Laid on Table 10/14/08

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. - 2008, AUTHORIZING THE
DISBURSEMENT OF FUNDS FROM THE SUFFOLK
COUNTY LIVING WAGE CONTINGENCY FUND FOR
THE COMMUNITY PROGRAMS CENTER OF LONG
ISLAND, INC. - PORT JEFFERSON AND RAINBOW
CHIMES, INC., DAY CARE PROVIDERS UNDER
CONTRACT WITH THE DEPARTMENT OF SOCIAL
SERVICES**

WHEREAS, in accordance with Section 347-15, County Transitional Financial Assistance was added to the Suffolk County Code wherein child care providers shall be eligible for upfront financial assistance from the Suffolk County Living Wage Contingency Fund, or any successor fund thereto, in order to meet increased payroll expenses; and

WHEREAS, The Community Programs Center of Long Island, Inc. - Port Jefferson and Rainbow Chimes, Inc., day care providers, have submitted an application for Hardship Assistance and other prescribed forms to document the need for financial assistance, and

WHEREAS, the providers have concerns about their ability to comply with the Living Wage Law without a financial subsidy, and

WHEREAS, the centers provide a needed service to the community; and

WHEREAS, the Department of Labor has authorized Hardship Assistance in the amount up to a maximum of \$107,513 be awarded for the period January 1, 2008 to December 31, 2008 and,

WHEREAS, the Living Wage Hardship funding will be provided to The Community Programs Center of Long Island, Inc. - Port Jefferson (\$48,095) and Rainbow Chimes, Inc. (\$59,418), in the amount up to a maximum of \$107,513; now, be it

1. RESOLVED, that the County Comptroller be and hereby is authorized, empowered and directed to disburse funds as follows:

FROM:

001-MSC-1998-4770 Suffolk County Living Wage Contingency Fund \$107,513

TO:

001-DSS-6015-4770 Client Benefits Special Services \$107,513

and be it further

2. RESOLVED, that the Commissioner of Social Services is hereby authorized, empowered and directed to disburse the funds to The Community Programs Center of Long Island, Inc. - Port Jefferson and Rainbow Chimes, Inc.

DATED:

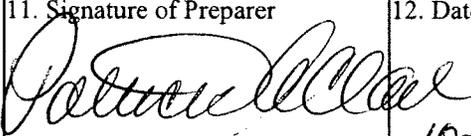
APPROVED BY:

County Executive of Suffolk County

Date of Approval:

1958

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 AUTHORIZING THE DISBURSEMENT FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR THE COMMUNITY PROGRAMS CENTER OF LONG ISLAND, INC. - PORT JEFFERSON AND RAINBOW CHIMES, INC DAY CARE PROVIDERS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES.		
3. Purpose of Proposed Legislation Disburse funds from the Suffolk County Living Wage Contingency Fund to provide a subsidy to The Community Programs Center of Long Island, Inc. - Port Jefferson (\$48,095) and Rainbow Chimes, Inc. (\$59,418). The subsidy is for the purpose of providing financial assistance to meet the wage standards required by the law for the period 1/1-12/31/08.		
4. Will the Proposed Legislation Have a Fiscal Impact? Yes <u> X </u> No _____		
5. If the answer to item 4 is "yes", on what will it impact? (circle appropriate category)		
<input checked="" type="checkbox"/> County	<input type="checkbox"/> Town	<input type="checkbox"/> Economic Impact
<input type="checkbox"/> Village	<input type="checkbox"/> School District	<input type="checkbox"/> Other (specify):
<input type="checkbox"/> Library District	<input type="checkbox"/> Fire District	
6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact. See item 7.		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or other Subdivision. This resolution requests the disbursement of up to a maximum of \$107,513 from the Suffolk County Living Wage Contingency Fund for the period 1/1-12/31/08.		
8. Proposed Source of Funding. The Suffolk County Living Wage Contingency Fund (001 – MSC – 1998 – 4770)		
9. Timing of Impact. Immediate		
10. Typed Name & Title of Preparer Patricia A. Clark Director of Management and Research	11. Signature of Preparer 	12. Date 10-1-08

SOIN FORM 175b (10/95)
Theresa Kelly
Principal Financial Analyst

10/8/08

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

1958

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



STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

maesa *Kat*

1958

DEPARTMENT OF SOCIAL SERVICES

Janet DeMarzo
Commissioner

Memorandum

TO: Ben Zwirn
Assistant Deputy County Executive

Brendan Chamberlain
County Executive Assistant

FROM: Janet DeMarzo
Commissioner of the Department of Social Services

DATE: October 1, 2008

**SUBJECT: REQUEST FOR A LEGISLATIVE RESOLUTION –
Authorizing the Disbursement of Funds from the Suffolk County Living Wage
Contingency Fund**

AUTHORIZING THE DISBURSEMENT OF FUNDS FROM THE SUFFOLK COUNTY LIVING WAGE CONTINGENCY FUND FOR THE COMMUNITY PROGRAMS CENTER OF LONG ISLAND, INC. - PORT JEFFERSON AND RAINBOW CHIMES, INC., DAY CARE PROVIDERS UNDER CONTRACT WITH THE DEPARTMENT OF SOCIAL SERVICES

In accordance with the Living Wage Law, child care providers are eligible for assistance from the Suffolk County Living Wage Contingency Fund in order to enable them to meet the increased payroll expenses which result from paying employees the hourly rate required by the law. The aforementioned day care centers have applied to the County for such assistance and the Department of Labor has approved the applications in accordance with established procedures.

Attached please find the above referenced resolution, the introduction form (SCIN Form 175a), the fiscal impact statement (SCIN Form 175b), and related backup material. The e-copies relating to this resolution are entitled "Reso-DSS-Living Wage Contingency Fund 2008-3." If you have any questions, please contact Patricia Clark at X 49939.

Enc.
ec: CE Reso. Review Distribution List

1958

SUFFOLK COUNTY DEPARTMENT OF LABOR – LIVING WAGE UNIT

NOTICE OF DECISION ON HARDSHIP ASSISTANCE

Living Wage Law, Suffolk County Code, Chapter 347 (2001)

TO BE COMPLETED BY *LIVING WAGE UNIT*

DATE: September 23, 2008

TO: Robert T. Zielinski

Suffolk County Dept. of Social Services

3085 Veterans Memorial Highway

Ronkonkoma, NY 11779

You are hereby notified that the **Request for Hardship Assistance** and associated draft resolution submitted on May 29, 2008 from **Community Programs Center of Long Island, Inc. (Port Jefferson)** has been received and examined by the *Living Wage* Unit for the amount of \$48,095.00

The **Request for Hardship Assistance** has been:

Accepted, and the *Living Wage* Unit authorizes the submission of the accompanying resolution to the County Legislature.

Denied.

Should you have any questions regarding this decision, please contact the Suffolk County Department of Labor's *Living Wage* Unit at (631) 853-3808.



Robert W. Dow, Jr.
Commissioner
Suffolk County Department of Labor

SUFFOLK COUNTY DEPARTMENT OF LABOR – LIVING WAGE UNIT

NOTICE OF DECISION ON HARDSHIP ASSISTANCE 1958

Living Wage Law, Suffolk County Code, Chapter 347 (2001)

TO BE COMPLETED BY *LIVING WAGE* UNIT

DATE: September 8, 2008

TO: Robert T. Zielinski

Suffolk County Dept. of Social Services

3085 Veterans Memorial Highway

Ronkonkoma, NY 11779

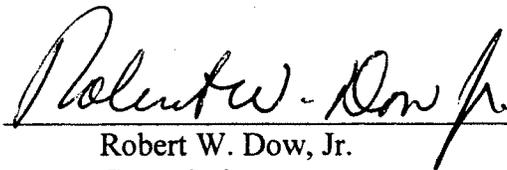
You are hereby notified that the **Request for Hardship Assistance** and associated draft resolution submitted on May 29, 2008 from **Rainbow Chimes, Inc.** has been received and examined by the *Living Wage* Unit for the amount of \$59,418.00.

The **Request for Hardship Assistance** has been:

Accepted, and the *Living Wage* Unit authorizes the submission of the accompanying resolution to the County Legislature.

Denied.

Should you have any questions regarding this decision, please contact the Suffolk County Department of Labor's *Living Wage* Unit at (631) 853-3808.



Robert W. Dow, Jr.
Commissioner
Suffolk County Department of Labor

COUNTY OF SUFFOLK



1958

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE FOR
FINANCE AND MANAGEMENT

Memorandum

TO: Ben Zwirn, Deputy County Executive

FROM: Carmine A. Chiusano, Assistant Budget Director *JP*

DATE: October 8, 2008

RE: **Proposed Operating Budget Resolutions for the 10/14/08 Legislative Meeting**

1. NO ML # –Authorizing The Disbursement Of Funds From The Suffolk County Living Wage Contingency Fund For The Community Programs Center Of Long Island, Inc. - Port Jefferson And Rainbow Chimes, Inc., Day Care Providers Under Contract With The Department Of Social Services

CAC:lp

Attachments

cc: Jim Morgo, Chief Deputy County Executive
Fred Pollert, Deputy County Executive
Connie R. Corso, Budget Director
Allen Kovesdy, Budget Office

Introductory Resolution No. **1959-08** Laid on Table **10/14/08**

Introduced by the Presiding Officer on request of the County Executive

**RESOLUTION NO. AUTHORIZING THE SALE,
PURSUANT TO LOCAL LAW 16-1976, OF REAL
PROPERTY ACQUIRED UNDER SECTION 46 OF THE
SUFFOLK COUNTY TAX ACT
ANGELINA TARDO a/k/a ANGELA TARDO
0100-182.00-01.00-245.000**

WHEREAS, the COUNTY OF SUFFOLK acquired the following described parcel:

ALL, that certain plot, piece or parcel of land, with any buildings and improvements thereon erected, situate, lying and being in the Town of Babylon, County of Suffolk, and State of New York, described on the Tax Map of the Suffolk County Real Property Tax Service Agency as District 0100, Section 182.00, Block 01.00, Lot 245.000, and acquired by tax deed on July 9, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008, in Liber 12557, at Page 861, and otherwise known as and by Town of Babylon, A STRIP PARCEL OPPOSITE Filed Map 1007 Blk 36 Lots 24 & 25; and

FURTHER, notwithstanding the above description, it is the intention of this conveyance to give title only to such property as was acquired by the County of Suffolk by Tax Deed on July 9, 2008, from Angie M. Carpenter, the County Treasurer of Suffolk County, New York, and recorded on July 14, 2008 in Liber 12557 at Page 861.

WHEREAS, in accordance with Suffolk County Local Law 16-1976, provision has been made for the sale of such real property acquired by the County through tax sale; and

WHEREAS, ANGELINA TARDO a/k/a ANGELA TARDO has made application of said above described parcel and ANGELINA TARDO a/k/a ANGELA TARDO has paid the application fee and \$1,087.86, as payment of taxes, penalties, interest, recording fees, and any other charges due the County of Suffolk, pursuant to Local Law, by applicant, through November 30, 2008; and

1st - RESOLVED, this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency, hereby finds and determines that adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto. See 6 N.Y.C.R.R. Section 617.2(b) (2). The Legislature further finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of law is a Type II action constituting a legislative decision in connection with routine or continuing agency administration and management, not including new programs or major reordering of priority. See 6 N.Y.C.R.R. Section 617.13(d) (15) and (21). As a Type II action, the Legislature has no further responsibilities under SEQRA 6 N.Y.C.R.R. Section 617.5(a)(1); and be it further

2nd - RESOLVED, that the Director of the Division of Real Property Acquisition and Management, and/or his designee, be and he hereby is authorized to execute and acknowledge a Quitclaim Deed to ANGELINA TARDO a/k/a ANGELA TARDO, 59 Westbury Concourse, Amity Harbor, New York 11701, to transfer the interest of Suffolk County in the above described property and on the above described terms.

DATED:

APPROVED BY: _____
County Executive of Suffolk County

Date of Approval: _____

50.1

SUFFOLK COUNTY
DIVISION OF REAL PROPERTY
ACQUISITION AND MANAGEMENT
CLOSING STATEMENT

1459

September 17, 2008

Tax Map No.: 0100-182.00-01.00-245.000

Name of Last Legal Fee Owner: ANGELINA TARDO a/k/a ANGELA TARDO

TREASURER'S COMPUTATION..... \$1,087.86

Taxes.....2007/2008..... INCLUDED

Recording Fees collected for County Clerk. . N/A

License Fee..... N/A

Repairs..... N/A

Interest..... N/A

Miscellaneous Expenses..... N/A

TOTAL..... \$1,087.86

Monies Received..... \$1,087.86

RESOLUTION AMOUNT..... \$1,087.86

APPROVED:

Karen Slater 9/26/08
Accounting
CO:sc

PREPARED BY:

Cathy O'Neal
Cathy O'Neal
Redemption Unit
(631) 853-5937

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1959

1. Type of Legislation

Resolution

Tax Map Number 0100-182.00-01.00-245.000

2. Title of Proposed Legislation

Authorizing the Director of the Division of Real Property Acquisition and Management and/or his designee, to execute and acknowledge a Quitclaim Deed to transfer the interest of Suffolk County acquired under Section 46 of the Suffolk County Tax Act

3. Purpose of Proposed Legislation

Convey County owned parcel to prior owner

4. Will the Proposed Legislation have a fiscal impact? Yes No

5. If the answer to Item 4 is "yes", on what will it impact?
(circle appropriate category)

<input checked="" type="radio"/> County	<input type="radio"/> Town	<input type="radio"/> Economic Impact
<input type="radio"/> Village	<input type="radio"/> School District Other (Specify):	
<input type="radio"/> Library District	<input type="radio"/> Fire District	

6. If the answer to item 4 is "yes", provide detailed explanation of Impact

The County will recoup the amount of taxes paid on the property taken by the tax deed.

7. Total Financial Cost of Funding over 5 years on each affected Political or other subdivision

N/A

8. Proposed Source of Funding

N/A

9. Timing of Impact

2008

10. Typed Name & Title of Preparer Signature of Preparer Date

Cathy O'Neal Cathy O'Neal 9/17/08

COMPUTATION Y SUFFOLK COUNTY TREASURER JRER

<u>DISTRICT</u>	<u>SECTION</u>	<u>BLOCK</u>	<u>LOT</u>
0100	182.00	01.00	245.000

1959

A. PRINCIPAL AMOUNT DUE ON ALL UNPAID TAXES:

2005/06	368.23
2006/07	367.71
2007/08	262.25

TOTAL: 998.19

B. INTEREST DUE	37.86
C. TOTAL	1036.05
D. 5% LINE C	51.80
E. FEE	
F. MISC	
G. MISC	

H. TOTAL DUE \$1,087.86

CERTIFICATION BY COUNTY TREASURER

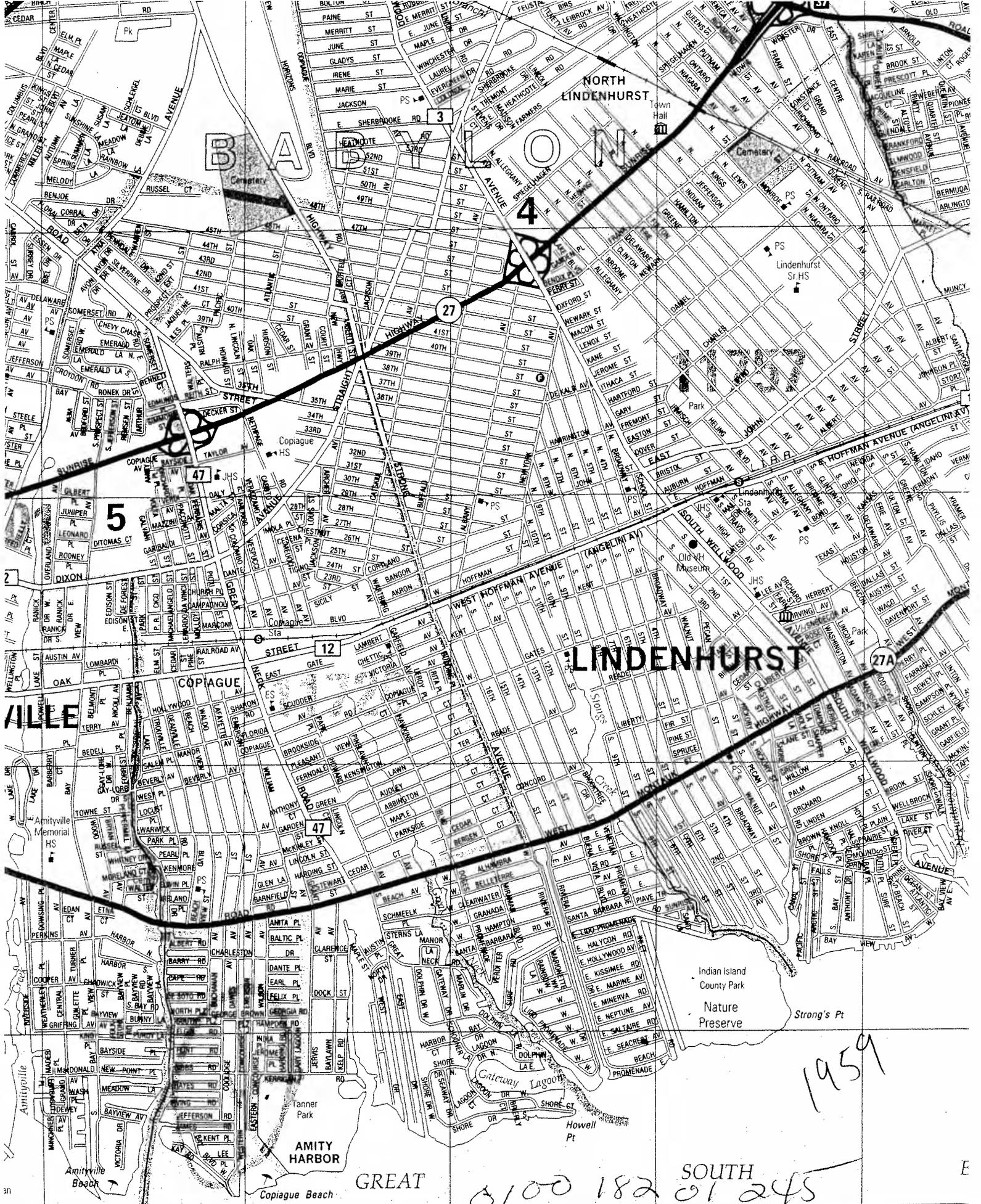
I, Diane M. Stuke, Deputy County Treasurer of the County of Suffolk, in the State of New York, do hereby certify that the above monies are now due and owing upon the real property sought to be redeemed and that such sums are applied by law and taken from official books and records in my custody.

IN TESTIMONY WHEREOF, I have hereunder set my hand and affixed my official seal at Riverhead, County of Suffolk and State of New York. 04-Sep-08



Diane M. Stuke
Deputy County Treasurer

**Interest and penalty computed to
and including 03/03/09



BAYVIL

NORTH LINDENHURST

LINDENHURST

ALLE

AMITY HARBOR

GREAT

SOUTH

3100 182 01 245

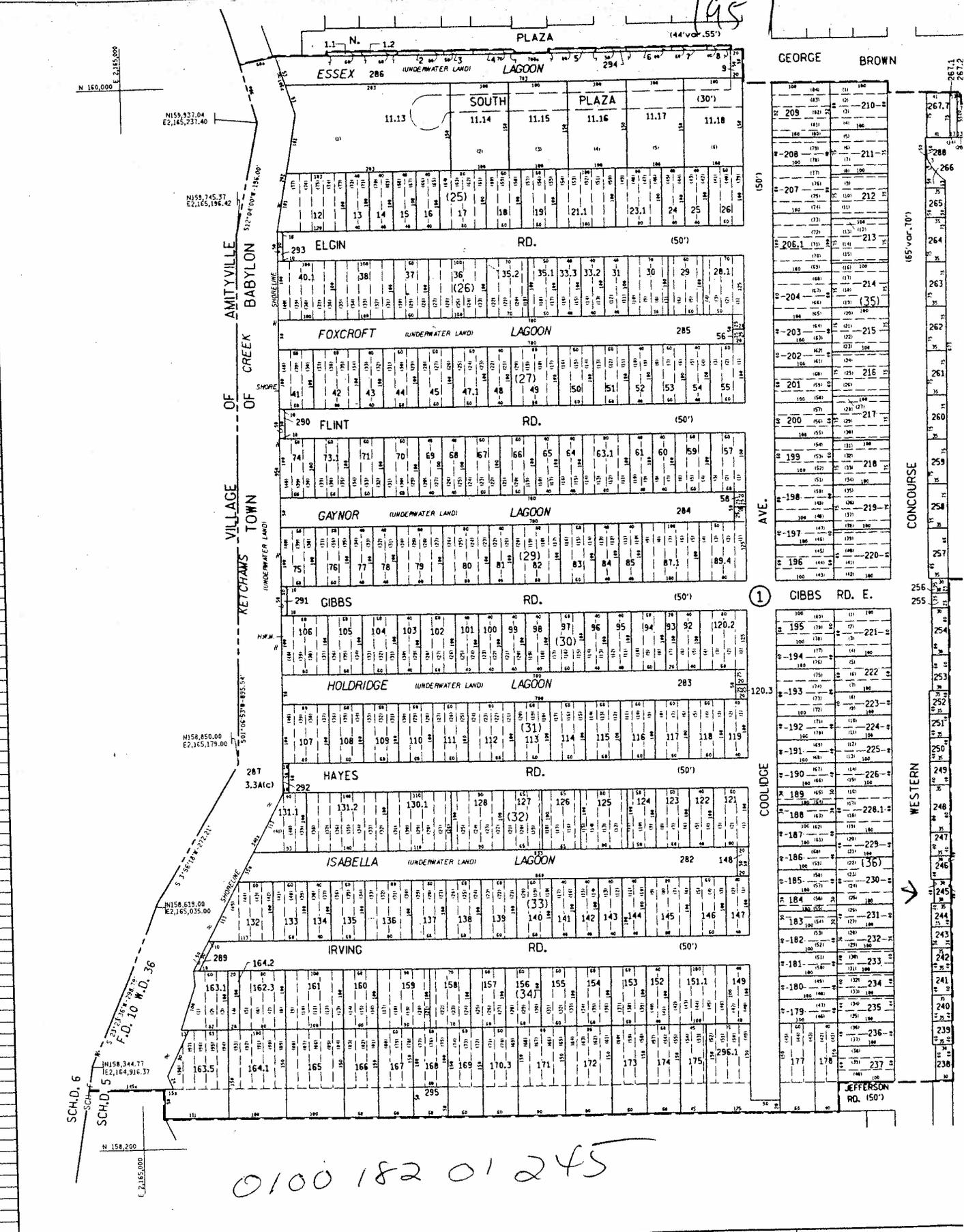
1959

73°24'45" H 73°24'00" J 73°23'15" K 73°22'30" L 73°21'45" M

Joins Map 6

Revisions

04-29-97
09-01-98
11-27-98
03-05-99
08-29-00
11-26-01
05-13-02
05-20-02
12-12-02
09-25-03
04-27-04
09-22-05
06-29-06



Property or PL Line Denotes Common Owner Subdivision Lot Line Stream / Shore Parcel No. 23	Subdivision Lot No. (21) Subdivision Block/Bldg. No. (21) Scaled Dimension Dead Area 12.1 A(d) or 12.1A Calculated Area 12.1 A(c)	Block limit (2) Block No. (2) County Line Town Line Village Line	School District Line - SCH Fire District Line - F Water District Line - W Light District Line - L Park District Line - P Sewer District Line - S	Hydrant District Line - H Refuse District Line - R Historical District Line - HST Ambulance District Line - A Refusewater District Line - RR	UNLESS ARE DRAWN WITHIN THE FOLLOWING: SCHOOL 5 FIRE 10 LIGHT 25 PARK 55 AMBULANCE	OTHERWISE, ALL FOLLOWING: SEWER HYDRANT WATER REFUSE WASTER
--	---	--	---	--	---	--

COUNTY OF SUFFOLK

LS4



1959

OCT 08 2008

CHRISTOPHER E. KENT
DIVISION DIRECTOR

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

CARRIE MEEK GALLAGHER
COMMISSIONER

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

October 6, 2008

Ben Zwirn
Deputy County Executive
H. Lee Dennison Bldg. - 12th Floor
Hauppauge, New York 11788-0099

Re: Tax Map No. 0100-182.00-01.00-245.000
ANGELINA TARDO a/k/a ANGELA TARDO

Dear Mr. Zwirn:

Enclosed herewith for your approval is original and one (1) copy of the proposed resolution with documentation pursuant to:

Local Law 16-1976, as amended - Authorizing the redemption of real property.

I would appreciate your placing this on the legislative agenda as soon as possible after your examination.

Very truly yours,

Christopher E. Kent
Director of Division of Real Property
Acquisition and Management

CEK:sc

Enclosures
Resolution + one copy
Closing Statement
Legislative Memorandum
Treasurer's Computation

Copy of Resolution to:
Ben Zwirn, Deputy County Executive (original plus 1 hard copy)
Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain and Tom Vaughn, Intergovernmental Relations
Steve Forst, Budget Office (hard copy)
C.E. Reso. Review (electronic copy)

Copy of letter to:
Carrie Meek Gallagher, Commissioner, Dept. of Environment and Energy
Connie Corso, Budget Director
Thomas A. Isles, Director, Planning Dept.
Lauretta Fischer, Principal Planner, Planning Dept.

53

1961

Intro. Res. No. -2008

Laid on the Table 10/14/08

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

RESOLUTION NO. -2008, AMENDING THE 2008 ADOPTED OPERATING BUDGET AND THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER DISTRICT NO. 21 SUNY – IMPROVEMENT PROJECT (CP 8121)

WHEREAS, the Commissioner of Public Works has requested funds for the Sewer District No. 21 – SUNY Improvement Project; and

WHEREAS, improvements are required as part of the overall project to be is developed; and

WHEREAS, there is sufficient funds available within the unreserved fund balance of Fund 221 to cover the cost of said Improvement Project; and

WHEREAS, the Commissioner of Public Works requests that a portion of these funds be appropriated to 221-IFT-E527-9600 and be allocated for the implementation of these improvements; 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 (2), in that the resolution concerns replacement, rehabilitation or reconstruction of a facility, in kind, on the same site, and do not commit the agency to commence, engage in or approve such actions; as a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2ND RESOLVED, that the 2008 Adopted Operating Budget be and it is hereby amended and the unreserved fund balance in Fund 221- Sewer District No.21-SUNY at Stony Brook be appropriated as follows:

	<u>Amount</u>
Appropriation:	\$1,500,000
<u>Fund/Agency/Unit</u>	
Transfer to Capital Sewer Fund 527	
221-IFT-E527-9600	

and be it further

3rd RESOLVED, that the 2008 Capital Budget and Program be and they are hereby amended as follows:

Project No.: 8121-310

Project Title: Improvements to SCSD No. 21 –SUNY at Stony Brook

	<u>Total Est'd. Cost</u>	<u>Current 2008 Capital Budget & Program</u>	<u>Revised 2008 Capital Budget & Program</u>
1. Construction	\$17,070,000	\$0	\$1,500,000T
TOTAL	\$19,058,000	\$0	\$1,500,000

and be it further

4th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to transfer and accept the interfund revenues as follows:

Revenue:

<u>Fund /Agency/Source</u>	<u>Description</u>	<u>Amount</u>
527– IFT –R221	Transfer from Fund 221 – Sewer District No. 21 - SUNY	\$1,500,000

5th RESOLVED, that the County Comptroller and County Treasurer be and they are hereby authorized, empowered and directed to allocate appropriations as follows:

Appropriation:

<u>Project No.</u>	<u>J.C.</u>	<u>Project Title</u>	<u>Amount</u>
527-CAP-8121.310	80	Improvements to SCSD No. 21 – SUNY at Stony Brook	\$1,500,000

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 _____ Charter Law _____		
2. Title of Proposed Legislation		
AMENDING THE 2008 ADOPTED OPERATING BUDGET AND THE 2008 CAPITAL BUDGET AND PROGRAM AND ACCEPTING AND APPROPRIATING FUNDS IN CONNECTION WITH THE SEWER DISTRICT NO. 21 SUNY, – IMPROVEMENT PROJECT- CP 8121		
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 5 is "yes", Provide Detailed Explanation of Impact		
N/A		
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.		
\$1.5 million transferred from operating to capital project 8121.		
8. Proposed Source of Funding		
A transfer from the operating budget to the capital budget.		
9. Timing of Impact		
2008		
10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Carmine A. Chiusano Assistant Budget Director		OCTOBER 3, 2008

SCIN FORM 175b (10/95)

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

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive
Tom LaGuardia
 FROM: Tom LaGuardia, P.E., Chief Deputy Commissioner
 SUBJECT: **A Draft Resolution Amending the 2008 Adopted Operating Budget and the 2008 Capital Budget and Program and Accepting and Appropriating Funds in connection with the Sewer District No. 21 – SUNY, Improvement Project - CP 8121**
 DATE: May 9, 2008 Revised 10/1/08

Attached is a draft resolution and appropriate forms with backup for the transfer of funds for the SD 21 – SUNY Improvement Project filed as tl-bw5-9-08 Reso-DPW sd21 improvement project CP8121 and backup filed as tl-bw5-9-08 Backup DPW 175A sd21 improvement project CP8121 and tl-bw5-9-08 Backup DPW 175B sd21 improvement project CP8121. The project has been included in the proposed 2009-2011 Capital Program and Budget, however, an interim limit in 2009 must be addressed due to SUNY and NYSDEC requirements. Interim improvements are required while additional evaluation related to on-site recharge is completed. Although the project will receive more than 50% state funding of SUNY and the State Bond Act we wish to preserve a portion of the funding for the project at this time. The Adopted 2008 Operating Budget includes over \$4 million and this resolution is to request that \$1.5 million be transferred into capital project (CP8121) which is specific for improvements to the sewer district. We would request that 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

tl-bw10-1-08 Revised Reso-DPW sd21 improvement project CP8121 Memo to BZwirn

SUFFOLK COUNTY IS AN EQUAL OPPORTUNITY/AFFIRMATIVE ACTION EMPLOYER

1962

Intro. Res. No. -2008

Laid on Table

10/14/08

Introduced by the Presiding Officer on request of County Executive

**RESOLUTION NO. -2008, AUTHORIZING
THE SUFFOLK COUNTY ATTORNEY TO
EXECUTE A SUPPLEMENTAL CONSENT
JUDGMENT IN UNITED STATES OF
AMERICA v. ESTATE OF JOSEPH
VAZZANNA, SR.**

WHEREAS, the United States ("US"), on behalf of the United States Environmental Protection Agency ("EPA"), commenced an action pursuant to the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended ("CERCLA"), 42 U.S.C. §§ 9601, *et seq.*, entitled *United States of America v. Estate of Joseph Vazzanna, Sr., et al.*, Docket No. CV-04-0620 (E.D.N.Y.) ("Action"), seeking reimbursement of response costs incurred or to be incurred in connection with the remediation of the Spectrum Finishing Corp. Superfund Site located at 50 Dale Street (SCTM No. 0100-074.00-02.00-011.000) and 51 Cabot Street (SCTM No. 0100-074.00-02.00-007.000), in West Babylon, Suffolk County, New York ("Property"); and

WHEREAS, in May 2007, a Consent Judgment ("2007 Consent Judgment") was entered into between the US and the Estate of Joseph Vazzanna Sr. wherein it was agreed that the Property may be sold to a third party with prior approval of the EPA and with a payment to the US up to \$1,100,000 of the Net Sales Proceeds, as that term is defined in the proposed Supplemental Consent Judgment attached hereto as Exhibit "A," as reimbursement for the EPA's response costs; and

WHEREAS, the County of Suffolk ("County") intervened in the Action in order to seek reimbursement of its tax lien for unpaid real property taxes for the period of December 1992 through the present in the amount of \$1,103,959, and the Suffolk County District Attorney intervened to seek satisfaction of a mortgage against the property which was obtained in settlement of an asset forfeiture proceeding against the deceased former owner of the Property, Joseph Vazzanna, Sr.; and

WHEREAS, the State of New York ("NYS") on behalf of the New York State Department of Environmental Conservation ("DEC"), has intervened in the Action seeking reimbursement of its lien in the amount of \$947,011.75 for costs incurred in connection with the remediation of the Property; and

WHEREAS, the County asserts a lien priority over EPA and DEC liens for amounts owed the County for the period of December 1992 through August 6, 1997 (the date the CERCLA lien arose) in the amount of \$266,347.80, and the EPA asserts a lien priority for costs incurred for all periods thereafter; and

WHEREAS, the County entered into good faith settlement negotiations with the US and NYS and has agreed to accept the amount of \$233,431.95 if the Property is sold for Net Sales Proceeds, equal to or greater than \$1,333,431.95, or if the Property is sold for Net Sales Proceeds that are less than \$1,333,431.95, then said

proceeds shall be divided as follows: 14.25% to the County, 80.75% to the US and 5% to NYS; and

WHEREAS, the Supplemental Consent Judgment is fair and reasonable and is in the best interest of the public in order to avoid prolonged and complicated litigation among the parties, to recoup a portion of unpaid real property taxes, and to facilitate the sale of the Property to a new owner thereby restoring it to the tax rolls; and

WHEREAS, in order to formalize the settlement it is necessary for the County to execute the Supplemental Consent Judgment, which is subject to approval and execution by the United States District Court for the Eastern District of New York; now therefore, be it

1st RESOLVED, that on behalf of the County, the Suffolk County Attorney, or her designee, is hereby authorized to execute the Supplemental Consent Judgment in *United States of America v. Estate of Joseph Vazzana, Sr., et al.*, Docket No. CV-04-0620 (E.D.N.Y.) in the same or substantially similar form as the document annexed hereto as Exhibit "A," and the Suffolk County Attorney and the Suffolk County Treasurer, or their designees, are authorized to take any further actions necessary to complete the subject transaction; and, be it further

2nd RESOLVED, that, this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Env. Con. Law Art. 8, hereby finds and determines that this resolution constitutes a Type II action, pursuant to Volume 6 of New York Code of Rules and Regulations ("NYCRR") Sections 617.5(2), (20) and (27), in that the law pertains to routine or continuing agency administration and management, not including new programs or major reordering of priorities that may affect the environment, and also pertains to upgrading and maintaining the site to meet environmental standards; since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and, be it further

RESOLVED, that this resolution shall take effect immediately.

DATED: _____, 2008

APPROVED BY:

County Executive of Suffolk County

Date:

1963

Intro. Res. No. -2008 Laid on Table
Introduced by the Presiding Officer on Request of the County Executive

10/14/08

**RESOLUTION NO. - 2008, AUTHORIZING
EXECUTION OF AN INTERMUNICIPAL
AGREEMENT WITH THE TOWN OF ISLIP FOR
USE OF TOWN OWNED PROPERTY AT
MACARTHUR AIRPORT DURING LOCAL
DISASTERS AND OTHER EMERGENCIES**

WHEREAS, local governments in New York State and throughout the country have developed a greater awareness and recognition within the last few years of their vulnerabilities when confronted with local disasters or other emergencies and the need to plan for coordinated responses and sharing of essential resources to respond to such disasters or emergencies; and

WHEREAS, the New York Executive Law requires that counties develop disaster preparedness plans; and

WHEREAS, the Town of Islip ("Town") owns and controls parking lots at the Long Island MacArthur Airport and various services and equipment, and the location of one of these parking lots is particularly suited to use as a staging area in times of an emergency; and

WHEREAS, the Town is willing to allow utilization of its property, services and equipment to assist the County of Suffolk ("County") in its efforts with providing relief to County residents in times of need, when assistance beyond the availability of the County's own resources is necessary; and

WHEREAS, a formal agreement with the Town will enable the County to have assurance of greater resources available should a local disaster or emergency arise, and will enable the County to fulfill its responsibilities and delineate the respective responsibilities of the County and Town during a disaster or emergency; now, therefore be it

1st RESOLVED, that the Commissioner of Fire, Rescue and Emergency Services, or his designee, and the County Executive or his designee, are authorized to execute an Intermunicipal Agreement with the Town, in substantially the form annexed; and be it hereto further

2nd 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 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.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

Interagency Agreement
Suffolk County Department of Fire, Rescue and Emergency Services
and
Town of Islip

This Agreement (Agreement) is between the **County of Suffolk ("County")**, a municipal corporation of the State of New York, acting through its duly constituted **Department of Fire, Rescue and Emergency Services ("FRES")**, located at Yaphank Avenue, Yaphank, New York 11980, and the **Town of Islip ("Town")**, a municipal corporation, having its principal office at 655 Main Street, Islip, New York 11751.

The parties hereto desire that the Town's airport parking facilities be available to the County to help ensure disaster preparedness. The parties agree that parking lot #10 (as identified in Exhibit C to this Agreement) at the Town's MacArthur Airport facilities will be made available to the County for use as a staging area and for erection thereon of temporary tents for provision of services to workers affiliated with the operation of the staging area in the event of a declared disaster or emergency pursuant to the terms and conditions set forth in this Agreement.

Term of Agreement: September 1, 2008 through August 31, 2012.

Payment Terms and Conditions: Shall be a no-cost agreement for FRES and the Town.

Terms and Conditions: Shall be as set forth in Exhibit A entitled "Specific Terms and Conditions", Exhibit B entitled "General Terms and Conditions" and Exhibit C entitled "Designation of Location" map identifying area to be utilized.

In Witness Whereof, the parties hereto have executed this Agreement as of the latest date written below.

Town of Islip

County of Suffolk

By: _____
Name: _____
Title _____

By: _____
Jeffrey W. Szabo
Deputy County Executive

Date: _____

Date: _____

Approved: Department of Fire Rescue & Emergency Services

By: _____
Joseph F. Williams
Commissioner

Date: _____

Approved as to Legality:
Christine Malafi, Suffolk County Attorney

Recommended:

By: _____
Jacqueline Caputi
Assistant County Attorney

By: _____
Edward Schneyer
Director of Emergency Services

Date: _____

Date: _____

Exhibit A

Specific Terms and Conditions

1. Performance Subject to Condition

- a. Pursuant to Article 2-B of the New York State Executive Law entitled "Disaster Preparedness," the County, as the first line of defense in times of disaster, has developed disaster preparedness programs and plans.
- b. "Disaster" means the occurrence or imminent threat of wide spread or severe damage, injury, or loss of life or property resulting from any natural or man-made causes, including, but not limited to, fire, flood, earthquake, hurricane, tornado, high water, landslide, mudslide, wind, storm, wave action, volcanic activity, epidemic, air contamination, blight, drought, infestation, explosion, radiological accident, water contamination, bridge failure or bridge collapse.
- c. The County's disaster preparedness plans, organizational arrangements, and response capability must at all times be the most effective that current circumstances and existing resources allow. The purpose of such plans shall be to minimize the effect of disasters by (i) identifying appropriate local measures to prevent and mitigate disasters, (ii) developing mechanisms to coordinate the use of local resources and manpower for service prior to, during and after disasters and the delivery of services to aid citizens and reduce human suffering resulting from a disaster, and (iii) providing for recovery and redevelopment after disasters. In order to execute such plans during, or at imminent threat of disaster, the County must ensure that all resources necessary and required for such implementation are readily available to it.
- d. Performance of this Agreement is contingent on the occurrence of a disaster, as this term is defined herein and by New York State Executive Law Article 2-B. Such condition shall be deemed in effect immediately upon the declaration of a state of emergency by the Suffolk County Executive, or in the event of a vacancy in this office, by the Chief Deputy County Executive or the Deputy County Executive designated to perform the administrative duties of the County Executive during his temporary absence or disability.

2. FRES Requirements

The parties agree as follows:

- a. The FRES Commissioner is responsible for the coordination of emergency preparedness plans and the County's response to natural or manmade disasters or emergencies; and
- b. FRES requires and needs to guarantee the services of the Town to provide space for a staging area for the County's receipt of supplies and life saving commodities, and for temporary erection of tents for provision of necessary services to workers affiliated with the operation of the staging area including restrooms, bathing facilities, rest areas, office space and food preparation areas, in the event of a declared disaster or emergency; and
- c. This Agreement is to assure that the County, as the first line of defense in the minimization of the adverse effects to the people and property of Suffolk County in the event of a declared state of emergency and in the recovery and redevelopment efforts following disasters,

**Law No. -12-FS-002
Disaster Preparedness
MacArthur Airport/Town of Islip**

receives all the services described herein, to be made available by the Town to the County prior to the Town's provision of such services to other entities, so that the County may accomplish the foregoing.

3. Term and Termination

- a. The term of this Agreement shall be as set forth on page one of this Agreement, unless sooner terminated as provided below.
- b. Performance of the Services as set forth in this Agreement shall commence as of the date of a declared state of emergency set forth in Paragraph 1 above and a determination by the County that the services of the Town are necessary to execute the County's emergency preparedness plans. The parties acknowledge that there may be one or more declared states of emergency during the term of this Agreement.
- c. This Agreement may be terminated, in whole or in part, in writing, by the County or the Town in the event of failure by either party to fulfill any of the terms and conditions under this Agreement. The County and the Town shall also have the right to terminate this Agreement at any time and for any reason deemed to be in either of its best interest. A party will provide no less than thirty (30) days written notice to the other of its intent to cancel.

4. Town Responsibilities

- a. The Town will provide the facilities identified as the entire area of Parking Lot #10 depicted in Exhibit C of this Agreement and allow their use by the County as a staging area for the receipt of supplies and equipment and for the temporary erection of tents for the provision of necessary services to workers affiliated with the operation of the staging area in the event of the occurrence of a declared disaster or emergency, and for drills and exercises on dates and at times mutually agreed upon in writing.
- b. The Town will make the designated parking lot clear and accessible and keep it accessible throughout the duration of any declared emergency as dictated by the demands of the disaster or emergency, subject to the use of Parking Lot #10 for the parking of cars, trucks or Town-owned equipment that does not impede the County's use as contemplated in this Agreement.
- c. The County acknowledges that the Town is contemplating permitting the erection of solar panels on Parking Lot #10 that will be raised to a height permitting access to the lot by tractor trailers, and that such improvements to Parking Lot #10 will not impede the use contemplated under this MOU. The County's use of Parking Lot #10 may be impeded during such construction and in that event, the Town shall use its best efforts and cooperate with the County to find or provide alternative site(s) within the Airport or Town of Islip. The County further acknowledges that the Town is contemplating the installation and use of aircraft fuel storage tanks on the north side of Parking Lot #10 and that such improvements will not impede the use contemplated under this Agreement.
- d. The Town will use its best efforts to provide a representative from its Facilities Management department to assist with technical support (power, lighting, waste, etc.) for the duration of an emergency.
- e. The Town shall be solely responsible for the payment of wages, overtime and fringe benefits to Town employees, servants or agents that provide assistance pursuant to this Agreement.

**Law No. -12-FS-002
Disaster Preparedness
MacArthur Airport/Town of Islip**

- f. In the event that Town maintenance of Parking Lot #10 will require that more than 10% of the lot be unavailable for more than one day during a time of non-emergency, the Town shall provide notice of such unavailability to the County at least three days prior to the period of unavailability.
- g. Throughout the term of this Agreement, the Town shall continue to provide snow clearing services, maintenance of fixtures in Parking Lot #10 and the normal, routine maintenance of Parking Lot #10. Nothing in this Agreement shall require the consent of the County for the maintenance of the lot which will not impede the use contemplated by this Agreement.

5. FRES Responsibilities

- a. FRES will manage the operation of the staging area by providing the necessary labor, personnel and equipment to operate the staging area.
- b. FRES will be responsible for the delivery to and removal from the staging area of all equipment and supplies.
- c. After vacating the area, FRES will restore the area to the same or better condition than at the time FRES began its use of the area. This restoration shall include cleaning and repairs necessitated by the County's use of the area.
- d. During the time of a declared emergency and the use by FRES of Parking Lot #10, any unanticipated and out of the ordinary expenses to maintain and use Parking Lot 10, including utility expenses, shall be borne by FRES. The Town will provide adequate documentation of such extraordinary charges upon request of the County.

6. Notices

a. Notice of Declared State of Emergency

While best efforts will be made by the County to provide written notice to the Town of a declaration of a state of emergency, the parties understand that the unpredictable nature of disasters may prevent such formal notification. In the event that such notification is not possible, notification by telephone or messenger or other reasonable means to the individual(s) listed below will serve as adequate notice.

Rick Gimbl
Town of Islip Director of Emergency Management
655 Main Street
Islip, New York

b. All Other Notices

All other notices shall be in writing and shall be given to the County and Town as set forth in Exhibit B, entitled General Terms and Conditions.

- c. Each party shall give prompt written notice to the other party of the appointment of successor(s) to the designated contact person(s) or his or her designated successor(s).

End of text for Exhibit A

**Exhibit B
General Terms and Conditions**

Gratuities: The Town represents and warrants that it has not offered or given any gratuity to any official, employee or agent of Suffolk County or New York State or of any political party, with the purpose or intent of securing an agreement or securing favorable treatment with respect to the awarding or amending of an agreement or the making of any determinations with respect to the performance of an agreement, and that the signer of this Agreement has read and is familiar with the provisions of Local Law No. 32-1980 of Suffolk County (Chapter 386 of the Suffolk County Code).

Child Sexual Abuse Reporting Policy: The Town agrees to comply with Chapter 577, Article IV, of the Suffolk County Code, entitled "Child Sexual Abuse Reporting Policy", as now in effect or amended hereafter or of any other Suffolk County Local Law that may become applicable during the term of this Agreement with regard to child sexual abuse reporting policy.

Indemnification: Each party agrees that it shall protect, indemnify and hold harmless the other party and its officers, officials, employees, contractors, agents and other persons from and against all liabilities, fines, penalties, actions, damages, claims, demands, judgments, losses, costs, expenses, suits or actions and reasonable attorneys' fees, arising out of its own acts or omissions or its own negligence in connection with the services described or referred to in this Agreement. Each party shall defend the other party and its officers, officials, employees, contractors, agents and other persons in any suit, including appeals, or at the other party's option, pay reasonable attorney's fees for defense of any such suit arising out of its own acts or omissions or negligence, or those of its officers, officials, employees, subcontractors or agents, if any, in connection with the services described or referred to in this Agreement.

Severability: It is expressly agreed that if any term or provision of this Agreement, or the application thereof to any person or circumstance, shall be held invalid or unenforceable to any extent, the remainder of this Agreement, or the application of such term or provision to persons or circumstances other than those as to which it is held invalid or unenforceable, shall not be affected thereby, and every other term and provision of this Agreement shall be valid and shall be enforced to the fullest extent permitted by law.

Governing Law: This Agreement shall be governed by and construed in accordance with the laws of the State of New York, without regard to conflict of laws. Venues shall be designated in Suffolk County, New York or the United States District Court for the Eastern District of New York.

No Intended Third Party Beneficiaries: This Agreement is entered into solely for the benefit of County and Town. No third party shall be deemed a beneficiary of this Agreement, and no third party shall have the right to make any claim or assert any right under this Agreement.

Notices in General:

For FRES:

By Registered or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service

or

**by personal delivery to Fire Rescue and Emergency Services,
Yaphank Avenue, Yaphank, New York 11980
Att. Edward Schneyer, Director of Emergency Services,**

and

**Law No. -12-FS-002
Disaster Preparedness
MacArthur Airport/Town of Islip**

For the Town:

By Registered or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service or by personal delivery to:

Rick Gimbl
Town of Islip Director of Emergency Management
655 Main Street
Islip, New York 11751

Notices Relating to Indemnification and Termination: Any communication or notice regarding indemnification or termination shall be in writing and shall be given as follows:

For the County:

By Registered or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service

or

**by personal delivery to Fire Rescue and Emergency Services,
Yaphank Avenue, Yaphank, New York 11980,
Att. Joseph F. Williams, Commissioner,**

and

**to Christine Malafi, County Attorney,
Suffolk County Department of Law,
H. Lee Dennison Building, 100 Veterans Memorial Highway, Hauppauge, New York 11788,**

and

For Town: By Registered or Certified Mail in Postpaid Envelope or by Nationally Recognized Courier Service or by personal delivery to :

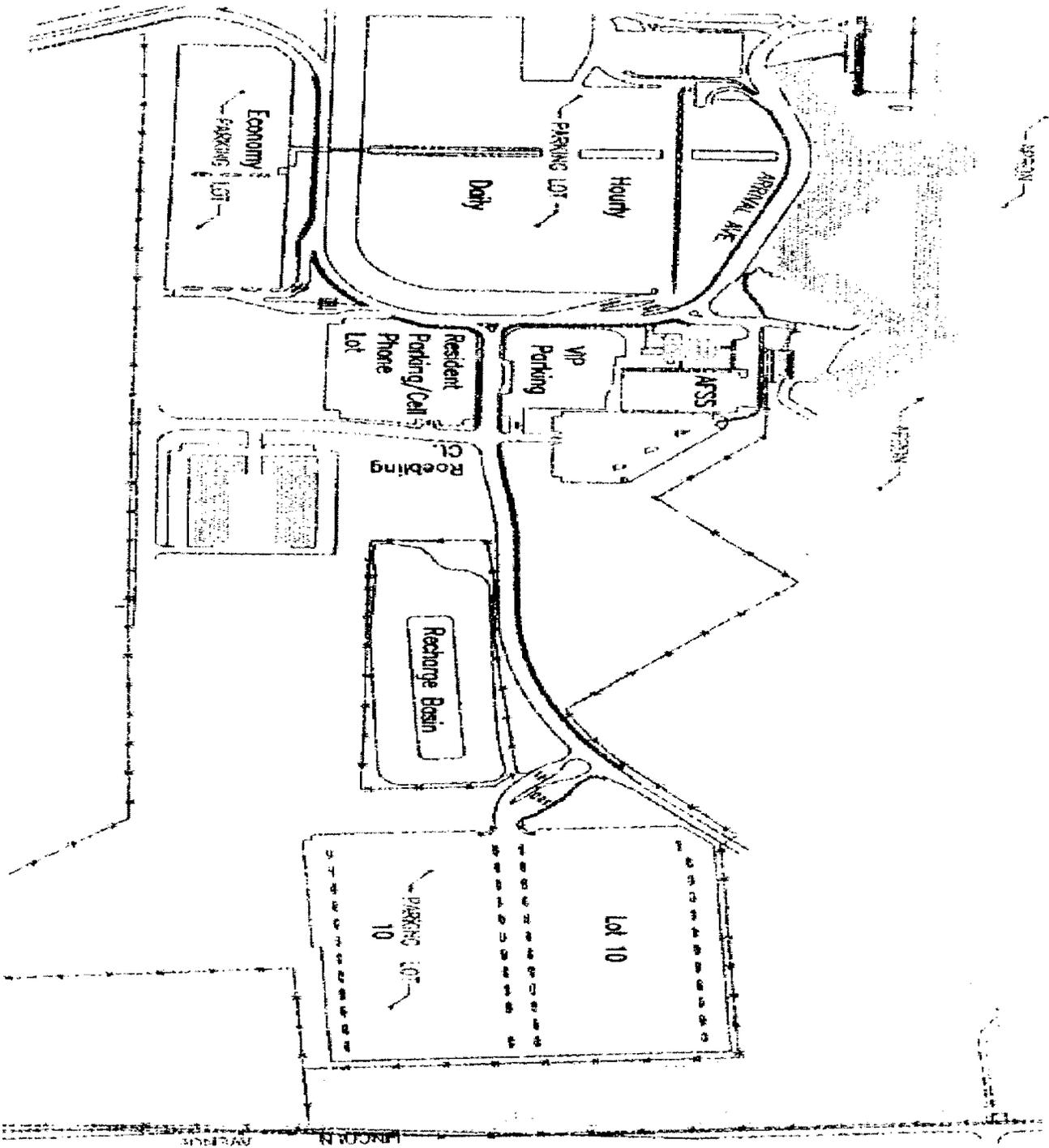
Rick Gimbl
Town of Islip Director of Emergency Management
655 Main Street
Islip, New York

And

Town Attorney
Town of Islip
655 Main Street
Islip, New York 11751

End of text of Exhibit B

Exhibit C
Designation of Location



1964
Intro. Res. No. -2008

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

Laid on Table 10/14/08

**RESOLUTION NO. -2008, A LOCAL LAW TO
REQUIRE DISCLOSURE OF THE IDENTITY OF USERS
OF CLOTHING DONATION BINS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 2008, a proposed local law entitled, "**A LOCAL LAW TO REQUIRE DISCLOSURE OF THE IDENTITY OF USERS OF CLOTHING DONATION BINS**," 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 TO REQUIRE DISCLOSURE OF THE IDENTITY
OF USERS OF CLOTHING DONATION BINS**

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

Section 1. Legislative Intent.

The Legislature finds and determines that unidentified Clothing Donation Bins need to be regulated. The Legislature further finds that residents are easily misled to think that clothing dropped in an unmarked bin is going to charity, when, in fact, that is not the case, and oftentimes, bins are set up by for-profit enterprises that take the discarded clothing and resell it for profit.

Therefore, the purpose of this law is to provide transparency to the residents of the County regarding their gifts of clothing to charity.

Section 2. Definitions.

Clothing Donation Bin – A large container (usually metal) customarily used by people to deposit unwanted clothing.

Person – Any individual, partnership, firm, company, association, society public or private corporation or group, or institution.

Section 3. Prohibitions.

It shall be unlawful for any person to place, use or employ a Clothing Donation Bin that does not display the following information:

- A.) the name, location of the principal place of business and the telephone

number of the person placing, using or employing a Clothing Donation Bin; and

- B.) the charity registration number assigned by the Charities Bureau of the Office of the New York State Attorney General to the person placing, using or employing a Clothing Donation Bin.

Section 4. Display Requirements.

The information required by section 3 of this law shall at all times be conspicuously displayed on the exterior of all planes forming the perimeter sides of every Clothing Donation Bin in upper case type size of no less than 3 inches and in a color that contrasts with the color of the Clothing Donation Bin.

Section 5. Exception.

In the event that a person placing, using or employing a Clothing Donation Bin does not have a charity registration number, such person shall display, or shall cause to be displayed, in the same manner as required by section 4 of the law, the following statement:

“THIS IS A FOR-PROFIT CLOTHING BIN.”

Section 6. Penalties.

The Director of the Suffolk County Office of Consumer Affairs shall have the power to impose a fine not to exceed \$750 for a first violation and \$1,500 for any subsequent violation of this law or any rule or regulation promulgated thereunder.

Section 7. Promulgation of Rules and Regulations.

The Director of the Suffolk County Office of Consumer Affairs is hereby authorized, empowered and directed to promulgate such rules and regulations as it deems necessary for the implementation and enforcement of the provisions of this law. Such rules shall govern the conduct of adjudicatory proceedings and appeals taken pursuant to a proceeding commenced under Article 78 of the Civil Practice Law and Rules relating to the assessment of civil penalties herein authorized. Such rules shall further provide for due process procedural mechanisms and any other mechanisms deemed necessary by the Suffolk County Attorney.

Section 8. Applicability.

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

Section 9. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person 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 hereof, 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 or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 10. 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 11. Effective Date.

This law shall take effect no sooner than one hundred twenty (120) days after filing in the Office of the Secretary of State.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



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

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

DATE: OCTOBER 10, 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 REQUIRE DISCLOSURE OF THE IDENTITY OF USERS ON CLOTHING DONATION BINS

SPONSOR: PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

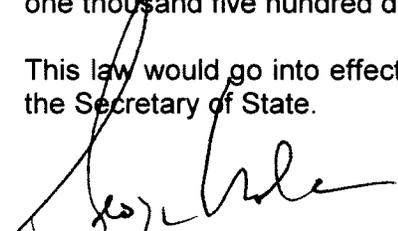
DATE OF RECEIPT BY COUNSEL: 10/10/2008 PUBLIC HEARING: 11/18/2008

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

This proposed local law would require clothing donation bins to be marked with the name, address, and telephone number of the person or organization using each bin. Charities that operate clothing donation bins would be required to place their New York charity registration number on their donation bins. Clothing donation bins that are operated by for-profit organizations would have to be marked "This is a For-Profit Clothing Bin".

The law would be administered by the Office of Consumer Affairs. Violation of the law would be punishable by a fine of not more than seven hundred fifty dollars (\$750) for a first offense or one thousand five hundred dollars (\$1,500) for subsequent violations.

This law would go into effect one hundred twenty (120) days after being filed with the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-identity disclosure on donation bins.doc

1965

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

Laid on Table 10/14/08

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO.
-2008, A LOCAL LAW REQUIRING RESTAURANTS TO
DISCLOSE PRICES OF SPECIALS**

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 REQUIRING RESTAURANTS TO DISCLOSE PRICES OF SPECIALS**" 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 REQUIRING RESTAURANTS TO DISCLOSE
PRICES OF SPECIALS**

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the key to effective consumer protection is ensuring consumers have access to all information necessary to make informed decisions.

This Legislature further determines that consumers have an absolute right to know the price of goods and services offered for sale by businesses operating in Suffolk County.

This Legislature also finds that certain restaurants in Suffolk County do not recognize this "right to know" when it comes to their policy for so-called "daily specials". Restaurants offer their patrons "specials" which do not appear on their regular menu but, in many cases, fail to voluntarily apprise their customers how much these specials cost.

This Legislature further finds that all too often consumers learn when their bill arrives that the special they ordered costs far more than they anticipated.

Therefore, the purpose of this local law is to require all restaurants in Suffolk County to give their patrons adequate notice of the prices of all food items offered for sale, including those items known as "daily specials".

Section 2. Definitions.

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

"Daily Special" shall mean any food item, other than beverages, that is not listed on a restaurant's regular menu and is offered for sale only on certain days.

"Director" shall mean the Director of the Suffolk County Office of Consumer Affairs.

“Restaurant” shall mean an establishment that is open to the public in which the primary business is the sale of prepared food to consumers for consumption on premises.

“Restaurant Operator” shall mean the owner, operator or manager or any other person supervising the operations of a restaurant

Section 3. Price Notice Requirements.

- A. Restaurants shall notify their patrons of the price of all food items, other than beverages, served at their restaurant, including the price for desserts and daily specials.
- B. The price of food items shall be set forth on a restaurant’s regular printed menu, on a printed daily specials page and/or posted in a manner and location so the price of food items is readily observable by patrons.

Section 4. Enforcement.

- A. This law shall be enforced by the Suffolk County Office of Consumer Affairs.
- B. The Director of the Office of Consumer Affairs shall promulgate rules and regulations necessary to implement this law.

Section 5. Penalties for violations.

- A. Any restaurant operator who violates the provisions of this law shall be subject to a civil penalty of not less than \$50 nor more than \$500 for each such violation.
- B. No civil penalty shall be imposed under this law until after a hearing has been held before the Director, or his designee, upon at least seven business days notice to the restaurant operator. Such notice shall be served either personally or by certified mail, return receipt requested, to the address of the restaurant and shall state the date, time and place of the hearing as well as enumerate the grounds constituting the alleged violation by the operator. The restaurant operator may produce witnesses in his or her own behalf. A record of the hearing shall be taken and preserved. For the purpose of such hearing, the Director or his designee may administer oaths, subpoena witnesses and compel the production of books, papers, records and other documents deemed pertinent to the subject of the hearing.

Section 6. Applicability.

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

Section 7. 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 8. 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 9. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to 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\l-restaurant specials

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK



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

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(631) 853-4415 (FAX)

DATE: OCTOBER 10, 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 REQUIRING RESTAURANTS TO DISCLOSE PRICES OF SPECIALS

SPONSOR: LEGISLATOR NOWICK

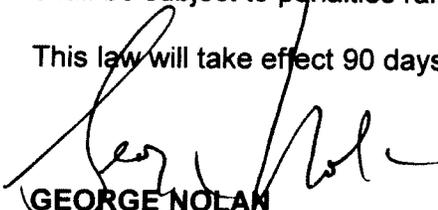
DATE OF RECEIPT BY COUNSEL: 10/10/2008 **PUBLIC HEARING:** 11/18/2008

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

This proposed local law would require restaurants to notify their patrons of the price of all food items, including the price of daily specials. The price of food items would be set forth on the restaurant's regular printed menu, on a printed daily specials page and/or posted in manner and location so as to be readily observable by patrons.

The Office of Consumer Affairs will enforce this law. Restaurant operators violating this law shall be subject to penalties ranging from \$50 to \$500.

This law will take effect 90 days after its filing in the Office of the Secretary of State.


GEORGE NOLAN
Counsel to the Legislature

GN:js

s:\rule28\28-restaurant-specials

1967

Intro Res No. -08

Laid On Table: 10/14/08

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

**RESOLUTION NO. - 2008, AUTHORIZING
PUBLIC HEARING FOR AUTHORIZATION
APPROVAL TO ALTER RATES FOR
NORTH FERRY CO., INC.**

WHEREAS, NORTH FERRY CO., INC. has applied to the Suffolk County Legislature, by a Petition dated and verified _____, 2008, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Section 131-g of the Highway Law of the State of New York and Local Law No. 7 of 1982 of Suffolk County; for the alteration of ferry rates for the regularly scheduled service between Shelter Island, New York and Greenport, New York. Now, therefore, be it

1st RESOLVED, that consideration of the Petition of the North Ferry Co. Inc. for the purpose of publication of the notice required by the Suffolk County Legislature, the Public Hearing on this Petition shall be held on December 2, 2008, at 2:30 p.m. at the William H. Rogers Legislature Building, 725 Veterans Memorial Highway, Hauppauge, New York; and be it further

2nd RESOLVED that pending the consideration of this Petition and the Public Hearing, the Petition be and is hereby referred to the Public Works and Transportation Committee for its consideration and recommendation to the Suffolk County Legislature.

DATED:

APPROVED BY:

County Executive of Suffolk County

Date of Approval:

S:\res\r-ph-north-ferry

Intro. Res. No. 1968-08
Introduced by the Presiding Officer pursuant to Rule 3(A)(14) of the Suffolk County
Legislature

Laid on Table 10/14/08

**RESOLUTION NO. -2008, AUTHORIZATION OF
ALTERATION OF RATES FOR NORTH FERRY CO., INC.**

WHEREAS, North Ferry Co., Inc. has applied to the Suffolk County Legislature by a verified petition, pursuant to Article 8 of the Navigation Law and Section 71 of the Transportation Corporations Law and Section 131-g of the Highway Law of the State of New York, Chapter 287 (Ferry Service) of the Suffolk County Code and enacted by Local Law No. 7 of 1982 for alteration of its ferry rates for the operating and capital needs of the company; and

WHEREAS, the Legislative Office of Budget Review has submitted its recommendations on said application to this Legislature and made its recommendations of the revisions in the rates requested; and

1st RESOLVED, that the verified petition as of of the North Ferry Co., Inc. is approved and the existing North Ferry Co., Inc. rate schedule is hereby modified as follows:

REGULAR SCHEDULED SERVICE BETWEEN SHELTER ISLAND HEIGHTS,
NEW YORK AND GREENPORT, NEW YORK:

<u>CATEGORY</u>	<u>CURRENT RATES</u>	<u>PROPOSED RATES</u>
CARS		
One way Car and driver	\$9.00	\$9.00
Round Trip Car and Driver	\$13.00	\$13.00
SUV Surcharge	\$1.00	\$1.00
PREPAID 10 TICKET DISCOUNT BOOKS (FOR CARS)		
Resident One-Way	\$45.00	\$45.00
Resident Round Trip	\$48.00	\$48.00
5-Day Resident Commuter	\$22.00	\$22.00
6-Day Resident Commuter	\$26.00	\$26.00
Non-Resident One Way	\$57.00	\$57.00
Non-Resident Round Trip	\$72.00	\$72.00
5-Day Non-Resident Commuter	\$28.00	\$28.00
6-Day Non-Resident Commuter	\$33.00	\$33.00

PASSENGERS

In Vehicles or walk-ons	\$2.00	\$2.00
In Commuter Cars	\$2.00 (one-way) \$3.00 (round-trip)	\$2.00 (one-way) \$3.00 (round-trip)
In Residents Car	\$2.00 (one-way) \$3.00 (round-trip)	\$2.00 (one-way) \$3.00 (round-trip)
10 Tokens Resident		\$15.00

MOTORCYCLES

One Way including Driver	\$6.00	\$6.00
Round Trip including Driver	\$8.00	\$8.00

BICYCLES

One way including Rider	\$3.00	\$3.00
Round Trip including Rider	\$5.00	\$5.00
Round Trip for Work	\$3.00	\$3.00

TRUCKS

Each Way:

Two-Axle (includes Boat Trailer, Light duty Trailer, Limousine and Driver) 18'	\$11.00 for 1st 18' +1.00 per foot over 18''	\$11.00 For 1st 18' +1.00 per foot over 18'
Three-Axle	\$18.00 For 1st 18' +1.00 per foot over 18''	\$18.00 For 1st 18' +1.00 per foot over 18'
Dump Trucks: Under 18,000 GVWR	\$11.00 for 1 st 18' +1.00 per foot over 18'	\$11.00 for 1 st 18' +1.00 per foot over 18'
Over 18,000 GVWR Empty Loaded	Truck rate by axle \$10+\$2 per foot	Truck rate by axle \$10+ \$2 per foot
Trailer (More than 4 tires)		
Commercial Construction Empty Loaded	\$2.00 per foot \$2.00 per foot	\$2.00 per foot \$2.00 per foot
Truck-Heavy (Transit mix, sheet rock, log, Sod, cinder block, tank/water/fuel, dumpster, roll-off, or other heavy vehicle)	\$75.00	\$75.00

Buses:			
Mini-Bus		Car Rates	Car Rates
School	One way	\$45.00	\$45.00
	Round Trip	\$55.00	\$55.00
Coach	One way	\$70.00	\$70.00
	Round Trip	\$95.00	\$95.00
Hazardous Materials		\$100.00	\$100.00
(Service on small boats only)			
If on large boat rate is \$250.00			

2nd RESOLVED, that the rates authorized by this Resolution shall take effect on the effective date of this Resolution.

DATED:

APPROVED BY:

County Executive of the County of Suffolk

Date of Approval:

1970

Intro. Res. No. -2008 Laid on Table 10/14/2008
Introduced by Presiding Officer, on request of the County Executive

**RESOLUTION NO. -2008, ADOPTING LOCAL LAW
NO. -2008, A CHARTER LAW CREATING A COUNTY
DEPARTMENT OF CONSUMER AFFAIRS**

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held October 14, 2008 a proposed local law entitled, "**A CHARTER LAW CREATING A COUNTY DEPARTMENT OF CONSUMER AFFAIRS**," 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 CHARTER LAW CREATING A COUNTY DEPARTMENT
OF CONSUMER AFFAIRS**

**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 a Department of Consumer Affairs is necessary to protect consumers against unfair, deceptive, or fraudulent practices in the marketplace. A well organized and run Department conducts investigations, enforces laws, rules and regulations against companies and people who violate the law. It develops rules to protect and educate consumers and businesses about their rights and responsibilities. It collects complaints about consumer fraud and identity theft and can make them available to law enforcement agencies across the country.

This Legislature further finds and determines that this can best be accomplished as a Department within Suffolk County Government. As a Department, it would be headed by a Commissioner with the power to appoint, within appropriations, a deputy, and staff offices and positions in such a manner that would best facilitate the County's consumer protection laws. As a Department, its Commissioner would also be able to prepare and transmit budget estimates best suited to carry out effective and efficient enforcement of consumer protection laws.

This Legislature further finds and determines that in these troubled economic times a strong and independent Department of Consumer Affairs is more important than ever to assure that those who are at a disadvantage because of the adverse turn of fiscal events are not further preyed upon by price gougers, scam artists and felons looking to make a quick buck off another's financial worries.

Therefore, the purpose of this law is to create within the Suffolk County government a Department of Consumer Affairs endowed with enough discretion and

authority to serve the needs of the residents of Suffolk County by diligent enforcement of consumer protection laws.

Section 2. Repealed.

Article XXXI of the SUFFOLK COUNTY CHARTER is hereby repealed.

Section 3. Creation of Department.

A new Article XXXI of the SUFFOLK COUNTY CHARTER, creating a Suffolk County Department of Consumer Affairs, is hereby enacted to read as follows:

ARTICLE XXXI
DEPARTMENT OF CONSUMER AFFAIRS

§C31-1. Definitions.

- A.)** "Commissioner" shall mean the head of the Department.
- B.)** "Department" shall mean the Suffolk County Department of Consumer Affairs.

§C31-2. Department established; commissioner; organization of department.

- A.)** There shall be a Department of Consumer Affairs, the head of which shall be the Commissioner. The Commissioner shall be appointed by the County Executive, subject to the approval of the County Legislature, to serve at the pleasure of the County Executive.
- B.)** The Commissioner shall have the powers and duties set forth herein and shall be in the unclassified service of the civil service. The Commissioner shall be a resident of the county admitted to practice law in this state. Within the appropriations provided therefor, the Commissioner may appoint a Deputy Commissioner, who shall act generally for and in place of the Commissioner, and such other officers and employees as may be provided for by the County Legislature, as well as employ such special consultants as may be necessary. The contracts with special consultants shall be subject to County Executive approval. The Commissioner shall be deemed the appointing authority for all employees within the Department.
- C.)** The Office of Consumer Affairs shall be organized into four divisions for the purposes of performing the functions, duties and responsibilities of the Office of Consumer Affairs. These divisions shall be named the Bureau of Administration, the Bureau of Consumer Complaints, the Bureau of Licensing and the Bureau of Weights and Measures.

§ C31-3. Powers and duties.

A.) The Department shall have the following powers, duties and responsibilities:

- 1.) To receive and investigate complaints and to initiate investigations of unfair or deceptive practices against consumers.
- 2.) To hold hearings, to subpoena witnesses, to administer oaths, to take the testimony of any person under oath and, in connection therewith, to compel the production of any evidence relating to any matter under investigation by the Department, provided, however, that the Commissioner shall obtain the written consent of the County Executive or the County Attorney before issuing a subpoena or subpoena duces tecum. At any hearing, a witness shall have the right to have present and be advised by counsel during the conduct of such hearing.
- 3.) To initiate and encourage consumer education programs and to prepare and disseminate, through publication or otherwise, consumer educational and informational materials to the consumers of Suffolk County.
- 4.) To represent the interests of consumers before federal, state and local administrative and regulatory agencies and legislative bodies.
- 5.) To study the operation of federal, state and local laws for consumer protection and to recommend amendments of such laws, where needed, for the protection of the consumer.
- 6.) To undertake activities to encourage businesses and industries in the county to maintain high standards of honesty, business practices and business responsibilities in the manufacture, distribution and sale of consumer goods and services.
- 7.) To establish facilities for the voluntary mediation of consumer disputes arising out of transactions which take place in the county.
- 8.) To initiate and conduct investigations, research, studies and analysis of matters affecting the interests of the consumers of Suffolk County.
- 9.) To report to the appropriate law enforcement agency information with respect to the violation of any federal, state or local consumer protection law.
- 10.) To cooperate and assist any agency, public or private, in the development of standards of quality for consumer goods and services.

- 11.) To assist, advise and cooperate with local, state and federal agencies to protect and promote the interests of the consumers of Suffolk County.
- 10.) To render each year to the County Executive and to each member of the County Legislature a written report of the activities, investigations, complaints and recommendations of the Department.
- 12.) To perform such other responsibilities and duties as may be assigned by the County Executive or the County Legislature.

§ C31-4. Transfer of personnel.

Those employees in the Office of Consumer Affairs in the County Executive's Office who are employed in positions in the office and the divisions thereof on the effective date of this Article shall be transferred to the Department.

§ C31-5. Transfer of records, property and equipment.

All records, property and equipment currently associated with and utilized in connection with the powers, functions and duties of the Office of Consumer Affairs in the County Executive's Office shall be transferred to the Department.

Section 4. Severability.

If any clause, sentence, paragraph, section or part of this law shall be adjudged by any court of competent jurisdiction to be invalid, the judgment shall not affect, impair or invalidate the remainder of this law but shall be confined in its operation to the clause, sentence, paragraph, section or part of this law that shall be directly involved in the controversy in which such judgment shall have been rendered.

Section 5. SEQRA Determination.

- A.) This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes an unlisted action pursuant to Section 617.2 of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and will not have a significant adverse impact on the environment within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW for the following reasons:
- 1.) The proposed law will not exceed any of the criteria in Section 617.11 of Title 6 NYCRR which sets forth thresholds for determining significant effect on the environment;

- 2.) This law basically performs the administrative function of establishing a department to consolidate certain environment and energy functions currently carried out by several county departments, offices, and agencies.
- 3.) Individual actions by the department, once established, or by personnel will be subject to separate comprehensive SEQRA review; and
- 4.) The actual creation of the department has no direct impact on anything except County policy making and the County budget.

B.) 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.

___ Underlining denotes addition of new language.

DATED:

APPROVED BY:

Steve Levy
County Executive of Suffolk County

Date:

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

1970



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DATE: OCTOBER 14, 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 CREATING A COUNTY DEPARTMENT OF CONSUMER AFFAIRS

SPONSOR: PRESIDING OFFICER ON BEHALF OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 10/14/2008 PUBLIC HEARING: 11/18/2008

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

This proposed Charter law would establish a new Department of Consumer Affairs.

The Department of Consumer Affairs would be led by a Commissioner to be appointed by the County Executive subject to approval by the Legislature. The Commissioner would be in the unclassified service of the civil service and would have to be admitted to practice law in the State of New York. The Commissioner would have the authority to appoint a Deputy Commissioner, subject to appropriations.

The powers and duties presently vested in the current Office of Consumer Affairs would be exercised by the new Department. Current employees of the Office of Consumer Affairs would be transferred into positions within the newly created Department of Consumer Affairs.

The new Department would have four divisions: the Bureau of Administration, the Bureau of Consumer Complaints, the Bureau of Licensing and the Bureau of Weights and Measures.

The proposed law would be effective immediately upon its filing with the office of the Secretary of State.

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-Create Department of Consumer Affairs

1971

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

Laid on Table 10/14/08

**RESOLUTION NO. -2008, CREATING AN OVERSIGHT
MANAGEMENT COMMITTEE FOR THE JOHN J. FOLEY
SKILLED NURSING FACILITY**

WHEREAS, the John J. Foley Skilled Nursing Facility provides a wide range of services to hundreds of Suffolk County residents, including long-term care, short-term rehabilitation and adult day care; and

WHEREAS, in a good faith effort to reduce the operating deficit at the Nursing Facility, the County enacted Resolution No. 334-2008, which authorized the issuance of a Request for Proposals (RFP) to secure new management consulting services for the Facility; and

WHEREAS, notwithstanding the passage of Resolution No. 334-2008, the County Executive proposed closing the Foley Facility in the proposed 2009 Operating Budget and, in the alternative, has suggested pursuing the sale or lease of the Foley Facility; and

WHEREAS, this Legislature continues to believe that a good faith effort must be made during the remainder of 2008 and in 2009 to improve the management of the Facility and realize cost savings and new revenues; now, therefore be it

1st RESOLVED, that the Foley Nursing Facility Management Oversight Committee (Committee) is hereby established for the purpose of achieving cost efficiencies and enhanced revenues at the Facility; and be it further

2nd RESOLVED, that the Committee shall be comprised of representatives of the Suffolk County Executive, the Presiding Officer of the Suffolk County Legislature and the employees of the Foley Skilled Nursing Facility in equal number; and be it further

3rd RESOLVED, that this Committee shall oversee and work with the new management consultant hired pursuant to Resolution No. 334-2008; and be it further

4th RESOLVED, that the Committee shall seek to assist in the implementation of cost savings and revenue enhancing measures identified in the John J. Foley Skilled Nursing Facility Task Force Report of July 2004, the Marchese and Weiler Health Department Report of November 2004 and the Horan, Martell and Morrone Report of May 2008; and be it further

5th RESOLVED, that the Committee shall meet with the management consultant at least twice monthly to ensure that all practicable steps are being implemented to improve the Foley Facility's balance sheet; and be it further

6th RESOLVED, that the Committee shall regularly provide a status update on its effort and those of the management consultant at meetings of the County Legislature's Health & Human Services Committee; and be it further

7th 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\lr-foley-oversight-management-committee