2082

Intro. Res. No. - 2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INTERSECTION IMPROVEMENTS ON CR 35, PARK AVENUE, TOWN OF HUNTINGTON (CAPITAL PROGRAM NUMBER 5519)

WHEREAS, the Commissioner of Public Works has requested funds for land acquisition in connection with Intersection Improvements on CR 35, Park Avenue, from the Vicinity of Old Country Road to CR 86, Broadway-Greenlawn Road; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, 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 $1,500,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, Resolution No. 683 of 1995 approved by the County Legislature issued a SEQRA Negative Declaration for the project, therefore, the provisions of SEQRA have been complied with and no further environmental review is necessary; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty-one (61) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete the Intersection Improvements on CR 35, Park Avenue, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

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

Project No.: 5128
Project Title: Intersection Improvements on CR 19, Patchogue-Holbrook Road @ Furrows Road, Town of Islip

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$ 0	$700,000	$ 0
TOTAL	$270,000	$700,000	$ 0

Project No.: 5561
Project Title: Reconstruction of CR 59, Long Lane, Town of East Hampton

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$210,000	$485,000	$210,000
TOTAL	$535,000	$485,000	$210,000

Project No.: 5850
Project Title: Rehabilitation of Various Bridges and Embankments

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$5,095,000	$525,000	$ 0
TOTAL	$5,095,000	$525,000	$ 0

Project No.: 5519
Project Title: Intersection Improvements on CR 35, Park Avenue, Town of Huntington

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
2. Land Acquisition	$5,670,000	$ 0	$1,500,000
TOTAL	$7,870,000	$ 0	$1,500,000

and be it further

5th **RESOLVED**, that the proceeds of $1,500,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP- 5119.211 (Fund 001 Debt Service)	50	Intersection Improvements on CR 35, Park Avenue, from the Vicinity of Old Country Road to CR 86, Broadway-Greenlawn Road, Town of Huntington	$1,500,000

Date:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH INTERSECTION IMPROVEMENTS ON CR 35, PARK AVENUE, TOWN OF HUNTINGTON (CAPITAL PROGRAM NUMBER 5519)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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.

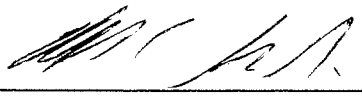
SEE ATTACHED DEBT SERVICE SCHEDULE

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		October 31st, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$88,598**	**$0.17**		$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	**$88,598**	**$0.17**		$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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds	30
Amount to Bond:	$1,500,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$25,972.71	$62,625.00	$88,597.71	$88,597.71
			$30,770.32	$30,770.32	
11/1/2009	4.125%	$27,057.07	$30,770.32	$57,827.39	$88,597.71
			$30,205.50	$30,205.50	
11/1/2010	4.125%	$28,186.70	$30,205.50	$58,392.20	$88,597.71
			$29,617.11	$29,617.11	
11/1/2011	4.125%	$29,363.49	$29,617.11	$58,980.60	$88,597.71
			$29,004.14	$29,004.14	
11/1/2012	4.125%	$30,589.42	$29,004.14	$59,593.56	$88,597.71
			$28,365.59	$28,365.59	
11/1/2013	4.125%	$31,866.53	$28,365.59	$60,232.12	$88,597.71
			$27,700.38	$27,700.38	
11/1/2014	4.125%	$33,196.96	$27,700.38	$60,897.33	$88,597.71
			$27,007.39	$27,007.39	
11/1/2015	4.125%	$34,582.93	$27,007.39	$61,590.32	$88,597.71
			$26,285.47	$26,285.47	
11/1/2016	4.125%	$36,026.77	$26,285.47	$62,312.24	$88,597.71
			$25,533.41	$25,533.41	
11/1/2017	4.125%	$37,530.88	$25,533.41	$63,064.29	$88,597.71
			$24,749.95	$24,749.95	
11/1/2018	4.125%	$39,097.80	$24,749.95	$63,847.75	$88,597.71
			$23,933.79	$23,933.79	
11/1/2019	4.125%	$40,730.13	$23,933.79	$64,663.92	$88,597.71
			$23,083.55	$23,083.55	
11/1/2020	4.125%	$42,430.61	$23,083.55	$65,514.16	$88,597.71
			$22,197.81	$22,197.81	
11/1/2021	4.125%	$44,202.09	$22,197.81	$66,399.90	$88,597.71
			$21,275.09	$21,275.09	
11/1/2022	4.125%	$46,047.53	$21,275.09	$67,322.62	$88,597.71
			$20,313.85	$20,313.85	
11/1/2023	4.125%	$47,970.01	$20,313.85	$68,283.86	$88,597.71
			$19,312.47	$19,312.47	
11/1/2024	4.125%	$49,972.76	$19,312.47	$69,285.23	$88,597.71
			$18,269.29	$18,269.29	
11/1/2025	4.125%	$52,059.12	$18,269.29	$70,328.42	$88,597.71
			$17,182.56	$17,182.56	
11/1/2026	4.250%	$54,232.59	$17,182.56	$71,415.15	$88,597.71
			$16,050.45	$16,050.45	
11/1/2027	4.250%	$56,496.80	$16,050.45	$72,547.26	$88,597.71
			$14,871.08	$14,871.08	
11/1/2028	4.250%	$58,855.55	$14,871.08	$73,726.63	$88,597.71
			$13,642.47	$13,642.47	
11/1/2029	4.250%	$61,312.76	$13,642.47	$74,955.24	$88,597.71
			$12,362.57	$12,362.57	
11/1/2030	4.250%	$63,872.57	$12,362.57	$76,235.14	$88,597.71
			$11,029.23	$11,029.23	
11/1/2031	4.250%	$66,539.25	$11,029.23	$77,568.48	$88,597.71
			$9,640.22	$9,640.22	
11/1/2032	4.250%	$69,317.27	$9,640.22	$78,957.49	$88,597.71
			$8,193.22	$8,193.22	
11/1/2033	4.250%	$72,211.26	$8,193.22	$80,404.48	$88,597.71
			$6,685.81	$6,685.81	
11/1/2034	4.250%	$75,226.08	$6,685.81	$81,911.89	$88,597.71
			$5,115.47	$5,115.47	
11/1/2035	4.250%	$78,366.77	$5,115.47	$83,482.24	$88,597.71
			$3,479.56	$3,479.56	
11/1/2036	4.250%	$81,638.58	$3,479.56	$85,118.14	$88,597.71
			$1,775.36	$1,775.36	
11/1/2037	4.250%	$85,046.99	$1,775.36	$86,822.35	$88,597.71
		$1,500,000.00	$1,157,931.19	$2,657,931.19	$2,657,931.19

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

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

DATE: April 11, 2008

RE: C.P. 5519 – Intersection Improvements on CR 35, Park Avenue, Town of Huntington

Attached are a draft resolution and duplicate copy to appropriate the sum of $1,500,000 for land acquisition in connection with the above referenced project. There are no funds included in the 2008 Capital Budget and Program for this project and, as such, an offset must be provided. It is our intent to utilize $700,000 in construction funds from C.P. 5128, $525,000 in construction funds from C.P. 5850 and $275,000 in construction funds from C.P. 5561 for this appropriation.

Previous resolutions for the acquisition of property for this project appropriated $4,120,000. This reconstruction project required the acquisition of portions of several commercial parcels for which the property owners filed damage claims with the Suffolk County Supreme Court. This additional appropriation will settle these claims that were ultimately settled for amounts far in excess of the funds previously appropriated for this project.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-CP 5519.doc".

TL:WH:er
attach.
cc: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Chief Financial Analyst
William Hillman, P.E., Chief Engineer
William Chandler, Federal Construction Projects Coordinator
Linda Brandolf, CPA, Capital Accounting
James Bagg, Chief Environmental Analyst

Intro. Res. No. 2083-08 Laid on Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. – 2008, ADOPTING THE STATE ENVIRONMENTAL QUALITY REVIEW ACT STATEMENT OF FINDINGS FOR THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM IN PECONIC BAY AND GARDINERS BAY

WHEREAS, the State of New York, through Environmental Conservation Law § 13-0302, ceded all rights, title and interest to the lands under water of Peconic and Gardiners Bays, except those underwater lands within one thousand feet of the high water mark to the County of Suffolk for the purposes of shellfish cultivation; and

WHEREAS, for the purposes of Environmental Conservation Law § 13-0302, the term "Peconic and Gardiners Bays" shall mean the waters of Peconic and Gardiners Bays and the tributaries thereof between the westerly shore of Great Peconic Bay and an easterly line running from the most easterly point of Plum Island to Goff Point at the entrance of Napeague Harbor; and

WHEREAS, Suffolk County may lease lands under water ceded to it by the State for the purposes of shellfish cultivation. If no such leases have been executed by December 31, 2010, such authority to lease pursuant to Environmental Conservation Law § 13-0302 shall terminate; and

WHEREAS, Resolution No. 150-2005 amended the adopted 2005 operating budget to transfer funds from Water Quality Protection Fund 477 and appropriate said funds in connection with the Suffolk County Shellfish Aquaculture Lease Program (CP 7180.110); and

WHEREAS, the Aquaculture Lease Program Advisory Committee (ALPAC) was established by Executive Orders No. 44-2005 and 45-2005 to provide guidance on the development of the leasing program; and

WHEREAS, this Legislature, in Resolution No. 241-2007 under the State Environmental Quality Review Act (hereinafter "SEQRA", N.Y. Environmental Conservation Law Article 8 and its implementing regulations), classified the action as Type I, and adopted a Positive Declaration for the Leasing Program, causing a Generic Environmental Impact Statement (hereinafter "GEIS") to be prepared; and

WHEREAS, this Legislature adopted the Final Scope for the GEIS, pursuant to Resolution No. 780-2007; and

WHEREAS, the GEIS was prepared in a public and open process with extensive input and guidance from ALPAC members, as well as the Council on Environmental Quality (hereinafter the "CEQ"), interested citizens of the County, and local, State, and Federal agencies; and

WHEREAS, the Suffolk County Department of Planning caused the preparation of a Draft GEIS in accord with the procedures and rules of SEQRA as defined in 6 NYCRR Part 617; and

WHEREAS, pursuant to Chapter 279 of the Suffolk County Charter, the CEQ evaluated the Draft GEIS and found it to be satisfactory according to the standards set forth under SEQRA; and

WHEREAS, the CEQ then solicited public comments on the Draft GEIS, including holding a public hearing on April 17, 2008; and

WHEREAS, this Legislature, on the advice of the CEQ, found that comments received on the Draft GEIS were substantive in nature, requiring the preparation of a Final GEIS, as per Resolution No. 477-2008; and

WHEREAS, the Suffolk County Department of Planning therefore caused the preparation of a Final GEIS in accordance with the procedures and rules of SEQRA as defined in 6 NYCRR Part 617; and

WHEREAS, the Final GEIS was filed with the CEQ, a Notice of Completion of the FGEIS, in accordance with Article 8 of the ECL was prepared, and all documents were made available to the general public on September 3, 2008; and

WHEREAS, the CEQ forwarded the Final GEIS, together with its comments and recommendations and those received from the public to this Legislature, for consideration at the October 6, 2008 meeting of the Environment, Planning and Agriculture Committee of the Suffolk County Legislature, as part of CEQ Resolution No. 40-08; and

WHEREAS, the Suffolk County Department of Planning caused to be prepared, a Statement of Findings; now, therefore be it

1st RESOLVED, that pursuant to 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Charter, the Legislature hereby adopts the Statement of Findings annexed hereto, as Exhibit "A", incorporated by reference and made a part thereof; certifies that the requirements of SEQRA have been met; and certifies that, consistent with social, economic and other essential considerations, the proposed Suffolk County Shellfish Aquaculture Lease Program will be developed from among the reasonable alternatives available, as the choice that avoids or minimizes potential adverse, environmental impacts, to the maximum extent practicable; and be it further

2nd RESOLVED, that the Legislature certifies that the adverse environmental impacts will be avoided or minimized to the maximum extent practicable by incorporation, as conditions within the Statement of Findings, those mitigative measures that have been identified as practicable; and be it further

3rd RESOLVED, that the Legislature finds that it is in the best interest of the County to develop a shellfish aquaculture leasing program in Peconic Bay and Gardiners Bay to secure title to approximately 110,000 acres of underwater land and buttress a regionally significant industry; and be it further

4th RESOLVED, that the Legislature supports the program concepts described in the Statement of Findings, as a means to provide access to underwater lands for shellfish cultivation and establish a framework for future leasing of said property, consistent with applicable laws.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date:

EXHIBIT "A"

SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM IN PECONIC BAY AND GARDINERS BAY

GENERIC ENVIRONMENTAL IMPACT STATEMENT

STATEMENT OF FINDINGS

Preparation Date:	September 22, 2008
Issuance Date:	As of adoption by the Suffolk County Legislature
SEQRA Classification:	Type I
Lead Agency:	County of Suffolk H. Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, New York 11788
Contact Name:	DeWitt S. Davies, Ph.D. Chief Environmental Analyst Suffolk County Department of Planning H. Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, New York 11788
Prepared by:	Cashin Associates, P.C. 1200 Veterans Memorial Highway Hauppauge, New York 11788
Location:	Underwater lands in Peconic Bay and Gardiners Bay, seaward of 1,000 feet from the high water mark, within the jurisdiction of Suffolk County

1.0 Introduction

This Statement of Findings is issued pursuant to the State Environmental Quality Review Act ("SEQRA"), New York. Environmental Conservation Law (NYS ECL) Article 8, and its implementing regulations adopted by the New York State Department of Environmental Conservation ("NYSDEC") and codified at Title 6 of the New York Code of Rules and Regulations ("NYCRR") Part 617 (the "SEQRA Regulations"). This statement sets forth the findings of the Suffolk County (the County), with respect to the development of the Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay as summarized in the Draft Generic Environmental Impact Statement (DGEIS), dated March 19, 2008 and further addressed in the Final Generic Environmental Impact Statement (FGEIS), dated September 3, 2008. Although, Suffolk County, as Lead Agency, has the authority to approve the proposed action, implementation will require additional permitting from all relevant local, state, and federal agencies as more fully described in Section 3.0 of the DGEIS.

This Statement of Findings has been prepared to demonstrate that:

1. the procedural requirements of SEQRA have been met;
2. the proposed Lease Program was selected from among the reasonable alternatives as the choice that minimized potential adverse impacts;
3. as required by 6 NYCRR Section 617.11(d), consistent with social, economic and other essential considerations from among the reasonable alternatives available, the action is one that avoids or minimizes adverse environmental impacts to the maximum extent practicable; and,
4. the comments and concerns submitted by the public as well as the Suffolk County Council on Environmental Quality have been addressed and mitigated to the maximum extent practicable.

2.0 Location of Proposed Action

The proposed Shellfish Aquaculture Lease Program study area is located in the Peconic Estuary system which comprises the coastal waters between the north and south forks of eastern Long Island, Suffolk County, New York (DGEIS, Figure 1). These coastal waters are within the boundaries of Suffolk County's five eastern towns: Riverhead, Southold, Southampton, East Hampton, and Shelter Island. The extent of County jurisdiction for shellfish aquaculture leasing purposes encompasses approximately 110,000 acres and extends from the western shore of Great Peconic Bay easterly to a line running from the easternmost point of Plum Island to Goff Point at the entrance to Napeague Harbor, excluding those underwater lands within 1,000 feet from the high water mark.

3.0 Description of Proposed Action

Pursuant to New York State Environmental Conservation Law §13-0302 (2004 Leasing Law), the State of New York ceded to Suffolk County all underwater lands of Peconic and Gardiners Bays seaward of 1,000 feet from the high water mark for the purposes of shellfish cultivation. The Peconic Estuary has approximately 158,000 acres of surface water area. However, the project study area consists of approximately two-thirds of the open water within the estuary, roughly 110,000 acres, which is naturally divided by peninsulas (necks) and islands into a series of interconnected embayments. The 2004 Leasing Law also requires that the County adopt regulations governing: applications for leases; notices to be given; the form and term of leases; standards for the approval or

denial of leases; administration of leases; the transfer or renewal of leases; marking grounds and testing; fees; recording of leases; and other matters as are appropriate to the Lease Program. If no leases for shellfish aquaculture are executed by December 31, 2010, the authority of Suffolk County to issue such leases shall terminate and the County will forfeit any of its title to the underwater lands.

The County is proposing an action to institute a shellfish aquaculture lease program in Peconic and Gardiners Bays that will support existing aquaculture activities, and promote a moderate growth of the industry. The program components have been designed to ensure that any negative impacts on the environmental, socio-economic, and historic resources have been identified and either mitigated or eliminated entirely.

The Shellfish Aquaculture Lease Program proposed by the County has been designed to provide access to public lands for the purpose of shellfish aquaculture. Implementation of this program does not obviate the need to comply with all other relevant regulatory and permit requirements. In particular, shellfish harvesting activities are closely regulated under New York State Environmental Conservation Law by NYSDEC. As the regulatory agency, the NYSDEC issues permits for shellfish aquaculture and establishes conditions on aquaculture activities that must be met as part of permit requirements. The conditions can include, but are not limited to, types of shellfish to be cultured, number of shellfish to be cultured, number and types of equipment (e.g., cages), harvesting methods, and siting of aquaculture operations. NYSDEC also regulates shellfish harvesting activities relating to sanitary quality and species size limits. It is not the intent of the Suffolk County Lease Program, nor is it within the authority of the County, to regulate the specific activities and requirements that have been established under the Environmental Conservation Law. As stated above, the leasing program will be established to provide access to underwater lands for shellfish aquaculture within the area ceded to the County by the 2004 Leasing Law. Obtaining and renewing a lease with the County will be contingent upon possession of a valid aquaculture permit from the NYSDEC; the specific conditions of that permit must be established by the NYSDEC. The dual function of the County and NYSDEC will help to ensure that the Lease Program is carried out in accordance with proper environmental mitigation measures to protect existing resources and marine activities in areas of Peconic and Gardiners Bays included in the program.

4.0 Procedural History

As per 6 NYCRR Section 617, the Suffolk County Department of Planning, on behalf of Suffolk County, conducted a coordinated review with NYSDEC and all East End Towns and Villages, sought SEQRA lead agency status and issued its Notice of Intent to serve as lead agency on February 5, 2007. In its role as lead agency, Suffolk County prepared and distributed an Environmental Assessment Form (EAF). The County was subsequently designated the SEQRA lead agency for the action. Based on the information contained in the EAF, Suffolk County, in Resolution #241-2007 determined that the project could have the potential to result in significant adverse environmental impacts and issued a Positive Declaration on April 11, 2007. In addition to the Positive Declaration, Suffolk County also issued a Draft Scoping Document for the GEIS. The Draft Scoping Document was posted on the Suffolk County Department of Planning web site and widely distributed to public officials and agencies and other interested parties. A combined Notice of Positive Declaration, Public Scoping, and Intent to Prepare a Draft Environmental Impact Statement was published in the *Environmental Notice Bulletin* on April 18, 2007.

A public scoping meeting was held on May 3, 2007, at the Suffolk County Community College, Eastern Campus; at 121 Speonk-Riverhead Road. Written comments were accepted through May 17, 2007, and a Final Scoping Document dated August 23, 2007, reflecting consideration of comments made during the scoping process, was adopted by Suffolk County through Resolution #780-2007, and a Notice of Completion of the Final Scoping Document on the Draft GEIS was issued on September 6, 2007.

The DGEIS was then prepared in accordance with the Final Scoping Document. On March 19, 2008, pursuant to Chapter 279 of the Administrative Code, the Suffolk County Council on Environmental Quality, in Resolution 03-08, determined that the DGEIS was satisfactory with respect to its scope, content, and adequacy, and a Notice of Completion was issued. Copies of the DGEIS were posted on the Suffolk County Department of Planning web site and were widely distributed to public officials and agencies and other interested parties. Copies were also sent to East End libraries for convenient local viewing. A Notice of Completion and Public Hearing was published in the March 26, 2008 issue of the *Environmental Notice Bulletin*. Hearing notices were also published according to SEQRA Regulations in the *Smithtown News* and the *Long Island Business News*. All notices also invited written comments with respect to the DGEIS, and established a comment period extending to May 1, 2008.

On April 17, 2008, the Suffolk County Council on Environmental Quality in conjunction with the Suffolk County Department of Planning, Legislature and County Executive held a public hearing on the DGEIS at Riverhead Town Hall, 200 Howell Avenue, Riverhead.

On June 24, 2008, Suffolk County reviewed all substantive comments on the DGEIS and authorized the preparation of a FGEIS through Resolution 477-2008.

A FGEIS has been prepared to address all substantive comments that were raised during the public review process of the DGEIS and was presented at the September 17, 2008 meeting of the Suffolk County Council on Environmental Quality. The FGEIS was also posted on the Suffolk County Department of Planning web site and copies were widely distributed to public officials and agencies and other interested parties. Copies were also sent to East End libraries for convenient local viewing. A Notice of Completion of Final GEIS was issued on September 3, 2008.

The remaining steps of the process for the proposed action, including completion of SEQRA review and subsequent actions, are as follows:

- Based on the information and analysis contained in the DGEIS and FGEIS, the County will adopt a Statement of Findings, which is the final environmental basis for the County decision, and will: (a) establish whether the proposed action avoids or mitigates significant adverse environmental impacts to the maximum extent practicable, consistent with social, economic, and other essential considerations from among the reasonable alternatives available (Positive Findings); or (b) establish that the proposed action does not satisfy this prerequisite for approval (Negative Findings). Adoption of this Findings Statement completes the SEQRA process.
- Using Positive Findings, the County can proceed with the official adoption of the Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay and associated management techniques, which comprise the proposed action.

5.0 Alternatives Considered

Alternative 1A - Minimum Lease

The minimum lease alternative as described in the DGEIS would allow for all existing aquaculture activities currently operating in Peconic and Gardiners Bays that comply with the requirements set forth in the 2004 Lease Law to become part of the County's Lease Program. Private land grants would be eligible, as well as the NYSDEC Temporary Marine Area Use Assignments (TMAUAs) located within those areas identified as to avoid environmentally or socio-economically sensitive areas. There would be no provision for additional leases on underwater lands not previously used for shellfish aquaculture.

Alternative 1B - Proposed Action (Minimum Lease with Moderate Growth)

Under this preferred alternative, Suffolk County would allow for the inclusion of existing aquaculture activities seaward of the 1,000 feet from high water mark, and provide for a moderate growth of the aquaculture industry. Portions of oyster grants that are currently permitted to cultivate species other than oysters, or have been so between January 1, 1999 and December 31, 2008, would be allowed to convert to a Suffolk County aquaculture lease. Fallow grants and those that have been used to cultivate oysters only in the above-mentioned time period would be allowed up to two 10-acre leases within grant boundaries. TMAUAs that fall within the environmentally/socio-economically sensitive area must remain 5-acre circular plots. Those that lie outside this area have the opportunity to expand to 10-acre square sites. Furthermore, in keeping with the intent of the 2004 Lease Law, Suffolk County would also allow for up to 60 acres of new leases a year for the first 10 years of the program. These leases would be square in shape and located in areas that have been previously identified so as to minimize environmental and/or socio-economic impacts to the greatest extent possible.

Alternative 2 - No Action

As described by 6 NYCRR § 617.9(b)(5)(iii)(v), "Preparation and Content of Environmental Impact Statements," the No-Action alternative "evaluate(s) the adverse or beneficial site changes that are likely to occur in the reasonably foreseeable future, in the absence of the proposed action." The No-Action alternative is the primary frame of reference for evaluation whether the proposed components of this lease program conform to the requirements of SEQRA. Should the County decide not to proceed with the development and adoption of the proposed lease program, aquaculture in the Peconic Estuary would remain limited to use of existing oyster grants and the TMAUAs. The County would not comply with the 2004 Leasing Law and would subsequently lose all rights, title and interest to approximately 110,000 acres of underwater lands for the purposes of shellfish cultivation.

Alternative 3 - Elimination of Existing Aquaculture Activities

This alternative suggests that the County will not support any shellfish aquaculture activities in the Peconic Bay System. This alternative assumes the hypothetical case that the TMAUAs and grant lands will also no longer be available for aquaculture. In addition, this alternative suggests an action that will intentionally create a negative impact to certain environmental and socio-economic resources and, although addressed as an alternative in the DGEIS, would not be practicable or meet the intent of the 2004 Leasing Law.

Alternative 4 - Unlimited Lease Growth

An unlimited growth alternative would not only allow the continuance of the TMAUAs program and aquaculture on private oyster grants, but would also allow for the unbridled addition of new lease areas within the Peconic Bay System. Allowing for the unlimited growth potential of private aquaculture practices could potentially have a severe negative effect on other East End maritime industries, as well as pose a possible threat to the environmental integrity of the bays. Although evaluated as part of the SEQRA process, the unlimited growth alternative would not be practicable, and should be avoided to prevent unavoidable environmental and socio-economic impacts.

6.0 Findings Concerning Relevant Environmental Impacts

6.1 Natural Resources

6.1.1 Amplification of Native and Exotic Shellfish Diseases

Shellfish diseases naturally occur in the marine environment, and some of them are known to affect both wild and cultured populations of shellfish. When introduced or amplified by aquaculture, diseases and parasites could theoretically be a threat to wild shellfish populations. While the proposed lease program will not cause or create new shellfish diseases, the potential for disease outbreaks in limited density natural populations as a result of seed importation cannot be dismissed.

Mitigation

Regulatory requirements under the jurisdiction of NYSDEC already provide for the reduction of risk from introduced shellfish diseases. To minimize the potential for disease introduction, local sources of shellfish seed should be used for cultivation. Information on disease history for each lot and site of origin should be provided. A certificate certifying each lot to be disease-free will be required.

In addition, the NYSDEC is currently working on adopting a "Policy of Acceptable Origin of Shell and Shellstock for Introduction in New York." Criteria identified include: the use of native species only; restriction on the source of shellfish to locations north of New York with no known disease presence (specific exceptions apply); health certification required prior to the issuance of a permit; Shellfish Importation Permit required prior to importing shellfish from locations outside of New York; and altered strains generally not permitted to be introduced into state waters with the exception of disease resistant stocks. These requirements will serve to avoid adverse impacts associated with the use of non-native species.

6.1.2 Shellfish Harvest Techniques

On-bottom harvesting of cultivated shellfish is typically done through either manually operated devices or mechanical equipment, such as dredges. Although any type of disturbance to the bay bottom, mechanical or not, could be considered to adversely impact benthic flora and fauna, mechanical harvest methods seem to be the major issue of concern for the proposed action. Effects are generally related to the intensity of the operation, the time scale within which the operations are undertaken, and the bottom type of the area being harvested. For example, structured and vegetated bottoms are more likely to be adversely affected by mechanical harvesting than flat, un-vegetated bottoms.

Mitigation
Limiting the number and area of leases and using a conservative growth rate of new leases, will provide for the opportunity to learn from experience what the impacts of aquaculture would be at selected sites. A limit on the total area of underwater lands committed to aquaculture will limit the extent of potential adverse impacts to ecological and socio-economic conditions in the bay system.

The program will provide for the placement of leases in areas where conflicts with existing users of the estuary, and environmental impacts to sensitive marine and coastal environments will both be minimized.

If the use of mechanical devices is permitted by the NYSDEC on a lease under the County's program, impacts to environmentally-sensitive areas (i.e., eelgrass beds, natural and historic shellfish beds) would be minimized, as new leases would not be issued in such areas. Because of the limits on the number and area of leases mentioned above, the amount of lease area that would be actually subject to mechanical harvest would be minimal, and therefore, the estuary bottom that would be affected would also be minimal. The actual authorization of mechanical harvesting on a lease must be approved by the NYSDEC through the existing regulatory permit process under NYS ECL.

6.1.3 Impacts to Sediment Characteristics and Benthic Fauna
Shellfish aquaculture structures can lower current velocities or alter current patterns in growing areas which may increase sediment deposition through bio-deposition from bivalve feeding. This could have a significant impact in areas that already have limited current velocity. The increase in sedimentation can change the infaunal community structure to one dominated by deposit-feeding species.

Another impact associated with shellfish aquaculture structures is sediment scouring. Aquaculture gear may present obstructions to local tidal flow with flow increasing around and underneath the structure. Tidal flow restrictions from a large grouping of submerged gear may result in strong tidal flow underneath, possibly resulting in localized scouring and a coarsening of the bottom sediments.

Mitigation
Several different mitigation measures to avoid any adverse impacts to the sediment and benthic fauna are listed in the DGEIS and FGEIS which include, but are not limited to: controlling lease size; limiting the number of leases; limiting the type of culture; limiting the biomass of shellfish; and monitoring of environmental conditions. These mitigation measures will allow the County to diversify the placement of shellfish leases and the NYSDEC to modify activities on such leases to ensure that minimal impacts are sustained in any given environment found within the project area.

By utilizing one or more of the above-mentioned mitigation methods, the County believes that any impact associated with the proposed action, such as increased sediment deposition or changes to benthic fauna, can be mitigated. For example, by limiting the number or leases and/or limiting biomass of shellfish on

a lease in areas with limited velocity, any significant impacts to that area from the proposed action can be reduced or eliminated.

Impacts from the proposed action that may result in sediment scouring can also be mitigated utilizing one or more of the methods mentioned above. For example, by limiting the type of culture activity (i.e., not allowing off-bottom structures in areas prone to high sediment scouring), sediment scouring that could result from the proposed action can be eliminated or mitigated.

6.1.4 Impact to Phytoplankton Composition and Nutrient Cycling

Shellfish bivalves feed by filtering particulate matter including phytoplankton and zooplankton from the water column. Introduction of additional numbers of filtering shellfish will theoretically affect the abundance and composition of plankton communities which, in turn, will affect nutrient cycling in the bays.

Mitigation

The level of any impact on plankton composition and nutrient cycling is scale dependent, and the small increase in shellfish populations proposed under the aquaculture program will not have significant adverse impacts. Aquaculture may have beneficial effects by increasing the numbers of shellfish in the bays, which historically had greater shellfish populations, and by providing additional filtering capacity for moderating plankton populations. Additional mitigation of potential impacts to phytoplankton composition and nutrient cycling will be brought about by program components that limit the size of aquaculture sites, provide buffer areas between sites, limit the numbers and biomass of cultured species, distribute leases throughout the bay system, and provide for monitoring of environmental conditions.

The environmental monitoring program should include water quality and ecological analyses necessary to assess both possible adverse and beneficial effects of aquaculture for Peconic Bay and Gardiners Bay.

6.1.5 Displacement and Attraction of Species

Aquaculture infrastructure can alter benthic communities by providing both substrate for attachment and forage/refuge areas. These alterations have the potential to increase secondary productivity and may impact local species through shading, sedimentation, and erosion, by disturbances associated with gear set-up and harvesting.

Mitigation

The displacement and attraction of species, like many other impacts that could potentially develop from the proposed action, are scale-dependent. In other words, an impact's severity will be dependent upon the size of the action. For this reason, several of the mitigation methods discussed in the DGEIS and FGEIS about this impact relate to limiting lease numbers, lease sizes, types of culture activity, and biomass of shellfish. Plot rotation by individual aquaculture operations is also another method discussed. Including this impact as another parameter to be monitored will help to assess any potential issues as the County's aquaculture program grows in accordance with its moderate growth potential.

Much of data acquired during the research portion of this project suggested that submerged aquaculture gear, in general, increases species diversity and improves nursery habitat for mobile invertebrates and juvenile fish. It is suggested that the gear creates underwater structure that provides refuge from predation, reduces physical and physiological stress, enhances settlement and recruitment, and increases food supply. This improved habitat can be potentially beneficial to native species, especially in areas devoid of any relief or hard substrate. This would also hold true with areas that have been impacted by anthropogenic actions, such as over-harvesting.

6.1.6 Suspended Sediment/Turbidity

The concern expressed over the potential for the proposed action to suspend sediments and create turbidity is linked to mechanical harvesting methods. There is a fear that large-scale harvesting by mechanical dredges will create extensive turbidity plumes that will significantly impact the bay system.

Mitigation

The method of shellfish harvest is regulated and controlled by the NYSDEC. The County is prepared to coordinate with NYSDEC to implement a best management practice (BMP) approach that will help to avoid any significant impacts within the project area. As discussed in Section 3.0, the County Lease Program will provide for access to underwater lands, while the NYSDEC maintains regulatory authority over aquaculture operations under NYS ECL.

As discussed in the DGEIS and the FGEIS documents, few aquaculture operations exist that meet the documentation of existing activity requirements set forth by the NYSDEC that make them eligible to conduct mechanical harvesting on their sites.

6.1.7 Carrying Capacity-Phytoplankton/Nutrients Depletion

The suggested adverse impact is that shellfish associated with increased aquaculture operations could overly deplete the plankton resources through filter feeding, and adversely affect competing species.

Mitigation

As discussed under item 6.1.4, the scale of the proposed alternative provides for only a moderate increase in shellfish populations. The potential increase in shellfish populations is not expected to have significant impacts on bay-wide plankton populations. Several different mitigation measures to avoid any adverse impacts to the carrying capacity and nutrient depletion are listed in the DGEIS and FGEIS which include, but are not limited to: controlling the lease size; limiting the number of leases; limiting the type of lease; limiting the biomass of shellfish; and monitoring of environmental conditions. These mitigation measures will allow the County to diversify the aquaculture program to ensure minimal impacts occur in any given environment within the project area.

Based on the above, it is concluded that there will be no significant impact to the carrying capacity of the bay system because of the program's small scale commitment of resources (a maximum potential use of less than 3% of the total bay system).

6.1.8 Enhanced Recruitment

It is believed that the proposed action will not have a significant adverse impact on recruitment. In fact, the data acquired during the information gathering part of the program development seems to indicate that shellfish aquaculture has a positive impact on wild stock populations. Aquacultured shellfish provide a breeding stock that can serve to increase shellfish spawning, setting, and recruitment in the surrounding areas. It should be noted that the NYSDEC regulates aquaculture activities through a permitting process that helps to ensure that impacts to the wild shellfish stock of the Peconic Bay system are minimized.

6.1.9 Site Impacts and Down-drift Impacts

It is believed that the proposed action will not have significant adverse site and down-drift impacts. As stated previously, because the proposed action will only involve less than a maximum of 3 percent of the Peconic Bay system, any site or down-drift impacts that may occur will most likely be localized and no more severe than those impacts caused by commercial fishery activities currently occurring in the bay.

6.1.10 Accidental Release of Shellfish

It is believed that the proposed action will not have a significant adverse impact related to the accidental release of non-native or exotic shellfish. Several mitigation methods discussed in the DGEIS and FGEIS are designed to eliminate or mitigate this impact, including the use of local seed stock. In addition, the NYSDEC regulates importation through its permitting process.

6.1.11 Genetic Changes

It is believed that the proposed action will not have any significant adverse impacts on the genetics of wild stock. As stated in the DGEIS, because there is the potential for the comingling of genes between selectively bred and wild shellfish stocks, one of the County's mitigation recommendations is to use local varieties of shellfish stock in culture operations. The NYSDEC also regulates the use of shellfish stock in aquaculture programs.

6.1.12 Impacts to Protected and Important Species

It is believed that the proposed action will not have any significant adverse impacts to protected and important species. As part of the program's design, significant research was performed to delineate environmental and socio-economic sensitive areas. Such areas were not included in the area where leases could be issued (i.e., the Shellfish Cultivation Zone) in order to ensure minimal impacts to protected and important species. Should additional information indicating the presence of protected and/or important species arise during the public review process, an alternative site will have to be selected.

6.2 Socio-Economic and Cultural Impacts

6.2.1 Loss of Harvest Area

Off-bottom shellfish aquaculture structures could preclude the use of the water column and underwater land for commercial and recreational fisherman. In addition, if a lease site becomes abandoned, aquaculture gear could impact fishing vessels and associated gear.

Mitigation

Under the proposed program, the area in which a lease may be placed has been delineated to reduce impacts to commercial and recreational fisherman. This includes naturally productive finfish and shellfish areas. The application process also provides for the opportunity for the public to object to a chosen site for productivity reasons which would, in turn, require either a benthic survey or the selection of an alternative location. The lease program also has an administrative mechanism that provides for the identification of gear owners and the removal of aquaculture gear in the event that a lease is terminated or abandoned.

6.2.2 Loss of Maritime Traditions

As early as the mid 1800s, aquaculture has been utilized as a means to sustain shellfisheries on Long Island. Therefore, as a maritime tradition in itself, it is believed that the proposed action will not have a significant adverse impact on the loss of maritime traditions, but instead promote them.

6.2.3 Changes in Employment Opportunities/Incomes

As fishery opportunities decline and state/federal catch and license regulations increase, the ability to earn a sustainable income by harvesting wild marine life has become more difficult. Although there are mixed opinions among baymen about possibly entering the aquaculture industry, the proposed action will provide the opportunity for a displaced fisherman to remain employed in a maritime industry, if he or she wishes to do so. Therefore, the proposed action will not have a significant adverse impact on employment opportunities, but instead may increase them.

6.2.4 Value of Fishery Resources

It is possible that increased production of cultured shellfish may result in a higher demand for cultured shellfish than those harvested from wild stocks. However, shellfish prices are currently governed by out-of-state suppliers, and the shellfish industry on Long Island is losing ground to out-of-state aquaculture operations, not local aquaculture businesses. Therefore, it is believed that the proposed action will not have a significant adverse impact on the value of fishery resources and, in fact, may help keep the Long Island shellfish industry competitive.

6.2.5 Potential Supplemental Income

Any increased activity in the maritime industries in Peconic Bay and Gardiners Bay has the potential to supplement East End residents' incomes. Therefore, it is believed that the proposed action will not have a significant adverse impact on potential supplemental income, but instead, it may provide opportunities to increase such income.

6.2.6 Shoreline Facilities

It is believed that the proposed action will not have a significant adverse impact on shoreline facilities, but instead may provide opportunities for restoring local waterfronts by increasing the demand for seafood processing areas, marine mechanics and boat repair businesses, aquaculture gear manufacturing, and related water-dependent activities.

6.2.7 Conflicts over Lease Boundaries

Conflicts between users of public resources are not uncommon, and are sometimes unavoidable. However, it is believed that the proposed action will not have a significant adverse impact related to conflicts over lease boundaries.

Mitigation
The County has several different mitigation methods included in the DGEIS and FGEIS to address conflicts over lease boundaries. Most importantly, the boundaries of all leases will be properly marked in a standardized fashion that clearly identifies the corners of the lease plots. Lease boundaries must be surveyed and marked by a New York State licensed surveyor. Lease plots will be surrounded by substantial buffer zones. Therefore, it is believed that the proposed action will not have a significant adverse impact on conflicts over lease boundaries.

6.3 Transportation

6.3.1 Hazards to Navigation

Underwater structures or gear associated with the proposed action could have the potential to adversely impact navigation. In addition, an increase in the number of shellfish aquaculture leases would also increase the number of buoys marking the sites, and locating gear, thus possibly creating navigational hazards.

Mitigation
By requiring standards for marking lease areas; notifying the public, towns, and government agencies during the public comment period of the leasing process; and limiting the placement of structures and requiring lease buffer zones, the County believes that any potential adverse impact from the proposed action on navigation will be minimized/mitigated.

6.3.2 Restrictions on Use

The placement of gear in public water will preclude the use of the water column and underwater land by commercial and recreational fishermen. Floating gear could impact recreational activities, such as boating, windsurfing, and waterskiing.

Mitigation
The mitigation methods described in Section 6.3.1 above, would also apply when mitigating impacts from the proposed action on restricting use. Because of the scaled down level of leasing (a maximum potential use of less than 3 percent of entire system), restrictions on use are expected to be minimal. Therefore, it is believed that the proposed action will not have a significant adverse impact on restricting use of the bay system.

6.4 Visual

6.4.1 Loss of Aesthetic Values/Qualities

Boundary markers for lease sites, as well as individual gear markers, may interfere with the visual resources of the estuary. Some off-bottom culture gear involves numerous markers or floatation devices that intrude upon the visual resources/seascape views.

Mitigation

The 1,000-foot shoreline buffer will minimize the view of floating markers and buoys associated with submerged aquaculture gear from the shoreline and important scenic vistas. Visual impacts from large floating structures or gear can be mitigated by restricting the use of such gear where aesthetic values would be significantly impacted. Markers or buoys associated with submerged gear should be visually unobtrusive, standardized, and deployed in a minimum amount per lease site. In addition, underwater lands in high traffic areas, mooring areas, and popular fishing areas have been excluded from leasing as part of the process to develop the proposed program.

6.5 Use and Conservation of Energy

It is believed that the proposed action will not impact the use and conservation of energy.

6.6 Solid Waste Management

While shellfish aquaculture operations may generate some solid waste, it is not expected to have a significant impact on solid waste management.

6.7 Acquisition of Land

It is believed that the proposed action will not have a significant impact on the acquisition of land.

6.8 Groundwater Resources

It is believed that the proposed action will not impact groundwater resources.

6.9 Air Quality

It is believed that the proposed action will have no impact on air quality.

7.0 Cumulative and Growth Inducing Impacts

Shellfish aquaculture leasing in the Peconic Estuary will be limited. Given that the magnitude of aquaculture activity proposed is not extensive, and that cumulative on and off-site impacts are proportional to both the number and spatial extent of culture operations, it follows that growth inducing impacts will also be limited.

7.1 Existing Aquaculture, Fishing/Shellfishing

The adoption and implementation of the *Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay* is likely to increase the area of the estuary utilized for aquaculture operations. However, a carefully considered and controlled expansion under the program can help protect sensitive habitats, avoid immediate and cumulative adverse impacts on present finfishing and/or shellfishing activities, and prevent unacceptable industry growth. While some areas of bottom and surface water will become unavailable for finfishing or shellfishing, the lease program is designed to avoid currently and potentially productive areas.

7.2 Shore-side Requirements

For the proposed project, it is anticipated that existing shoreline facilities can accommodate the increase in shellfish aquaculture activities likely to occur over the next 10 years or more. Certain commercial facilities associated with fishing of wild

stocks have declined in use as wild stocks have declined (e.g., bay scallops), and aquaculture activities may help to off-set some of this loss.

8.0 Unavoidable Adverse Impacts

Although most of the potential adverse impacts associated with the proposed action can be mitigated, few unavoidable impacts remain. However, the magnitude of these unavoidable impacts, like cumulative effects, is scale-related and are expected to be minimal.

8.1 Restriction on Navigation

In some areas, aquaculture activities on leases will restrict vessel navigation, and boaters will be required to navigate around lease boundary markers and gear buoys. The degree of this impact is likely to be minimal, since leases will be limited in number and size, and the scale of operations will also be limited.

8.2 Loss of Access to Bottomlands

The New York State Environmental Conservation Law prohibits others from taking shellfish from licensed aquaculture operations and from tampering or damaging aquaculture equipment. Cultured shellfish cannot be taken by other commercial fishermen, and the placement of aquaculture gear will restrict certain commercial fishing activities as well as recreational activities within the aquaculture sites. These impacts will be very limited due to the scale down nature of the proposed alternative.

8.3 Loss of Access to Water Column

Commercial and recreational fisherman and other recreational uses may be restricted in some areas where submerged aquaculture gear would pose a hazard to such uses. However, the degree of this impact is likely to be minimal, since leases will be limited in number and size, and the scale of operations will also be limited.

8.4 Loss of Bottomland to Other Species

Benthic species and submerged aquatic vegetation (SAV) beds may be impacted by the placement of aquaculture gear on the bottom, or from shading effects from suspended gear. The degree of impact to eelgrass is expected to be non-existent, since leases will not be issued in areas where eelgrass beds exist. In addition, no lease will be permitted within 1,000 feet of the shoreline where the majority of the historic and current eelgrass beds are known to occur. The degree of impacts to bottom-dwelling finfish is expected to be minimal, since leases will be limited in number and size, and the scale of operations will also be limited.

8.5 Utilization of Shoreline Areas

Off-loading and staging efforts associated with aquaculture will most likely take place at existing shoreline facilities, such as marinas and public boat ramps. This increase in usage may affect other users of these shoreline areas. However, since the number of leases is limited, and because they will be dispersed throughout the estuary, the degree of this impact is expected to be minimal. Use of shoreline areas for aquaculture operations may tend to offset declines in usage from diminished wild stock fisheries.

8.6 Escape of Cultured Bivalves

On-bottom hard clam culture involves a technique known as broadcasting (i.e., planting) seed on the bay bottom. During the broadcasting process, it is not

uncommon for some seed to intermittently escape into the wild. However, the NYSDEC policy requires the use of native shellfish species only; therefore any escape of seed would pose minimal if any risk to native populations or the environment. In fact, spawning activity of cultured shellfish may help to restore/augment native shellfish populations.

9.0 Irreversible and Irretrievable Commitments of Resources

It is believed that the proposed action will not result in an irreversible and irretrievable commitment of resources.

10.0 Alternatives

10.1 Overview of Alternatives Analysis

A discussion of alternatives to the proposed action is required by SEQRA. It is important to discuss reasonable alternatives to the project, or portions of the project, that achieve the same or similar objectives of the project sponsor (i.e., Suffolk County). The purpose of the alternatives analysis is to provide comparative assessment of the impacts of each alternative. A "no action" alternative must always be discussed and is especially relevant for governmental actions involving the expenditure of public funds. For the preparation of Generic EISs, the alternatives analysis must address alternative actions at the conceptual stage, and because of the broad scope of future site specific actions following a Generic EIS, hypothetical scenarios are appropriate for the alternatives analysis.

During the scoping process and follow-up development of the proposed alternative, several alternatives were identified for consideration in the Draft GEIS. As a Generic EIS, the use of specific types of equipment, technologies and other site related activities could not be performed. Site selection under the proposed aquaculture plan will be performed at a later stage through a lease application review process by the County, and the process will be subject to public and agency review. Furthermore, specific lease sites will be subject to permit application review, most importantly by the NYSDEC, which is the issuing agency for aquaculture permits.

As required by SEQRA, alternatives to the proposed County Lease Program (Alternative 1B) were identified and are addressed below in this section. The alternatives considered include a minimum lease program (1A), a no action alternative (2), an elimination of aquaculture alternative (3), and an unlimited growth alternative (4). These alternatives represent the range of hypothetical alternatives to the proposed action.

As part of the analysis, the potential maximum acreages of underwater land committed to shellfish aquaculture have been calculated for each alternative including the recommended alternative. The results of this calculation demonstrate that the total amount of underwater land potentially committed to shellfish aquaculture under the program is a very small (approximately 2.9 percent) portion of the total area.

10.2 Alternative 1A – Minimum Lease

Alternative 1A represents a reduced scale shellfish aquaculture lease program. It provides for the establishment of leases only on sites where aquaculture is presently or has recently been conducted (i.e., grants and TMAUAs). The restrictions of the

2004 Leasing Law still apply, specifically the exclusion of areas 1,000 feet from the shore, areas identified as productive for other fisheries, and areas where significant conflicts with other users of the estuary cannot be avoided.

This alternative allows the conversion of all existing NYSDEC TMAUAs and private oyster grants that meet the 2004 Leasing Law requirements into leases issued under the Suffolk County Aquaculture Lease Program.

Aquaculture 1A Components

- Currently the combined acreage of these two entities (grants and TMAUAs) that meet the 2004 Leasing Law requirements is a total of approximately 2553.5 acres, which is approximately 2.3 percent of the 110,000 acres of underwater land within the project area.
- Those TMAUAs that appear to be within the 1,000 ft. shoreline buffer are not within the jurisdiction of this program and will not be considered for leasing. However, the area directly offshore of 1,000 ft. in the same general area of the TMAUAs (within the cultivation zone) will be made available for leasing.
- Some of the grants have a portion of their acreage located within the 1,000 ft. shoreline buffer. Those portions of the grants that are within the 1,000 ft. shoreline buffer zone will be excluded from the lease program. However, all of the remaining acreage of those grants that is located in the cultivation zone will be permitted to participate in the County Lease Program.
- Private grant owners will be allowed to apply for an aquaculture lease for species other than oysters and, dependent on past and current activities, will be permitted into the program on a case-by-case basis as applicable under the 2004 Lease Law. Expansion of aquaculture operations on grants will also be subject to NYSDEC regulatory process as well.

Assessment

This alternative is similar to Alternative 1B (Proposed Action) in that it will provide for establishment of County leases for grants and TMAUAs. It differs in one important way – it does not provide for any expansion of aquaculture into new areas of the estuary. With the exception of moderate growth in Alternative 1B, the impacts of this alternative would be comparable to the impacts of the proposed action because the total acreage of underwater lands committed to aquaculture is comparable under both scenarios. This alternative would provide an increased level of security and business stability to existing grant and TMAUAs holders. Although impacts of this alternative are comparable to that of the proposed action, Alternative 1A is deemed to be unacceptable because it does not satisfy an important mandate of the 2004 Leasing Law, which is to provide for an expansion of aquaculture in the Peconic/Gardiners Bay system.

Also in contrast to Alternative 1B, this alternative would not have a provision for educational/experimental leases and municipal leases for shellfish resource restoration, which represent beneficial impacts associated with the proposed action. This alternative was not considered further because it did not meet the primary objective of the 2004 Leasing Law.

10.3 Alternative 1B – Proposed Action (Minimum Lease with Moderate Growth)
This alternative includes all areas being considered in Alternative 1A and also provides for future growth of the industry by permitting additional use of underwater lands for aquaculture within defined limits. This alternative would make available approximately an additional 300 acres of bottom land for new entities at the end of the first five-year period, and another approximately 300 acres at the end of 10 years. This alternative is the proposed action. The full description of this alternative, its program components, and associated impacts are given in Sections 1 through 4 of the DGEIS document, and modified in the FGEIS. Currently this alternative will include all TMAUAs and underwater land grants seaward of the 1,000 ft. buffer zone that will meet the County's program requirements. This alternative includes the acreage discussed in Alternative 1A and allows for an additional 600 acres during the first 10 years of the program. This total potential acreage to be committed to shellfish aquaculture under this alternative after 10 years is approximately 3,153.5 acres (2.9 percent of 110,000 acres available).

10.4 Alternative 2 – No Action
Under this No Action Alternative, Suffolk County would not institute a Shellfish Aquaculture Lease Program for Peconic Bay and Gardiners Bay and no Shellfish Cultivation Zone Map would be adopted. Access to bottom lands for aquaculture would be obtained under current practices. These current practices include the existing NYSDEC TMAUAs and all 65 of the underwater land grants that have the right to cultivate oysters. Under this alternative, between the NYSDEC TMAUAs and privately owned oyster grants there is a total conceivable area of approximately 5,977 acres of underwater land available for aquaculture activity. No leases would exist under this alternative.

No ecological or physical impacts associated with the proposed action would be expected under the No Action alternative. It would not provide any further stability or security to existing aquaculture activities, and it would not provide a program for expansion of aquaculture. The TMAUAs would be subject to annual approval by the NYSDEC, and growth would be limited by the constraints of the TMAUA program and permitted activities on existing privately owned oyster grants. Socio-economic benefits of an expanded and improved aquaculture program would not be realized. The beneficial impacts of expanded aquaculture on the ecology of the estuary, such as those related to water quality and improved spawning stock, would not be realized. A positive impact of this alternative is that there would be no expenditure of County funds required to implement and manage a lease program; conversely, there would be no revenue generated by lease fees and economic activity. Although this alternative would not have significant environmental impact beyond that of current conditions, the No Action alternative was deemed unacceptable because it does not meet the fundamental objectives of the 2004 Leasing Law.

10.5 Alternative 3 – Elimination of Existing Aquaculture Activities
Under Alternative 3, Suffolk County would not institute a Shellfish Aquaculture Lease Program for Peconic and Gardiners Bays and no Shellfish Cultivation Zone Map would be adopted. In addition, under this hypothetical alternative, TMAUAs would no longer be issued by NYSDEC in the Peconic Estuary, all existing TMAUAs would be terminated, and shellfish aquaculture would be eliminated on oyster grants. Under

this alternative there would be no acreage available for shellfish cultivation in the County's program.

Existing shellfish aquaculture businesses currently operating under TMAUAs would be forced to cease operations. The termination of the existing shellfish aquaculture businesses would have adverse economic impacts on existing aquaculture operations and companies/individuals who provide supplies to those operators, including hatcheries that provide seed. This alternative would not have beneficial impacts to the bays' ecology, or to socio-economic conditions of the area that are associated with an expansion of aquaculture. Furthermore, this alternative is not viable due to the fact that Suffolk County does not have legal authority to terminate the NYSDEC TMAUA program if no County Lease Program is adopted.

This alternative was deemed unacceptable because it does not meet the objectives of the 2004 Leasing Law, it would have adverse socio-economic impacts, and would not have the beneficial impacts associated with aquacultural activity.

10.6 Alternative 4 – Unlimited Lease Growth

This alternative would provide for the unlimited growth of aquaculture throughout the Peconic Bay/Gardiners Bay system. Allowing this alternative would make available the entire 110,000 acres of underwater land ceded to the County.

This alternative would involve the conversion of all NYSDEC TMAUAs and private oyster grants into leases issued under the Suffolk County Aquaculture Lease Program and would allow for the addition of new leases throughout the entire estuary without excluding areas that are environmentally or socio-economically sensitive (in conflict with the 2004 Leasing Law). Under this alternative, the amount of new leases would not be restricted to a defined growth rate, and a cap on new leases would not be implemented. This alternative would have significant adverse impacts in numerous areas:

- Impacts on ecological resources would be greater than that of the proposed action because the amount of underwater land committed to aquaculture would be potentially many times larger than that associated with the proposed action.
- Lessons learned from a phased program would be unavailable, and the potential for the occurrence of irreversible ecological effects would be magnified.
- Impacts to other users of the estuary would be intensified because aquaculture would expand into areas presently used by other groups including commercial fishermen, recreational boaters, and other commercial operations. In contrast, the proposed action is designed to minimize conflict with other users of the estuary.
- This alternative could have adverse impacts to economic conditions if expanded aquaculture suppressed product value because of overproduction.
- This alternative would conflict with other jurisdictions, such as those associated with town and village Local Waterfront Revitalization Plans (LWRPs) because leases could potentially be placed in areas deemed by LWRPs as environmentally or socio-economically important.

- Enforcement needs would be substantially greater than those for the proposed alternative, because of the greater potential for user conflicts, gear conflicts, abandoned gear, vandalism and theft, and unauthorized activity by aquaculture operations.
- Alternative 4 would meet the objectives of the 2004 Leasing Law by providing for an expansion of aquaculture, but would be in contradiction of the law by not providing for protection of existing fisheries and environmental conditions in the estuary. Alternative 4 has been deemed unacceptable because it would not comply with all the objectives of the 2004 Leasing Law and would potentially have adverse impacts to environmental and socio-economic conditions.

This alternative is not considered feasible since it is an extreme alternative that would likely cause conflicts with other commercial and recreational users of the estuary.

10.7 Summary of Impact Analysis of Alternatives

Alternatives 1A, 1B and 2 have the least potential for significant adverse environmental, socio-economic, and cultural impacts. The expansion of aquaculture activities under the proposed action, Alternative 1B, will reduce the potential of significant adverse impacts through specific mitigation measures, as discussed in detail in Section 5. The potential for significant adverse impacts associated with Alternatives 1A and 2 would also be minimal since the extent of shellfish aquaculture operations would be equal to or less than what currently exists. The elimination of aquaculture activities under Alternative 3 would result in potential significant adverse socio-economic impacts to the local shellfish industry and to baymen currently earning their income from the industry. The greatest amount of significant adverse impacts would occur under Alternative 4, based on the extreme scale of aquaculture activities. Table 1 shows the total acreage conceivable for each alternative and the potential impacts that would likely occur for each.

11.0 Conclusion

The County has fully considered the relevant environmental impacts, facts, and conclusions disclosed in the DGEIS and FGEIS for the Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay, Suffolk County, New York. Having analyzed the relevant socio-economic and environmental impacts and other considerations set forth in this Statement of Findings, Suffolk County, as the Lead Agency, hereby certifies that: the requirements of 6 NYCRR Part 617 have been met; the findings are consistent with social, economic, and other essential considerations from among the reasonable alternatives available in such a way to minimize or avoid the adverse environmental impacts disclosed in the EIS to the maximum extent practicable; and adverse environmental effects revealed in the SEQRA process will be minimized or avoided to the maximum extent practicable through the mitigation methods that were identified as practicable in DGEIS, FGEIS, and Statement of Findings.

In addition, the implementation of the *Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay* is expected to yield the following benefits:

- Provide people with the opportunity to obtain access to underwater lands for raising shellfish.

- Encourage private investment in aquaculture businesses and the establishment of shellfish farms at secure locations that do not pose conflicts with commercial fishermen and other bay users.
- Expand the marine-based economy and create related job opportunities.
- Augment the spawning potential of native shellfish populations and exert positive influence on water quality by helping to control nutrient cycling and to prevent noxious plankton blooms as a result of the increase in the number of shellfish.
- Provide other potential positive impacts related to the establishment of aquaculture leases such as increasing suitable substrate for both flora and fauna on bottom structures as well as commensal relationships between commercial fishing activities and culture activities.
- Provide additional opportunity for commercial fisherman to maintain their economic viability.
- Help to re-establish and strengthen traditional shellfish farming activities which have experienced decline since the early 1900s.
- Establish a monitoring program that will help to provide data and information about the shellfish aquaculture activities in Peconic Bay and Gardiners Bay.
- Provide a mechanism for the establishment of educational/experimental shellfish aquaculture operations which will enable valuable scientific and operational information to be collected.

Table 1. Total Conceivable Acreage and Potential Impact Outcomes for Each Alternative

ALTERNATIVE	Alt. 1A Minimum Lease	Alt. 1B Minimum Lease Moderate Growth	Alt. 2 No Action	Alt. 3 Elimination of Aquaculture	Alt. 4 Unlimited Lease Growth
Potential Major Negative Impacts					
Geology	N	N	N	N	Y
Benthos	N	N	N	N	Y
Water column	N	N	N	N	Y
Water quality	N	N	N	N	Y
Submerged Aquatic Vegetation	N	N	N	N	Y
Sediment transport	N	N	N	N	Y
CNRAs	N	N	N	N	Y
Protected species	N	N	N	N	Y
User activities	N	N	N	N	Y
Potential Minor Negative Impacts					
Introduction of shellfish pathogens/diseases	N	N	N	N	Y
Harvest method impacts	N	N	N	N	Y
Sediment characteristics & benthos impacts	N	N	N	N	Y
Phytoplankton composition & nutrient cycling	N	N	N	N	Y
Restrictions on public access	N	N	N	N	Y
Maritime traditions	N	N	N	Y	Y
Employment / incomes	N	N	N	Y	Y
Wild fishery industry	N	N	N	N	Y
Navigation	N	N	N	N	Y
Aesthetic values	N	N	N	N	Y
Energy	N	N	N	N	Y
Beneficial Impacts					
Economy (direct and support sectors)	N	Y	N	N	Y
Employment opportunities	N	Y	N	N	Y
Maritime traditions	N	Y	N	N	Y
Ecology	N	Y	N	N	N
Seafood production	N	Y	N	N	Y
Total Conceivable Acreage of Leased Underwater Lands	**2,553.5[(1)]**	**3,153.5[(1)]**	**5,977[(1,2)]**	**0**	**110,000**

Notes: Y=Yes N=No

([1]) Please note that these estimated acreages do not include a possible total of 20 acres associated with the Winergy Power LLC site near Plum Island, which was added to the Shellfish Cultivation Zone during the FGEIS process.

([2]) Leases would not exist, but aquaculture would be performed on TMAUAs and grants.

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X__ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

ADOPTING LOCAL LAW NO. -2008, ADOPTING THE STATE ENVIRONMENTAL QUALITY REVIEW ACT STATEMENT OF FINDINGS FOR THE FINAL GENERIC ENVIRONMENTAL IMPACT STATEMENT ON THE SUFFOLK COUNTY SHELLFISH AQUACULTURE LEASE PROGRAM IN PECONIC BAY AND GARDINERS BAY

3. Purpose of Proposed Legislation

SEE #2 ABOVE

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** ___ **No X** *

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

** While adopting this resolution **will not** have a fiscal impact, there may be resolutions that arise as a result of this resolution having been passed that will have a fiscal impact.*

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

N.A.

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Gina H. Kommer Assistant Executive Analyst		11/10/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:

1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

COUNTY OF SUFFOLK

SEP 25 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING

THOMAS A. ISLES, AICP
DIRECTOR OF PLANNING

September 25, 2008

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

Dear Mr. Zwirn:

Attached for your review and consideration is a proposed Introductory Resolution that would adopt the Findings Statement for the Final Generic Environmental Impact Statement on the proposed Suffolk County Shellfish Aquaculture Lease Program in Peconic Bay and Gardiners Bay. Upon its adoption, this resolution will complete the requirements of the State Environmental Quality Review Act and allow the County to move forward with the development and implementation of the Lease Program.

Please contact me if you require any additional information.

Sincerely,

Thomas A. Isles
Director of Planning

cc: Jim Morgo, Chief Deputy County Executive
Carrie Meek Gallagher, Commissioner, Department of Environment & Energy
DeWitt Davies, Chief Environmental Analyst, Department of Planning
Lauretta R. Fischer, Principal Environmental Analyst, Department of Planning
Michael Mulé, Senior Planner, Department of Planning
Jennifer Kohn, Assistant County Attorney, Department of Law
Brendan Chamberlain, County Executive Assistant
CE Reso Review (e-mail copy only)

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

(631) 853-5191
TELECOPIER (631) 853-4044

2084

Intro. Res. No. - 2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH GROUNDWATER IMPROVEMENT AND DRAINAGE MODIFICATIONS TO CR 48, MIDDLE ROAD (CAPITAL PROGRAM NUMBER 5184)

WHEREAS, the Commissioner of Public Works has requested funds for engineering in connection with Groundwater Improvement and Drainage Modifications to CR 48, Middle Road; and

WHEREAS, there are sufficient funds within the 2008 Capital Budget and Program to cover the cost of said request under Capital Program Number 5184; 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 2007 Capital Budget, as the basis for funding capital projects such as this project; and

WHEREAS, this resolution constitutes an amendment to change the method of financing thereby requiring a three-fourths vote of the full membership of the county Legislature, rather than an offset, under Section C4-13 of the Suffolk County Charter; and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $300,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (20) and (21) and of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes information collection, including basic data collection and research, and preliminary planning processes necessary to formulate a proposal for an action, but does not commit the County to commence or approve an action. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty (50) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

3rd **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered, and directed to take such action as may be necessary to complete Groundwater Improvement and Drainage Modifications to CR 48, Middle Road, pursuant to Section C8-2(A) of the Suffolk County Charter; and be it further

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

Project No.: CP 5184
Project Title: Groundwater Improvement and Drainage Modifications to CR 48, Middle Road

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design and Supervision	$ 300,000	$300,000 W	$300,000 B
TOTAL	$1,300,000	$300,000	$300,000

4th **RESOLVED**, that the proceeds of $300,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525- 5184.110 (Fund 001 Debt Service)	50	Groundwater Improvement and Drainage Modifications to CR 48, Middle Road	$300,000

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH GROUNDWATER IMPROVEMENT AND DRAINAGE MODIFICATIONS TO CR 48, MIDDLE ROAD (CAPITAL PROGRAM NUMBER 5184)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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.

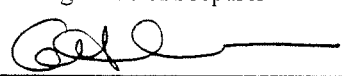
SEE ATTACHED DEBT SERVICE SCHEDULE

8. Proposed Source of Funding

SERIAL BONDS

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Gina H. Kommer		November 10, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$68,337**	**$0.13**		$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	**$68,337**	**$0.13**		$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.

To be completed by the Executive Budget Office

Suffolk County
Groundwater Improvement and Drainage Modifications to CR 48, Middle Road
General Obligation Serial Bonds
Level Debt

Term of Bonds	5
Amount to Bond:	$300,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/10/2008					
5/10/2009					
11/10/2009	4.500%	$54,837.49	$13,500.00	$68,337.49	$68,337.49
			$5,516.16	$5,516.16	
11/10/2010	4.500%	$57,305.18	$5,516.16	$62,821.34	$68,337.49
			$4,226.79	$4,226.79	
11/10/2011	4.500%	$59,883.91	$4,226.79	$64,110.70	$68,337.49
			$2,879.40	$2,879.40	
11/10/2012	4.500%	$62,578.69	$2,879.40	$65,458.09	$68,337.49
			$1,471.38	$1,471.38	
11/10/2013	4.500%	$65,394.73	$1,471.38	$66,866.11	$68,337.49
		$300,000.00	$41,687.46	$341,687.46	$341,687.46

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

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

DATE: October 24, 2008

RE: **GROUNDWATER IMPROVEMENT AND DRAINAGE MODIFICATIONS TO CR 48, MIDDLE ROAD (CAPITAL PROGRAM NUMBER 5184)**

Attached are a draft resolution and duplicate copy to amend the 2008 Capital Program and Budget and appropriate the sum of $300,000 for engineering in connection with the above referenced project. There are sufficient funds included in the 2008 Capital Budget and Program for this project.

This project was previously scheduled under water quality funding, however this project does not qualify. We are requesting the 2008 Capital Program be amended for this program as bonded.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5184.doc".

TL:WH:sk
attach.
cc Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
Theresa D'Angelo, Principal Clerk (Cover memo only)
James Bagg, Chief Environmental Analyst

Intro. Reso. No. 2085-08 Laid on Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $64,164 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND A 10% LOCAL MATCH, TO PROVIDE ENHANCED DEFENSE REPRESENTATION FOR CASES REFERRED TO THE LEGAL AID SOCIETY OF SUFFOLK COUNTY BY THE SEX OFFENDER COURT WITH 90% SUPPORT

WHEREAS, the State of New York Division of Criminal Justice Services has made $64,164 in Federal pass-through monies from the Byrne Justice Assistance Grant Program to Suffolk County for the enhancement of defense representation for cases assigned to the Legal Aid Society of Suffolk County by the Sex Offender Court, and

WHEREAS, this is the second year in which this grant has been awarded, with the first year grant award of $153,770 accepted and appropriated by Resolution No. 886-2007 to cover the operational period of the Program from January 1, 2007 through December 31, 2007 with an extension granted through September 30, 2008, and

WHEREAS, the operational period of this second year of the Program will be from August 1, 2008, through July 31, 2009, and

WHEREAS, said grant funds totaling $64,164 have not been included in the 2008 Suffolk County Operating Budget; and

WHEREAS, the local matching funds totaling $7,129 have not been included in the 2008 Suffolk County Operating Budget; now, therefore, be it

1st RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to amend the 2008 County Operating Budget to provide the 10% local match of $7,129 as follows;

EXPENDITURES:

Law Department (LAW)
Bar Association Indigent Defenders
001-LAW-1171

	2008 Adopted	2008 Modified	Difference
4000 - Contractual Expenses	**$3,900,000**	**$3,892,000**	**($7,129)**
4770 - Special Services	3,900,000	3,892,000	(7,129)

and be it further

2nd RESOLVED, that the County Comptroller and County Treasurer be and they hereby are authorized to accept and appropriate said grant funds in the sum of $64,164 and the 10% local match in the sum of $7,129 as follows;

REVENUES:

	AMOUNT
001-4317 Federal Aid: DCJS Sex Offender Program	$ 64,164

EXPENDITURES:

Legal Aid Society (LAS)
DCJS Sex Offender Program
001-LAS-1177

	2008 Adopted	2008 Modified	Difference
4000 - Contractual Expenses	**$ 0**	**$ 71,293**	**$ 71,293**
4770 - Special Services	0	71,293	71,293

and be it further

3rd RESOLVED, that the County Executive be and hereby is authorized to execute the grant agreement between Suffolk County and the State of New York;

and be it further

4th RESOLVED, that this Legislature, being the lead agency under SEQRA and Chapter 279 of the Suffolk County code, hereby determines that this resolution constitutes a Type II action.

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

2085

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X__ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

ACCEPTING AND APPROPRIATING A GRANT IN THE AMOUNT OF $64,164 FROM THE NEW YORK STATE DIVISION OF CRIMINAL JUSTICE SERVICES AND A 10% LOCAL MATCH, TO PROVIDE ENHANCED DEFENSE REPRESENTATION FOR CASES REFERRED TO THE LEGAL AID SOCIETY OF SUFFOLK COUNTY BY THE SEX OFFENDER COURT WITH 90% SUPPORT

3. Purpose of Resolution:

Accept grand funding from the New York State Division of Criminal Justice Services to enhance representation for cases referred to the Sex Offender Court.

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): Community College
Library District	Fire District	

6. If the answer to item 5 is "yes", Provide Detailed Explanation of Impact

Grant funds in the amount of $64,164 and a transfer of the 10% local match from within the 2008 Operating Budget in the amount of $7,129 are being appropriated. There is no additional impact on the 2008 County Operating Budget.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Grant to cover period 08/01/08 through 07/31/09 – Financial Cost is 10% Local Match in 2008.

8. Proposed Source of Funding

NYS Division of Criminal Justice Services and the 2008 County Operating Budget

9. Timing of Impact

Immediate – upon adoption of Legislation

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Assistant Budget Director		10/29/08

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:

1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County Law # 09-HS-399

STATE AGENCY New York State Division of Criminal Justice Services 4 Tower Place Albany, NY 12203	NYS COMPTROLLER'S NUMBER: C886233 (Contract Number) ORGINATING AGENCY CODE: 01490
GRANTEE/CONTRACTOR: (Name & Address) Suffolk County H Lee Dennison Building 100 Veterans Memorial Highway Hauppauge, NY 11788	TYPE OF PROGRAMS: Byrne JAG DCJS NUMBERS: BJ07886233
FEDERAL TAX IDENTIFICATION NO: 11-6000464 MUNICIPALITY NO: (if applicable) 470100000 000	INITIAL CONTRACT PERIOD: FROM 08/01/2008 TO 07/31/2009 FUNDING AMOUNT FROM INITIAL PERIOD: $64,164.00
STATUS: Contractor is not a sectarian entry. Contractor is not a not-for-profit organization.	MULTI-YEAR TERM: (if applicable): 0 1-year renewal options.
CHARITIES REGISTRATION NUMBER: N/A (Enter number of Exempt) if "Exempt" is entered above, reason for exemption. Contractor has ____ has not ____ timely filed with the Attorney General's Charities Bureau all required periodic or annual written reports.	APPENDIX ATTACHED AND PART OF THIS AGREEMENT _X_ APPENDIX A Standard Clauses required by the Attorney General for all State contacts _X_ APPENDIX A1 Agency-specific Clauses _X_ APPENDIX B Budget _X_ APPENDIX C Payment and Reporting Schedule _X_ APPENDIX D Program Workplan __ APPENDIX F Guidelines for the Control and Use of Confidential Funds __ APPENDIX G Procedural Guidelines for the Control of Surveillance Equipment __ APPENDIX X Modification Agreement Form (to accompany modified appendices for changes in terms or considerations on an existing period or for renewal periods) __ DCJS-55 Budget Amendment/Grant Extension Request _x_ A-2 Suffolk County Indemnification Clauses

IN WITNESS THEREOF, the parties hereto have electronically executed or approved this AGREEMENT on the dates their signatures.

NYS DIVISION OF CRIMINAL JUSTICE SERVICES

BY: , Date:
Bureau of Justice Funding

State Agency Certification: "In addition to the acceptance of this contract, I also certify that original copies of this signature page will be attached to all other exact copies of this contract".

GRANTEE:

BY: Mr. Jeffrey W. Szabo , Deputy County Executive & Chief of Staff Date: 8/11/08

ATTORNEY GENERAL'S SIGNATURE Title: _____ Date: _____	APPROVED, Thomas P. DiNapoli, State Comptroller Title: _____ Date: _____

SIGN HERE

See following page for County of Suffolk Legal Aid Society signature, municipal corporation acknowledgement and county attorney approval as to legality.

Suffolk County Law # 09-HS-299

NYS DCJS Legal Aid Society Suffolk Cty Inc.—Bryne JAG Grant
DCJS No. BJ08-1001-D00
NYS Comptroller's No. ~~G078124~~ C886233

APPROVED AS TO LEGALITY:

CHRISTINE MALAFI
Suffolk County Attorney
CYNTHIA KAY PARRY

By: CKParry

Assistant County Attorney

Date: 8/5/08

COUNTY OF SUFFOLK
LEGAL AID SOCIEETY

APPROVED:

BY: Robert C. Mitchell

Robert C. Mitchell
Attorney in Charge

Date: JUN 5 2008

MUNICIPAL CORPORATION ACKNOWLEDMENT

SIGN HERE

STATE OF NEW YORK)
) ss:
COUNTY OF SUFFOLK)

On the 11 day of August, 2008 before me personally came Jeffrey W. Szabo, to me know, being duly sworn did depose and say that he resides in Suffolk County; that he is the Deputy County Executive & Chief of Staff of the COUNTY OF SUFFOLK, and that he executed the forgoing agreement for and on behalf of the COUNTY OF SUFFOLK by virtue of the authority in him vested as such Deputy County Executive.

Notary Public
VIRGINIA H. KOMMER
NOTARY PUBLIC, STATE OF NEW YORK
No. 01K06180340
QUALIFIED IN SUFFOLK COUNTY
Commission Expires 01/07/2012

Suffolk County Law # _____

WAIVER OF INTEREST AGREEMENT

WHEREAS, ***Suffolk County Legal Aid Society Suffolk Cty Inc.*** (herein Known as Grantee) and the Division of Criminal Justice Services (DCJS) desires to (has) enter (ed) into a contract whereby the grantee will (has) provide (d) program services; and

WHEREAS, the grantee desires to (has) provide (d) services under a contract with DCJS which has a retroactive start date; and

WHEREAS, the reason for the retroactive start date is (LIST REASON (S))

-program continuity

WHEREAS, DCJS has met the timeframes of Article XI-B of the State Finance Law and Part 22 of Title 2 of the NYCRR in relation to the subject contract; and

WHEREAS, subdivision 7 section 179-v of the State Finance Law permits the waiver of interest; and

WHEREAS, DCJS would otherwise be liable for interest to the grantee because of a retroactive contract start date;

NOW THEREFORE, in consideration of the terms hereinafter mentioned and also the covenants and obligations moving to each party thereto from the other, the parties do hereby agree as follows:

1. The grantee hereby waives its right to any interest which may be due pursuant to Article XI-B of the State Finance Law and Part 22 of Title 2 of the NYCRR.

2. DCJS hereby agrees to expeditiously process the subject contract which provides for a retroactive start date.

3. This agreement is null and void if the timeframes required by Article XI-B of the State Finance Law and Part 22 of the Title 2 of the NYCRR were not complied with by DCJS.

_____
State Agency

Grantee:

Suffolk County Law # _____

Charities Registration Information Form

Please complete and sign this page and return it with 6 signed copies of your grant contract. Not for Profit Grantee contracts returned without this completed page cannot be processed until the completed page is returned.

For Not for profit Grantees Only:

DCJS Number: BJ07886233 Grantee Name: Legal Aid Society Suffolk Cty Inc.

Charities Registration Number: 05091 (enter number or "Exempt")

If exempt, reason for exemption (choose one number from the list of reasons stated below): 8

Grantee Signature

JUN 5 2008

Date

OFFICE OF THE ATTORNEY GENERAL
SUMMARY OF EXEMPTION CATEGORIES
REGARDING CHARITABLE REGISTRATION

1. a Corporation organized under the Religious Corporations Law, and other religious agencies and organizations, charities, agencies, and organizations operated, supervised or controlled by or in connection with a religious organization;

2. an Education Institution, that confines solicitation to its student body, alumni, faculty and trustees and their families or such institution or Library registered with the State Education Department (SED), provided that the annual financial report of such institution or library shall be filed with the SED, where it shall e open for public inspection;

3. a Fraternal, Patriotic, Social or Alumni Organization or Historical Society chartered by the NYS board of Regents, when solicitation of contributions is confined to its membership;

4. a Person requesting contribution for the relief of an individual, specifically named at time of solicitation, providing all contributions are turned over the named beneficiary;

5. an Organization that solicits or receives less than $25,000 in contributions during its fiscal year (regardless of the total amount received from a community chest or united fund) provided all fund raising functions are carried on by persons who are unpaid for such services;

6. a Local Post, Camp, chapter or County Unit of a Bona fide Veterans or Volunteer Firefighters or Ambulance Service (as defined by 3001, Public Health Law) or its Auxiliary or Affiliate, providing all fund raising is done by members for no compensation; or

7. an Organization that receives (substantially) all of its funds from a single government agency to which it reports annually providing the report contains financial information similar in content to that required by the Department and not more than $25,000 is received from sources other than the agency to which it reports;

8. A Governmental or Quasi-Governmental Agency. This exemption category is not specified in law but is supported by one or more Attorney General Rulings. The Office of Charities Registration's traditional position includes a governmental body.

Award Contract

Byrne JA

Project No. 3J08-1001-D00

Grantee Name Suffolk County

06/05/20(

\GREEMENT

;TATE OF NEW YORK
\GREEMENT
'his AGREEMENT is hereby made by and between the State of New York agency (STATE) and the public or private agency CONTRACTOR) identified on the face page hereof.
VITNESSETH:
VHEREAS, the STATE has the authority to regulate and provide funding for the establishment and operation of program services nd desires to contract with skilled parties possessing the necessary resources to provide such services; and
VHEREAS, the CONTRACTOR is ready, willing and able to provide such program services and possesses or can make available ll necessary qualified personnel, licenses, facilities and expertise to perform or have performed the services required pursuant to ıe terms of this AGREEMENT;
IOW THEREFORE, in consideration of the promises, responsibilities and covenants herein, the STATE and the CONTRACTOR gree as follows:
Conditions of Agreement
\. This AGREEMENT may consist of successive periods (PERIOD), as specified within the AGREEMENT or within a subsequent Modification Agreement(s) (Appendix X) Amendment. Each additional or superseding PERIOD shall be on the forms specified by ıe particular State agency, and shall be incorporated into this AGREEMENT.
3. Funding for the first PERIOD shall not exceed the funding amount specified on the face page hereof. Funding for each ubsequent PERIOD, if any, shall not exceed the amount specified in the appropriate appendix amendment for that PERIOD.
:. This AGREEMENT incorporates the face page attached as presented in the Grants Management System (GMS) AWARD online rintable report, and all of the marked appendices identified on the face page hereof.
). For each succeeding PERIOD of this AGREEMENT, the parties shall prepare new appendices, to the extent that any require ıodification, and a Modification Agreement (the attached Appendix X is the blank form to be used) GMS Amendment. Any terms of ıis AGREEMENT not modified shall remain in effect for each PERIOD of the AGREEMENT.
'o modify the AGREEMENT within an existing PERIOD, the parties shall revise or complete the appropriate appendix form(s) reate and amendment to the GMS record. Any change in the amount of consideration to be paid, or change in the term, is subject ɔ the approval of the Office of the State Comptroller. Any other modifications shall be processed in accordance with agency uidelines as stated in Appendix A-1.
:. The CONTRACTOR shall perform all services to the satisfaction of the STATE. The CONTRACTOR shall provide services and ıeet the program objectives summarized in the Program Workplan (Appendix D) in accordance with: provisions of the \GREEMENT; relevant laws, rules and regulations, administrative and fiscal guidelines; and where applicable, operating certificates ɔr facilities or licenses for an activity or program.

See Appendix A-2

~~. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR~~ hall take full responsibility for the acts and omissions of its subcontractors. Nothing in the subcontract shall impair the rights of the ~~STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between the subcontractor~~ ~~TATE.~~
3. Appendix A (Standard Clauses as required by the Attorney General for all State contracts) ta[illegible] precedence o[illegible] er parts f the AGREEMENT.

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. Payment and Reporting
\. The CONTRACTOR, to be eligible for payment, shall submit to the STATE's designated payment office (identi[illegible] pendix C) ny appropriate documentation as required by the Payment and Reporting Schedule (Appendix C) and by agenc[illegible] uidelines, ı a manner acceptable to the STATE.
;. The STATE shall make payments and any reconciliations in accordance with the Payment and Reporting Schedule (Appendix :). The STATE shall pay the CONTRACTOR, in consideration of contract services for a given PERIOD, a sum not to exceed the mount noted on the face page hereof or in the respective Appendix designating the payment amount for that given PERIOD. This um shall not duplicate reimbursement from other sources for CONTRACTOR costs and services provided pursuant to this \GREEMENT.
:. The CONTRACTOR shall meet the audit requirements specified by the STATE.
I. Terminations
\. This AGREEMENT may be terminated at any time upon mutual written consent of the STATE and the CONTRACTOR.
;. The STATE may terminate the AGREEMENT immediately, upon written notice of termination to the CONTRACTOR, if the :ONTRACTOR fails to comply with the terms and conditions of this AGREEMENT and/or with any laws, rules, regulations, policies r procedures affecting this AGREEMENT.
:. The STATE may also terminate this AGREEMENT for any reason in accordance with provisions set forth in Appendix A-1.
). Written notice of termination, where required, shall be sent by personal messenger service or by certified mail, return receipt equested. The termination shall be effective in accordance with the terms of the notice.
. Upon receipt of notice of termination, the CONTRACTOR agrees to cancel, prior to the effective date of any prospective ermination, as many outstanding obligations as possible, and agrees not to incur any new obligations after receipt of the notice ithout approval by the STATE.

F. The STATE shall be responsible for payment on claims pursuant to services provided and costs incurred pursuant to terms of th AGREEMENT. In no event shall the STATE be liable for expenses and obligations arising from the program(s) in this AGREEMEN ıfter the termination date.

V. Indemnification

See Appendix A-2

~~The CONTRACTOR shall be solely responsible and answerable in damages for any and all accidents and/or injuries to persons~~ including death) or property ~~arising out of or related~~ to the services to be rendered by the CONTRACTOR or its subcontractors ɔursuant to this AGREEMENT. The CONTRACTOR shall ~~indemnify and hold harmless the STATE and its officers and employees rom claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this~~ AGREEMENT.

3. The CONTRACTOR is an independent contractor and may neither hold itself out nor claim to be an officer, employee or ıubdivision of the STATE nor make any claim, demand or application to or for any right based upon any different status.

/. Property

Any equipment, furniture, supplies or other property purchased pursuant to this AGREEMENT is deemed to be the prope STATE except as may otherwise be governed by Federal or State laws, rules or regulations, or as stated in Appendix A.

/I Safeguards for Services and Confidentiality

A. Services performed pursuant to this AGREEMENT are secular in nature and shall be performed in a manner that d liscriminate on the basis of religious belief, or promote or discourage adherence to religion in general or particular re efs.

3. Funds provided pursuant to this AGREEMENT shall not be used for any partisan political activity, or for activities that nfluence legislation or the election or defeat of any candidate for public office.

C. Information relating to individuals who may receive services pursuant to this AGREEMENT shall be maintained and used only fo he purposes intended under the contract and in conformity with applicable provisions of the laws and regulations, or specified in Appendix A-1.

Certified by - on

Suffolk County Law # 09-HS-299

Byrne JAG Sex Offender Grant
NYSDCJS Contract No. C-886233
Budget Period 08/01/08 – 07/31/09

INITIAL HERE

APPENDIX A-2 SUFFOLK COUNTY INDEMNIFICATION CLAUSES:

IF. If the CONTRACTOR enters into subcontracts for the performance of work pursuant to this AGREEMENT, the CONTRACTOR shall be solely responsible to the STATE for performance, whether the work is performed by the CONTRACTOR or its subcontractors. Nothing in the subcontract shall impair the rights of the STATE under this AGREEMENT. No contractual relationship shall be deemed to exist between any subcontractor and the STATE. Nothing in this AGREEMENT shall impair any right of contribution or indemnification that the CONTRACTOR may have against any subcontractor or other third party.

INITIAL HERE

IVA. The CONTRACTOR shall indemnify and hold harmless the STATE and its officers and employees from claims, suits, actions, damages and costs of every nature arising out of the provision of services pursuant to this AGREEMENT to the extent permitted by law.

Award Contract

Byrne JAG

Project No.	**Grantee Name**	
BJ08-1001-D00	Suffolk County	06/05/200

APPENDIX A

STANDARD CLAUSES FOR NYS CONTRACTS

The parties to the attached contract, license, lease, amendment or other agreement of any kind (hereinafter, 'the contract' or 'this contract') agree to be bound by the following clauses which are hereby made a part of the contract (the word 'Contractor' herein refers to any party other than the State, whether a contractor, licenser, licensee, lessor, lessee or any other party):

. EXECUTORY CLAUSE. In accordance with Section 41 of the State Finance Law, the State shall have no liability under this contract to the Contractor or to anyone else beyond funds appropriated and available for this contract.

. NON-ASSIGNMENT CLAUSE. In accordance with Section 138 of the State Finance Law, this contract may not be assigned by the Contractor or its right, title or interest therein assigned, transferred, conveyed, sublet or otherwise disposed of without the previous consent, in writing, of the State and any attempts to assign the contract without the State's written consent are null and void. The Contractor may, however, assign its right to receive payment without the State's prior written consent unless this contract concerns Certificates of Participation pursuant to Article 5-A of the State Finance Law.

. COMPTROLLER'S APPROVAL. In accordance with Section 112 of the State Finance Law (or, if this contract is with the State University or City University of New York, Section 355 or Section 6218 of the Education Law), if this contract exceeds $50,000 (or the minimum thresholds agreed to by the Office of the State Comptroller for certain S.U.N.Y. and C.U.N.Y. contracts), or if this is an amendment for any amount to a contract which, as so amended, exceeds said statutory amount, or if, by this contract, the State agrees to give something other than money when the value or reasonably estimated value of such consideration exceeds $10,000, it shall not be valid, effective or binding upon the State until it has been approved by the State Comptroller and filed in his office. Comptroller's approval of contracts let by the Office of General Services is required when such contracts exceed $85,000 (State Finance Law Section 163.6.a).

. WORKERS' COMPENSATION BENEFITS. In accordance with Section 142 of the State Finance Law, this contract shall be void and of no force and effect unless the Contractor shall provide and maintain coverage during the life of this contract for the benefit of such employees as are required to be covered by the provisions of the Workers' Compensation Law.

. NON-DISCRIMINATION REQUIREMENTS. To the extent required by Article 15 of the Executive Law (also known as the Human Rights Law) and all other State and Federal statutory and constitutional non-discrimination provisions, the Contractor will not discriminate against any employee or applicant for employment because of race, creed, color, sex, national origin, sexual orientation, age, disability, genetic predisposition or carrier status, or marital status. Furthermore, in accordance with Section 220-e of the Labor Law, if this is a contract for the construction, alteration or repair of any public building or public work or for the manufacture, sale or distribution of materials, equipment or supplies, and to the extent that this contract shall be performed within the State of New York, Contractor agrees that neither it nor its subcontractors shall, by reason of race, creed, color, disability, sex, or national origin: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. If this is a building service contract as defined in Section 230 of the Labor Law, then, in accordance with Section 239 thereof, Contractor agrees that neither it or its subcontractors shall by reason of race, creed, color, national origin, age, sex or disability: (a) discriminate in hiring against any New York State citizen who is qualified and available to perform the work; or (b) discriminate against or intimidate any employee hired for the performance of work under this contract. Contractor is subject to fines of $50.00 per person per day for any violation of Section 220-e or Section 239 as well as possible termination of this contract and forfeiture of all moneys due hereunder for a second or subsequent violation.

. WAGE AND HOURS PROVISIONS. If this is a public work contract covered by Article 8 of the Labor Law or a building service contract covered by Article 9 thereof, neither Contractor's employees nor the employees of its subcontractors may be required or permitted to work more than the number of hours or days stated in said statutes, except as otherwise provided in the Labor Law and as set forth in prevailing wage and supplement schedules issued by the State Labor Department. Furthermore, Contractor and its subcontractors must pay at least the prevailing wage rate and pay or provide the prevailing supplements, including the premium rates for overtime pay, as determined by the State Labor Department in accordance with the Labor Law.

. NON-COLLUSIVE BIDDING CERTIFICATION. In accordance with Section 139-d of the State Finance Law, if this contract was awarded based upon the submission of bids, Contractor affirms, under penalty of perjury, that its bid was arrived at independently and without collusion aimed at restricting competition. Contractor further affirms that, at the time Contractor submitted its bid, an authorized and responsible person executed and delivered to the State a non-collusive bidding certification on Contractor's behalf.

. INTERNATIONAL BOYCOTT PROHIBITION. In accordance with Section 220-f of the Labor Law and Section 139-h of the State Finance Law, if this contract exceeds $5,000, the Contractor agrees, as a material condition of the contract, that neither the

Contractor nor any substantially owned or affiliated person, firm, partnership or corporation has participated, is participating, or sha participate in an international boycott in violation of the federal Export Administration Act of 1979 (50 USC App. Sections 2401 et seq.) or regulations thereunder. If such Contractor, or any of the aforesaid affiliates of Contractor, is convicted or is otherwise found to have violated said laws or regulations upon the final determination of the United States Commerce Department or any other appropriate agency of the United States subsequent to the contract's execution, such contract, amendment or modification thereto shall be rendered forfeit and void. The Contractor shall so notify the State Comptroller within five (5) business days of such conviction, determination or disposition of appeal (2NYCRR 105.4).

9. SET-OFF RIGHTS. The State shall have all of its common law, equitable and statutory rights of set-off. These rights shall include but not be limited to, the State's option to withhold for the purposes of set-off any moneys due to the Contractor under this contract up to any amounts due and owing to the State with regard to this contract, any other contract with any State department or agency, including any contract for a term commencing prior to the term of this contract, plus any amounts due and owing to the State for any other reason including, without limitation, tax delinquencies, fee delinquencies or monetary penalties relative thereto. The State shall exercise its set-off rights in accordance with normal State practices including, in cases of set-off pursuant to an audit, the finalization of such audit by the State agency, its representatives, or the State Comptroller.

10. RECORDS. The Contractor shall establish and maintain complete and accurate books, records, documents, accounts and other evidence directly pertinent to performance under this contract (hereinafter, collectively, 'the Records'). The Records must be kept for the balance of the calendar year in which they were made and for six (6) additional years thereafter. The State Comptroller, the Attorney General and any other person or entity authorized to conduct an examination, as well as the agency or agencies involved in this contract, shall have access to the Records during normal business hours at an office of the Contractor within the State of New York or, if no such office is available, at a mutually agreeable and reasonable venue within the State, for the term specified above for the purposes of inspection, auditing and copying. The State shall take reasonable steps to protect from public disclosure any of the Records which are exempt from disclosure under Section 87 of the Public Officers Law (the 'Statute') provided that: (i) the Contractor shall timely inform an appropriate State official, in writing, that said records should not be disclosed; and (ii) said records shall be sufficiently identified; and (iii) designation of said records as exempt under the Statute is reasonable. Nothing contained herein shall diminish, or in any way adversely affect, the State's right to discovery in any pending or future litigation.

11. IDENTIFYING INFORMATION AND PRIVACY NOTIFICATION.
a) FEDERAL EMPLOYER IDENTIFICATION NUMBER and/or FEDERAL SOCIAL SECURITY NUMBER. All invoices or New York State standard vouchers submitted for payment for the sale of goods or services or the lease of real or personal property to a New York State agency must include the payee's identification number, i.e., the seller's or lessor's identification number. The number is either the payee's Federal employer identification number or Federal social security number, or both such numbers when the payee has both such numbers. Failure to include this number or numbers may delay payment. Where the payee does not have such number or numbers, the payee, on its invoice or New York State standard voucher, must give the reason or reasons why the payee does not have such number or numbers.
b) PRIVACY NOTIFICATION.
1) The authority to request the above personal information from a seller of goods or services or a lessor of real or personal property, and the authority to maintain such information, is found in Section 5 of the State Tax Law. Disclosure of this information by the seller or lessor to the State is mandatory. The principal purpose for which the information is collected is to enable the State to identify individuals, businesses and others who have been delinquent in filing tax returns or may have understated their tax liabilities and to generally identify persons affected by the taxes administered by the Commissioner of Taxation and Finance. The information will be used for tax administration purposes and for any other purpose authorized by law.
2) The personal information is requested by the purchasing unit of the agency contracting to purchase the goods or services or lease the real or personal property covered by this contract or lease. The information is maintained in New York State's Central Accounting System by the Director of Accounting Operations, Office of the State Comptroller, 110 State Street, Albany, New York 12236.

12. EQUAL EMPLOYMENT OPPORTUNITIES FOR MINORITIES AND WOMEN. In accordance with Section 312 of the Executive Law, if this contract is: (i) a written agreement or purchase order instrument, providing for a total expenditure in excess of $25,000.00, whereby a contracting agency is committed to expend or does expend funds in return for labor, services, supplies, equipment, materials or any combination of the foregoing, to be performed for, or rendered or furnished to the contracting agency; or (ii) a written agreement in excess of $100,000.00 whereby a contracting agency is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon; or (iii) a written agreement in excess of $100,000.00 whereby the owner of a State assisted housing project is committed to expend or does expend funds for the acquisition, construction, demolition, replacement, major repair or renovation of real property and improvements thereon for such project, then:
a) The Contractor will not discriminate against employees or applicants for employment because of race, creed, color, national origin, sex, age, disability or marital status, and will undertake or continue existing programs of affirmative action to ensure that minority group members and women are afforded equal employment opportunities without discrimination. Affirmative action shall mean recruitment, employment, job assignment, promotion, upgradings, demotion, transfer, layoff, or termination and rates of pay or other forms of compensation;
b) at the request of the contracting agency, the Contractor shall request each employment agency, labor union, or authorized

representative of workers with which it has a collective bargaining or other agreement or understanding, to furnish a written statement that such employment agency, labor union or representative will not discriminate on the basis of race, creed, color, national origin, sex, age, disability or marital status and that such union or representative will affirmatively cooperate in the implementation of the contractor's obligations herein; and

(c) the Contractor shall state, in all solicitations or advertisements for employees, that, in the performance of the State contract, all qualified applicants will be afforded equal employment opportunities without discrimination because of race, creed, color, national origin, sex, age, disability or marital status.

Contractor will include the provisions of 'a', 'b', and 'c' above, in every subcontract over $25,000.00 for the construction, demolition, replacement, major repair, renovation, planning or design of real property and improvements thereon (the 'Work') except where the Work is for the beneficial use of the Contractor. Section 312 does not apply to: (i) work, goods or services unrelated to this contract or (ii) employment outside New York State; or (iii) banking services, insurance policies or the sale of securities. The State shall consider compliance by a contractor or subcontractor with the requirements of any federal law concerning equal employment opportunity which effectuates the purpose of this section. The contracting agency shall determine whether the imposition of the requirements of the provisions hereof duplicate or conflict with any such federal law and if such duplication or conflict exists, the contracting agency shall waive the applicability of Section 312 to the extent of such duplication or conflict. Contractor will comply with all duly promulgated and lawful rules and regulations of the Governor's Office of Minority and Women's Business Development pertaining hereto.

13. CONFLICTING TERMS. In the event of a conflict between the terms of the contract (including any and all attachments thereto and amendments thereof) and the terms of this Appendix A, the terms of this Appendix A shall control.

14. GOVERNING LAW. This contract shall be governed by the laws of the State of New York except where the Federal supremacy clause requires otherwise.

15. LATE PAYMENT. Timeliness of payment and any interest to be paid to Contractor for late payment shall be governed by Article 11-A of the State Finance Law to the extent required by law.

16. NO ARBITRATION. Disputes involving this contract, including the breach or alleged breach thereof, may not be submitted to binding arbitration (except where statutorily authorized), but must, instead, be heard in a court of competent jurisdiction of the State of New York.

17. SERVICE OF PROCESS. In addition to the methods of service allowed by the State Civil Practice Law & Rules ('CPLR'), Contractor hereby consents to service of process upon it by registered or certified mail, return receipt requested. Service hereunder shall be complete upon Contractor's actual receipt of process or upon the State's receipt of the return thereof by the United States Postal Service as refused or undeliverable. Contractor must promptly notify the State, in writing, of each and every change of address to which service of process can be made. Service by the State to the last known address shall be sufficient. Contractor will have thirty (30) calendar days after service hereunder is complete in which to respond.

18. PROHIBITION ON PURCHASE OF TROPICAL HARDWOODS. The Contractor certifies and warrants that all wood products to be used under this contract award will be in accordance with, but not limited to, the specifications and provisions of State Finance Law '165. (Use of Tropical Hardwoods) which prohibits purchase and use of tropical hardwoods, unless specifically exempted, by the State or any governmental agency or political subdivision or public benefit corporation. Qualification for an exemption under this law will be the responsibility of the contractor to establish to meet with the approval of the State.

In addition, when any portion of this contract involving the use of woods, whether supply or installation, is to be performed by any subcontractor, the prime Contractor will indicate and certify in the submitted bid proposal that the subcontractor has been informed and is in compliance with specifications and provisions regarding use of tropical hardwoods as detailed in '165 State Finance Law. Any such use must meet with the approval of the State; otherwise, the bid may not be considered responsive. Under bidder certifications, proof of qualification for exemption will be the responsibility of the Contractor to meet with the approval of the State.

19. MACBRIDE FAIR EMPLOYMENT PRINCIPLES. In accordance with the MacBride Fair Employment Principles (Chapter 807 of the Laws of 1992), the Contractor hereby stipulates that the Contractor either (a) has no business operations in Northern Ireland, or (b) shall take lawful steps in good faith to conduct any business operations in Northern Ireland in accordance with the MacBride Fair Employment Principles (as described in Section 165 of the New York State Finance Law), and shall permit independent monitoring of compliance with such principles.

20. OMNIBUS PROCUREMENT ACT OF 1992. It is the policy of New York State to maximize opportunities for the participation of New York State business enterprises, including minority and women-owned business enterprises as bidders, subcontractors and suppliers on its procurement contracts. Information on the availability of New York State subcontractors and suppliers is available from:

NYS Department of Economic Development
Division for Small Business
30 South Pearl St – 7th Floor
Albany, New York 12245

Telephone: 518-292-5220
Fax: 518-292-5884
http://www.empire.state.ny.us

A directory of certified minority and women-owned business enterprises is available from:
NYS Department of Economic Development
Division of Minority and Women's Business Development
30 South Pearl St -- 2nd Floor
Albany, New York 12245
Telephone: 518-292-5250
Fax: 518-292-5803
http://www.empire.state.ny.us

The Omnibus Procurement Act of 1992 requires that by signing this bid proposal or contract, as applicable, Contractors certify that whenever the total bid amount is greater than $1 million:
(a) The Contractor has made reasonable efforts to encourage the participation of New York State Business Enterprises as supplier and subcontractors, including certified minority and women-owned business enterprises, on this project, and has retained the documentation of these efforts to be provided upon request to the State;
(b) The Contractor has complied with the Federal Equal Opportunity Act of 1972 (P.L. 92-261), as amended;
(c) The Contractor agrees to make reasonable efforts to provide notification to New York State residents of employment opportunities on this project through listing any such positions with the Job Service Division of the New York State Department of Labor, or providing such notification in such manner as is consistent with existing collective bargaining contracts or agreements. The Contractor agrees to document these efforts and to provide said documentation to the State upon request; and
(d) The Contractor acknowledges notice that the State may seek to obtain offset credits from foreign countries as a result of this contract and agrees to cooperate with the State in these efforts.

21. RECIPROCITY AND SANCTIONS PROVISIONS. Bidders are hereby notified that if their principal place of business is located in a country, nation, province, state or political subdivision that penalizes New York State vendors, and if the goods or services they offer will be substantially produced or performed outside New York State, the Omnibus Procurement Act 1994 and 2000 amendments (Chapter 684 and Chapter 383, respectively) require that they be denied contracts which they would otherwise obtain. NOTE: As of May 15, 2002, the list of discriminatory jurisdictions subject to this provision includes the states of South Carolina, Alaska, West Virginia, Wyoming, Louisiana and Hawaii. Contact NYS Department of Economic Development for a current list of jurisdictions subject to this provision.

22. PURCHASES OF APPAREL. In accordance with State Finance Law 162 (4-a), the State shall not purchase any apparel from any vendor unable or unwilling to certify that: (i) such apparel was manufactured in compliance with all applicable labor and occupational safety laws, including, but not limited to, child labor laws, wage and hours laws and workplace safety laws, and (ii) vendor will supply, with its bid (or, if not a bid situation, prior to or at the time of signing a contract with the State), if known, the names and addresses of each subcontractor and a list of all manufacturing plants to be utilized by the bidder.

All Certified Assurances for federal programs, and DCJS Contract Appendices are also available online for download at http://criminaljustice.state.ny.us/ofpa/forms.htm. (rev)June, 2006

Certified by - on

APPENDIX A1
AGENCY-SPECIFIC CLAUSES

1. For grant solicitations or direct grant awards announced before April 10, 2006, if this Agreement exceeds $15,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for $15,000 or less, it shall not take effect until it is executed by both parties.

For grant solicitations or direct grant awards announced on or after April 10, 2006, if this Agreement exceeds $50,000, it shall not take effect until it is executed by the parties hereto and approved by the Attorney General and the Comptroller of the State of New York. If this Agreement is for $50,000 or less, it shall not take effect until it is executed by both parties.

2. This Agreement sets forth the entire understanding of the parties and may not be altered or amended except in writing and signed by the parties hereto. The parties agree, however, that DCJS may unilaterally amend only the following sections of the Budget Amendment/Grant Extension form (DCJS-55) to insure accuracy and completeness: identification of Federal Funds or State Funds; #1 Grantee Name, #2 County; #3 Contract No.; #4 Implementing Agency; #5 DCJS No.; #7 Project Title; #9 Date of Last Approved Request; #10 Contract Duration; and A. Approved Project Budget. DCJS shall initial such amendment(s) and shall provide Grantee with a copy of the corrected DCJS-55 that was unilaterally amended by DCJS.

3. The failure of a party to enforce a contractual obligation shall not eliminate the other party's obligation to perform such contractual obligation.

4. In the event that any provision of this Agreement is determined to be null and void, all remaining provisions shall continue to be in full force and effect.

5. The Grantee must notify DCJS in writing of any change in the number, title, job duties or rate of remuneration of project staff which changes the Personal Service Project Budget line by 10 percent or under. Any change in the number, title, job duties or rate of remuneration of project staff which changes the Project Budget line more than 10 percent must be approved in writing by DCJS prior to implementation. The Grantee agrees to provide DCJS with resumes and supporting documentation upon request.

6. The Grantee shall submit detailed itemization forms for personal service and fringe benefit expenditures, in a format determined by DCJS, with any voucher and Fiscal Cost Reports requesting payment for expenditures.

7. The Grantee must maintain specific documentation as support for project related personal service expenditures, depending upon whether this grant contract project is supported by State or Federal funds:

A. For State funded grants:

For all Grantee's staff whose salaries are paid in whole or in part from grant funds provided under this Agreement, the Grantee shall maintain a time recording system which shows the time devoted to the grant project. The system shall consist of time sheets, computerized workload distribution reports, or equivalent systems. The time devoted to grant activities must be determinable and verifiable by DCJS. If time sheets are used, each must be signed by the individual and certified by the individual's supervisor in a higher level position at the end of each time reporting period.

B. For Federally funded grants:

Depending upon the nature or extent of personal service provided under this Agreement, the Grantee shall maintain semi-annual (or more frequent) personal service certifications and/or an after-the-fact personnel activity reporting system (or equivalent) which complies with the requirements of the Federal Office of Management and Budget (OMB) Circulars A-21, A-87 or A-122, as applicable:

1. OMB Circular A-21 [Item J, General provisions for selected items of cost] identifies documentation required for educational institutions as support for grant project personnel costs.

2. OMB Circular A-87 [Attachment B, Selected Items of Cost] identifies the documentation required for local government agencies as support for grant project personnel costs.

3. OMB Circular A-122 [Attachment B, Selected Items of Cost] identifies the documentation required for non-profit organizations as support for grant project personnel costs.

The most current version of these Federal OMB Circulars may be viewed on-line at: www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with specific personal service documentation requirements of these OMB Circulars as pplicable directly to the Grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result ı disallowance of costs upon audit.

. Budget amendments are governed as follows:

A. The Grantee is not permitted to reallocate funds between Personal Service and Non-Personal Service budget categories withou ıe prior written permission of DCJS.

B. A Grantee seeking to modify Non-Personal Service budget categories by more than 20 percent of the total funds budgeted in a ategory must secure the prior written permission of DCJS. A DCJS-55 setting forth the proposed amendment must be submitted to ınd approved by DCJS before the next voucher and/or fiscal cost report will be approved.

C. Prior approval by DCJS is not required for Non-Personal Service budget changes which are less than 20 percent. A DCJS-55 ınd a letter signed by the Chief Executive Officer or Fiscal Officer authorizing these changes must be submitted to DCJS with the ıext voucher or fiscal cost report submission.

. Space rental provided by this Agreement must be supported by a written lease, maintained on file and made available by the Grantee upon request.

0. The Grantee's request for travel, meals or lodging reimbursement shall be in accordance with Appendix B, Budget, and, unless ırior written authorization has been received from DCJS, shall not exceed rates authorized by the NYS Office of the State Comptroller.

1. The Grantee's employment of a consultant must be supported by a written agreement executed by the Grantee and the onsultant. A consultant is defined as an individual or organization hired by the Grantee for the stated purpose of accomplishing a pecific task relative to the funded project. A copy of the agreement must be submitted to DCJS with the appropriate voucher for ıayment. All consultant services must be obtained in a manner that provides for fair and open competition. The Grantee shall retain opies of all solicitations seeking a consultant, written agreements and documentation justifying the cost and selection of the onsultant. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth ı the Agreement and the Grantee must guarantee the work of the consultant as if it were its own.

A. The rate for a consultant should not exceed $450 for an eight-hour day (not including travel and subsistence costs). A rate xceeding $450 per eight-hour day requires prior written approval from DCJS and may be approved on a case-by-case basis where ıdequate justification is provided and expenses are reasonable and allowable.

B. In addition to the above requirements, a Grantee that is a local government or a not-for-profit must adhere to the following ıuidelines at a minimum when obtaining consultant services:

1. Consultant services that cost up to $999 under this grant agreement can be obtained at the Grantee's discretion.

2. Consultant services that cost between $1,000 and $4,999 under this grant agreement must be supported by at least three elephone quotes and a record created of such quotes.

3. Consultant services that cost between $5,000 and $9,999 under this grant agreement must be supported by at least three vritten quotes on a vendor's stationery and a record created of competitive procurement process utilized.

4. A Grantee obtaining consultant services that cost in excess of $10,000 must use a competitive bidding process. Guidance may ıe obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of he opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids ıpened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the ıids are opened; and maintenance of a record of competitive procurement process.

C. A Grantee who proposes to obtain consultant services from a particular vendor without competitive bidding, must obtain the prior vritten approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for ielection and basis upon which the price was determined to be reasonable. Further, such consultant services must be in ıccordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, ınd the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

D. Notwithstanding the provisions of this paragraph, the Parties agree that DCJS' prior written approval is not required for the mployment of a consultant when such employment is secured in relationship to a criminal matter as an expert witness, consultant ır investigator. The Parties agree that the employment shall be supported by a written agreement and that all requests for

reimbursement shall be supported by documentation identifying the criminal matter involved, services provided, time commitment and schedule. Such agreement and documentation shall be submitted to DCJS with the appropriate voucher for payment.

12. All procurements, other than consultant services, shall be conducted in the following manner. Written justification and documentation for all procurements must be maintained on file and made available upon request. Detailed itemization forms for non-personal service expenditures, in a format determined by DCJS, shall accompany each voucher and Fiscal Cost Report requesting payment. All procurements must be made in a fair and open manner and in accordance with the pre-determined methodology established for evaluating bids (e.g., lowest responsive bidder or best value).

A) A Grantee that is a state entity must make all procurements in accordance with State Finance Law Article 11, and any other applicable regulations.

B) A Grantee that is a local government must make procurements in accordance with General Municipal Law Article 5-A and any other applicable regulations.

C) In addition, a Grantee that is a not-for-profit must also make all procurements as noted below:

1. If the Grantee is eligible to purchase an item or service from a government contract or is able to purchase such item or service elsewhere at a lower than or equal price, then such purchase may be made immediately.

2. A Grantee may purchase any single piece of equipment, single service or multiples of each that cost up to $999 at its discretion.

3. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between $1,000 and $4,999, a Grantee must secure at least three telephone quotes and create a record for audit of such quotes.

4. Before purchasing any piece of equipment, service or multiples of each that have an aggregate cost between $5,000 and $9,999, the Grantee must secure at least three written quotes on a vendor's stationery and maintain a record of the competitive procurement process for audit purposes.

5. A Grantee spending in aggregate of $10,000 and above must use a competitive bidding process. Guidance may be obtained from DCJS. At a minimum, the competitive bidding process must incorporate the following: open, fair advertisement of the opportunity to provide services; equal provision of information to all interested parties; reasonable deadlines; sealed bids opened at one time before a committee who will certify the process; establishment of the methodology for evaluating bids before the bids are opened; and maintenance of a record of competitive procurement process.

6. A Grantee who proposes to purchase from a particular vendor without competitive bidding must obtain the prior written approval of DCJS. The request for approval must be in writing and set forth, at a minimum, a detailed justification for selection and the basis upon which the price was determined to be reasonable. Further, such procurement must be in accordance with the guidelines, bulletins and regulations of the NYS Office of the State Comptroller, State Procurement Council, and the U.S. Department of Justice. A copy of DCJS' approval must also be submitted with the voucher for payment.

13. Applicable equipment purchased with funds provided by this Agreement as listed in Appendix B, Budget, shall be assigned a unique inventory number. The Grantee shall list all applicable equipment purchased with such funds in the GMS Property Module and print and submit such reports to DCJS/BJF program representatives with the final program progress report or sooner. Alternatively, the Grantee may use the Equipment Inventory reports prescribed by DCJS to list equipment purchases and submit them to DCJS via postal service. Items of equipment costing less than $500 do not need to be reported on the Equipment Inventory Reports although the Grantee is encouraged to maintain an internal inventory for audit purposes. Upon completion of all contractual requirements by the Grantee, DCJS will consider a request for continued use and possession of the equipment purchased with grant funds provided the equipment continues to be used in conducting a criminal justice program.

14. Grant funds may be expended only for purposes and activities set forth in this Agreement. Accordingly, the most important single requirement of accounting for this grant is the complete and accurate documentation of grant expenditures. If the Grantee receives funding from two or more sources, all necessary steps must be taken to ensure that grant-related transactions are not commingled. This includes, but is not limited to, the establishment of unique budget codes, a separate cost center, or a separate chart of accounts. Expenditures must be cross-referenced to supporting source documents (purchase orders, contracts, real estate leases, invoices, vouchers, timesheets, mileage logs, etc.). Grantee agrees it shall maintain adequate internal controls and adhere to Generally Accepted Accounting Principles for Government or Generally Accepted Accounting Principles for Not-for-Profit Organizations.

This Agreement may be subject to a fiscal audit by DCJS to ascertain financial compliance with Federal and/or State laws, regulations, and guidelines applicable to this Agreement. Such audits may include review of the Grantee's accounting, financial, and reporting practices to determine compliance with the Agreement and reporting requirements; maintenance of accurate and reliable

original accounting records in accordance with governmental accounting standards as well as generally accepted accounting principles; and specific compliance with allowable cost and expenditure documentation standards prescribed by applicable Federal, State, and DCJS guidelines.

15. Where advance payments are approved by DCJS, the Grantee agrees to expend the advance payments in accordance with the purposes set forth in Appendix D and consistent with Appendix B.

16. DCJS reserves the right to suspend program funds if the Grantee is found to be in noncompliance with the provisions of this Agreement or other grant agreements between the Grantee and DCJS or, if the Grantee or principals of the Grantee are under investigation by a New York State or local law enforcement agency for noncompliance with State or Federal laws or regulatory provisions or, if in DCJS' judgment, the services provided by the Grantee under the Agreement are unsatisfactory or untimely. DCJS shall provide the Grantee with written notice of noncompliance. Upon the Grantee's failure to correct or comply with the written notice by DCJS, DCJS reserves the right to terminate this Agreement, recoup funds and recover any assets purchased with the proceeds of this Agreement. DCJS reserves the right to use approved grant related expenditures to offset disallowed expenditures from any grant funded through its offices upon issuance of a final audit report and appropriate notification to the Grantee, or upon reasonable assurance that the Grantee is not in compliance with Agreement terms.

17. The Grantee agrees, as a material condition of the Agreement, to comply with all applicable provisions of the Hatch Act (5 U.S.C. "1501 et seq.) as amended.

18. Program income earned by the Grantee during the funding period as a direct result of the grant award must be reported in writing to DCJS, in addition to any other statutory reporting requirements. This includes income received from seized and forfeited assets and cash, as well as: sale of grant purchased property; royalties; fees for services; and registration/tuition fees. Interest earned on grant funds is not program income unless specified in Appendix D. The Grantee agrees to report the receipt and expenditures of grant program income to DCJS. All income, including interest, generated by the use of these grant funds will be used to enhance the grant project.

19. If applicable, the Grantee agrees to obtain not-for-profit status, a federal identification number, and a charitable registration number (or a declaration of exemption) and to furnish DCJS with this information as soon as it is available.

20. Unless otherwise specified, in accordance with the State Finance Law, the availability of all State funds for liabilities already incurred thereunder shall cease on September 15th of the year following the fiscal year in which the funds were appropriated, unless such funds are reappropriated by the New York State Legislature. To ensure payment, vouchers must be received by DCJS by August 1st of the year following the fiscal year in which the funds were appropriated.

21. The Grantee will submit program progress reports and one final report to DCJS via the GMS system and additional information or amended data as required.

A. Program progress reports will be due within 45 days of the last day of each calendar quarter or on an alternate schedule as prescribed in Appendix D. The first program progress report will be due within 45 days of the last day of the calendar quarter from the start date of the program.

Program progress reports thereafter will continue to be made until such time as the funds subject to this Agreement are no longer available, have been accounted for, and/or throughout the Agreement period or project duration.

Calendar quarters, for the purposes of making program progress reports, shall be as follows:
Calendar Quarter
Report Due
January 1 - March 31
May 15

April 1 - June 30
August 15

July 1 - September 30
November 15

October 1 - December 31
February 15

B. The final report, or where applicable interim progress reports, will summarize the project's achievements as well as describe activities for that quarter.

22. If for any reason the State of New York or the federal government terminates its appropriation through DCJS or fails to pay the full amount of the allocation for the operation of this program, this Agreement may be terminated or reduced at the discretion of DCJS, provided that no such reduction or termination shall apply to allowable costs already incurred by the Grantee where funds are available to DCJS for payment of such costs. Upon termination or reduction of the Agreement, all remaining funds paid to the Grantee that are not subject to allowable costs already incurred by the Grantee shall be returned to DCJS. In any event, no liability shall be incurred by DCJS or by the State of New York beyond monies available for the purposes of this Agreement. The Grantee acknowledges that any funds due to DCJS because of disallowed expenditures after audit shall be its responsibility.

23. If Appendix B, Program Budget, makes provisions for overtime payment, the Grantee agrees to submit vouchers for such payment of overtime charges within 45 days after the last day of the quarter for the reporting period. The Grantee further agrees to limit overtime earnings to no more than 25 percent (25%) of the employee's annual personnel cost (salary plus fringe benefits) during the term of this Agreement. No reimbursements for overtime charges in excess of this 25 percent (25%) limit will be made unless prior written approval has been obtained from DCJS.

24. None of the goals, objectives or tasks set forth in Appendix D shall be subawarded to another organization without specific prior written approval by DCJS. Where the intention to make subawards is clearly indicated in the application, DCJS' approval is deemed given, if these activities are funded as proposed.

If this Agreement makes provisions for the Grantee to subgrant funds to other recipients, the Grantee agrees that all subgrantees shall be held accountable by the Grantee for all terms and conditions set forth in this Agreement. The Grantee further agrees that it shall assume sole and complete responsibility for fulfilling all the obligations set forth in the Agreement and the Grantee must guarantee the work of any subgrantee as if it were its own.

The Grantee agrees that all subgrantee arrangements shall be formalized in writing between the parties involved. The writing must, at a minimum, include the following information:

-Activities to be performed;
-Time schedule;
-Project policies;
-Other policies and procedures to be followed;
-Dollar limitation of the Agreement;
-Appendix A, Appendix A-1, Appendix C, Certified Assurances for Federally Supported Projects, Certification Regarding Lobbying, Debarment and Suspension and any special conditions set forth in the Agreement; and
-Applicable Federal and/or State cost principles to be used in determining allowable costs.

The Grantee will not be reimbursed for subgranted funds unless all expenditures by a subgrantee are listed on certification forms. Backup documentation for such expenditures must be made available upon request. All expenditures must be programmatically consistent with the goals and objectives of this Agreement and with the financial plan set forth in Appendix B.

25. Federal Funds

A. In accordance with Federal requirements, a Grantee which receives during its fiscal year $500,000 or more of Federal funds including pass-through and direct) from all sources, including this Agreement, must agree to have an independent audit of such Federal funds conducted in accordance with the Federal Office of Management and Budget (OMB) Circular A-133. OMB Circular A-133 further requires that the final report for such audit be completed within nine months of the end of the Grantee's fiscal year. The Grantee further agrees to provide one copy of such audit report(s) to DCJS within nine months of the end of its fiscal year(s).

B. In accordance with Federal requirements, a Grantee receiving Federal pass-through funds must also agree to comply with the terms and conditions of any and all applicable Federal OMB Circulars. For the convenience of the Grantee, the following OMB Circulars are noted as the most common applicable to federal funds passed through DCJS:

OMB Circular A 21, Cost Principles for Educational Institutions;
OMB Circular A 87, Cost Principles for State, Local and Indian Tribal Governments;
OMB Circular A 102, Grants and Cooperative Agreements With State and Local Governments;
OMB Circular A 110, Uniform Administrative Requirements for Grants and Other Agreements with Institutions of Higher Education, Hospitals and Other Non Profit Organizations; and
OMB Circular A 122, Cost Principles for Non Profit Organizations.

The Parties agree that, dependent upon the status of the Grantee, additional circulars may also be applicable. The most current version of all Federal OMB Circulars may be viewed on-line at: www.whitehouse.gov/omb/circulars.

The Grantee is to ensure full compliance with all cost documentation requirements of OMB Circulars as applicable directly to the grant recipient and to any sub-recipient (or collaborative agency/organization). Failure to do so may result in disallowance of costs

upon audit.

26. Any creative or literary work developed or commissioned by the Grantee with grant support provided by DCJS shall become the property of DCJS, entitling DCJS to assert a copyright therein, unless the parties have expressly agreed otherwise in a written instrument signed by them.

A. If DCJS shares its right to copyright such work with the Grantee, DCJS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant, or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with grant support.

B. If the grant support provided by DCJS is federally sponsored, the federal awarding agency also reserves a royalty-free, nonexclusive, and irrevocable license to reproduce, publish or otherwise use, and to authorize others to use: (a) the copyright in any work developed under a grant, subgrant or contract under a grant or subgrant; and (b) any rights of copyright to which a Grantee, Subgrantee, or a Contractor purchases ownership with such grant support.

C. The Grantee shall submit one copy of all reports and publications resulting from this Agreement to DCJS. Any publications must contain the following statement, in visible print, of any document generated pursuant to a grant administered by DCJS:

This project was supported by a grant administered by the New York State Division of Criminal Justice Services. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the Division of Criminal Justice Services.

27. Original records must be retained for six years following the submission of the final claim against this Agreement. In the event of a fiscal audit, the project manager or a designated responsible party must be prepared to produce source documents that substantiate claimed expenditures. DCJS requires that all documentation materials be organized, readily accessible, and cross-referenced to the Fiscal Cost Reports previously submitted. If fiscal records, such as purchase orders, vouchers, payroll registers, payroll tax records, etc., are to be kept in a fiscal office which is separate and apart from the program office, the project manager must have access to these original records. Such fiscal records must readily identify the associated project. In addition, a separate set of records must be retained for each project year.

28. Grant-related expenditures shall be reported on Fiscal Cost Reports and detailed itemization forms provided by DCJS. These reports must be prepared periodically as defined in Appendix C of this Agreement. All reported expenditures must reconcile to the program accounting records. Prior period adjustments shall be reported in the same accounting period that the correction was made.

Certified by - on

Award Contract

Byrne JAG

Project No.	**Grantee Name**	
BJ08-1001-D00	Suffolk County	06/05/200

Budget Summary by Participant

Suffolk County - Version 1

#	Personnel	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Secretary	1	$16,000.00	$16,000.00	$14,400.00	$1,600.00
2	Attorney	1	$24,000.00	$24,000.00	$21,600.00	$2,400.00
3	Attorney	1	$26,000.00	$26,000.00	$23,400.00	$2,600.00
Total				$66,000.00	$59,400.00	$6,600.00

#	Fringe Benefits	Number	Unit Cost	Total Cost	Grant Funds	Matching Funds
1	Fringe Benefits	1	$5,293.00	$5,293.00	$4,764.00	$529.00
Total				$5,293.00	$4,764.00	$529.00

Total Project Costs	Total Cost	Grant Funds	Matching Funds
	$71,293.00	$64,164.00	$7,129.00

Legal Aid Society of Suffolk County, Inc.

Total Contract Costs	Total Cost	Grant Funds	Matching Funds
	$71,293.00	$64,164.00	$7,129.00

Award Contract **Byrne JAG**

Project No.	**Grantee Name**	
BJ08-1001-D00	Suffolk County	06/05/200

04/01/03 APPENDIX C
PAYMENT AND REPORTING SCHEDULE

NOTE: Additional payment provisions associated with the schedule(s) below are detailed in Appendix A-1.

For All Grantees:

1. The Grantee agrees that this is a reimbursement-based contract; an advance may be provided through Appendix D. All requests for reimbursement must reflect actual costs that have been disbursed or items received by the Grantee. A purchase order issued without receipt of the items or service is not eligible for reimbursement.

2. Grantees must submit all required fiscal reports, supporting documentation and program progress reports. Failure to meet these requirements will result in the rejection of associated vouchers. Failure to submit the final program report, or interim progress report designated as the final report, may result in a disallowance of 25 percent (25%) of the grant amount. The Grantee must also refund all unexpended advances. (See item three below.) Final vouchers, reimbursement payment and reports must be submitted within 45 days of the end of the grant contract period. Failure to voucher within this period may result in the loss of grant funds.

3. If at the end of this grant contract there remains any unexpended balance of the monies advanced under this contract in the possession of the Grantee, the Grantee shall submit a certified check or money order for the unexpended balance payable to the order of the State of New York and return it to the Finance Office of DCJS with its final fiscal cost report within 45 days of termination of this grant contract.

4. Vouchers shall be submitted in a format acceptable to DCJS and the Office of the State Comptroller. Vouchers submitted for payment shall be deemed to be a certification that the payments requested are for project expenditures made in accordance with the items as contained in the Project Budget (Appendix B) and during the contract period. When submitting a voucher, such voucher shall also be deemed to certify that: a) the payments requested do not duplicate reimbursement from other sources of funding; and b) the funds provided herein do not replace funds that, in the absence of this grant, would have been made available by the Grantee for this program. Requirement b) does not apply to Legislative sponsored State grants.

5. For purposes of prompt payment provisions, the Designated Payment Office for the processing of all vouchers is the Finance Office of DCJS. Payment of grant vouchers shall be made in accordance with the provisions of Article XI-A of the State Finance Law. Payment shall be preceded by an inspection period of 15 business days which shall be excluded from calculations of the payment due date for purposes of determining eligibility for interest payments. The Grantee must notify the Finance Office in writing of a change of address in order to benefit from the prompt payment provision of the State Finance Law. When progress reports are overdue, vouchers will not be eligible for prompt payment.

6. Timely and properly completed New York State vouchers, with supporting documentation when required, shall be submitted to:

NYS Division of Criminal Justice Services
Finance Office
4 Tower Place
Albany, NY 12203-3764

Payment schedules and payment method provisions are outlined on page 2 of this Appendix.
6. Payment Schedule

PAYMENT PAYMENT DUE DATE 1 Pending appropriation, 30 days after commencement date of contract with proper documentation or upon receipt of proper documentation, whichever is later. 2-4 Quarterly
A not-for-profit Grantee operating on a multi-year contract may voucher for an optional fifth quarter advance against the succeeding year's appropriation, pursuant to NYS Finance Law, Section 179-u.

All submitted vouchers will reflect the Grantee's actual expenditures and will be accompanied by supporting detailed itemizations of personal service and non-personal service expenditures and other documentation as required, and by a fiscal cost report for the reporting period. DCJS reserves the right not to release subsequent grant awards pending Grantee compliance with this Agreement. In the event that any expenditure for which the Grantee has been reimbursed by grant funds is subsequently disallowed, DCJS in its sole discretion, may reduce the voucher payment by the amount disallowed. If necessary, the Grantee may be required to submit a final budget reallocation. Fiscal cost reports must be submitted showing grant expenditures and/or obligations for each quarter of the grant within 45 days after the last day of the quarter for the reporting period.

Advance payments shall be permitted as specified in Appendix A-1, and in the amount specified in Appendix D.

Payment requests need to include the following documents as required:

- Detailed Itemization of Personal Service Expenditures
- Detailed Itemization of Non-Personal Service Expenditures
- Detailed Itemization of Consultant Expenditures
- Expert witness agreement and supporting documentation
- Voucher and Fiscal Cost Report signed
- Written documentation of all required DCJS prior approvals as follows:
- DCJS approval of non-competitive consultant.
- DCJS approval of non-competitive vendor for services.
- DCJS approval of consultant services reimbursement greater than $450 per eight hour day.
- DCJS approval of change to Personal Services by more than 10 percent.
- DCJS approval to exceed NYS Office of the State Comptroller travel, meals and lodging rates.
- DCJS approval to subaward to another organization.
- DCJS approval for overtime payments exceeding 25 percent of an employee=s annual personnel cost.
- DCJS approval to modify Non Personal Services budget categories by more than 20 percent.
- DCJS approval to reallocate funds between Personal Services and Non Personal Services.

All Certified Assurances for federal programs, and DCJS Contract Appendices are also available online for download at http://criminaljustice.state.ny.us/ofpa/forms.htm.

Certified by - on

Award Contract **Byrne JAG**

Project No.	Grantee Name	
BJ08-1001-D00	Suffolk County	06/05/2008

Work Plan

Goal

To provide enhanced defense representation for cases assigned to our office by the new Sex Offender Court so as to ensure that all eligible defendants are guaranteed due process of law in the handling of their cases.

Objective #1

Provide quality legal defense representation to 40 eligible defendants (annually) being prosecuted in the Sex Offender Court.

Task #1 for Objective #1

Recruit experienced defense attorneys and appropriate support staff to the Suffolk County Sex Offender Court.

#	Performance Measure
1	Two attorneys assigned on a part time basis to the Sex Offender Court. Resume of each attorney will be maintained on file.
2	Number of Sex Offender related training courses attended by assigned attorneys.
3	Secretary/Paralegal assigned on a part time basis to support staff assigned to the Sex Offender Court.

Objective #2

Ensure that all eligible defendants receive effective defense representation, including a defendants full understanding of: their obligations with regard to post sentencing supervision and their rights with regard to jury trial and/or plea options.

Task #1 for Objective #2

Continuously monitor and assess the number of cases being assigned to attorneys to ensure a manageable number of pending cases at any given time and utilize a data base for retrieval of information concerning the assignment and disposition of each case.

#	Performance Measure
1	Number of cases assigned to each attorney. [Target: Minimum number of cases assigned is 7.]
2	Maximum number of cases assigned to each attorney. [Target: Maximum number of cases assigned is 30.]
3	Provide a brief narrative about the progress of the project during the reporting quarter.

Award Contract **Byrne JAG**

Project No.	Grantee Name	
BJ08-1001-D00	Suffolk County	06/05/200

Award Conditions

Upon approval of this grant by the Office of the State Comptroller, or DCJS for "T" contract only, the Grantee is authorized to initially voucher for advance payment of those prospective expenses previously approved by DCJS not to exceed $0.00 from the total contracted amount. Consistent with paragraph 15 of Appendix A-1 of this grant contract, vouchers for advance payments for the purchase of equipment and supplies must be supported by a copy of the purchase order.

General Conditions

Special Conditions

Grantee agrees that if the project is not operational within 60 days of the original starting date of the grant period, it will report by letter to OPDF the steps taken to initiate the project, the reasons for delay, and the expected starting date. If the project is not operational within 90 days of the original starting date of the grant period, the Grantee will submit a second statement to OPDF explaining the delay. The State may either cancel the project and redistribute the funds or extend the implementation date of the project beyond the 90-day period when warranted by extenuating circumstances.

Grantee agrees that these funds will be used to supplement and not supplant existing funds and services.

This contract may be extended, increased, decreased, terminated, renewed, amended or renegotiated at the discretion of the Commissioner of the Division of Criminal Justice Services.

Strategy Special Conditions: Grantee agrees that if funding is being provided for the implementation of any DCJS crime reduction strategies including, but not limited to Operation IMPACT; Youth Violence Reduction; DNA Evidence Collection; Road to Recovery or Re-Entry, that the implementing agency will develop a formal interactive relationship with those other strategy initiatives in the county.

The following special conditions apply to contracts with county or municipal governments as appropriate: Participating law enforcement agencies that are funded by DCJS to conduct drug, firearms or vehicle theft or vehicle related insurance fraud investigations shall register with SAFETNet. Participation in SAFETNet obligates the registered agency to submit information regarding persons or addresses under active investigation in accordance with SAFETNet standard operating procedures. In addition, the agency agrees to participate in the Upstate New York Regional Intelligence Center (UNYRIC) or the New York/New Jersey High Intensity Drug Trafficking Area Regional Intelligence Center (NY/NJ HIDTA RIC) as appropriate.

Law enforcement Grantees are required on a monthly basis to submit a data extract file for the target jurisdiction to DCJS for crime mapping. Grantees may request a temporary waiver of the mapping requirement if this condition would prohibit the immediate implementation of this project. Information regarding the New York State Crime Mapping System can be made by calling the Customer Contact Center at 800-262-3257.

All criminal justice information management software which Grantee may purchase or develop with funds provided under the terms of this agreement must conform to established New York State criminal justice data standards as documented in the most current version of the New York Statewide Criminal Justice Data Dictionary. In addition, all such information management software purchased or developed with funds provided under the terms of this agreement must conform to statewide standards for the collection, processing and reporting of criminal justice information as documented in the New York State Standard Practices Manual for the Processing of Fingerprintable Criminal Cases. The latest versions of both documents referenced above can be accessed at the DCJS web site or obtained by calling the DCJS Customer Contact Center at 800-262-3257.

Grantee shall enroll as a user of eJusticeNY and make use of the eJusticeNY suite of services, as applicable.

Grantee shall enroll as applicable in the ePagesNY Directory established and administered by DCJS. ePagesNY is a statewide directory service provided free-of-charge by the Division of Criminal Justice Services to the criminal justice community of New York State. Information regarding enrollment in the ePagesNY Directory can be obtained by calling the DCJS Customer Contact Center at 800-262-3257.

Law enforcement agencies must submit full UCR Part 1 crime reports, including supplemental homicide reports, to DCJS by 30 days following the end of the month. These monthly reports may be submitted either under the Uniform Crime Reporting System (UCR) or under the Incident Based Reporting Program (IBR). Quick Reports will not be accepted. Failure to submit this information may result in grant funds being withheld.

In addition to the submission of program progress reports as outlined in Appendix A-1, the Grantee will also provide information for the Byrne JAG State Annual Report (SAR). This information will be provided on a form prescribed by DCJS to be supplied to the Grantee prior to the due date of the report and the Grantee will provide the requested information for the prior July 1st through June 30th period.

No monies from this award or the accompanying match may be obligated to support the investigation, seizure, or closure of

clandestine methamphetamine laboratories until such a time as DCJS has a mitigation plan in place which meets all applicable Federal, State and local laws and regulations and DCJS has the capability to ensure compliance and monitor activities.

FFY 2007 expenditures must be made by September 30, 2010. Any extension beyond this time is contingent upon BJA's approva of the State's request for an award extension.

Grantee agrees that match provided is a cash, not in-kind match.

Award Contract **Byrne JAG**

Project No.	Grantee Name	
BJ08-1001-D00	Suffolk County	06/05/2008

Suffolk County Indemnification Clause: NOTWITHSTANDING STATE OF NEW YORK AGREEMENT, sections I.F. and IV.A: The State and Contractor agree that Contractor is an independent contractor, and not an employee of the State. If the Contractor enters into subcontracts for the performance of work pursuant to this Agreement, the Contractor shall be solely responsible to the State for performance, whether the work is performed by the Contractor or its subcontractors. Nothing in the subcontract shall impair the rights of the State under this Agreement. No contractual relationship shall be deemed to exist between any subcontractor and the State. Nothing in this Agreement shall impair any right of contribution or indemnification that the Contractor may have against any subcontractor or other third party. To the extent permitted by law, the Contractor shall defend, indemnify and hold harmless the State and federal funding agency, and their respective officers, agents and employees from and against all claims, costs (including reasonable attorney's fees), judgments, liens, encumbrances, losses and liabilities arising out of the intentional acts (within the scope of the employee's duties) or negligent acts or omissions of the Contractor relating to or in any way arising out of the provision of services pursuant to this Agreement.

Certified by - on

2086

Intro. Res. No. -2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of County Executive

RESOLUTION NO. -2008, AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED MANDATED BUDGET FROM THE 2008 ADOPTED DISCRETIONARY BUDGET

WHEREAS, the County Executive and the County Legislature have adopted and approved the 2009 Operating Budget; and

WHEREAS, there exists certain departmental appropriations and sub-objects which reflect shortages that will occur in accounts necessary for the payment of debt service in Funds 133, 203 and 625; and

WHEREAS, insufficient appropriations exist within the 2008 Adopted Mandated Budget to transfer to cover said debt service expenses; and

WHEREAS, appropriations exist within the 2008 Adopted Discretionary Budget to transfer to cover said expenses; and

WHEREAS, the Director of the County Executive's Budget Office and the Director of the Legislative Office of Budget Review agree that there exists an appropriation shortfall to cover said debt service expenses; and

WHEREAS, said authorization would allow the County Comptroller to close financial accounting records for 2008 expeditiously; and

WHEREAS, in order to authorize said transfer of appropriations from the Discretionary Budget to the Mandated Budget a three-fourths affirmative vote of the entire membership of the County Legislature is required; now, therefore, be it

1st **RESOLVED,** that the County Comptroller and County Treasurer be and they are hereby authorized to transfer funds to cover unanticipated expenses for fiscal year 2008, reflected on Schedule "A"; and be it further

2nd **RESOLVED,** that the County Comptroller be and hereby is authorized to take whatever steps are necessary to properly reflect these expenses in accordance with generally accepted accounting principles; and be it further

3rd **RESOLVED,** that the County Comptroller, or his designee, in consultation with the County Executive's Budget Office and the Legislature's Budget Review Office, is hereby authorized to execute transfers that are of a necessity to prevent accounts from lapsing into a negative balance during the close of fiscal year 2008; and be it further

4th **RESOLVED**, that the 2008 Operating Budget be and hereby is amended to transfer said funds on Schedule "A."

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 X Local Law _____ Charter Law _____

2. Title of Proposed Legislation

AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED MANDATED BUDGET FROM THE 2008 ADOPTED DISCRETIONARY BUDGET

3. Purpose of Proposed Legislation

Same as number 2.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** ____ **No X**

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

These transfers of existing appropriations within the 2008 Operating Budget from the Discretionary Budget to the Mandated budget must be done by Legislative Resolution by a three-quarters approval of the entire Legislature. The Director of the County Executive's Budget Office and the Director of the Legislative Budget Review Office must certify that there exists an appropriation shortfall. In all cases on "Schedule A" summarized below, the Funds in which the transfers are being made only have Debt Service in their Mandated Budget. Therefore additional appropriations to cover Debt Service payments must be transferred from these funds Discretionary Budget.

Fund 133 – (District Court Fund) - Debt Service
Fund 203 – (SD #3, Southwest) – Debt Service
Fund 625 – (Gabreski Airport) – Debt Service

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Not Applicable

8. Proposed Source of Funding

2008 County Operating Budget – Discretionary – to be transferred to Mandated

9. Timing of Impact

Upon adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Chief Budget Examiner		November 10, 2008

SCIN FORM 175b (10/95)

2008 OPERATING BUDGET
DISCRETIONARY - TO - MANDATED

Schedule A

	DEPT	FUND	UNIT		BUDGET TYPE	OBJECT	ACTIVITY	AMOUNT	
				FUND 133 - DISTRICT COURT					
EXPENSE	DBT	133	9710	DEBT SERVICE - PRINCIPAL	ME	6900	0000	4,102	INCREASE
EXPENSE	DBT	133	9710	DEBT SERVICE - INTEREST	ME	7800	0000	708	INCREASE
EXPENSE	IFT	133	E001	TRANSFER TO FUND 001 - GENERAL FUND	O/D	9600	0000	4,810	DECREASE
REVENUE	IFT	001	E001	TRANSFER FROM FUND 133 - DISTRICT COURT		R133	-	4,810	DECREASE
				FUND 203 - SD #3 - SOUTHWEST					
EXPENSE	DBT	203	9710	DEBT SERVICE - PRINCIPAL	ME	7800	0000	507,681	INCREASE
EXPENSE	DBT	203	9710	DEBT SERVICE - INTEREST	ME	6900	0000	328,685	INCREASE
EXPENSE	DPW	203	8114	DEBT REFINANCING - SD #3, SOUTHWEST	ME	4410	0000	59,125	INCREASE
EXPENSE	DPW	203	8113	SD # 3 SOUTHWEST - PERM SALARIES	DE	1100	0000	330,491	DECREASE
EXPENSE	DPW	203	8113	OFFICE EQUIPMENT	DE	2020	0000	40,000	DECREASE
EXPENSE	DPW	203	8113	OTHER EQUIPMENT	DE	2500	0000	100,000	DECREASE
EXPENSE	DPW	203	8113	FUEL FOR OPERATIONS	DE	3060	0000	145,000	DECREASE
EXPENSE	DPW	203	8113	COMPUTER SERVICES	DE	4210	0000	150,000	DECREASE
EXPENSE	EMP	203	9030	SOCIAL SECURITY	DE	8330	0000	20,000	DECREASE
EXPENSE	EMP	203	9080	BENEFIT FUND CONTRIBUTION	DE	8380	0000	10,000	DECREASE
EXPENSE	IFT	203	E039	TRANSFER TO FUND 039 - HEALTH INS	DE	9600	0000	100,000	DECREASE
EXPENSE	EMP	039	9060	MAJOR MEDICAL CLAIMS	ODE	8360	0000	100,000	DECREASE
REVENUE	IFT	039	E039	TRANSFER FROM FUND 203 - SD #3 SOUTH\	-	R203	-	100,000	DECREASE
				FUND 625 - GABRESKI AIRPORT					
EXPENSE	DBT	625	9710	DEBT SERVICE - PRINCIPAL	ME	6900	0000	15,402	INCREASE
EXPENSE	DBT	625	9710	DEBT SERVICE - INTEREST	ME	7800	0000	13,334	INCREASE
EXPENSE	ECD	625	5610	GABRESKI AIRPORT - PERM SALARIES	DE	1100	0000	28,736	DECREASE

COUNTY OF SUFFOLK

OFFICE OF THE COUNTY EXECUTIVE

Steve Levy
SUFFOLK COUNTY EXECUTIVE

Frederick Pollert
DEPUTY COUNTY EXECUTIVE FOR
FINANCE AND MANAGEMENT

Memorandum

TO: **Connie Corso, Budget Director**
Gail Vizzini, Director of Budget Review

FROM: **Jim Burt, Assistant Budget Director**

DATE: **November 12, 2008**

RE: **Housekeeping Resolution – Discretionary to Mandated Budget**

There are three funds (Fund 133 – District Court, 203 – SD #3 Southwest, and Fund 625 – Gabreski Airport) which have insufficient Mandated appropriations to cover the 2008 Debt Service Payments. There are sufficient Discretionary appropriations to transfer to cover these shortfalls. Please note: in all three funds, the only Mandated appropriations are for payment of Debt Service.

In order to proceed with the Housekeeping Resolution to transfer these funds from the Discetionary Budget to the Mandated Budget, the County Charter specifies that both the Director of the County Executive Budget Office and the Director of the Budget Review Office must certify that there exists an appropriation shortfall.

The following are the Budget Lines with the 2008 Adopted Amounts, 2008 Estimated Expense (from the most recent report from the Treasurer's Office) and the amount of the shortfall.

Fund-Unit-Object	2008 Adopted	2008 Estimate	2008 Shortfall
133-9710-6900 Debt – Principal	$ 228,427	$ 232,529	$ 4,102
133-9710-7800 Debt – Interest	$ 67,626	$ 68,334	$ 708
625-9710-6900 Debt – Principal	$ 421,227	$ 436,629	$ 15,402
625-9710-7800 Debt – Interest	$ 161,563	$ 174,897	$ 13,334
203-9710-6900 Debt – Principal	$ 970,628	$ 1,478,309	$ 507,681
203-9710-7800 Debt – Principal	$ 9,724,637	$10,053,502	$ 328,865
203-8114-4410 Debt IDARefinancing	$31,448,825	$31,507,950	$ 59,125

CONTINUED ON PAGE 2

If you are in agreement with my analysis, please sign below as certification that an appropriation shortfall exists, I will include it with the backup for the Resolution transferring funds to cover these costs.

CERTIFICATION THAT APPROPRIATION SHORTFALLS EXIST IN THE MANDATED BUDGET FOR DEBT SERVICE PAYMENTS IN FUNDS 133-DISTRICT COURT, 203-SD #3 SOUTHWEST, AND 625-GABRESKI AIRPORT AND THAT SUFFICIENT APPROPRIATIONS EXIST IN THE DISCRETIONARY BUDGET TO TRANSFER TO COVER THESE EXPENSES.

Connie R. Corso Budget Director	Gail Vizzini Director of Budget Review

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2087

Intro. Res. No. -2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of County Executive

RESOLUTION NO. -2008, AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED MANDATED BUDGET

WHEREAS, the County Executive and the County Legislature have adopted and approved the 2009 Operating Budget; and

WHEREAS, certain departmental appropriations and sub-objects reflect shortages that will occur in accounts necessary for the payment of personal services, programs and other shortages; and

WHEREAS, there may be a need for internal transfers to be made within the Departments to cover other unanticipated expenses that have been included in the 2008 estimate column of the 2009 Adopted Budget; and

WHEREAS, said authorization would allow the County Comptroller to close financial accounting records for 2008 expeditiously; now, therefore, be it

1st **RESOLVED**, that the County Comptroller and County Treasurer be and they are hereby authorized to transfer funds to cover unanticipated expenses for fiscal year 2008, reflected on Schedule "A"; and be it further

2nd **RESOLVED,** that the County Comptroller be and hereby is authorized to take whatever steps are necessary to properly reflect these expenses in accordance with generally accepted accounting principles; and be it further

3rd **RESOLVED,** that the County Comptroller, or his designee, in consultation with the County Executive's Budget Office and the Legislature's Budget Review Office, is hereby authorized to execute transfers that are of a necessity to prevent accounts from lapsing into a negative balance during the close of fiscal year 2008; and be it further

4th **RESOLVED**, that the 2008 Operating Budget be and hereby is amended to transfer said funds on Schedule "A."

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2008 OPERATING BUDGET
MANDATED - TO - MANDATED

Schedule A

	DEPT	FUND	UNIT		BUDGET TYPE	OBJECT	ACTIVITY	AMOUNT	
EXPENSE	DSS	001	6103	MEDICAID CAP PAYMENT	ME	4610	0000	3,275,080	INCREASE
EXPENSE	DSS	001	6141	DSS: HEAP	ME	4690	0000	3,275,080	DECREASE
EXPENSE	DPW	016	5131	DEBT SERVICE - PRINCIPAL	OME	6900	0000	95,418	INCREASE
EXPENSE	DPW	016	5131	DEBT SERVICE - INTEREST	OME	7800	0000	3,474	INCREASE
EXPENSE	ITS	016	1681	DEBT SERVICE - PRINCIPAL	OME	6900	0000	98,892	DECREASE

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED MANDATED BUDGET

3. Purpose of Proposed Legislation

Same as number 2.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** ____ **No X**

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

These transfers of existing appropriations within the 2008 Operating Budget (Mandated) must be done by Legislative Resolution, as they fall outside the allowable criteria for Budget Transfers which can be accomplished through the joint approval of the County Executive Budget Office and the Comptroller's Office.

Increase to Dept DSS– Medicaid Cap Payment (Budgeted at 52 week schedule, actual is 53 weeks for 2008)
Increase to Dept DPW – Fd 016 Debt Service – (Serial Bonds and Interest on Bonds)

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Not Applicable

8. Proposed Source of Funding

2008 County Operating Budget - Mandated

9. Timing of Impact

Upon adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Chief Budget Examiner		November 10, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2088

Intro. Res. No. –2008

Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of County Executive

RESOLUTION NO. -2008, AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED DISCRETIONARY BUDGET

WHEREAS, the County Executive and the County Legislature have adopted and approved the 2009 Operating Budget; and

WHEREAS, certain departmental appropriations and sub-objects reflect shortages that will occur in accounts necessary for the payment of personal services and other departmental shortages; and

WHEREAS, there may be a need for internal transfers to be made within the Departments to cover other unanticipated expenses that have been included in the 2008 estimated column of the 2009 Adopted Budget; and

WHEREAS, said authorization and transfer of funds would assist the County Comptroller to close financial accounting records for 2008 expeditiously; now, therefore, be it

1st **RESOLVED,** that the County Comptroller and County Treasurer be and they are hereby authorized to transfer funds to cover unanticipated expenses for fiscal year 2008, reflected on Schedule "A"; and be it further

2nd **RESOLVED,** that the County Comptroller be and hereby is authorized to take whatever steps are necessary to properly reflect these expenses in accordance with generally accepted accounting principles; and be it further

3rd **RESOLVED,** that the County Comptroller, or his designee, in consultation with the County Executive's Budget Office and the Legislature's Budget Review Office is hereby authorized to execute transfers that are of a necessity to prevent accounts from lapsing into a negative balance during the close of fiscal year 2008; and be it further

4th **RESOLVED,** that the 2008 Operating Budget be and hereby is amended to transfer said funds on Schedule "A".

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

2008 OPERATING BUDGET
DISCRETIONARY - TO - DISCRETIONARY

Schedule A

	DEPT	FUND	UNIT		BUDGET TYPE	OBJECT	ACTIVITY	AMOUNT	
EXPENSE	DSS	001	6170	DSS: DAY CARE	DE	4690	0000	3,470,000	INCREASE
EXPENSE	DPW	001	1494	BUILDINGS O & M - LIGHT,POWER,WATER	DE	4020	0000	500,000	INCREASE
EXPENSE	DPW	001	5631	PLANNING: OMNIBUS (TRANSPORTATION)	DE	3150	0000	369,000	INCREASE
EXPENSE	DPW	001	5631	PLANNING: OMNIBUS (TRANSPORTATION)	DE	4960	0000	235,000	INCREASE
EXPENSE	DPW	001	5631	PLANNING: OMNIBUS (TRANSPORTATION)	DE	4980	0000	1,865,000	INCREASE
EXPENSE	DPW	001	1494	BUILDINGS O & M - FUEL FOR HEATING	DE	3050	0000	250,000	DECREASE
EXPENSE	DPW	001	1345	Purchasing	DE	1100	0000	120,000	DECREASE
EXPENSE	CLK	001	1410	County Clerk	DE	1100	0000	200,000	DECREASE
EXPENSE	DPW	001	1495	Vector Control	DE	1100	0000	200,000	DECREASE
EXPENSE	DPW	001	1611	P W: Custodial Svcs & Security	DE	1100	0000	100,000	DECREASE
EXPENSE	POL	001	3120	Police: General Administration	DE	1100	0000	1,250,000	DECREASE
EXPENSE	HSV	001	4010	Hs: Public Health	DE	1100	0000	126,000	DECREASE
EXPENSE	HSV	001	4010	Hs: Public Health	DE	4560	0000	250,000	DECREASE
EXPENSE	HSV	001	4100	Hs: Patient Care Svcs Adm	DE	1100	0000	200,000	DECREASE
EXPENSE	HSV	001	4101	Patient Care Programs	DE	1100	0000	200,000	DECREASE
EXPENSE	HSV	001	4102	Hs: Riverhead Health Center	DE	1100	0000	200,000	DECREASE
EXPENSE	HSV	001	4103	Hs: Tri-Community Hlth Ctr	DE	1100	0000	100,000	DECREASE
EXPENSE	HSV	001	4310	Div Of Comm Mental Hygiene	DE	4980	0000	300,000	DECREASE
EXPENSE	HSV	001	4320	Hs: Mental Health Pgms	DE	1100	0000	100,000	DECREASE
EXPENSE	HSV	001	4320	Hs: Mental Health Pgms	DE	4980	0000	300,000	DECREASE
EXPENSE	HSV	001	4321	Methadone Clinics	DE	1100	0000	225,000	DECREASE
EXPENSE	HSV	001	4321	Methadone Clinics	DE	3650	0000	100,000	DECREASE
EXPENSE	HSV	001	4508	Public Health Nursing	DE	1100	0000	200,000	DECREASE
EXPENSE	DSS	001	6005	Dss: Administration	DE	4770	0000	150,000	DECREASE
EXPENSE	DSS	001	6201	Dss: Medical Assist Admin	DE	4560	0000	200,000	DECREASE
EXPENSE	DSS	001	6201	Dss: Medical Assist Admin	DE	4980	0000	68,000	DECREASE
EXPENSE	EXE	001	6802	Epic Reimbursement Program	DE	4631	0000	500,000	DECREASE
EXPENSE	EMP	001	9030	Social Security	DE	8330	0000	600,000	DECREASE
EXPENSE	EMP	001	9080	Welfare Fund Contribution	DE	8380	0000	500,000	DECREASE
EXPENSE	DPW	016	5130	ROAD MACHINERY - GASOLINE	ODE	3150	0000	**1,250,000**	INCREASE
EXPENSE	DPW	016	5130	ROAD MACHINERY - VEHICLES	ODE	2030	0000	**1,250,000**	DECREASE
EXPENSE	DPW	203	8113	SD #3 SOUTHWEST - CHEMICALS	DE	3360	0000	**530,000**	INCREASE
EXPENSE	DPW	203	8113	SD #3 SOUTHWEST - SLUDGE HAULING	DE	3490	0000	**530,000**	DECREASE

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

AUTHORIZING THE COUNTY COMPTROLLER AND THE COUNTY TREASURER TO TRANSFER FUNDS TO COVER UNANTICIPATED EXPENSES IN THE 2008 ADOPTED DISCRETIONARY BUDGET

3. Purpose of Proposed Legislation
Same as number 2.

4. Will the Proposed Legislation Have a Fiscal Impact? **Yes** ____ **No X**

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

These transfers of existing appropriations within the 2008 Operating Budget (Discretionary) must be done by Legislative Resolution, as they fall outside the allowable criteria for Budget Transfers which can be accomplished through the joint approval of the County Executive Budget Office and the Comptroller's Office.

Increase to Dept DSS: Daycare – (increased caseload and cost-per-month per child)
Increase to Dept DPW – Light, Power & Water (Unanticipated rate increases and useage in 2008)
Increase to Dept DPW – Omnibus: Transportation – increase in fuel costs and contracts with Bus Companies.
Increase to Dept DPW – Fd 016 Road Machinery (increase in cost of gasoline and diesel fuel)
Increase to Dept DPW – SD #3, Southwest (increase in cost of Chemicals for plant processing)

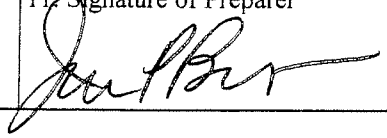
7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Not Applicable

8. Proposed Source of Funding

2008 County Operating Budget - Discretionary

9. Timing of Impact
Upon adoption

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
James P. Burt Chief Budget Examiner		November 10, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2007.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2007-2008.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2007 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

2089

Intro. Res. No. - 2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RECONSTRUCTION OF CR 58, OLD COUNTRY ROAD, TOWN OF RIVERHEAD (CAPITAL PROGRAM NUMBER 5529)

WHEREAS, CR 58, Old Country Road suffers from severe congestion delays, which contribute to poor air quality and increased travel times for both the adjacent owners and all those who utilize the corridor, and safety issues; and

WHEREAS, Resolution No. 1421-2007 appropriated funds for the Reconstruction of CR 58, Old Country Road, from Ostrander Avenue to a point approximately 700 feet west of the existing Traffic Circle, Town of Riverhead (Phase I); and

WHEREAS, that prior to the adoption of any bond resolution authorizing the issuance of bonds to finance the construction of CR 58, Old Country Road, from Ostrander Avenue to a point approximately 700 feet west of the existing Traffic Circle, Town of Riverhead (Phase I), an environmental review of the project had to be undertaken and completed in accordance with SEQRA; and be it further

WHEREAS, upon adoption of SEQRA by the County Legislature, the companion bond resolution authorizing the issuance of bonds to finance the construction of CR 58, Old Country Road, from Ostrander Avenue to a point approximately 700 feet west of the existing Traffic Circle, Town of Riverhead (Phase I), needs to be adopted and will be issued in conjunction with this resolution; and

WHEREAS, the Commissioner of Public Works has requested funds for engineering and construction in connection with Reconstruction of CR 58, Old Country Road, Town of Riverhead, Phase II; and

WHEREAS, these funds are required to make a contiguous 5 lane section (2 eastbound lanes, 2 westbound lanes, 1 center turn lane) from Ostrander Avenue to the Long Island Expressway, which will include the widening within the existing Right Of Way (ROW) where necessary to facilitate the 5 lane section, and rehabilitating sections where the 5 lane section presently exists and to accomplish the realignment of Pulaski Street at Mill Road, this intersection being within 100' of CR 58 creates additional congestion and safety issues, and must be realigned, as part on the CR 58 project; and

WHEREAS, Phase I and Phase II are to be done in tandem to address the severe congestion delays, which contribute to poor air quality and increased travel times for both the adjacent owners and all those who utilize the corridor, and to make needed safety improvements, and will progress these required improvements years before federal funding may become available; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C-4-13, an offsetting authorization must be provided from another capital project; 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 $8,150,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that Introductory Resolution No. 1907-2008 proposes that CR 58 Reconstruction – Early Implementation Project (CP 5529), Town of Riverhead constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617 and Chapter 279 of the Suffolk County Code, since the project will not have significant adverse impacts on the environment for the following reasons:

1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment, as demonstrated in the Environmental Assessment Form;

2.) The proposal does not appear to significantly threaten any unique or highly valuable environmental or cultural resources as identified in or regulated by the Environmental Conservation Law of the State of New York or the Suffolk County Charter and the Suffolk County Code;

3.) Existing drainage problems will be alleviated; and

4.) Traffic safety will be improved and traffic congestion mitigated;

and be it further

2nd **RESOLVED**, upon adoption of Introductory Resolution No. 1907-2008 with a SEQRA determination of an Unlisted Action for this project, the provisions of SEQRA have been complied with and no further action is required by the Legislature; and be it further

3rd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of fifty two (52) 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

4th **RESOLVED**, that the County Department of Public Works is hereby authorized, empowered and directed to take such action as may be necessary to complete Reconstruction of CR 58, Old Country Road, Town of Riverhead, pursuant to Section C8-2 (A) of the Suffolk County Charter; and be it further

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

Project No.: 5172
Project Title: Reconstruction of CR 67, Phase I, Motor Parkway Bridge

	Total Est'd Cost	Current 2008 Capital Budget & Program	Modified 2008 Capital Budget & Program
3. Construction	$10,750,000	$ 2,000,000B	$ 0
		$ 8,000,000F	$1,850,000F
		$ 1,500,000S	$1,500,000S
Total	$16,550,000	$12,750,000	$ 4,600,000

Project No.: 5529
Project Title: Reconstruction of CR 58, Old Country Road, Town of Riverhead

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning, Design and Supervision	$ 3,025,000	$ 0	$ 150,000B
3. Construction	$ 9,102,000	$ 0	$8,000,000B
Total	$22,777,000	$ 0	$8,150,000

and be it further

6th **RESOLVED**, that the proceeds of $8,150,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-5529.113 Fund 001 Debt Service	50	Reconstruction of CR 58, Old Country Road, Town of Riverhead, Phase II	$150,000

Project No.	J.C.	Project Title	Amount
525-CAP-5529.311 Fund 001 Debt Service	50	Reconstruction of CR 58, Old Country Road, Town of Riverhead, Phase II	$8,000,000

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 ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH RECONSTRUCTION OF CR 58, OLD COUNTRY ROAD, TOWN OF RIVERHEAD (CAPITAL PROGRAM NUMBER 5529)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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
Carmine Chiusano Assistant Budget Director	Carmine Chiusano	November 10, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$772,855**	**$1.44**		$0.002

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	**$772,855**	**$1.44**		$0.002

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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds	15
Amount to Bond:	$8,150,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$384,371.24	$388,483.33	$772,854.58	$772,854.58
			$185,080.82	$185,080.82	
11/1/2010	4.500%	$402,692.94	$185,080.82	$587,773.76	$772,854.58
			$175,483.30	$175,483.30	
11/1/2011	4.500%	$421,887.97	$175,483.30	$597,371.27	$772,854.58
			$165,428.31	$165,428.31	
11/1/2012	4.500%	$441,997.96	$165,428.31	$607,426.27	$772,854.58
			$154,894.02	$154,894.02	
11/1/2013	4.500%	$463,066.53	$154,894.02	$617,960.55	$772,854.58
			$143,857.60	$143,857.60	
11/1/2014	4.500%	$485,139.37	$143,857.60	$628,996.97	$772,854.58
			$132,295.11	$132,295.11	
11/1/2015	4.500%	$508,264.35	$132,295.11	$640,559.46	$772,854.58
			$120,181.48	$120,181.48	
11/1/2016	5.000%	$532,491.61	$120,181.48	$652,673.10	$772,854.58
			$107,490.43	$107,490.43	
11/1/2017	5.000%	$557,873.71	$107,490.43	$665,364.15	$772,854.58
			$94,194.44	$94,194.44	
11/1/2018	5.000%	$584,465.69	$94,194.44	$678,660.14	$772,854.58
			$80,264.68	$80,264.68	
11/1/2019	5.000%	$612,325.23	$80,264.68	$692,589.90	$772,854.58
			$65,670.92	$65,670.92	
11/1/2020	5.000%	$641,512.73	$65,670.92	$707,183.65	$772,854.58
			$50,381.54	$50,381.54	
11/1/2021	5.000%	$672,091.50	$50,381.54	$722,473.04	$772,854.58
			$34,363.36	$34,363.36	
11/1/2022	5.000%	$704,127.86	$34,363.36	$738,491.22	$772,854.58
			$17,581.64	$17,581.64	
11/1/2023	5.000%	$737,691.29	$17,581.64	$755,272.93	$772,854.58
		$8,150,000.00	$3,442,818.65	$11,592,818.65	$11,592,818.65

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

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

DATE: October 27, 2008

RE: **RECONSTRUCTION OF CR 58, OLD COUNTRY ROAD, TOWN OF RIVERHEAD (CAPITAL PROGRAM NUMBER 5529)**

Attached are a draft resolution and duplicate copy to appropriate the sum of $8,150,000 for engineering and construction in connection with the above referenced early implementation project.

There are no funds included in the 2008 Capital Budget and Program for this project and, as such, an offset must be provided. We will utilize funds from Capital Program 5172, Reconstruction of CR 67, Motor Parkway Bridge, to fund this.

The additional funding will provide for the design. Construction, and construction inspection necessary to make a contiguous 5 lane section (2 eastbound lanes, 2 westbound lanes, 1 center turn lane) from Ostrander Avenue to the Long Island Expressway (LIE). This work will include widening within the existing Right Of Way (ROW) where necessary to facilitate the 5 lane section and rehabilitating sections where the 5 lane section presently exists. In addition, the County has been working with the Town of Riverhead for several years to accomplish the realignment of Pulaski Street at Mill Road. This intersection is within 100' of CR 58 and creates congestion and accidents. The Town has indicated they will have completed the necessary property acquisition within a few months. Therefore $ 1 million construction has been included to realign Pulaski Street at Mill Road.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5529.doc".

TL:WH:sk
attach.
cc Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst

2090

Intro. Res. No. - 2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. - 2008, APPROPRIATING FUNDS IN CONNECTION WITH THE BROWNFIELDS PROGRAM, FORMER WALLPAPER FACTORY SITE IN LAKE RONKONKOMA (CP 8223)

WHEREAS, the Commissioner of Health Services has requested the appropriation of funds in connection with the Brownfields Program; and

WHEREAS, these funds will be used to investigate contamination and remediate County owned sites returning them to productive use; and

WHEREAS, remediation in the form of construction and site improvements for an estimated cost of $103,000 is needed for the former wallpaper factory site in Lake Ronkonkoma; and

WHEREAS, there are sufficient funds within the 2008 Adopted Capital Budget and Program to cover the cost of said request under Capital Program Number 8223; and

WHEREAS, this project will be conducted under the New York State Department of Environmental Conservation Brownfields Voluntary Cleanup Program; and

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

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $103,000 in Suffolk County Serial Bonds; now therefore, be it

1st **RESOLVED**, Introductory Resolution No. 1912-2008 titled, "Making a SEQRA determination in connection with the Proposed Suffolk County Brownfield – Former Ronkonkoma Wallpaper Facility – Town of Islip" was laid on the table October 14, 2008; and

2nd **RESOLVED**, that this Legislature, being the lead agency under SEQRA and Chapter 278 of the Suffolk County Code, hereby finds and determines that this resolution constitutes an unlisted action, pursuant to the provisions of Title 6 NYCRR, Part 617. This legislation further finds and determines that implementation of this project will not have significant adverse impacts on the environment for the following reasons:

1.) The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR, which sets forth thresholds for determining significant effect on the environment;

2.) The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs;

3.) All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations;

4.) The action only involves clean up of the site and no new development is proposed; and

5.) The project will result in beneficial environmental impacts; and

the Legislature has no further responsibilities under the State Environmental Quality Review Act ("SEQRA"); and

3rd **RESOLVED,** in accordance with Section C1-4(1)(d) of the SUFFOLK COUNTY CHARTER and Section 279-5(C)(4) of the SUFFOLK COUNTY CODE, the CEQ is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this Resolution

4th **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty six (66) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 and as amended by Resolution No. 461-2006; and be it further

5th **RESOLVED**, that the County Department of Health Services is hereby authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as may be deemed necessary relating to the investigation and remediation of the former wallpaper factory site in Lake Ronkonkoma ;and be it further

6th **RESOLVED**, that the proceeds of $103,000 in Suffolk County Serial Bonds be and they hereby are appropriated as follows:

Project Number	J.C.	Project Title	Amount
525-CAP-8223.312 Fund 001 Debt service	40	Brownfields Program (wallpaper factory site)	$100,000
525-CAP-8223.410 Fund 001 Debt service	40	Brownfields Program (wallpaper factory site)	$ 3,000

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 X Local Law ____ Charter Law ____

2. Title of Proposed Legislation

Appropriating funds in connection with the Brownfields Program, former wallpaper factory site in Lake Ronkonkoma (CP 8223)

3. Purpose of Proposed Legislation

This legislation is needed to appropriate funds for the Brownfields Program that will be used to remediate, through construction and site improvements, the former wallpaper factory site in Lake Ronkonkoma.

4. Will the Proposed Legislation Have a Fiscal Impact? **YES** ___ **NO** X

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:

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 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*
Diane E. Weyer ***Principal Financial Analyst***		11/5/08 11/14/08

Assistant Budget Director

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$23,463**	**$0.04**		$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	**$23,463**	**$0.04**		$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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds	5
Amount to Bond:	$103,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2008					
5/1/2009					
11/1/2009	4.500%	$18,827.54	$4,635.00	$23,462.54	$23,462.54
			$1,893.88	$1,893.88	
11/1/2010	4.500%	$19,674.78	$1,893.88	$21,568.66	$23,462.54
			$1,451.20	$1,451.20	
11/1/2011	4.500%	$20,560.14	$1,451.20	$22,011.34	$23,462.54
			$988.59	$988.59	
11/1/2012	4.500%	$21,485.35	$988.59	$22,473.94	$23,462.54
			$505.17	$505.17	
11/1/2013	4.500%	$22,452.19	$505.17	$22,957.36	$23,462.54
		$103,000.00	$14,312.69	$117,312.69	$117,312.69

COUNTY OF SUFFOLK

NOV 0 6 2008

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
Commissioner

November 3, 2008

Ben Zwirn, Deputy County Executive
Office of the County Executive, 12th Floor
H. Lee Dennison Building
Veterans Memorial Highway
Hauppauge, NY 11788-0099

Dear Mr. Zwirn:

I request the introduction of the enclosed Resolution to appropriate funds in connection with the Brownfields Program, former wallpaper factory site in Lake Ronkonkoma (CP 8223). These funds will be used to remediate, through construction and site improvements, the former wallpaper factory site located in Lake Ronkonkoma, Town of Islip.

I enclose a financial impact statement and other back-up documentation for this Resolution. If you have any questions on the enclosed, please call James Meyers at 4-2529. Also, an e-mail version of this Resolution was sent to CE RESO REVIEW and the file name is "Reso-HSV-CP8223-2008-Wallpaper Site.doc".

Sincerely yours,

Humayun J. Chaudhry, D.O., M.S.
Commissioner of Health Services

Enclosures

HJC/lw

C: Jim Morgo, Chief Deputy County Executive
Margaret B. Bermel, M.B.A, Director of Health Administrative Services
Matthew Miner, Deputy Commissioner
Vito Minei, P.E., Director of Environmental Quality
James Meyers, Principal Public Health Engineer
Diane E. Weyer, Principal Financial Analyst

COUNTY OF SUFFOLK

Steve Levy
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF HEALTH SERVICES

HUMAYUN J. CHAUDHRY, D.O., M.S.
COMMISSIONER

MEMORANDUM

To: Diane Weyer
Budget and Management

From: Vito Minei, P.E., Director
Division of Environmental Quality

Date: October 30, 2008

Subject: Request for Introductory Resolution for CP 8223 (2008)
Brownfields Pilot Program - Ronkonkoma Wallpaper - ($103,000)

I am requesting the drafting of an Introductory Resolution in conjunction with the 2008 Capital Project 8223. The resolution would appropriate $103,000 for the subject project contained in the 2008 Capital Budget.

This project provides funds to conduct construction/remediation and site improvements at the Ronkonkoma Wallpaper Brownfields site in Suffolk County. This Brownfields Program is vital, as it provides a streamlined process to investigate contamination and remediate county-owned sites as required by state and federal law. The NYS Brownfields Program also allows for the county to apply to the NYSDEC to investigate properties in tax arrears. If the application is approved, the county can take the site, investigate, remediate the site and limit its liability for off-site contamination. This is helpful for returning inactive/dilapidated sites to productive use and tax roles. Certain projects are also eligible for reimbursement under state and federal Brownfields Programs.

A copy of the Council on Environmental Quality resolution pertaining to this site is attached. If you have any questions, please do not hesitate to call me at 25800.

VM/kn
Attachment
Cc Matthew J. Miner, Deputy Commissioner of Health Services
Margaret Bermel, Director of Health Administrative Services
Walter Dawydiak, P.E., Chief Engineer, Division of Environmental Quality

Brownfields (CP 8223)
Planned Expenditures of 2008 Appropriation

Gabreski APDD

	2008
Planning/Investigation	
Construction/Remediation	$ 218,000.00
Site Improvements	$ 4,000.00

Canin Kennel

	2008
Planning/Investigation	
Construction/Remediation	$ 360,000.00
Site Improvements	$ 1,000.00

Bellport Gas Station

	2008
Planning/Investigation	
Construction/Remediation	$ 75,000.00
Site Improvements	$ 2,000.00

Ronkonkoma Wallpaper

	2008
Planning/Investigation	
Construction/Remediation	$ 100,000.00
Site Improvements	$ 3,000.00

Totals

Planning/Investigation	
Construction/Remediation	***$ 753,000.00***
Site Improvements	***$ 10,000.00***

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PLANNING
COUNCIL ON ENVIRONMENTAL QUALITY

R. Lawrence Swanson
CHAIRPERSON

James Bagg
CHIEF ENVIRONMENTAL ANALYST

MEMORANDUM

TO: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer

FROM: R. Lawrence Swanson, Chairperson

DATE: September 17, 2008

RE: CEQ Review of the Proposed Suffolk County Brownfield – Former Ronkonkoma Wallpaper Facility, in the Town of Islip.

At its September 17, 2008 meeting, the CEQ reviewed the above referenced project. Pursuant to Chapter 279 of the Suffolk County Code, and based on the information received, as well as that given in a presentation by James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services, the council advises the Suffolk County Legislature and County Executive, in CEQ Resolution No. 39-08, a copy of which is attached, that the proposed project be considered an unlisted action under SEQRA that will not have significant adverse impacts on the environment.

If the Legislature concurs with the Council on Environmental Quality's recommendation that the project will not have a significant effect on the environment, the Presiding Officer should cause to be brought before the Legislature for a vote, a resolution determining that the proposed action is an unlisted action pursuant to SEQRA that will not have significant adverse impacts on the environment (negative declaration). However, if the Legislature has further environmental concerns regarding the project and needs additional information, then the Presiding Officer should submit a resolution requiring a draft environmental impact statement (positive declaration), and authorize the initiating unit to prepare such a document.

Enclosed for your information is a copy of the EAF, associated information and CEQ Resolution No. 39-08 setting forth the council's recommendations. If the council can be of further help in this matter, please let us know.

cc: All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

(631) 853-5191
fax (631) 853-4044

Project #DHS-39-08 CEQ Resolution No. 39-08 September 17, 2008

RECOMMENDATION CONCERNING A SEQRA CLASSIFICATION
AND DETERMINATION FOR THE PURPOSES OF
CHAPTER 279 OF THE SUFFOLK COUNTY CODE
FOR THE PROPOSED SUFFOLK COUNTY BROWNFIELD – FORMER RONKONKOMA
WALLPAPER FACILITY, IN THE TOWN OF ISLIP

WHEREAS, at its September 17, 2008 meeting, the Suffolk County Council on Environmental Quality reviewed the EAF and associated information submitted by the Suffolk County Department of Health Services; and

WHEREAS, a presentation regarding the project was given at the meeting by Mr. James Meyers, P.E. with the Suffolk County Department of Health Services as well as Robert Seyfarth, Sanitarian with the Suffolk County Department of Health Services; and

WHEREAS, the purpose of this project is to perform a remedial investigation to fully delineate the extent of soil and groundwater contamination. The site will be remediated in accordance with a NYSDEC approved Work Plan; now

Be It Therefore

RESOLVED, that in the judgment of the CEQ, based on the information received and presented, the above activity is an unlisted action under the provisions of Title 6 NYCRR Part 617 and Chapter 279 of the Suffolk County Code; and

Be It Further

RESOLVED, that based on the information received, a quorum of the council recommends to the Suffolk County Legislature and County Executive, pursuant to Chapter 279 of the Suffolk County Code, that the project will not have significant adverse impacts on the environment for the following reasons:

1. The proposed action will not exceed any of the criteria in Section 617.7 of Title 6 NYCRR which sets forth thresholds for Determining significant effect on the environment;
2. The project entails investigation and remediation of the site in accordance with NYSDEC Brownfield programs;
3. All toxic and hazardous materials remediated will be disposed of in accordance with State and Federal regulations;
4. The action only involves clean up of the site and no new development is proposed;
5. The project will result in beneficial environmental impacts;

that the Legislature and County Executive adopt a SEQRA determination of non-significance (negative declaration).

LOCATION
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HAUPPAUGE, NY 11788-0099

(631) 853-5191
fax (631) 853-4044

Motion by:	Mr. Kaufman	Seconded by:	Ms. Growney
CEQ Vote: Appointed Members:	8	Ayes:	8
CAC Representatives:	0	Nays:	None
Total Voting:	8	Abstentions:	None
		Presiding:	Mr. Swanson

Further information may be obtained by contacting:

Council on Environmental Quality
P.O. Box 6100
Hauppauge, New York 11788
James F. Bagg, Chief Environmental Analyst
Tel: (631) 853-5203

JFB/cd
cc: Honorable Steve Levy, Suffolk County Executive
Honorable William J. Lindsay, Presiding Officer
All Suffolk County Legislators
Tim Laube, Clerk of Legislature
George Nolan, Attorney for the Legislature
Carrie Meek Gallagher, Director of Environmental Affairs
Christine Malafi, Suffolk County Attorney
(Dept. Head and/or Presenter)

PROJECT #DHS-39-08

RESOLUTION #39-08

DATE September 17, 2008

RECORD OF CEQ RESOLUTION VOTES

CEQ APPOINTED MEMBERS	AYE	NAY	ABSTAIN	NOT PRESENT	RECUSED
Larry Swanson	X				
Michael Kaufman	X				
Jay Schneiderman	X				
Eva Growney	X				
Thomas C. Gulbransen	X				
Richard Machtay	X				
Daniel Pichney				X	
Gloria G. Russo	X				
Mary Ann Spencer	X				

CAC REPRESENTATIVES

Recommendation: Unlisted Action; Negative Declaration

Motion: Mr. Kaufman

Second: Ms. Growney

LOCATION
H. LEE DENNISON BLDG. - 4TH FLOOR
100 VETERANS MEMORIAL HIGHWAY

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

(631) 853-5191
fax (631) 853-4044

2091

Intro. Res. No. - 2008 Laid on the Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM NUMBER 5014)

WHEREAS, the Commissioner of Public Works has requested funds for construction in connection with Strengthening and Improving County Roads; and

WHEREAS, the professional engineering services associated with the planning, design and construction of this project have been and will be performed by the staff of the Department of Public Works; and

WHEREAS, sufficient funds are not included in the 2008 Capital Budget and Program to cover the cost of said request and pursuant to Suffolk County Charter, Section C4-13, an offsetting authorization must be provided from another capital project; and

WHEREAS, Resolution No. 471-1994 as revised by Resolution No. 461-2006, 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 $2,285,000 in Suffolk County Serial Bonds; now, therefore, be it

1st **RESOLVED**, that this Legislature, being the lead agency under the State Environmental Quality Review Act ("SEQRA"), Environmental Conservation Law Article 8, hereby finds and determines that this law constitutes a Type II action, pursuant to Section 617.5 (C) (1) and (4), of Title 6 of New York Code of Rules and Regulations ("NYCRR"), in that the law authorizes maintenance or repair involving no substantial changes in an existing structure or facility as well as repaving of existing highways not involving the addition of new travel lanes. Since this law is a Type II action, the Legislature has no further responsibilities under SEQRA; and be it further

2nd **RESOLVED**, that it is hereby determined that this project, with a priority ranking of forty one (41) is eligible for approval in accordance with the provisions of Resolution No. 471-1994 as revised by Resolution No. 461-2006; and be it further

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

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

Project No.: 5543
Project Title: Drainage and Road Improvements on CR 58

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
2. Land Acquisition	$6,500,000	$2,000,000B	$ 0
TOTAL	$7,425,000	$2,000,000	$ 0

Project No.: 5566
Project Title: CR 4, Commack Road Traffic Flow Improvements at LIE Service Road

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
1. Planning	$ 100,000	$ 100,000O	$ 100,000O
2. Land Acquisition	$ 900,000	$ 50,000B	$ 0
3. Construction	$ 200,000	$ 135,000B	$ 0
		$ 200,000O	$ 200,000O
TOTAL	$1,365,000	$ 485,000	$ 300,000

Project No.: 5510
Project Title: County Share For the Reconstruction of CR3, Pinelawn Road Town of Huntington

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
2. Land Acquisition	$2,200,000	$ 500,000B	$ 400,000B
TOTAL	$18,194,000	$2,300,000	$2,200,000

Project No.: 5014
Project Title: Strengthening and Improving County Roads

	Total Est'd Cost	Current 2008 Capital Budget & Program	Revised 2008 Capital Budget & Program
3. Construction	$62,720,000	$6,920,000B	$9,205,000B
TOTAL	$62,720,000	$6,920,000	$9,205,000

and be it further

5th **RESOLVED**, that the proceeds of $2,285,000 in Suffolk County Serial Bonds be and they are hereby appropriated as follows:

Project No.	J.C.	Project Title	Amount
525-CAP-5014.348 (Fund 001 Debt Service)	50	Strengthening and Improving County Roads	$2,285,000

Date:

APPROVED BY:

_____
County Executive of Suffolk County

Date of Approval:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution ___X___ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

RESOLUTION NO. 2008, AMENDING THE 2008 CAPITAL BUDGET AND PROGRAM AND APPROPRIATING FUNDS IN CONNECTION WITH STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM NUMBER 5014)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE

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 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		October 27, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2009 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

	2009 PROPERTY TAX LEVY	2009 COST TO AVG TAXPAYER	2009 AV TAX RATE PER $100	2009 FEV TAX RATE PER $1000
TOTAL	**$207,316**	**$0.39**		$0.001

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	**$207,316**	**$0.39**		$0.001

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.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds	15
Amount to Bond:	$2,285,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$113,059.51	$94,256.25	$207,315.76	$207,315.76
			$44,796.27	$44,796.27	
11/1/2009	4.125%	$117,723.22	$44,796.27	$162,519.49	$207,315.76
			$42,368.23	$42,368.23	
11/1/2010	4.125%	$122,579.30	$42,368.23	$164,947.53	$207,315.76
			$39,840.03	$39,840.03	
11/1/2011	4.125%	$127,635.70	$39,840.03	$167,475.73	$207,315.76
			$37,207.55	$37,207.55	
11/1/2012	4.125%	$132,900.67	$37,207.55	$170,108.21	$207,315.76
			$34,466.47	$34,466.47	
11/1/2013	4.125%	$138,382.82	$34,466.47	$172,849.29	$207,315.76
			$31,612.33	$31,612.33	
11/1/2014	4.125%	$144,091.11	$31,612.33	$175,703.44	$207,315.76
			$28,640.45	$28,640.45	
11/1/2015	4.125%	$150,034.87	$28,640.45	$178,675.32	$207,315.76
			$25,545.98	$25,545.98	
11/1/2016	4.125%	$156,223.81	$25,545.98	$181,769.79	$207,315.76
			$22,323.86	$22,323.86	
11/1/2017	4.125%	$162,668.04	$22,323.86	$184,991.90	$207,315.76
			$18,968.83	$18,968.83	
11/1/2018	4.125%	$169,378.10	$18,968.83	$188,346.93	$207,315.76
			$15,475.41	$15,475.41	
11/1/2019	4.125%	$176,364.94	$15,475.41	$191,840.35	$207,315.76
			$11,837.88	$11,837.88	
11/1/2020	4.125%	$183,640.00	$11,837.88	$195,477.88	$207,315.76
			$8,050.31	$8,050.31	
11/1/2021	4.125%	$191,215.15	$8,050.31	$199,265.45	$207,315.76
			$4,106.49	$4,106.49	
11/1/2022	4.125%	$199,102.77	$4,106.49	$203,209.27	$207,315.76
		$2,285,000.00	$824,736.43	$3,109,736.43	$3,109,736.43

COUNTY OF SUFFOLK

STEVE LEVY
SUFFOLK COUNTY EXECUTIVE

DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E.
COMMISSIONER

THOMAS LAGUARDIA, P.E.
CHIEF DEPUTY COMMISSIONER

LOUIS CALDERONE
DEPUTY COMMISSIONER

MEMORANDUM

TO: Ben Zwirn, Assistant Deputy County Executive

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

DATE: October 6, 2008

RE: **STRENGTHENING AND IMPROVING COUNTY ROADS (CAPITAL PROGRAM NUMBER 5014)**

Attached are a draft resolution and duplicate copy to appropriate the sum of $2,285,000 for construction in connection with the above referenced project.

There are insufficient funds included in the 2008 Capital Budget and Program for this project and, as such, an offset must be provided. We intend to utilize $2,000,000 in Construction from CP 5543 and $285,000 in Planning and Design, Land Acquisition and Construction from CP 5566.

A main component of asphalt concrete is liquid cement (AC) which is primarily a petroleum based product. Due to the large potential for fluctuations in oil prices our asphalt items include a price adjustment for liquid AC. Several projects this year have had large increases due to the liquid AC adjustment. The dollar amount shown is the additional cost of the resurfacing for the respective project due to the increase in liquid AC.

1.	CP 5563/5014	CR 83 Patchogue Mt. Sinai Road	$ 570,000
2.	CP 5014	CR 80 Montauk Hwy	$ 210,000
3.	CP 5014	Rehabilitation on Various County Roads	$ 916,000
4.	CP 5014	CR 97 Nichols Road	$ 580,000
		Total	$2,276,000

The additional funds will allow the department to complete our original 2008 resurfacing schedule.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "RESO-DPW-CP 5014.doc".

TL:WH:sk
attach.
cc Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
Frank Messina, Federal & State Aid Claims Technician
Laura Conway, CPA, Director of DPW Administrative Services
Linda Brandolf, CPA, Capital Accounting
Theresa D'Angelo, Principal Clerk (Cover memo only)
James Bagg, Chief Environmental Analyst

2092

Intro. Res. No. -2008 Laid on Table 11/18/08

Introduced by Legislator Stern and Presiding Officer Lindsay

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO REGULATE OFF-STREET PARKING FOR VETERANS AT THE RIVERHEAD COUNTY CENTER (VA CLINIC)

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 REGULATE OFF-STREE PARKING FOR VETERANS AT THE RIVERHEAD COUNTY CNETER (VA CLINIC)**" 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 REGULATE OFF-STREET PARKING FOR VETERANS AT THE RIVERHEAD COUNTY CENTER

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

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the County of Suffolk is in the midst of constructing space at the Riverhead County Center which will house a new East End Veterans Administration ("VA") Health Clinic.

This Legislature also finds and determines that many of the veterans who will utilize this facility are of advanced age and have great difficulty ambulating.

This Legislature further finds and determines that while some veterans will able to avail themselves of parking reserved for handicapped citizens, many other veterans will not be able to do so.

Therefore, the purpose of this law is to designate parking spaces at the new East End VA Clinic in Riverhead.

Section 2. Amendments.

Chapter 372 of the SUFFOLK COUNTY CODE is hereby amended by the addition of a new Article IV to read as follows:

Chapter 372, PARKING, OFF-STREET

* * * *

Article IV. Parking for Veterans at the East End Veterans Administration Health Clinic.

Section 327-27. Reserved parking for vehicles parked at the East End Veterans Administration Health Clinic.

A.) Notwithstanding any other provision or law to the contrary, the Commissioner of the Suffolk County Department of Public Works shall designate and properly identify five (5) spaces for the sole and exclusive use by veterans receiving care at the new East End Veterans Administration Health Clinic at the Riverhead County Center.

B.) The spaces so designated for parking by veterans shall, to the extent practicable, be located in the immediate vicinity of the Clinic's main entrance, and the Commissioner is directed to install appropriate signs and pavement markings. The spaces designated for veterans will be in addition to those designated for use by the handicapped.

Section 3. Applicability.

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

Section 4. Severability.

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

Section 5. SEQRA Determination.

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

Section 6. Effective Date.

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

DATED:

APPROVED BY:

County Executive of Suffolk County

Date:

s:\laws\l-parking-veterans

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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

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

SARAH E. SIMPSON
ASSISTANT COUNSEL TO THE LEGISLATURE
email: sarah.simpson@suffolkcountyny.gov

DATE: **November 17, 2008**

TO: **CLERK OF THE COUNTY LEGISLATURE**

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

PROPOSED LOCAL LAW YEAR 2008

TITLE: **I.R. No. -2008; A LOCAL LAW TO REGULATE OFF-STREET PARKING FOR VETERANS AT THE RIVERHEAD COUNTY CENTER (VA CLINIC)**

SPONSOR: **LEGISLATOR STERN AND PRESIDING OFFICER LINDSAY**

DATE OF RECEIPT BY COUNSEL: **11/17/08** **PUBLIC HEARING:** **12/2/08**

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

This local law directs the Department of Public Works to designate five (5) parking spaces for the sole and exclusive use of veterans receiving care at the new East End Veterans Administration Health Clinic in Riverhead.

The Department of Public Works is directed to install appropriate signs and pavement markings for the veterans' parking spaces, which are to be located in the immediate vicinity of the Clinic's main entrance. The spaces designated for veterans will be in addition to those designated for use by the handicapped.

GEORGE NOLAN
Counsel to the Legislature

GN:mjk

s:\rule28\28-parking-veterans

2093

Intro. Res. No. -2008 Laid on Table 11/18/08

Introduced by the Presiding Officer on request of the County Executive

RESOLUTION NO. -2008, ADOPTING LOCAL LAW NO. -2008, A LOCAL LAW TO PROTECT SUFFOLK RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL FLEEING A POLICE OFFICER IN A MOTOR VEHICLE

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 PROTECT SUFFOLK RESIDENTS BY PERMITTING THE FORFEITURE AND SEIZURE OF VEHICLES ENGAGED IN UNLAWFUL FLEEING A POLICE OFFICER IN A MOTOR VEHICLE,"** 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 PROTECT SUFFOLK RESIDENTS BY PERMITTING THE FORFEITURE AND SEIZURE OF VEHICLES ENGAGED IN UNLAWFUL FLEEING A POLICE OFFICER IN A MOTOR VEHICLE

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

Section 1. Legislative Intent.

This Legislature finds that in 2006, the New York State Legislature enacted the "Craig J. Todeschini unlawful fleeing a police officer act" in honor of an officer killed in the line of duty by a motorist fleeing from the police, which act elevated the fleeing a police officer in a motor vehicle to a crime and imposed criminal sanctions for such activity.

This Legislature further finds that from November 1, 2006 to June 30, 2008 there were 220 arrests in Suffolk County involving drivers fleeing from police.

This Legislature further finds that drivers who flee from police place the public at peril of grave injury, and that penalties stronger than those currently in place are needed to deter individuals from unlawfully fleeing a police officer in a motor vehicle.

Therefore, the purpose of this law is to protect the health and lives of Suffolk motorists and residents by permitting the seizure and forfeiture of vehicles involved in unlawful fleeing a police officer in a motor vehicle.

Section 2. Definitions.

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

A.) "Claiming Authority" means the County Attorney, or his or her designee.

B.) "Instrumentality of an Offense" or "Instrumentality" means a vehicle whose use contributed directly and materially to the commission of an offense as defined in this law.

C.) "Offense" means engaging in unlawful fleeing a police officer in a motor vehicle as prohibited by New York Penal Law §270.25, §270.30 or §270.35.

D.) "Police officer" means a police officer as defined in Section 1.20 of the New York Penal Law.

E.) "Seizing Agency" means the law enforcement agency seizing the instrumentality of an offense.

Section 3. Warrantless Seizures.

A. Upon making an arrest or upon issuing a summons or an appearance ticket for an Offense, or in the event an officer has probable cause to believe a person has committed an Offense and has fled the scene of the Offense leaving the Instrumentality of an Offense behind, an officer shall seize such Instrumentality. Said Instrumentality may be forfeited as hereinafter provided.

B. Notice of seizure.

(1) The seizing agency shall send notification of the seizure to all titled owners and registrants, if different, on file with the New York State Department of Motor Vehicles or another state's equivalent office if not titled in New York by certified mail, return receipt requested, within five business days of the seizure. Such notification shall inform the recipient that there will be a hearing promptly scheduled before a neutral magistrate to determine whether probable cause existed for the defendant having been issued a summons or having been arrested for committing an Offense, or in the event a person has fled the scene of an Offense leaving the vehicle behind, whether probable cause existed that the vehicle was used in the commission of an Offense, and whether the County is likely to succeed on the merits of the forfeiture action, whether retention is necessary to preserve the vehicle from destruction or sale during the pendency of the forfeiture proceeding, and whether any other measures would better protect the County's interest during the proceedings, including, but not limited to: (a) issuance of a restraining order prohibiting the sale, transfer, or loss of the vehicle with imposition(s) of appropriate penalties for violation of said restraining order; and/or (b) taking of a bond.

(2) When a hearing is held, the neutral magistrate shall review the documents or other evidence supporting the probable cause for the determination that an Offense was committed and the vehicle was used in the commission of the offense, or for the issuance of a summons or arrest for an Offense and any other relevant documents and take any testimony to determine whether the Seizing Agency has sustained its burden of proof as set forth in § 3-B(1) of this law. If the Seizing Agency has met its burden of proof, the neutral magistrate shall authorize the continued retention of the property by the Seizing Agency pending a judicial determination of any civil forfeiture action. Nothing herein shall be construed to preclude a party with a legal interest in the seized property from commencing an action or proceeding in a court of competent jurisdiction for its return.

(3) The Suffolk County Executive shall designate neutral magistrates to conduct hearings in accordance with this Subsection B(2).

C. Any action for forfeiture under § 4 of this law shall be commenced, in the manner prescribed by the New York Civil Practice Law and Rules, § 304, within 180 days after the disposition of the summons or arrest for the offense, and in the instance where no summons or arrest was made, within the period consistent with the Statute of Limitations for the underlying offense, but in no event more than five (5) years after seizure. Failure to commence such an action within the aforesaid time period shall result in the immediate return of the property to its lawful owner. The vehicle will be made available for release to the titled owner at the place of storage subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address of the titled owner on file with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, the vehicle will be forfeited.

Section 4. Civil Authority.

A. A civil action may be commenced by the Claiming Authority, or its designee against a defendant to forfeit seized property which constitutes the Instrumentality of an Offense or to recover a money judgment in an amount equivalent in value to the property which constitutes an Instrumentality of an Offense, except that:

(1) No property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this law unless it shall appear that the owner or agent of the owner was a consenting party or privy to the commission of the Offense; and

(2) No property shall be forfeited under the provisions of this law by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the

owner while the subject property was unlawfully in the possession of a person other than the owner.

B. A civil action may be commenced by the Claiming Authority, or its designee against a defendant to seize and to forfeit property which constitutes the Instrumentality of an Offense, or to recover a money judgment in an amount equivalent in value to the property which constitutes the Instrumentality of an Offense, except that:

(1) No property used by any person as a common carrier in the transaction of business as a common carrier shall be forfeited under the provisions of this law unless it shall appear that the owner or agent of the owner was a consenting party or privy to the commission of the Offense ; and

(2) No property shall be forfeited under the provisions of this law by reason of any act or omission established by the owner thereof to have been committed or omitted by any person other than the owner while the subject property is unlawfully in the possession of a person other than the owner.

C. A civil action may also be commenced against a non-criminal defendant to recover the property which constitutes the Instrumentality of an Offense, subject to the same exceptions contained in Subsections A and B of this Section. A non-criminal defendant who is physically present in an Instrumentality at the time of the commission of an Offense, or a non-criminal defendant whose vehicle was an Instrumentality used and operated by a person who is unlicensed or is driving with a suspended or revoked license, shall be presumed to know that the instrumentality of an Offense was or would be used in a manner that would directly and materially contribute to the commission of an Offense or that obtaining his or her interest in the Instrumentality could assist the criminal defendant in avoiding the forfeiture. A non-criminal defendant who knows, or should know, of prior illegal use by a criminal defendant of an Instrumentality or other property of a like nature or kind, shall be presumed to know that the Instrumentality of an Offense was or would be used in a manner that would directly and materially contribute to the commission of a subsequent crime or that obtaining his or her interest in the Instrumentality of an Offense could assist the criminal defendant in avoiding the forfeiture.

D. All actions commenced under this law shall be governed by the procedures enumerated in law 13-A of the New York Civil Practice Law and Rules, where not specifically outlined herein.

E. No property shall be forfeited under this law unless the Claiming Authority produces clear and convincing evidence that the non-criminal defendant engaged in affirmative acts which aided, abetted or facilitated the conduct of the criminal defendant. The non-criminal defendant must take all prudent steps to prevent the illegal use of his or her property, and willful disregard by the owner or lienholder of the acts giving rise to forfeiture shall not constitute a defense to such forfeiture.

F. Unless barred by the five (5) year limitation contained in § 3(C) of this law, any action to forfeit seized property under Subsection A of this Section may be commenced within 180 days after the disposition of the summons or arrest for the

Offense or, in the instance where no summons or arrest was made, within the Statute of Limitations for the underlying Offense when the property has first been seized under § 3(A) of this law, and within 180 days after the disposition of the summons or arrest for the Offense, or within the Statute of Limitations for the underlying Offense where no summons or arrest has been made when the property has not been first seized under § 3(A), and said action shall be civil, remedial, and *in rem* in nature and shall not be deemed to be a penalty or criminal forfeiture for any purpose. An action under this law shall not be deemed a criminal proceeding of any type. The action shall be commenced in the manner prescribed by the New York Civil Practice Law and Rules § 304. Potential claimants to the property shall be served with a summons and notice or summons and verified complaint. No property shall be forfeited without service of notice upon potential claimants to the property and the opportunity for a hearing given prior to such forfeiture.

G. Once a civil action for forfeiture has been commenced pursuant to this Section, the Claiming Authority shall notify victims who have been physically injured as a result of the offensive actions of an individual which have precipitated such seizure and forfeiture proceeding as to the time and place of said court forfeiture hearing.

H. In order to establish its case in any action commenced under this law, the Claiming Authority shall demonstrate, by clear and convincing evidence, that the Instrumentality in question is subject to forfeiture at the time of commission of the offense, as defined in this law, which precipitated the seizure or the commencement of an action for the seizure of the property without regard to the final determination of any criminal actions, if any, brought against the individual for such Offense. The non-criminal defendant shall then have the burden of proving a lack of knowledge or lack of consent on behalf of said non-criminal defendant sufficient to constitute a defense to such forfeiture.

I. If, after a seizure of property has been made under § 3(A) of this law, it is determined that the non-criminal defendant has met the burden set forth hereinabove, then the vehicle which constitutes the Instrumentality of an Offense so seized shall immediately be returned to its lawful owner. The vehicle will be made available for release to the lawful owner at the place of storage, subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address on file to the titled owner with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, then upon such failure the vehicle will be forfeited.

J. All property seized pursuant to this law is subject to reasonable and customary towing, maintenance and daily storage fees as may be established by the Suffolk County Police Commissioner. Such fees shall be payable to the Seizing Agency, or in the event the instrumentality of the offense has been transferred to the custody of the Suffolk County Police Department by the Seizing Agency, such fees shall be payable to the Suffolk County Police Department, prior to release of said property. The Seizing Agency, if other than the Suffolk County Police Department, shall be reimbursed up to $300 for towing and storage expense actually incurred, upon disposal of said instrumentality of the offense by the Claiming Authority, but said reimbursement shall not exceed money actually received by the Suffolk County Police Department for its disposition. All towing, storage and maintenance fees collected shall be retained by the

Suffolk County Police Department and shall be transferred into a police asset forfeiture fund in a separate non-lapsing appropriation for law enforcement purposes.

K. The Claiming Authority may at any time authorize the return of the seized vehicle to the lawful owner, with or without conditions attached. When a vehicle is made available for release to the lawful owner, it shall be at the place of storage and subject to payment of reasonable and customary towing, maintenance and storage fees to the date of release. In the event of a failure to take possession of the vehicle within sixty (60) days after actual notification or by certified mail, return receipt requested sent to the address on file to the titled owner with the New York State Department of Motor Vehicles or another state's equivalent office, if not titled in New York, whichever date is earlier, then upon such failure the vehicle will be forfeited.

Section 5. Disposition of forfeited assets and proceeds.

A. Whenever property is forfeited under this law, the Claiming Authority, or his or her respective designee, may:

(1) Retain the property or asset for official use.

(2) Sell any forfeited property or asset which is not required to be destroyed by law and which is not harmful to the public.

(3) Transfer the property or asset to any County agency, department or other political subdivision demonstrating need for the specific property or asset so that the property or asset may be put into official use by that agency, department or other political subdivision.

(4) Transfer the property or asset to any County-funded agency or organization demonstrating need for the specific property or asset so that the property or asset may be put into use by the funded agency or organization in the regular course of business of that funded agency or organization. Any such transfer of forfeited property or assets under this subsection may result in an in-kind deduction from those funds paid by the County to the specific agency or organization.

B. Any funds generated by the sale of forfeited property or assets described in this law, after deducting therefrom any fees imposed pursuant to Subsection 4(J) above, shall be distributed in the following order of priority:

(1) Amounts to satisfy any valid lien or claim against the property forfeited;

(2) Amounts ordered to be paid by the defendant in any other action or proceeding as restitution, reparations or damages to a victim of the offense which constitutes the basis upon which forfeiture of the seized asset was effected under this law, to the extent such amounts remain unpaid, whichever is less; provided, however, the Claiming Authority receives written notice from the victim or their

duly appointed representative within 30 days of the commencement of the civil forfeiture action in order for the victim to receive such funds;

(3) All monies remaining after distributions made pursuant to Subsection 5(B)(1) and (2) shall be distributed as follows:

a) Twenty percent to the Claiming Authority in satisfaction of actual costs and expenses incurred in the investigation, preparation and litigation of the forfeiture action, including that proportion of the salaries of the attorneys, clerical and investigative personnel devoted thereto, plus all costs and disbursements made in the administration of this law shall be deposited into a separate nonlapsing appropriation of the Claiming Authority for law enforcement purposes;

b) Ten percent to the Sheriff's Department in satisfaction of actual costs and expenses incurred in the service of process of the civil forfeiture actions, including that proportion of the salaries of the personnel devoted thereto shall be deposited into a separate nonlapsing appropriation of the Sheriff's Department for law enforcement purposes; and

c) Seventy percent to the Suffolk County STOP-DWI Office for the purposes of supporting or providing drunk driving education, prevention and enforcement programs administered by governmental and/or non-governmental agencies within Suffolk County.

The expenditure of funds pursuant to Subsection B(3) shall be in accordance with an annual plan approved by resolution of the County Legislature.

Section 6. Discretionary action.

A. Nothing contained in this law shall require the Claiming Authority, or his or her respective designee, to commence a forfeiture action when, in his or her discretion, it is in the interests of justice not to commence such an action.

B. Nothing contained in this law shall require a court to order a forfeiture when it determines, in its discretion, that it is in the interests of justice not to do so.

Section 7. Rules and regulations.

The County Attorney shall issue and promulgate such rules and regulations as may be necessary to implement the provisions of this law.

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, 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 10. Reverse Preemption.

This law shall be null and void on the day that Statewide or federal legislation goes into effect, incorporating either the same of substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations preempting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provision of this section.

Section 11. 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 12. 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:

STATEMENT OF FINANCIAL IMPACT
OF PROPOSED SUFFOLK COUNTY LEGISLATION

1. Type of Legislation

Resolution __X__ Local Law _____ Charter Law _____

2. Title of Proposed Legislation

A LOCAL LAW TO PROTECT SUFFOLK RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL FLEEING A POLICE OFFICER IN A MOTOR VEHICLE

3. Purpose of Proposed Legislation

The purpose of this resolution is to provide for the forfeiture of vehicles used as an instrumentality in unlawfully fleeing a police officer in a motor vehicle in violation of Sections 270.25, 270.30, and 270.35 of the NYS Penal Law.

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 5 is "yes", Provide Detailed Explanation of Impact

Increased work load for County Attorney, Suffolk County law enforcement and outside law enforcement agencies including towing costs as well as administrative costs for neutral magistrates and stenography fees offset by income from towing, storage and sale of forfeited vehicles.

Police Department estimates there will be approximately 130 seizures per year.

Costs will be incremental and consistent with present costs incurred for other local law forfeiture procedures.

Hiring of additional manpower is not anticipated as existing infrastructure should suffice.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

Unable to calculate but similar programs generate income when imbedded labor costs are discounted.

8. Proposed Source of Funding

None anticipated.

9. Timing of Impact

Immediate upon enforcement.

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Harold R. Armet, Lieutenant		November 12, 2008

SCIN FORM 175b (10/95)

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

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

Submitting Department (Dept. Name & Location)	Department Contact Person (Name & Phone No.)
Suffolk County Police Department 30 Yaphank Ave. Yaphank, NY 11980	Lt. Harold Armet 852-6416

Suggestion Involves:

_____ Technical Amendment	__X__ New Program
_____ Grant Award	_____ Contract (New__ Rev.__)

Explanation of Proposed Resolution

On April 23, 2006 New York State Trooper Craig Todeschini was killed in the line of duty while pursuing a fleeing motorcyclist in Upstate New York.

On November 1, 2006 the "Craig J. Todeschini unlawful fleeing a police officer act" went into effect creating new penal law sanctions.

This resolution is designed to provide a civil procedure for the forfeiture of the instrumentality of an offense used in unlawfully fleeing a police officer.

There have been 220 arrests in Suffolk County for fleeing a police officer from November 1, 2006 to June 30, 2008 it is anticipated that there will be approximately 130 seizures per year under this amendment to Chapter 467.

Summary of Resolution Benefits

This proposal should prove to be a valuable tool in discouraging unlawful fleeing of a police officer in a motor vehicle.

SCIN FORM NO. 175a (1/97) Prior editions of this form are obsolete.

OFFICE OF THE COUNTY LEGISLATURE

COUNTY OF SUFFOLK

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SARAH E. SIMPSON
ASSISTANT COUNSEL TO THE LEGISLATURE
email: sarah.simpson@suffolkcountyny.gov

DATE: NOVEMBER 17, 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 PROTECT SUFFOLK RESIDENTS BY PERMITTING THE SEIZURE AND FORFEITURE OF VEHICLES ENGAGED IN UNLAWFUL FLEEING A POLICE OFFICER IN A MOTOR VEHICLE

SPONSOR: PRESIDING OFFICER AT THE REQUEST OF THE COUNTY EXECUTIVE

DATE OF RECEIPT BY COUNSEL: 11/17/08 **PUBLIC HEARING:** 12/02/08

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

This proposed local law would authorize Suffolk County to seize and forfeit vehicles operated in violation of New York Penal Law §270.25, §270.30 or §270.35 – engaging in unlawful fleeing of a police officer in a motor vehicle. Forfeiture of the vehicle will be predicated on the vehicle's authorized use in committing the offensive conduct. Unlike other County forfeiture laws, this law does not require a previous conviction for the same offense as a predicate for forfeiture.

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

GEORGE NOLAN
Counsel to the Legislature

GN:

s:\rule28\28-permitting seizure and forfeiture of vehicles fleeing police

2094

Intro. Res. No. -2008 Laid on Table 11/18/2008

Introduced by Legislator Viloria-Fisher

RESOLUTION NO. –2008, TO AMEND THE USER FEE SCHEDULE FOR SUFFOLK COUNTY PARKS

1st **RESOLVED**, that Section 688-3 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

Chapter 688
PARKS AND RECREATION FEES

* * * * * * *

§ 688-3. Fees.

The fee schedule shall be as follows and where indicated weekday is Monday through Thursday and weekend is Friday through Sunday and holidays):

Type	**Fee**
Green key (2-year pass)	
Resident [(3-year pass)]	$20.00
Discount rate for: Senior citizen (60 and over) [or veteran whose adjusted gross income for federal income tax purposes is $50,000 or more, as verified by a signed copy of a federal income tax return actually filed for the prior tax years,] Veteran CERT volunteer[, and] Handicapped Junior (under 18) Volunteer fire fighter and ambulance workers Auxiliary Police	$9.00
Discount rate for: Disabled veteran Members and spouses and children of members of Armed Forces on active duty	Free
[Senior citizen or veteran whose adjusted gross income for federal income tax purposes is less than $50,000, as verified by a signed copy of a federal income tax return actually filed for the prior tax year or CERT volunteer]	[Waived]
[Junior (3-year pass)]	[$9.00]

Replacement (lost, stolen or misplaced)	$5.00	
[Replacement (lost, stolen or misplaced) for:]		
[Seniors citizen or veterans whose adjusted gross]		
[income for federal income tax]		
[purposes is less than $50,000, as verified]		
[by a signed copy of a federal income tax]		
[return actually filed for the prior tax year or]		
[CERT volunteers]	[Waived]	
Discount rate for:		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
[Tourist (2-year pass)]	[Discontinued]	
[Tourist access key (1-year pass)]	[$8.00]	
Non resident [Tourist] reservation key (1-year pass)	[$35.00]	$40.00
[Tourism package (1-year pass)]	[$125.00]	

Golf

Residents:		
Weekday, excluding holidays	[$25.00]	$28.00
Weekend & holidays	[$27.00]	$30.00
Discount rate weekday, excluding holidays (no discount rate on weekends) for:		
Senior citizen		
Handicapped [discount rates:]	[$14.00]	$17.00
[Monday through Thursday (except holidays)]		
[Peak]	[n/a]	
[Off-peak]	[n/a]	
[Monday through Friday (except holidays)]	[n/a]	
[Peak (1 rate for weekday in 1999)]	[$14.00]	
[Off peak (1 rate for weekday in 1999)]	[$11.00]	
Junior[s] (under 18) discount rates [(16 years and under)]:	$10.00	
[Monday through Friday (except holidays)]		
[Tourist as a guest of a resident] Non resident:		
Weekday, [Monday through Thursday] ([except] excluding holidays[)]	[$35.00]	$38.00
Weekend [Friday through Sunday and] & holidays	[$40.00]	$45.00
[Tourist not as a resident's guest:]		
[Monday through Thursday (except holidays)]	[$32.00]	
[Friday through Sunday and holidays]	[$40.00]	
Twilight discount rates 7 days per week:		
Residents	[$15.00]	$18.00
[Tourists] Non resident	[$28.00]	$30.00

Twilight discount rates weekday, excluding holidays		
Senior citizen[s /handicapped]	[$9.00]	$12.00
Handicapped	[$9.00]	$12.00
Junior[s] (under 18)	[$8.00]	$9.00
[Timber Point, :] 9 holes weekday, excluding holidays		
Residents	$14.00	
Non resident [Tourists]	$22.00	
Senior citizen[s/handicapped]	[$7.00]	$8.00
Handicapped	[$7.00]	$8.00
Junior[s]	[$6.00]	$8.00
[All courses,] 9 holes, weekend & holidays:		
Residents	[$15.00]	$18.00
Non resident [Tourists]	[$29.00]	$30.00
Senior citizen[s/handicapped]	[$15.00]	$18.00
Handicapped	[$15.00]	$18.00
Junior[s]	[$15.00]	$18.00
Tournament application fee	[$25.00]	$50.00
Tournament greens fee (all players)	[$30.00]	$33.00
Same day replay fee		$12.00
Reservation fee (per player/round):	$3.00	
Reservation no-show fee (per player):	$5.00	
[Cancellation fee]	[$1.00]	

Vehicle Use Fees [Beach]

Daily Parking (7 days/week)		
Parks with Lifeguards:		
(Smith Point, Cupsogue, Meschutt, Sears Bellows):		
[General parking (7 days/week)] Resident with green key	$5.00	
Discounted rate (weekday, excluding holidays) for:		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Volunteer fire fighter and ambulance workers		
Auxiliary Police	Free	
[Seniors/handicapped, veterans or]		
[CERT volunteers (weekdays except holidays)]	[Free]	
Discounted rate for (7 days/week)		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free

Non resident [Tourist/non-green key]	$10.00	
Parks without Lifeguards: (Southaven, Indian Island, Cedar Point, Blydenburgh, West Hills, Lake Ronkonkoma, Shinnecock East, Cathedral Pines):		
Resident with green key		$3.00
Discounted rate (weekday, excluding holidays) for: Senior citizen, Veteran, CERT volunteer, Handicapped, Volunteer fire fighter and ambulance workers, Auxiliary Police	Free	
Discounted rate for (7 days/week) Disabled veteran, Members and spouses and children of members of Armed Forces on active duty		Free
Non resident [Tourist/non-green key]	$8.00	
[Meschutt/Sears Bellows/Shinnecock West] [(7 days/week)]		
[General parking (7 days/week)]	[$3.00]	
[Seniors/handicapped, veterans or] [CERT volunteers (weekdays except holidays)]	[Free]	
[Tourist/non-green key]	[$8.00]	
[Smith Point:]		
[General parking (7 days/week)]	[$5.00]	
[Seniors/handicapped, veterans or] [CERT volunteers (weekdays except holidays)]	[Free]	
[Tourist/non-green key]	[$10.00]	
[Major Special Event Parking] [Field & Outer Beach after 4 p.m. or without permit]		
[Ronkonkoma Beach (7 days/week):]		
[Resident]	[$2.00]	
[Seniors/handicapped, veterans or] [CERT volunteers (weekdays except holidays)]	[Free]	
[Tourist/Non-Green Key]	[$8.00]	
Seasonal parking (NOTE: green-key holders only):		
Limited access parking pass	[$25.00]	$30.00
Unlimited access, resident	[$50.00]	$55.00

Bus parking:		
Daily, nonprofit organization	[$15.00]	$20.00
Daily, general bus parking	[$30.00]	$35.00
[Annual, commercial]	[n/a]	
Outer beach recreational vehicle use permit		
Annual permit:		
Resident [green - key -] holder	$75.00	$100.00
[Senior/handicapped, veteran or] [CERT volunteer green key holder]		
Discounted rate for: Senior citizen Veteran CERT volunteer green key holder Handicapped Volunteer fire fighter and ambulance workers Auxiliary Police	$37.50	$50.00
Disabled veteran		Free
Non resident [Tourist]	$200.00	$300.00
Resident (fourth quarter only)	$37.50	$50.00
Non resident [Tourist] (fourth quarter only)	$75.00	$150.00
Annual permit replacement fee		$20.00
Discounted rate for Disabled veteran:		Free
Vehicle day use fee:		
[Smith Point:]		
[Resident green-key holder]	[$0.00]	
[Senior/handicapped, veteran or] [CERT volunteer green-key holder]	[$0.00]	
[Outer beach discount book (10 tickets)]	[$0.00]	
[Resident/senior/handicapped, veteran or] [CERT volunteer without permit]		
Resident green [-] key holder	[$25.00]	$30.00
Non resident [Tourist without permit]	[$35.00]	$40.00
[Shinnecock East and Montauk (in-season):]		
[Resident green-key holder]	[$0.00]	
[Senior/handicapped, veteran or] [CERT volunteer green-key holder]	[$0.00]	
[Resident/senior/handicapped, veteran or] [CERT volunteer without permit]	[$25.00]	
[Tourist permit holder]	[$0.00]	
[Tourist without permit]	[$35.00]	
[Overnight outer beach camping:]		

[Resident green-key holder]	[$12.00]	
[Senior/handicapped, veteran or]		
[CERT volunteer green-key holder]	[$6.00]	
[Tourist with permit green-key-holder]	[$20.00]	

Special group events (picnics, fundraisers and horse/dog shows):

Plus Vehicle Use Fee		
10-50 people		$50.00
51-100 people		$100.00
101-200 people		$150.00
201-500 people		$225.00
501-1000 people		$400.00
Over 1,000 people		$600.00
Parking fee per person (for facilities without a vehicle day use fee)		$2.00
Pavilion fee		$100.00
Alcohol permit		$30.00
[100 or fewer people]	[$125.00]	
[100 to 250 people]	[$250.00]	
[251 to 399 people]	[$350.00]	
[400 people and over]	[$500.00]	

[Horse/dog shows (fee plus $1.00 per entry)]

[Entry fee]	[$2.00]	
[100 or fewer people]	[$125.00]	
[100 to 250 people]	[$250.00]	
[More than 250 people]	[$350.00]	

[Horseback riding] Recreational permits (horseback riding, dogs, metal detectors, model planes, and others):

Family rate (annual)	$50.00	
Resident individual (annual)	$25.00	
Resident individual (daily)	$5.00	
Non resident [Tourist] family (annual)	$75.00	
Non resident [Tourist] individual (annual)	$40.00	
Non resident [Tourist] individual (daily)	$10.00	
Group riding permit per use (minimum 10 horses, all riders must have permit)	[n/a]	$50.00

Camping

In Season:		
Residents	[$14.00]	$15.00
Residents-electric	[$16.00]	$20.00
Residents-premium	[$21.00]	$25.00
Non resident [Tourist]	[$24.00]	$30.00
Non resident [Tourist] -electric	[$27.00]	$35.00
Non resident [Tourist] -premium	[$32.00]	$40.00
[Senior/handicapped, veteran or]		
[CERT volunteer]	[$7.50]	$8.00

[Senior/handicapped veteran or] CERT volunteer-electric]	[$9.50]	$13.00
[Senior/handicapped veteran or] [CERT Volunteer-premium]	[$14.50]	$18.00
[Premium Utility Hook-up per night]	[$3.00]	
Discounted rate for:		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Volunteer fire fighter and ambulance workers		
Auxiliary Police	[$7.50]	$10.00
Electric	[$9.50]	$13.00
Premium	[$14.50]	$18.00

Discounted rate for (7 days/week excluding reservation penalty and reservation fees)	
Disabled veteran	
Members and spouses and children of members of Armed Forces on active duty	Free

Off Season:	
Residents	$8.00
Residents-electric	$10.00
Residents-premium	$18.00
Non resident [Tourists]	$16.00
Non resident [Tourist] -electric	$19.00
Non resident [Tourist] -premium	$29.00
[Senior/handicapped, veteran or] [CERT Volunteer]	$5.00
[Senior/handicapped, veteran or] [CERT volunteer-electric]	$7.00
[Senior/handicapped, veteran or] [CERT volunteer-premium]	$13.00
Discounted rate for:	
Senior citizen	
Veteran	
CERT volunteer	
Handicapped	
Volunteer fire fighter and ambulance workers	
Auxiliary Police	$5.00
Electric	$7.00
Premium	$13.00

Discounted rate for (7 days/week excluding reservation penalty and reservation fees)	
Disabled veteran	
Members and spouses and children of members of Armed Forces on active duty	Free

Premium Utility Hook-up per night (In & Off Season)	$3.00

Reservation Fees per site:		$12.00
[Per night/per site]	[$3.00]	
[Weekly (7 nights)]	[$12.00]	
No-show fee	[$25.00]	$50.00
Cancellation fee		$35.00
Late checkout fee		$25.00
Camping Clubs:		
Reservation fee (refundable)	[$35.00]	$75.00
Residents	[$15.00]	$16.00
Residents premium site		$18.00
[Tourists (group camping only)]	[$25.00]	
Non resident Suffolk County based camping club		$16.00
Non resident Suffolk County based camping club premium site		$18.00
Non resident Non Suffolk County based camping club		$28.00
Non resident Non Suffolk County based camping club premium site		$30.00
[Senior/handicapped, veteran or]		
[CERT volunteer]	[$6.50]	
Discounted rate for:		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Volunteer fire fighter and ambulance workers		
Auxiliary Police	[$6.50]	$8.00
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
Youth group, per person per night	[$1.50]	$2.00
Special large group (Cathedral Pines) (one payment from group – no discounts – per camper, per night):		$8.00
[Residents]	[$10.00]	
[Tourists]	[$14.00]	
[Senior/handicapped, veteran or]		
[CERT volunteer]	[$7.00]	
Discounted rate for:		
Disabled veteran		

Members and spouses and children of members of Armed Forces on active duty		Free
Dump station campground user		Free
Dump station: non campground user [non-commercial]	[$7.00]	$8.00
Dump station: commercial	[$25.00]	$50.00
Montauk trailer storage		$600.00
Field shelter (West Hills) per night	$50.00	
[Each additional night]	[$25.00]	
[Picnics:]		
[Per Person (pre-season)]	[$1.50]	
[Reservation fee (per site, parking fee charged]		
[weekends and holidays in season):]		
[1 to 50 persons]	[$30.00]	
[51 to 100 persons]	[$50.00]	
[101 to 150 persons]	[$75.00]	
[151 to 250 persons]	[$150.00]	
[251 to 500 persons]	[$200.00]	
[501-1,000 persons]	[$300.00]	
[Vehicle day use fee]		
[Blydenburgh/Cathedral Pines/West]		
[Hills/Indian Island/Southaven:]		
[(Weekends/holidays only)]	[$2.00]	
[Senior/handicapped veteran or]		
[CERT volunteer (weekdays only)]	[$1.00]	
[Tourist/non green key]	[$5.00]	
Rowboats		
First hour	[$6.00]	$7.00
Each additional hour	[$4.00]	$5.00
[Senior/handicapped, veteran or]		
[CERT volunteer (weekdays only)]	[$3.00]	
Discounted rate for (weekdays, excluding holidays):		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Volunteer fire fighter and ambulance workers		
Auxiliary Police	[$3.00]	$4.00
Discount rate for:		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
Daily rate	[$30.00]	$35.00

Deposit	$10.00	
Canoeing		
Daily	[$2.00]	$5.00
[With park transport]	[$5.00]	
Discount rate for:		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
Fishing		
Freshwater d[D]aily [(Southaven/Blydenburgh)]	[$2.00]	$5.00
Freshwater seasonal permit		$35.00
Saltwater n[N]ight with outer beach permit	[$0.00]	Free
Saltwater n[N]ight, no outer beach permit	[$10.00]	$13.00
Saltwater n[N]ight non resident [tourist, no permit]	[$30.00]	$35.00
[Seasonal (Southaven/Blydenburgh)]	[$30.00]	
Walleye fish permit (Lake Ronkonkoma only)		$13.00
Cordwood Landing fishing permit (residents only)		$13.00
Discount rate for:		
Disabled veteran (all fees)		
Members and spouses and children of members of Armed Forces on active duty (daily fees)		Free
Duck/Scoter hunting season [shooting], daily		
Resident	[$10.00]	$12.00
[Senior/handicapped, veteran or]		
[CERT volunteer (weekdays only)]	[$5.00]	
Discounted rate for (weekdays, excluding holidays):		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Junior (under 18)		
Auxiliary Police	[$5.00]	$7.00
Discount rate for:		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
Non resident [Tourist]	[$20.00]	$30.00
Deer hunting (shotgun season), daily		
Resident	[$15.00]	$17.00
[Senior/handicapped, veteran or]		

[CERT volunteer]	[$7.50]	
Discounted rate for:		
Senior citizen		
Veteran		
CERT volunteer		
Handicapped		
Junior (under 18)		
Auxiliary Police	[$7.50]	$9.00
Discount rate for:		
Disabled veteran		
Members and spouses and children of members of Armed Forces on active duty		Free
Non resident [Tourist]	[$30.00]	$35.00
Deer hunting (bow season) [, seasonal]		
Resident seasonal permit	[$30.00]	$35.00
[/senior/handicapped, veteran or]		
[CERT volunteer]		
Discount rate for:		
Disabled veteran		Free
Falconry season		
Resident seasonal permit		$35.00
Discount rate for:		
Disabled veteran		Free
[Duck hunting, daily]		
[Resident]	[$10.00]	
[Senior/handicapped, veteran or]		
[CERT volunteer (weekdays only)]	[$5.00]	
[Tourist]	[$20.00]	
Marina [dock] fees per foot seasonal contract		
Timber Point West, [per foot, seasonal contract]	[$39.00]	$45.00
Timber Point East [per foot, seasonal contract] and Shinnecock	[$43.00]	$50.00
Winter storage	[$16.50]	$20.00
Waiting list fee per year	[$15.00]	$20.00
[application fee, Seasonal Contract,]		
[Winter storage, per foot]	[$16.50]	
[Shinnecock:]		
[Per foot, seasonal contract]	[$43.00]	
[Waiting list application fee, Seasonal Contract]	[$15.00]	
[Winter storage, per foot]	[$16.50]	

Marina Transient [dock] fees per day, [weekdays]		
In Season:		
Resident – weekday, excluding holidays	[$35.00]	$40.00
Resident – weekend & holidays	[$40.00]	$45.00
Non resident [Tourist] - weekday, excluding holidays	[$55.00]	$60.00
Non resident [Tourist] – weekend & holidays	[$65.00]	$70.00
[Resident, off-season]	[$25.00]	
[Tourist, off season]	[$45.00]	
Off season:		
Resident – weekday, excluding holidays	[$25.00]	$30.00
Resident – weekend & holidays	[$30.00]	$35.00
Non resident - weekday, excluding holidays	[$45.00]	$50.00
Non resident – weekend & holidays	[$55.00]	$60.00
[Transient dock, weekends and holidays]		
[Resident]	[$40.00]	
[Tourist]	[$65.00]	
[Resident, off-season]	[$30.00]	
[Tourist, off-season]	[$55.00]	
Marina transient slip reservation fee		
Per slip, per day (nonrefundable)	$5.00	
[Smith Point] Boat Launching [Ramp]		
Resident, annual	[$25.00]	$30.00
Non resident annual		$75.00
[Senior citizens/handicapped, veteran or] [CERT volunteer, annual]	[$15.00]	
Discounted annual rate for: Senior citizen Veteran CERT volunteer Handicapped Auxiliary Police	[$15.00]	$20.00
Discounted annual rate for: Disabled veteran		Free
Commercial, annual	[$50.00]	$225.00
Resident-daily	[$5.00]	$10.00
Non resident [Tourist] -daily	[$10.00]	$20.00
Special facilities		
Classrooms	$35.00	
Conference rooms	$100.00	
Auditorium/activity building	$250.00	
[Kitchen use]	[$300.00]	
Daily cabin and room rentals (groups only)	$35.00	

[Meeting room (less than 3 hours)]	[$50.00]	
Commercial photography use	$1,000.00	
Commercial photography h[H]alf day	$500.00	
[Montauk trailer/storage]	[$550.00]	
Wood removal permit (- per cord)	$25.00	
Special equipment		
Showmobile:		
Up to 4 hours	[$450.00]	$500.00
Additional hours	[$100.00]	$125.00
Extended stage per day		$225.00
Generator per day [lights]:		$125.00
[Up to 4 hours]	[$225.00]	
[Additional hours]	[$60.00]	

and be it further

2nd **RESOLVED**, that the increase in said fee schedules shall apply to all park activities occurring on or after January 1, 2009; and be it further

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) 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.

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

DATED:

APPROVED BY:

_____
County Executive of Suffolk County

Date:

T:\BRO\ParkFeesSchedule.doc

Pastore, AnnMarie

From: Reinheimer, Lance
Sent: Monday, November 17, 2008 5:20 PM
To: Pearsall, Terrence
Cc: Vizzini, Gail; Pastore, AnnMarie
Subject: Resolution for Park fees
Attachments: ParkFeesSchedule.doc

Terry,

Attached is the resolution that legislator Viloria-Fisher requested to amend Parks fees.

Upon Legislator Viloria-Fisher's approval of the draft resolution, she plans on laying the resolution on the table as a late starter.

The resolution:

- Standardizes language: Changes Tourist to non-resident, defines weekdays as Monday – Thursday and Weekends as Fridays – Sundays and Holidays, eliminates $0 fees and Waived to FREE
- Combined fees where possible (special group events now picnics fundraisers & horseback/dog shows)
- Lists fees currently charged by Parks, but not addressed in the fee schedule (golf same day re-play fee)
- Changes the green key pass from $20 for THREE years to $20 for TWO years
- Increases general golf fess $3
- Increases seasonal marina fees $5 to $7 per foot
- Increased in-season camping fees by $1 to $8, off season camping not changed
- Standardized parking fees County-wide (lifeguard or no-lifeguard)
- Deleted fees not charged by Park (kitchen use and meeting room)

Lance Reinheimer, Assistant Director
Budget Review Office
Suffolk County Legislature
(631) 853-4903
(631) 853-5496 FAX

2095

Intro. Res. No. -2008 Laid on Table 11/18/08

Introduced by Presiding Officer Lindsay and Legislator Cooper

RESOLUTION NO. -2008, APPOINT MEMBER TO THE SUFFOLK COUNTY COMMUNITY COLLEGE BOARD OF TRUSTEES (SAUL R. FENCHEL)

WHEREAS, the term of office of Frank Trotta as a member of the Suffolk County Community College Board of Trustees expired on June 30, 2007; now, therefore be it

1st **RESOLVED**, that Saul R. Fenchel, residing in Lloyd Harbor, New York, is hereby appointed as a member of the Board of Trustees of the Suffolk County Community College, pursuant to Section 6306(1) of the NEW YORK EDUCATION LAW, said term of office to expire on June 30, 2014; 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:

EFFECTIVE PURSUANT TO SECTION 2-15(A) OF THE SUFFOLK COUNTY CHARTER AND SECTION 6306(1) OF THE NEW YORK EDUCATION LAW.

s:\res\r-appoint-fenchel-sccc

SAUL R. FENCHEL
Principal
Siegel Fenchel & Peddy, P.C.
249 South Street
Oyster Bay, New York 11771
Telephone: 516-294-8880
Facsimile: 516-294-8881
Email: srf@nytaxappeal.com

Residence:
6 Cordwainer Lane
Lloyd Harbor, New York 11743
Telephone: 631-673-8148
Facsimile: 631-673-0201
Email: slfen@lycos.com

Practice Areas: State and Local Taxation; Tax Certiorari; Eminent Domain; Real Property Litigation

Admitted: 1972, New York; 1973, U.S. District Court, Eastern and Southern Districts of New York; 1982, Florida; 1983, New Jersey, District of Columbia, U.S. District Court, District of New Jersey and U.S. Tax Court; 1985, California; 1994, Pennsylvania

Born: Brooklyn, New York, August 13, 1947

Law School: Boston University, J.D., 1971

College: Fordham University, B.S., 1968

Legal Experience and Background:

(A) 1984-2008, Partner and Founder: Siegel Fenchel & Peddy, P.C. since 1984-2008, one of the largest tax certiorari and condemnation firms in the State of New York, representing numerous commercial property owners throughout the State of New York as well as representation in New Jersey, Pennsylvania and Florida. Trials, motion practice, valuation, real estate transactions, general commercial litigation.

(B) 1975-1984, Partner and Principal: Koeppel Sommer Martone Siegel Fenchel & Peddy, P.C. At the time, the largest tax certiorari firm in the State. Representation of virtually all major Long Island property owners in tax certiorari practice as well as condemnation, trials, negotiations, real estate transactions, valuation representation of municipalities as special counsel.

(C) 1973-1975, Supervising attorney at Nassau County Law Services. Representation of indigent clients in all civil matters including consumer transactions, landlord-tenant, medical (medicaid), public assistance, class action litigation.

(D) 1971-1972, New York Legal Aid Society. Representing indigents in criminal matters. Assigned to the South Bronx. All types of misdemeanor and felony trials, supression hearings, preliminary hearings, etc.

Bar Associations: New York State and New Jersey State Bar Associations; The Florida Bar; State Bar of California; The Pennsylvania Bar; The District of Columbia Bar; American Property Tax Counsel

Publications: Co-Author: "Challenging Ad Valorem Real Property Assessments in Florida," The Florida Bar Journal, October, 1983; "Computer Software and Sales Taxation," Journal of State Taxation, Fall, 1984; "Recent Developments in Condemnation (Regulatory Takings)," Real Property Law Section, New York State Bar Association, 1992; "Regulated Tenants, Percentage Rent and Real Property Taxes," Journal of Property Tax Management, Winter, 1992; "Tax Escalation Clauses—Terms and Interpretation," Journal of Property Tax Management, Fall, 1993. Update Author: "Title by Eminent Domain," appearing in Real Estate Titles, Second and Third Edition, New York State Bar Association, 1993; "Tax Assessment and Property Rights," Real Estate New York, August 1995; "The Essential Role of the Real Estate Tax Appeal," Rhodes Real Estate Tax Review, March, 1996; "Application of Gains Transfer Tax to Eminent Domain Awards," New York Law Journal, July 17, 1996; "Environmental Law in New York - Reducing Real Property Taxes, etc. Matthew Bender (Development on Federal and State Law)," July 1998; "Recent Property Tax Decisions Reject Equal Protection Argument," New York Law Journal, February 4, 2002; "Certified New York State Bar Association CLE Provider in Tax Certiorari and Condemnation"; "Ruling Examines Condemnation of Portion of Leasehold Interests", New York Law Journal, May 6, 2003; "Environmental Contamination Presents Issues on Cost to Cure", New York Law Journal, November 4, 2003; "Performing Due Diligence On Taxes and Condemnation", New York Law Journal, August 3, 2004; "Discovery of Unfiled Appraisals", New York Law Journal, October 3, 2006; "A Trio of Issues", New York Law Journal, February 6, 2007; "The Condemnation Clause of the Lease – Frequently Overlooked", NYSBA Government, Law and Policy Journal, Spring 2007; "Can Your Client Recover Severance Damage for the Loss of Frontage Area?", NYSBA Government, Law and Policy Journal, Spring 2007

Public Affiliations: Member of the Board, Suffolk County Private Industry Council (PIC), 1991-1992. Director, Friends of the Arts, 1989-1994. Director, Huntington Townwide Fund. Member, Board of Benefactors, Guide Dog Foundation. Member, Legal Committee, Institute of Property Taxation, 1987-1991, 1993-1994. Member, Conservation Board, Incorporated Village of Lloyd Harbor, 1989-1990. Special Counsel for Tax Certiorari, City of Yonkers, 1977-1979 Special Counsel in Condemnation for the Great Neck Park District, North Hempstead, New York, 2000-2002. Supervising Attorney/Associate Director, Nassau County Law Services Committee, 1973-1975.

Additional Education: Courses in Engineering and Math totaling 36 credits from Hofstra and LIU, including Chemistry, Trigonometry, Calculus, Physics.

Instructional/Educational Experience: While at Koeppel Sommer Martone Siegel Fenchel & Peddy and Siegel Fenchel & Peddy, P C responsible for training associates and paralegals in motion practice, pleadings, procedure and research. Authorized provider of CLE credits in condemnation and tax certiorari. A number of these paralegals and lawyers would later become lawyers and partners in prominent law firms

References:

Steven Peddy, Esq
c/o Berkman, Henoch, Peterson & Peddy, P.C.
100 Garden City Plaza
Garden City, New York 11530

Howard R. Gross, Esq.
c/o Weinberg, Gross & Pergament LLP
400 Garden City Plaza, Suite 403
Garden City, New York 11530

Benjamin Weinstock, Esq.
Ruskin, Moscou & Faltischeck, P.C.
190 EAB Plaza
East Tower, 15th Floor
Uniondale, New York 11556-0190

2096

Intro. Res. No. -2008 Laid on Table 11/18/2008

Introduced by Presiding Officer, on request of the County Executive

RESOLUTION NO. -2008, APPROPRIATING FUNDS THROUGH THE ISSUANCE OF SEWER DISTRICT SERIAL BONDS FOR THE EXPANSION AND IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 18 - HAUPPAUGE INDUSTRIAL (CP 8126)

WHEREAS, the Hauppauge Industrial Wastewater Treatment Plants require expansion and infrastructure improvements; and

WHEREAS, Public Hearings were held on June 28, 2005, November 20, 2007 and April 29, 2008 at the regularly scheduled meeting of the County Legislature in Riverhead and Hauppauge, New York, respectively, in connection with the proposed expansion and improvements; and

WHEREAS, a resolution authorizing the issuance of $29,000,000 in serial bonds and this resolution which appropriates funds have been submitted to the Legislature for approval; and

WHEREAS, an application has been submitted to the New York State Comptroller requesting approval of the funding and the proposed expansion and improvements for the District stated herein; and

WHEREAS, the Administrative Head of Sewer District No. 18 - Hauppauge Industrial has requested that funds be appropriated to cover construction costs associated with the expansion and improvement project; and

WHEREAS, there are sufficient funds in the 2008 Capital Budget and Program for the expansion and improvement of Suffolk County Sewer District 18 - Hauppauge Industrial; 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, pursuant to State Environmental Quality Review Act Environmental Conservation Law Article 8 (hereinafter "SEQRA") Resolution No. 716 of 2004 determined that the proposed sewerage facility improvement and/or rehabilitation to the Sewer District No. 18 - Hauppauge Industrial constitutes a Type I action pursuant to the provisions of NYCRR Part 617.5(b); and

WHEREAS, the County Legislature, by resolution of even date herewith, has authorized the issuance of $29,000,000 in Sewer District Serial Bonds; now, therefore be it

1st **RESOLVED**, that it is hereby determined that this project, with a priority ranking of sixty six (66) 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

2nd **RESOLVED**, that the proceeds of $29,000,000 in Sewer District Serial Bonds be and they hereby are appropriated as follows:

Project No.	Project Title	AMOUNT
527-CAP-8126.311 (Fund 218 Debt Service)	Improvements to Sewer District 18- Hauppauge Industrial - Construction	$29,000,000

and be it further

3rd **RESOLVED**, that the Administrative Head of the Sewer District be and he hereby is authorized, directed and empowered to enter into contracts and agreements upon such terms and conditions as he may deem necessary relating to the expansion and improvements to SD 18 - Hauppauge Industrial.

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 x Local Law ____ Charter Law ____

2. Title of Proposed Legislation

APPROPRIATING FUNDS THROUGH THE ISSUANCE OF SEWER DISTRICT SERIAL BONDS FOR THE EXPANSION AND IMPROVEMENTS TO SUFFOLK COUNTY SEWER DISTRICT NO. 18-HAUPPAUGE INDUSTRIAL (CP 8126)

3. Purpose of Proposed Legislation

SEE NO. 2 ABOVE.

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 5 is "yes", Provide Detailed Explanation of Impact

THIS RESOLUTION APPROPRIATED FUNDS INCLUDED IN THE ADOPTED CAPITAL PROGRAM. THE FINANCIAL IMPACT IS MINIMIZED BY THE ASESSMENT STABILIZATION RESERVE FUND AT 3% PER YEAR.

7. Total Financial Cost of Funding over 5 Years on Each Affected Political or Other Subdivision.

THE PROJECT IS $70 MILLION IN SERIAL BONDS AND THE ASRF WILL CONTINUE TO STABILIZE RATES AT AN ANNUAL INCREASE OF 3%. FUNDING IN 2008 IS $29 MILLION OF THE TOTAL PROJECT COST.

8. Proposed Source of Funding

SEWER DISTRICT SERIAL BONDS-DEBT SERVICE PAID FROM SEWER DISTRICT FUND 218

9. Timing of Impact

2009

10. Typed Name & Title of Preparer	11. Signature of Preparer	12. Date
Debra Kolyer Principal Financial Analyst	Deb Kolyer	July 28, 2008

SCIN FORM 175b (10/95)

FINANCIAL IMPACT
2008 PROPERTY TAX LEVY
COST TO THE AVERAGE TAXPAYER

GENERAL FUND

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

POLICE DISTRICT AND DISTRICT COURT

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

COMBINED

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

NOTES:
1) SOURCE FOR NUMBER OF FAMILY PARCELS AND CORRESPONDING ASSESSED VALUATION: SUFFOLK COUNTY REAL PROPERTY TAX SERVICE, SEPTEMBER 2006.
2) SOURCE FOR TOTAL TAXABLE ASSESSED VALUATION FOR COUNTY PURPOSES: SCHEDULE A, REPORT OF ASSESSED VALUATION FOR 2006-2007.
3) SOURCE FOR EQUALIZATION RATES: TENTATIVE 2006 COUNTY EQUALIZATION RATES ESTABLISHED BY THE NEW YORK STATE BOARD OF EQUALIZATION AND ASSESSMENTS.

To be completed by the Executive Budget Office

Suffolk County
Project Name
General Obligation Serial Bonds
Level Debt

Term of Bonds	20
Amount to Bond:	$29,000,000

Date	Coupon	Principal	Interest	Total Debt Service	Fiscal Debt Service
11/1/2007					
5/1/2008					
11/1/2008	4.125%	$960,057.44	$1,199,875.00	$2,159,932.44	$2,159,932.44
			$580,076.31	$580,076.31	
11/1/2009	4.125%	$999,779.82	$580,076.31	$1,579,856.13	$2,159,932.44
			$559,393.37	$559,393.37	
11/1/2010	4.125%	$1,041,145.71	$559,393.37	$1,600,539.07	$2,159,932.44
			$537,854.66	$537,854.66	
11/1/2011	4.125%	$1,084,223.11	$537,854.66	$1,622,077.78	$2,159,932.44
			$515,424.80	$515,424.80	
11/1/2012	4.125%	$1,129,082.84	$515,424.80	$1,644,507.64	$2,159,932.44
			$492,066.90	$492,066.90	
11/1/2013	4.125%	$1,175,798.64	$492,066.90	$1,667,865.54	$2,159,932.44
			$467,742.56	$467,742.56	
11/1/2014	4.125%	$1,224,447.31	$467,742.56	$1,692,189.88	$2,159,932.44
			$442,411.81	$442,411.81	
11/1/2015	4.125%	$1,275,108.82	$442,411.81	$1,717,520.63	$2,159,932.44
			$416,033.00	$416,033.00	
11/1/2016	4.125%	$1,327,866.45	$416,033.00	$1,743,899.44	$2,159,932.44
			$388,562.76	$388,562.76	
11/1/2017	4.125%	$1,382,806.92	$388,562.76	$1,771,369.68	$2,159,932.44
			$359,955.94	$359,955.94	
11/1/2018	4.125%	$1,440,020.56	$359,955.94	$1,799,976.50	$2,159,932.44
			$330,165.52	$330,165.52	
11/1/2019	4.125%	$1,499,601.41	$330,165.52	$1,829,766.92	$2,159,932.44
			$299,142.51	$299,142.51	
11/1/2020	4.125%	$1,561,647.42	$299,142.51	$1,860,789.93	$2,159,932.44
			$266,835.93	$266,835.93	
11/1/2021	4.125%	$1,626,260.58	$266,835.93	$1,893,096.51	$2,159,932.44
			$233,192.66	$233,192.66	
11/1/2022	4.125%	$1,693,547.11	$233,192.66	$1,926,739.78	$2,159,932.44
			$198,157.41	$198,157.41	
11/1/2023	4.125%	$1,763,617.62	$198,157.41	$1,961,775.03	$2,159,932.44
			$161,672.57	$161,672.57	
11/1/2024	4.125%	$1,836,587.30	$161,672.57	$1,998,259.87	$2,159,932.44
			$123,678.17	$123,678.17	
11/1/2025	4.125%	$1,912,576.10	$123,678.17	$2,036,254.27	$2,159,932.44
			$84,111.75	$84,111.75	
11/1/2026	4.250%	$1,991,708.94	$84,111.75	$2,075,820.69	$2,159,932.44
			$42,908.27	$42,908.27	
11/1/2027	4.250%	$2,074,115.90	$42,908.27	$2,117,024.17	$2,159,932.44
		$29,000,000.00	$14,198,648.81	$43,198,648.81	$43,198,648.81

LS 13

Intro Res. No. 2097

Laid on Table 11/18/08

Introduced by the on request of the County Executive

RESOLUTION NO. –2008 AUTHORIZING THE CONVEYANCE OF COUNTY-OWNED SURPLUS UNUSUED RIGHT OF WAY FRONTING A PARCEL OF LAND HAVING A SUFFOLK COUNTY TAX MAP IDENTIFICATION NUMBER OF DISTRICT 0100 SECTION 23000 BLOCK 0100 LOT 054000 PURSUANT TO SECTION 125 OF THE NEW YORK STATE HIGHWAY LAW.

WHEREAS, the County of Suffolk is the fee owner of a certain portion of unused right of way situated in the Town of Babylon, Suffolk County, New York as more fully described in the map and description attached as Exhibit "1" : and

WHEREAS, said unused portion of right of way is surplus to the needs of the County of Suffolk; and

WHEREAS, Section 125 of the New York State Highway Law strictly limits the sale of surplus unused right of way to the property owner fronting said unused right of way at fair market value; and

WHEREAS, Paul Galinson, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0100 Section 23000 Block 0100 Lot 054000 has requested to purchase from the County of Suffolk, at fair market value, the surplus and unused right of way fronting said tax map parcel; and

WHEREAS, the County of Suffolk did commission appraisals for the requested conveyance that were performed by an independent, outside appraiser selected in accordance with established Suffolk County procedures; and

WHEREAS, upon review of said appraisals in accordance with established Suffolk County procedures, the County of Suffolk determined that the fair market value of the unused and surplus right of way fronting the privately owned parcel of real property having a Suffolk County Tax Map Identification Number of District 0100 Section 23000 Block 0100 Lot 054000 was Twenty Three Thousand Eight Hundred & 00/100 ($23,800.00) Dollars; and

WHEREAS, Paul Galinson, the present owner of the parcel having a Suffolk County Tax Map Identification Number of District 0100 Section 23000 Block 0100 Lot 054000 has agreed to pay to the County of Suffolk the sum of Twenty Three Thousand Eight Hundred & 00/100 ($23,800.00) Dollars, said sum representing the fair market value of the surplus and unused right of way fronting said tax map parcel; now therefore, be it

1st **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) Lead Agency hereby finds and determines that the adoption of this law is not an action within the meaning of the State Environmental Quality Review Act and the regulations adopted thereto (NYCRR Section 617.2(b)(2)). The Legislature finds and determines that even if the adoption of the local law is an action within the meaning of SEQRA, the adoption of the 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 a major re-ordering of priorities (NYCRR Section 617.13(d)(15),(21)). As a Type II Action, the Legislature has no further responsibilities under SEQRA (6 NYCRR Section 617.5(a)(1)); and be it further

2nd **RESOLVED,** said parcel is surplus to the needs of the County of Suffolk; and be it further

3rd **RESOLVED,** that this purchase is authorized pursuant to Section 125 of the New York State Highway Law; and be it further

4th **RESOLVED,** the Suffolk County Department of Public Works is directed to convey said the surplus and unused right of way described herein shall be conveyed to Paul Galinson the present owner or his successors in interest of the parcel having a Suffolk County Tax Map Identification Number of District 0100 Section 23000 Block 0100 Lot 094000, or to all heirs, successors and assigns in interest for the total sum of Twenty Three Thousand Eight Hundred & 00/100 ($23,800.00) Dollars plus the pro-rata share of the current tax adjustments due at closing; and be it further

5th **RESOLVED**, that the Suffolk County Department of Public Works, will receive and deposit the sum of Twenty Three Thousand Eight Hundred & 00/100 ($23,800.00) Dollars, plus the pro-rata share of the current tax adjustments pursuant to said purchase offer; and be it further

6th **RESOLVED,** that the Commissioner of the Suffolk County Department of Public Works, or his Deputy, be and hereby is authorized to execute and acknowledge a quitclaim/bargain and sale deed to transfer the interest of Suffolk County in the above-described property and upon the above-described terms and conditions to said party or their heirs, successors and assigns in interest.

DATED:

APPROVED BY:

_____

County Executive of Suffolk County

Date of Approval:

SCHEDULE "A"
County of Suffolk – Department of Public Works

Tax Map Index Number Adjacent to: 0100-23000-0100-054000

County Road Number: 96 Map Number: 4872

Name of Road: Old Bergen Ave Parcel: 54

To be declared surplus by Suffolk County

All that piece or parcel of land situate in the Town of Babylon, County of Suffolk, and State of New York as shown on the Map and described as follows:

Commencing at a point on the Southerly terminus of an arc connecting the Easterly boundary of Old Bergen Avenue with the Southerly boundary of Angelica Court, thence along the Easterly boundary of Old Bergen Avenue South 33°29'55" East a distance of 77.94 feet to a point on the division line between the lands of William J. and Mary C. DeGrocco reputed owners on the North and Paul Galinson reputed owner on the South said point being the point of beginning. Thence along the last mentioned Easterly boundary the following two (2) courses and distances:

1.) South 33° 29'55" East a distance of 59.45 feet to a point, and

2.) South 29° 10'05" West a distance of 36.42 feet to a point on the division line between the lands of Mary Ann Conguista reputed owner on the East and the lands of County of Suffolk reputed owner on the west, thence through the lands of the County of Suffolk, the following six (6) courses and distances.

1.) South 75° 3'17" West a distance of 78.40 feet to a point

2.) North 81° 17'11" West a distance of 13.95 feet to a point and

3.) Along a curve to the left having a radius of 46.38 feet an arc distance of 28 feet.

4.) Along a curve to the left having a radius of 63.39 feet an arc distance of 32.93 feet to the point of reverse curve

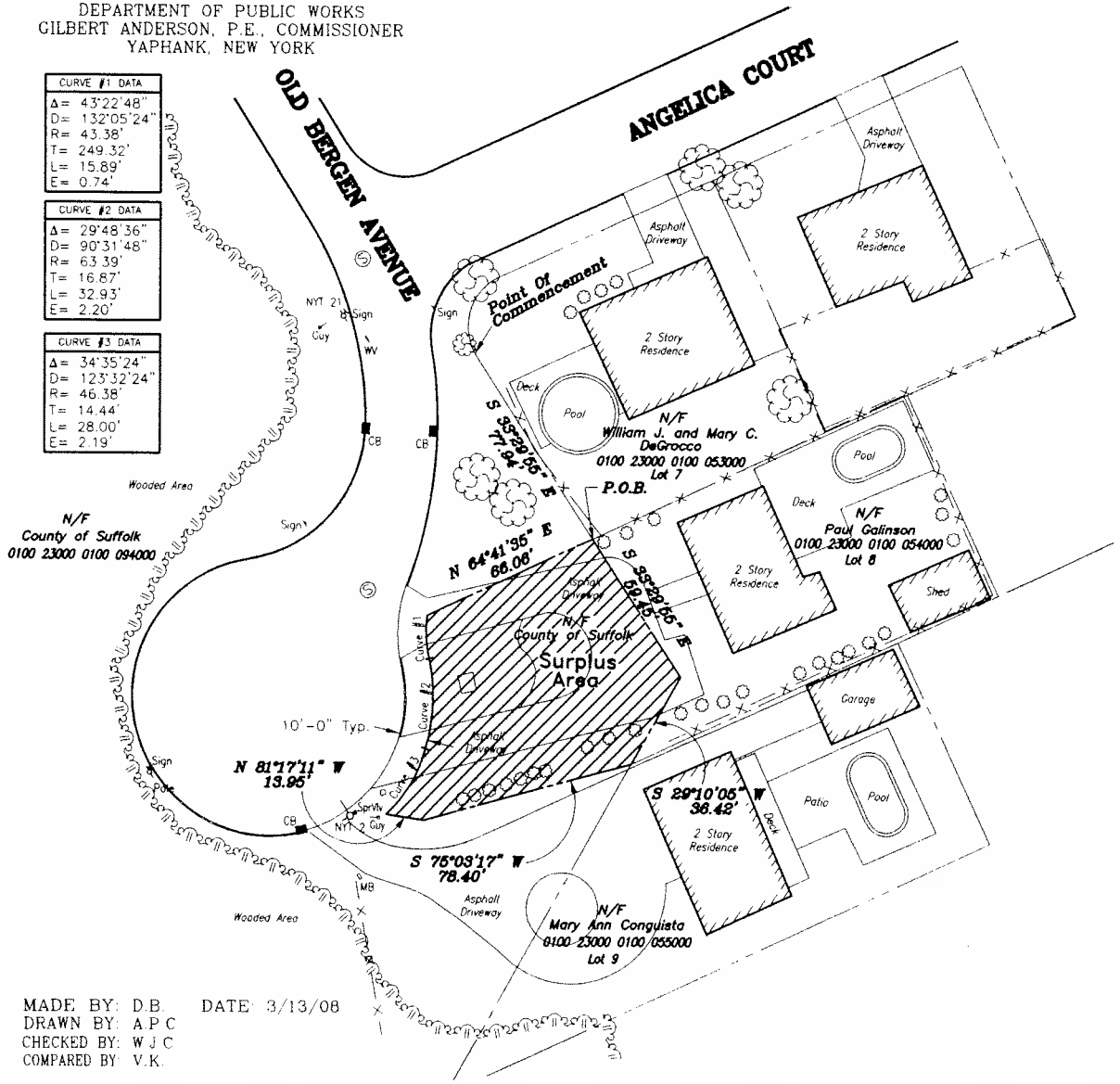
5.) Along a curve to the right having a radius of 43.88 an arc distance of 15.89 feet and

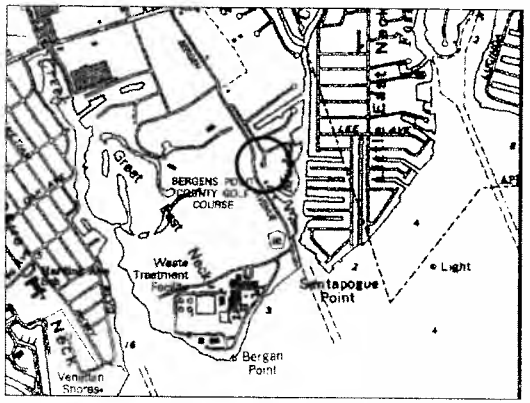
6.) North 64° 41'35" East a distance 66.06 to the point or place of beginning, being 6472± SQ.FT or 0.148± acre more or less.

Excepting also and reserving to any and all utilities, the right of access at all times for the update, maintenance and service of their facilities.

COUNTY OF SUFFOLK
DEPARTMENT OF PUBLIC WORKS
GILBERT ANDERSON, P.E., COMMISSIONER
YAPHANK, NEW YORK

MAP SHOWING
PROPERTY TO BE DECLARED SURPLUS BY THE
COUNTY OF SUFFOLK
(REPUTED OWNER)
IN THE
TOWN OF BABYLON, SUFFOLK COUNTY, N.Y.
SURPLUS AREA = 6472± SQ. FT. OR 0.148± ACRE
Scale 1"=40'





KEY MAP
NO SCALE

Information Based on
"Survey of Lot 8, Map of Bergen Park"
Filed: 6/15/1967 Map No. 4872

MADE BY: D.B. DATE: 3/13/08
DRAWN BY: A.P.C
CHECKED BY: W.J.C
COMPARED BY: V.K.

ADJACENT TAX MAP INDEX NUMBER: 0100-23000-0100-053000
0100-23000-0100-054000
0100-23000-0100-055000

MEMORANDUM

TO: Ben Zwirn, Deputy County Executive

FROM: Gilbert Anderson, P.E., Commissioner

DATE: July 1, 2008

RE: Conveyance of County Owned Surplus Unused Right-of-Way

Attached are a draft resolution and duplicate copy authorizing the Department of Public Works to convey a parcel of real property situated in the Town of Babylon, Suffolk County, New York pursuant to Highway Law § 125. Additionally, a copy of the appraisal review is attached.

The purpose of this conveyance is to transfer the parcel to the adjoining private owner. Under NYS Highway Law §125, this parcel can only be conveyed to the abutting owner at fair market value. It cannot be auctioned to third parties.

This resolution is required by New York State Highway Law § 125.

An e-mail version of this resolution was sent to CE RESO REVIEW saved under the title "Reso-DPW-HWY 125 Conveyance to Galinson."

Should you have any questions or require further information, please feel free to contact Geoff Mascaro, Property Management Administrator at (631) 852-5321.

GA:WH:gjm
Attach. (5)
cc.: Jim Morgo, Chief Deputy County Executive
Brendan Chamberlain, County Executive Assistant
Carmine Chiusano, Principal Financial Analyst
William Hillman, P.E., Chief Engineer
James Bagg, Chief Environmental Analyst, Department of Planning
Geoff Mascaro, Property Management Administrator
Eileen Reilly, Administrator I

DEPARTMENT OF PUBLIC WORKS
APPRAISAL REVIEW

PROJECT: SURPLUS PROPERTY CONVEYANCE

MAP(S): TAX MAP NO.: 0100-230-01-054

CLAIMANT/OWNER: PAUL & DAWN GALINSON
165 OLD BERGEN AVE, WEST BABYLON, NY

SENIOR REVIEW APPRAISER'S COMMENTS:

Upon review and analysis of the appraisal report and the comparable sales, I concur with the analysis and conclusion of the Review Appraiser.

Fair market value of the surplus property is approved at $23,800.

DEPARTMENT OF PUBLIC WORKS
APPRAISAL REVIEW

PROJECT: SURPLUS PROPERTY CONVEYANCE

MAP(S): TAX MAP NO.: 0100-230-01-054

CLAIMANT/OWNER: PAUL & DAWN GALINSON
165 OLD BERGEN AVE, WEST BABYLON, NY

APPRAISAL BY: ROGERS & TAYLOR

Valuation Date: 4/4/08 Date Rec.: 4/18/08 Amount: $23,800

EACH REVIEW APPRAISER SIGNING BELOW MAKES THE FOLLOWING AFFIRMATIONS:
I certify that, to the best of my knowledge and belief:

1. The statements of fact contained in this appraisal review are true and correct.
2. The reported analyses, opinions, and conclusions are limited only by the reported assumptions and limiting conditions and are my personal, impartial, and unbiased professional analyses, opinions, and conclusions.
3. I have no present or prospective interest in the property that is the subject of this appraisal review and no personal interest with respect to the parties involved.
4. I have no bias with respect to the property that is the subject of this appraisal review or to the parties involved with this assignment.
5. My engagement in this assignment was not contingent upon developing or reporting predetermined results.
6. My compensation for completing this assignment is not contingent upon the development or reporting of a predetermined value or direction in value that favors the cause of the client, the amount of the value opinion, the attainment of a stipulated result, or the occurrence of a subsequent event directly related to the intended use of this appraisal.
7. My analyses, opinions, and conclusions were developed, and this appraisal review has been prepared, in conformity with the Uniform Standards of Professional Appraisal Practice (USPAP).
8. I have made a personal inspection of the property that is the subject of this report.
9. No one provided significant appraisal assistance to the person signing this certification.
10. This review is intended for use only by the Suffolk County Department of Public Works, or other agency authorized by that Department.

APPRAISAL REVIEWER: DATE INSPECTED: 5/1/08
APPROVED APPRAISED VALUE:

BY: _____ DATE: 5/15/08 AMOUNT: $ **23,800**
EDWARD R. UNKEL
REVIEW APPRAISER

SENIOR APPRAISAL REVIEWER: DATE INSPECTED:
APPROVED APPRAISED VALUE:

BY: _____ DATE: 5/23/08 AMOUNT: $ **23,800**
TERESA A. ALLAR
SENIOR REVIEW APPRAISER
CERTIFIED GENERAL RE APPRAISER: ID# 46000048438

DEPARTMENT OF PUBLIC WORKS
APPRAISAL REVIEW

PROJECT: SURPLUS PROPERTY CONVEYANCE

MAP(S): TAX MAP NO.: 0100-230-01-054

CLAIMANT/OWNER: PAUL & DAWN GALINSON
165 OLD BERGEN AVE, WEST BABYLON, NY

REVIEW APPRAISER'S COMMENTS:

The subject is presently part of the roadbed of Bergen Ave. and was declared surplus property by the Commisioner of D.P.W. As such the adjoining owner who currently utilizes this parcel for ingress and egress and has improved the site with an asphalt driveway, Belgium block curbing and landscaping. The property consists of 6,472 S.F. in size. The subject property is zoned B-Residence with a minimum plot size of 10,000 S.F. The subject property is considered a non-buildable parcel.

The appraiser evaluated the subject's land value. She evaluated land as if vacant and concluded a value of $2.92/S.F. Her conclusions coincided with comparisons of non-buildable parcels of land in the Town of Babylon. However she did not adjust for location and size. All three of the comparables were inferior to the subject property in location. I researched the four neighborhoods of the subject and comparables and determined the percentage difference for location. Comparables #1 and #2 were both given a positive 45% adjustment, comparable #3 was given a positive 50% adjustment. All comparables are smaller then the subject in size. Smaller parcels tend to sell for more on a unit basis than larger parcels. Comparable #1 was given a negative adjustment of 10%, comparable #2 and #3 were both given a negative adjustment of 15%. After adjusting the comparable sales the value conclusion of the appraiser is below market value. It is my opinion that land value supported by the comparables is $3.67/S.F.

Therefore land value is approved at $23,800.

2098

Intro. Res. No. -2008 Laid on Table 11/18/08

Introduced by Presiding Officer Lindsay

RESOLUTION NO. -2008, TO MAXIMIZE MI-HEAP ASSISTANCE BENEFITS

WHEREAS, the cost of home heating fuels is expected to reach record levels during the coming Winter season, with residents of the Northeast being hardest hit; and

WHEREAS, current economic conditions make it likely that home heating costs will continue to remain high in the years ahead; and

WHEREAS, higher heating costs will place many Suffolk County residents in a difficult position where they will have to choose between heating their homes and other basic necessities; and

WHEREAS, many residents who need help have incomes above the eligibility threshold for HEAP assistance; and

WHEREAS, the Suffolk County Legislature has been pro-active in addressing this situation, creating the MI-HEAP program through Resolution 857-2008 with an eligibility threshold up to thirty five percent (35%) above the maximum income for the federally-funded HEAP program; and

WHEREAS, the Legislature wants to ensure that the funds set aside for the MI-HEAP program help as many individuals and families as possible; and

WHEREAS, the federally-funded HEAP program and Suffolk HEAP program contract with vendors of home heating fuels to set maximum price requirements on the fuel sold to beneficiaries of these programs; and

WHEREAS, it is in the best interests of Suffolk County residents to make MI-HEAP eligibility dependent on utilizing vendors who agree to the same price structure as required under the federally-funded HEAP and Suffolk HEAP programs; now, therefore be it

1st **RESOLVED**, that pursuant to §20-3 of the SUFFOLK COUNTY CHARTER, the Department of Social Services is hereby authorized, empowered and directed to require those vendors operating under the federally-funded HEAP and Suffolk HEAP programs provide the same price rates contracted under the HEAP recipients of MI-HEAP; and be it further

2nd **RESOLVED**, that all recipients of MI-HEAP assistance must obtain their home heating fuel from vendors who have agreed to provide them with the same prices as recipients of the federal HEAP and Suffolk HEAP programs; and be it further

3rd **RESOLVED**, that these MI-HEAP requirements shall be effective beginning with the 2009-2010 Winter season and all subsequent home heating seasons; and be it further

4th **RESOLVED**, that this Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this resolution constitutes a Type II action pursuant to Section 617.5(c)(20), (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-mi heap vendors